

Legislative Assembly of Alberta

Title: **Tuesday, January 26, 1993** **8:00 p.m.**
Date: **93/01/26**

[Mr. Speaker in the Chair]

head Retirement of Former Deputy Chairman of Committees

MR. SPEAKER: Hon. members, I beg your indulgence. I'd like to just take half a moment and invite the new Minister of Education to come forward so we might present him with a suitable plaque on behalf of the Assembly for his long duties as Deputy Chairman of Committees.

HON. MEMBERS: Speech.

MR. SPEAKER: From your desk you can make a speech, hon. member. The Chair recognizes the Minister of Education.

MR. JONSON: Thank you, Mr. Speaker. I should not forget the rules.

I enjoyed my time as Deputy Chairman of Committees. It was a good experience. It gives you a real appreciation of the parliamentary process, and for that experience I'm grateful. I would like to congratulate the new Deputy Chairman of Committees and commend all those people who put their names forward in the election this afternoon. I think that's a good innovation. Mr. Speaker, thank you for your support and guidance over the years. I look forward to my new duties.

Government Bills and Orders
Second Reading

Bill 55

MR. FOWLER: Mr. Speaker, I'm pleased to move second reading of Bill 55, the Electoral Divisions Statutes Amendment Act, 1993.

This Bill, Mr. Speaker, is intended to provide Albertans with electoral boundaries which embody the concept of effective representation. Following the report of the Select Special Committee on Electoral Boundaries in 1990, the Electoral Boundaries Commission Act was created. The ensuing Electoral Boundaries Commission produced an interim report in December of '91 and a final report in May of '92. The final report comprised an individual report by each of the commission's five members. Due to the lack of consensus the Legislature passed Motion 24 on July 2, 1992, establishing a Select Special Committee on Electoral Boundaries and charging it with the responsibility of making recommendations to the Assembly on new electoral boundaries in our province.

The Select Special Committee on Electoral Boundaries studied and drew heavily on all documents: 62 public hearings, written submissions, meeting transcripts, research and data that resulted from the work of the Select Special Committee on Electoral Boundaries 1989-90, and the Electoral Boundaries Commission of 1991-92. In total 1,309 submissions had been received prior to July 1992. Additionally, the Select Special Committee on Electoral Boundaries extended a special invitation to a number of individuals to obtain their opinions and expertise. Bill 55 reflects this extensive public input and the recommendations contained in the select committee's special report.

Mr. Speaker, we also now have the benefit of a number of court decisions with respect to the Charter-protected right to vote. In essence, these decisions have ruled that where necessary deviations

from the average population of a constituency of up to 25 percent are in fact consistent with effective representation. I am pleased to say that none of the presently proposed electoral divisions will deviate more than 25 percent from the average population of electoral divisions except for the four special consideration electoral divisions.

In the case of electoral divisions outside of Edmonton and Calgary and excepting the special consideration electoral divisions, only seven of 41 deviate as much as 20 percent, the average being only minus 8.4 percent. The average deviation for Edmonton electoral divisions is 11.3 percent and for Calgary 15.4 percent.

The four exceptions to which I made reference are firstly, Athabasca-Wabasca; secondly, Cardston-Chief Mountain; thirdly, Chinook; and fourthly, Lesser Slave Lake. These special condition electoral divisions meet specific criteria as laid out in the legislation. The special condition electoral divisions ensure as easy access as possible to the elected representative, consistent with the need to provide all Albertans effective representation. For those of you who are perhaps less familiar with the legislation, I would refer you to section 17(2).

Three additional seats have been allocated to Alberta's two largest cities, two in Calgary and one in Edmonton. We have further incorporated the recommendation of the mayors of those two cities, Mr. Speaker, by ensuring that, where possible, community boundaries are used in our proposed electoral boundaries. In this way, areas or communities with common interest are not divided.

It should be pointed out that population figures based on 1991 census data were used as the basis for recommending these particular boundaries. In order to complete census data on the native population, the committee sought and received population data from Indian and northern affairs, Canada for the unenumerated areas. This led to including the native population in a comprehensive plan to provide the most effective representation seen to date in this province.

Mr. Speaker, as I alluded to earlier, this process has been exhaustive not only in terms of the amount of public involvement but in our efforts to ensure that the courts of Alberta and indeed Canada have been given ample opportunity to ensure that both the process and the product do not violate the right to vote as guaranteed under our Charter. In order to be completely fair, the new electoral boundaries will also be referred to the Court of Appeal of Alberta to confirm that these boundaries conform to the Charter of Rights.

The struggle for democracy and universal suffrage has deep and historical roots which permeate almost every known civilization. The right to vote is the fundamental cornerstone of true democracy. Albertans are entitled to effective representation. It is my belief that this Bill represents a fair balancing of all the factors that are relevant in determining effective representation.

I extend my congratulations to those who actively participated in this thorough process. I would also like to thank those who took the time to contribute in a meaningful way to the democratic procedures of this province, in particular: Her Worship Jan Reimer of the city of Edmonton and His Worship Mayor Al Duerr of the city of Calgary; Mr. Gary Browning, then president of the Alberta Urban Municipalities Association; Mr. Ken Albrecht, president, Rural & Improvement Districts Association; and Mr. Gordon Miller, president of the Alberta Association of Municipal Districts and Counties. I would also like to recognize the dedication and hard work of the select committee members: Mr. Bob Bogle, Mr. Stockwell Day, Mrs. Patricia Black, and Mr. Mike Cardinal.

Now, Mr. Speaker, I table Bill 55 for second reading.

MR. MARTIN: Mr. Speaker, I will not be glowing in praise about this Bill, partly and mainly because of the process, but I do have some problems with what came about as a result of it.

I'll go back in the history, but I want to tell you this. There is not another jurisdiction in Canada – I'm not even sure in the United States, even in the southern United States – where you would have MLAs behind closed doors drawing up the boundaries for the province. Even if these people were saints – and I'm not suggesting they were – the temptation is just too great to look after yourself and your friends, Mr. Speaker. That's why this is a very basic tool of democracy, how we divide up the boundaries, and it should be seen to be impartial as well as being impartial. One has simply to ask the question: with four Conservative MLAs drawing up the boundaries of the province at the very least it's not seen to be impartial.

8:10

Now, I know some government people will say, "Well, there haven't been a lot of calls about it." That may be the case, but that doesn't make it right, Mr. Speaker. That certainly doesn't make it right. This is a very basic principle of democracy. Now, if we start to say, "Well, it's okay," then the next time we'll do the boundaries however we want. Let's say they aren't the saints over there that the Member for Taber-Warner is, and the next group decides to do it in a different way. Imagine the principles we're starting here. I really say to you that the Massachusetts governor where the name gerrymandering came from – it has gone on in the past in democracy. I thought it had gone out, that we would not even attempt to do this, Mr. Speaker.

Now, I know the government's argument is: "Well, gee, we ran out of time. We had to do it ourselves because of the deadlocked commission." Well, let's just go back and look at that history. Every second election we are to look at changing the boundaries. That should have been done two years ago. That's the way it was done in the past. But the government got in a panic because the McLachlin decision in B.C. said there's too much distortion, frankly, between rural and urban ridings. They came back with the McLachlin decision that seemed to say that a 25 percent variance was acceptable. But not the way the government said. She was trying to indicate that it was acceptable under certain extreme circumstances. It shouldn't be the norm. Anyhow, this put the government into a panic, so, "Gee, we'd better have a committee study this decision." It didn't seem to me to be that hard to understand, but we had to set up another committee to study it when at the time we should have been looking at the boundaries, setting up the commission.

So they came back, Mr. Speaker, as you know. We went through the Legislature. I won't bore people. Then the government brings in their Bills. We're already late in this process in terms of where we should be, and the government says, "Well, we're going to make the rules." That commission was deadlocked because the government tried to set the rules improperly to begin with. They said: "This is how many seats are going to be in Edmonton. This is how many seats in Calgary." Then they laid out how many could be in northern Alberta and the rest of it. You know, if they had said to that independent commission just three things: be fair to both rural and urban voters, taking in those considerations; number two, use the latest population census – and I admit that they finally did that in the latest one – and number three, refer to the Supreme Court decision, then not try to lay out all the rules of how many seats there should be in Edmonton or Calgary and allow that independent commission to do their work, they would have come back, and they would not have been deadlocked. It's that simple.

The process was so wrong that you even had one judge quit in the middle of it, Mr. Speaker. He wouldn't accept it. So this commission tried to do a number of things. They tried to look at the 25 percent variance, and they came back with what we called 'rurban' ridings, and that was an important consideration for some of them to get below the 25 percent. Of course, nobody liked the 'rurban' ridings, and it was a mess. It went back to the commission after public hearings, and as you know – the minister is correct – it was deadlocked, really five different reports. But the blame has to be right here with this government why that was deadlocked. If they hadn't jiggered the rules to begin with, this would have been done. That's the situation, and that's the truth, Mr. Speaker.

Okay, now what was the government's response? After they've dragged this process out, then they say: "Oh, well, you know, gee, time's running out. We can't get anybody to do it. We'll have to do it ourselves." And they then move to have MLAs behind closed doors to draw up the boundaries. Even at this late date – a lot of the work had been done – they could have taken the previous commission's work and looked at it and had one judge. You don't need to have a whole committee after all those public hearings have been held. It could have been done just as quickly as the four MLAs did it. In this case, both the Liberals and ourselves said: we can't accept this; the people should not accept this; this is a fundamentally bad principle. But the four of them barged ahead behind closed doors. It didn't matter. I mean, this is the way you do business in Alberta: might is right; away we go; we'll set the boundaries, do whatever we want. And they did. So now we're debating these particular Bills here in the Legislature.

Now, the most serious point I want to make is that the process – even if they did as good a job as possible, you have to be seen to be impartial, and you can't when the MLAs are drawing up the boundaries. Is it fair? I would say there are some mischievous parts to this Bill. I look at certain parts of it. In a general sense I think Calgary has a certain reason to complain, being 15.4 percent higher, especially when you have some exceptions: three or four at 38 percent I think is the maximum, or close to 40. I think they have a legitimate complaint; they're the worst off. I don't think that's fair or acceptable.

You know, Mr. Speaker, we can say that there wasn't any gerrymandering. As I asked the Premier yesterday, "Just a coincidence?" Forgive me; maybe I've been in politics too long. When I look at a map – and I'll come to the figures. I notice that the Premier didn't win by a lot in the last election; I notice that in the leadership convention he lost in his own riding twice. All of a sudden, boy, does his riding look a lot different. It starts there and cuts off some of the bad parts and shoots right over to the west end. He says it's just a coincidence. Well, I guess, if we believe that.

Let's look at some of the other people who sat on the commission, Mr. Speaker. Let's take a look at this one. This is a great piece of work from one of the people on the committee. The new social services minister had a little trouble in one part of his riding; that's gone. That's gone, but when they talked about rural ridings and not having to travel so far, now his starts in Athabasca and goes all the way up to the Northwest Territories. I thought the argument was that for rural members to service their people, they had to have their ridings smaller. That's the argument we heard. Why in the Lord's name do we do that then?

If you think this is a coincidence, we've got the figures here. Let's go back to Calgary-Elbow and look at the differences. You tell me if this is a coincidence. In 1989 on the existing boundaries in Calgary-Elbow the PCs had 4,505, the Libs 3,682, and the NDP

719. The gains from Calgary-Egmont, Calgary-Glenmore, Calgary-Currie, and Calgary-West: they would get 4,166, 2,775 . . . I won't bother with it; the net gain and the loss is the important thing. If you look at these new ridings, the PCs in Calgary-Elbow would gain 2,191 votes, the Liberals 1,018, and the New Democrats 795. It makes that margin under the '89. I'm not saying they'll get it in the future, but certainly under that it makes it much more feasible, doesn't it? It just happens that the Premier's own house is in that riding. A coincidence. I'm sure it was a coincidence, just a coincidence that all these people supported it in terms of the leadership convention.

8:20

Now, Mr. Speaker, let's also look at Athabasca-Lac La Biche, the one I was just talking about, and look at the differences. When you look at the net gains and losses – I won't go through all of it – and juxtapose those boundaries, you see there's a net loss for the PCs of . . . Well, let's give you the existing boundaries first of all: the PCs had 4,237, the Libs 1,791, and the NDP 3,342. Now, the net gain and loss on that is that the PCs lose 613 votes, the Liberals lose 736, and the New Democrats 1,309. It's just a coincidence, isn't it? Just a coincidence.

I notice the Member for Taber-Warner . . . Well, it's a nice smaller riding. It stays nice and small, basically virtually intact, 22 percent below the average in population, right next door to the special consideration Cardston riding which is 38.5 percent below average in population. Mr. Speaker, let's not kid ourselves what this is all about. Even if it was inadvertent – let's say they didn't plan this – anybody looking at this is going to come to the same conclusion I have. Anybody's going to come to that conclusion. So I just don't understand why in this day and age in 1992 we would put up with this. I mean, I've mentioned it to other people. I was in Ottawa and told some people about it; they couldn't believe it. They said that if they tried to pull this off anywhere in Canada, there would be riots in the street.

Now, Mr. Speaker, I know the government members are getting a little nervous. They should be, because when the public understands what they're attempting to do . . . They say, "Oh, this is a new tone, a new government." Yeah, a new tone, a new government: behind closed doors let's draw up the boundaries and make sure we try to get back into power. That's what this exercise is all about. Make no mistake about it. I know they might be getting a little nervous, and so they should. In fact they should be ashamed of themselves if they believe in democracy.

I would hope certain people that still believe in democracy on the government side will stand up and say this is wrong. We can still fix this, Mr. Speaker. It doesn't need a long commission. I say to the minister: let's take two months. We're told by the Premier that he's not going to have an election until the fall; at one time it was next year. Say to a judge: you've got two months; redraw the boundaries, and use all the work that's been done by the two commissions. It can be done very quickly. As I said before, the Member for Edmonton-Glenora at least acknowledged that that process was wrong at the time of the leadership convention. Why is it that these people can't understand that, something as fundamental to democracy as that? Now, I know the results. I've made many speeches in this Legislature in a minority. They think might is always right, and they'll probably barge ahead and do what they want. But eventually this is what is going to cause this government problems. They don't listen. They're trying to put a new image, a new tone on, but it's the same old business as usual. The previous Premier said it took courage to draw your own boundaries and set your own salaries. Well, we got the same sort of line from this new Premier. I just say to

you: think about it. Just think about drawing up your own boundaries in this way.

I just say to the minister, who I believe is an honourable person: I don't understand why you would do this. Why would you continue doing this when it could be so simple with a judge with two months to draw up those boundaries? We could have them. We could come back in the spring session. We're told there's going to be a spring session; you're not going till the fall. I mean, it should have been done a long time ago admittedly. I just don't for the life of me understand why this couldn't be done.

We feel so strongly that this is undemocratic and unacceptable that as a result we're going to try to do the government's job for them. Mr. Speaker, I have brought in an amendment that I would like to read. I have enough copies for everybody in the Legislature. The amendment says: by striking all the words after "that" and adding

Bill 55 be not now read a second time because the Assembly finds the process leading to the development of this Bill inappropriate insofar as it was drafted by members of this Assembly and not by an arm's-length body such as an independent Electoral Boundaries Commission.

Now, Mr. Speaker, we don't have a Senate; that was supposed to be sober second thought. Well, I won't talk about that. But maybe there can be some sober second thought on something that violates democracy in the flagrant way this Bill does. I'd like to ask members to take that under consideration.

Thank you, Mr. Speaker.

MR. SPEAKER: This is a reasoned amendment, and the Leader of the Opposition has now spoken to the main motion as well as to the amendment.

Speaking to the amendment, Calgary-Fish Creek.

MR. PAYNE: Mr. Speaker, although I've not yet seen the reasoned amendment, I would trust that the articulation by the Leader of the Opposition is sufficient for me to respond. In so doing, in speaking to the focus of the amendment, which is to denigrate in some way the process itself, I would like to speak to the narrow question of the involvement of members of the Assembly in the process of boundaries realignment. As some members in the Assembly tonight may recall, I was one of four MLAs on the previous Electoral Boundaries Commission that served in the early 1980s. For the benefit of members that aren't familiar with that commission, it was chaired by Mr. Justice Dixon and the then Leader of the Official Opposition, Grant Notley, was a member of the commission. There were three Progressive Conservative members, of whom I was one. There was also a representative from the community at large.

Now, in making these remarks this evening, of course I do not intend in any way to denigrate the contribution made by the nonelected members of that commission. However, Mr. Speaker, I believe it would be genuinely useful to this evening's debate to point out some of the benefits of having elected members involved in the process. Although that commission's report was issued almost a decade ago, a number of our members in the Assembly this evening may recall that the report of that commission was generally well accepted by the opposition and government members of the day as well as by our constituents throughout Alberta. Now, with representatives of both the opposition and government parties involved in that commission, of course there were serious differences that challenged the leadership of the commission, that of Mr. Justice Dixon. It will come as no surprise of course, with politicians, if you like, from both sides of the Assembly involved in such a sensitive matter, that there would

be differences of view. They were well articulated, heatedly articulated from both sides. But despite the obvious difficulty in consensus building, that commission came up with a unanimous report.

Mr. Speaker, it's not that commission's unanimity that I want to comment on but rather the shared perspective that came from those four members of this Assembly. It was a shared perspective based on a real grass-roots understanding of the role of the MLA and the very real, not theoretical measure of effective representation.

Effective representation, Mr. Speaker, is one of those phrases that when tossed around frequently starts to lose some of its meaning. I would like to double underline tonight, if I could, for members that effective representation is really one of the bottom-line roles and aspects of Legislative service, and who knows the ins and outs, the pluses and minuses, the victories and defeats of effective representation. Now, that shared perspective, Mr. Speaker, and the understanding of effective representation is perhaps reason enough to support the concept of MLA involvement in the process of redrawing boundaries.

Mr. Speaker, there are other significant reasons for my support of this concept. Notable among those is the obvious expertise and familiarity of members of the Assembly with the constituencies of Alberta from north to south and from east to west. Now, I don't think it's appropriate for me to consume the time of members tonight in listing or categorizing the aspects of constituency familiarity that come with effective representation by the members here. Each member in this House on both sides knows within his or her own individual constituency the vagaries, the anomalies both geographic, communal, and societal that contribute to a very reasoned judgment. Based on my experience of that commission in the early '80s, I think that consensus that came through much difficulty on the part of the Leader of the Opposition of the day and the three government members resulted in a very fine report, a report, as I said earlier, that was unanimously received by all members of this Assembly and I think was generally well respected around the province.

So, Mr. Speaker, I would like the members of the Assembly, especially the proposer of this amendment tonight, when each comes to a personal judgment as to the appropriateness of MLA involvement in the process – could I just say that from my experience there was just a lot of value in that kind of representation and debate and analysis and ultimately consensus on the part of the members. Frankly, not only would I plead not to discount it too readily but on reflection perhaps to continue to support that very fine and worthwhile concept.

Thanks, Mr. Speaker.

8:30

MR. SPEAKER: Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I rise to support the amendment we're debating at the moment regarding the process that has been followed in the construction of Bill 55 and the report that came out of it. As you recall, I'm sure, the process that we are now attempting to finish started three and a half years ago, in August of 1989, when the first select special committee was constructed, and we are still dealing with the issue of boundaries some three and a half years later.

I was fortunate enough – and I say that in all sincerity – to be a member of that committee and put in a lot of time and travel listening to the people of Alberta. You know, Mr. Speaker, one of the first agreements that we came up with on that committee was that there should not be members of the Legislature sitting on the commission, and that was unanimous agreement of that all-

party committee of this Legislature that occurred three and a half years ago. So sometime between then and now we suddenly have a decision that it should be and not that it should not be members of the Legislature that are drawing the boundaries. Apparently the commitment that came earlier faded a little later on.

Now, we have to think back. We've heard a little bit about the history. The hon. Member for Calgary-Fish Creek talked about his experiences a number of years ago. I concur, Mr. Speaker, and I would suggest that each MLA here is probably the best authority on their own respective constituencies and should in fact be consulted. However, I think it is a vastly different process to be consulted about your constituency and the boundaries and the communal and societal and geographic issues that the member spoke of than to actually sit down and draw your new boundaries, and therein is the difficulty I have with this Bill.

If we think back to what started the whole process, why did we have that select special committee back in 1989 that led to this ultimately? Was it the decision that came down in British Columbia? There was a decision that said that the boundaries there were so far out of balance from rural to urban, north to south, east to west that a judge was appointed. The judge, one man, traveled around the province and heard from people all around the province of British Columbia and said: what should we do about the boundaries? One man traveled around, came up with a report that was accepted.

Mr. Speaker, the legislation that came out in British Columbia is vastly different from this document, Bill 55, that we're looking at today. Part of the difference is in the direction given to a commission on how to draw the boundaries. Therein is the difference that I think we need to consider. This Bill suggests that we should be looking at particular constituencies prescribed for different areas, and those MLAs of course are affected by boundary changes. Each of us is affected by the boundary changes proposed by this piece of legislation. So what ends up happening by having members of this Legislature draw their own boundaries as outlined in this particular Bill is that they say, "Well, gee, I didn't do so well over here, and I may do a little better over there," and we get some interesting, to say the least, constituencies being created.

Mr. Speaker, the problem with this legislation and the problem that the government says led to having to have government members, which is what it ultimately became, drawing the boundaries was: they said there was a lack of time. Suddenly we're pressured for time, and therefore the only people who could possibly do the job were the people who were most familiar with the task, most familiar with the issue. Of course, there was a motion that asked for members from all parties of the Legislature, but the Liberal caucus and the New Democrat caucus both agreed that we should not be drawing in isolation, and therein also is the difference between what the Member for Calgary-Fish Creek is talking about and this particular process.

This particular process, even in the original motion, would only have had MLAs. There were no outside members. When the Member for Calgary-Fish Creek was on the commission 10 years ago, there were some MLAs, but there were also some non-MLAs to act, if you will, as watchdogs to ensure or to oversee that gerrymandering didn't occur. Now, gerrymandering is perhaps a bit of an emotional term. There's no doubt about it. Has gerrymandering occurred? Well, if we believe the hon. Premier, then of course the way his constituency was miraculously, I would say, shaped the way it was was pure coincidence.

When we look at the Bill and the process that has come about, the problem, Mr. Speaker, comes from the basic philosophy behind the creation of this Bill: let's try to change some, not change

some, move it around a little bit. But we don't get a basic change in the philosophy of the way government is trying to operate. What we're seeing is the same old thing. The process that led to Bill 55 is not new. It's not innovative, nothing like what happened in British Columbia where one individual traveled around, sat down and talked to people, got their input, and was a totally independent, nonpartisan individual who could come up with boundaries that were as fair as possible.

Now, there will never be, there cannot be because of the nature of our society, if you will, absolute parity between one constituency and another and another all around the province. There are some variations, and I think the hon. minister in his opening comments referred to those variations. Those variations must be in place. There's no doubt they will always continue to be in place.

The process that led to this Bill resulted in an institutionalization of the worth of a vote in a city being less than a vote in the country. The minister referred to 15 percent variation in Calgary above the average, typical for the average constituency in the city of Calgary. In Edmonton that figure is 11.3 percent. Mr. Speaker, the mind-set that led to this Bill says: let's not put the concept of representation by population. I'm not talking absolute parity, but I am concerned – and I've raised this concern before and I raise it again – that what we see here is patently unfair because we did not see a change in the way this process was created. For that reason I support this amendment as introduced by the Leader of the Official Opposition, because what we have here is something that impacts directly upon how and where in some cases, in many cases, we in fact do our jobs.

Mr. Speaker, this process was, still is, a long, drawn-out process. We still have better than a year before we must go to the electorate, before the mandate of this government has expired. There is no immediate pressure. So the argument of the government that this had to be done by a committee of MLAs only as opposed to an independent commission does not hold true. When that committee was struck about six, seven months ago now, Motion 24, there was ample time, there still is ample time for an independent review.

Now, I submit, as I said before, that MLAs are probably the best educated, the most knowledgeable about their independent constituencies. That's not to say that there is no one else in the province who could take the information that the committee had: populations, distributions, roads, highways, communities of interest, et cetera, all the things that we've talked about. All of those issues can be, I'm sure, interpreted by others than just us 83 members of this Legislature, Mr. Speaker. I'm convinced that there are other individuals that could do it. I am convinced that there are other individuals who could do it without the partisan concerns that MLAs obviously have. When you get a group of four Conservative members of the Legislature going and producing their own constituency boundaries, it is a flawed process that cannot and should not be supported. Therefore, I support the amendment by the Leader of the Official Opposition.

8:40

MR. SPEAKER: Edmonton-Beverly, speaking to the amendment.

MR. EWASIUK: Thank you, Mr. Speaker. I, too, want to rise in support of the amendment put forward by the Leader of the Official Opposition, and I do so not so much as an individual but as a representative of community leagues within the Edmonton-Beverly and Edmonton-Highlands constituencies.

Now, the community leagues are formed in those two constituencies by something called an Area 3 Council, which is an

umbrella organization representing all those community leagues in those two constituencies. I have correspondence from the Area 3 Council as well as from Beacon Heights community league and also Montrose community league, which are embodied within the Edmonton-Beverly, Edmonton-Highlands constituencies.

While they have many points to be made in their correspondence to us, they complete their letter to us by stating, and I quote, "Our community organizations are non partisan, and we feel the electoral boundaries should be set by a non partisan body." That is the underlying statement in their letter to us, Mr. Speaker. I support their position, and as a result I support this amendment.

Now, I want to just quickly refer to the comments made by the Member for Calgary-Fish Creek. Indeed, there was a committee struck back one decade ago or more that included MLAs on the particular committee that went about the province to redraw boundaries. However, that committee, as has already been stated by the member from the Liberal party, in fact had independent representation on that committee. It had opposition members on that committee, and those independent members and the opposition member on the committee in fact outnumbered the government members. Therefore, it provided a balance that in fact prevented any attempts of gerrymandering, if that was ever attempted. Also, Mr. Speaker, that particular committee had its meeting in open forums. They were not done behind closed doors. I think those are the major differences that committee had relative to this one, and I don't think it's a very fair comparison.

Now, the community leagues that have written to me always feel that it's necessary that a consultation process takes place. They feel that in this particular case there was no consultation taking place with the community leagues and area council. As a result, we have boundaries that were drawn up that are really not consistent with community connections. They've in fact isolated one particular community league entirely from its main source of activities, and it certainly reflects that the committee, well intended as it was, did not in fact recognize or know the exact functions and what takes place within those two particular constituencies. So the lines were drawn that really in one case, as I say, isolated a community league in its entirety.

These community leagues have a network system. They work with each other. These networks are important to them. They resolve their problems through this network system, Mr. Speaker, and this is where they find the flaws in the process that was used by this particular committee. They feel it's important that this group of individuals should have at least had the courtesy to contact community leagues, organizations within the constituencies to really get the feel of what it is they need. That is why we as a party did not participate in this particular exercise, because indeed, as we stated then and we repeat again today, the system was flawed. We don't feel that MLAs should be drawing up their own boundaries. As the community league says, they should not be; the group that does that should be nonpartisan. We believe strongly that it should be an independent commission that does this. Then, I think, it's not only done fairly, but it's perceived to be done fairly.

Mr. Speaker, the community leagues also suggest that they feel that the importance of a structure like this, the very important action to draw up constituencies that are going to represent their particular part of the province for another eight to 10 years suggests that there has to be some in-depth studies done, discussions with individuals throughout the province. This cannot be done in the manner that this committee did. They met with about six organizations. No problem; I think they were certainly credible organizations. But they were large groups of individuals

who could not have spoken on behalf of the smaller components within the various constituencies.

So it's important, I think, that we go to the grass roots and talk to the grass roots. That is where you really get to know what needs to be done and how it's going to be done. I don't think this committee did it simply because they weren't interested in consultation. They were simply interested in getting the boundaries drawn up and submitted to this House for consideration. They have the numbers in this House, and of course they feel confident that they can perhaps ram this thing through. Mr. Speaker, you ram it through if you like, but I don't think you're going to be satisfying, you're not going to be meeting the obligations and the commitment that this body has to the people of the province of Alberta. I strongly feel the commitment that I have to the people that I represent in Edmonton-Beverly. They state very strongly that this thing is wrong, that it hasn't been done properly, and that it should in fact be tabled. They do go on to say,

We would ask that you table this so that the citizens concerns are adequately discussed [with the citizens.]

They want participation; they want to be involved in the process. What has happened? That has not occurred.

One other major area that these community leagues are concerned with, particularly the Beacon Heights community league, is the names. Now, I appreciate that the committee went to lengths to find appropriate names. I have no problem with that. I think that's great. We should recognize individuals that have contributed to the growth and development of our province. Certainly they should be recognized. If that recognition comes through the form of a constituency name, so be it. However, the constituency of Edmonton-Beverly and Beverly itself is a long-standing community in this area. Beverly, a mining community, was made a village in 1913 and then a town in 1914. Edmonton-Beverly has been a constituency basically for many, many years, and I think the individuals, the citizens who live in Edmonton-Beverly are offended that this committee chose to delete Edmonton-Beverly as a constituency.

So, Mr. Speaker, I intend later in the process to bring forward an amendment that would hopefully deal with the suggestions or recommendations of these community leagues and area councils and also an amendment that would deal with the required retaining of the name of Edmonton-Beverly. In the meantime I very strongly support the amendment advanced by the Leader of the Official Opposition.

8:50

MR. SPEAKER: Speaking to the amendment, Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Speaker. We're here this evening debating second reading of Bill 55 and at this particular time the amendment that pertains to Bill 55. This to me is a very, very important piece of legislation. It's a very important piece of legislation because it not only proposes altering the boundaries of the various constituencies in Alberta, but at the same time it also reflects a process which to me is very, very wrong and a process that to many, many Albertans is very, very despicable. It's a process that is an insult to many Albertans.

We have witnessed in the years gone by that Albertans have objected in vast numbers to MLAs sitting down and determining what their own pay is, what their own pension is to be, what their perks are to be.

MR. SPEAKER: To this amendment, hon. member.

MR. WICKMAN: The same holds true when we talk in terms of the process that's used in MLAs drawing their own boundaries. Albertans have a difficult time comprehending a system, a process that allows MLAs to decide that this boundary should take in this neighbourhood because it may benefit that particular person: we're going to take this out, and we're going to shift it over here or there. Some may argue that that didn't happen, but if one looks at the maps very, very carefully, you see the amount of shifting that occurred in areas that was of extreme benefit to many members that are sitting on that particular side of the House, in particular those members of the final four-member Tory committee that drew those lines.

I want to just back up in history a wee bit. We talk in terms of the process. The Member for Calgary-North West very, very wisely reflected on some of the original statements that were made when the initial process got under way. The select special committee went throughout Alberta, heard from many, many people. When they put that information together, made their various statements, and had their report, one of the items that was pointed out on page 61 of that report: "No sitting Members of the Legislative Assembly should be part of the Electoral Boundaries Commission." That was made very, very clear: no Member of the Legislative Assembly should be part of that commission. That's page 61 of that report done by that all-party select committee.

That original process then of course made recommendations to an independent commission – recommendations by that select committee, which was basically dominated by members from the government side – with a great deal of restrictions on it in terms of the process that could be allowed, that would be developed in having those members of the commission determine what the boundaries were going to be. They were told how many ridings there would be in Edmonton, how many ridings there would be in Calgary, how many ridings had to be urban, how many ridings had to rural. It was an impossible situation, and those members of the commission recognized that it was an impossible situation. They were not given the flexibility to do the work that they were created to do. They weren't given the flexibility that the four Tory members of this last committee gave themselves. Had they had that flexibility in the original piece of legislation, which was passed in this House, we would not be here today debating what we're debating.

When they did their final report, at that particular part of the process, again they got public reaction. The public reacted to it very, very strongly, saying that you can't have ridings that are part urban, that are part rural, that it simply would not work. But that commission really had no choice but to go that way because their hands were tied because of the restrictions that that particular process created for them. As a result of those restrictions and as a result of the public outcry we all know that they gave it another try. All five members came forward again, and they virtually threw up their hands and said that it was impossible to accomplish the task that they were asked to do without being given the proper tools. The proper tool, of course, was the necessary flexibility in the piece of legislation.

When they threw up their hands and said, "We can't do it," what happened from there? The government members then decided, "Well, we're going to do it the way the commission should have done it," instead of referring it back to the commission with amendments to the legislation that would have given them the flexibility that they gave themselves, for whatever reason. Why they did it that way, why the process went that way I don't understand to this day, because they could have done exactly the same thing. Instead of having what they called at that time an all-

party committee, instead of setting that in place, why not simply give it back to that commission or an independent body of some type? What was the difference? Why did it have to be a seven-member committee being proposed with four Tories on it?

I hear some of you government members stand up in the House and say: "Well, you wouldn't take the opportunity to participate. You could have participated. The New Democrat caucus could have participated." They chose not to; we chose not to. I assume they chose not to because the process was wrong. So how can one be part of a process when that process is so wrong? Now when I see the report that comes through, I look at the maps and I see – and it is very, very clear to see – the positive impact on three members of that four-member panel. The member that was referred to where we have a situation of an area where he, I believe, got about 14 percent of the vote: that's gone. That's gone from his riding. He retains that portion where he received 40 percent.

We look even at the Premier's own riding. Yes, the Premier may say that he didn't participate in that process, but four of his colleagues sitting on those same benches participated in that process. They did it for him. He didn't have to ask to have it done. I have to give the four members that sat on there credit for being astute in terms of being politicians in the sense that they read what they foresaw the next Premier of this province wanting. If I look back at those four that sat on that committee, I would venture to say that probably three, if not all four, did support the current Premier in his leadership bid.

So it all ties in very, very neatly. The Premier leaves happy. The members of that committee leave happy. I suppose there are many members over there that leave happy. There's probably the odd one that isn't. There are many members of the opposition that probably look at their boundaries and say: would it have been the same had an independent commission been struck? I can look at Edmonton-Whitemud. I'm going to live with whatever this body decides to do. That's the process. I'm not going to try and make amendments to my own riding, because it's wrong for me to attempt to do it even though what happened is very, very questionable from my point of view. Had an independent commission done it, I would have said, "That's fine; I can accept that." But when I see my riding, for example, carved up in such a way that my home is taken out, my constituency office is taken out, I question that and I say: was there some motive there? Possibly there was; possibly there wasn't. I don't know. Had an independent commission done it, I would have been very, very comfortable that there wasn't any gerrymandering involved.

It's not only in Edmonton-Whitemud. We can look at numerous ridings throughout the province and the correspondence that is now coming through where people are starting to object to changes here and changes there. It's just going to continue to pile up. There is no question in my mind that this government, probably with the exception of some changes, will ram through this particular piece of legislation, leaving with probably a sigh of relief, thinking: "Well, we did the right thing. We retained a whole number of rural ridings. We made it easier for this member. We made it that much easier for ourselves to attempt to hold onto power." Members, I'm not convinced that that type of strategy works. I don't think Albertans out there are really that dumb. I don't think they're fooled by that type of strategy. They may sit back in many cases and not say too much, but that's when you've got to start to worry, when they're not talking, when they're sitting back thinking to themselves as to what's going on. Many, many Albertans do tend to think. They don't all think out loud, but many of them do tend to think, and they speak. But when they speak, they speak at the polls, and I think that's when

the electorates, that's when Albertans will have their opportunity to reject this process. They're going to reject this process by rejecting those members, that government that was part of this process of putting together something that was so wrong.

9:00

I would hope if there's any sense of decency at all in terms of fair play, in terms of respecting the wishes of the electorate that the government would have the good sense to approve this amendment and allow this to follow the process that it should follow. On that note I'll conclude, Mr. Speaker, and I would hope that the right thing prevails.

MR. SPEAKER: To the amendment, Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Speaker. I rise to support what I regard as a positive amendment on second reading from the Leader of the Opposition. I believe he recognizes, as we all do, that the reapportionment of electoral districts from time to time has been a controversial issue throughout the history of democratic government. I daresay nobody's come up with a magic formula. There's no computer and no software that's going to solve all of the problems. The problems are going to have to be dealt with by people. I think the Leader of the Opposition is suggesting to us that there is one critical ingredient in ensuring that the goal of fairness is achieved in reapportionment of electoral districts. He, of course, is talking about the idea of an arm's-length or an independent body to make those decisions.

You know, this province, the province of Alberta, led the way in the reform of provincial electoral districting way back in the 1960s. This province was probably one of the first, if not the first, to move away from the spoils system of apportioning electoral districts to set up what was essentially a multipartisan approach, not quite the same as nonpartisan or independent but better than the spoils system or gerrymandered system, as the term has been used. So our province has been a leader in that area in the past. I noticed a recently published paper by Dr. Keith Archer from the department of political science from the University of Calgary. He refers to that fact.

The government's decision subsequently to strike a legislative committee to draw constituency boundaries is a significant step backwards in efforts to reduce the partisan impact in the redistribution process.

I think that's an observation that has to be made in this debate, that how we wound up here with this particular Bill is in fact a step backwards in terms of the leadership role that Albertans have played. Now, I know there is a history within a history here, that we've gone through a process from 1989 to the present which is long and drawn out. It started in 1989 with the motion setting up a Select Special Committee on Electoral Boundaries, the first one. I know that on that committee members of all parties served, some of whom spoke earlier today. I remember that occurred in my rookie session as a member of the Legislature. One of the things we did after that was to have a town hall meeting and discuss some of the things that had happened. I gave a report on all the important business that had been done in the Assembly, and one of my constituents stopped me on that one and said: "Wait a minute. Back that up again. Can you explain what happened with that committee you set up?" So I explained it, and he said, "Well, that sounds to me like it's a committee to study what kind of committee they're going to have." I said, "Yeah, that probably is pretty close to what was done." He said, "Well, you'd better reconsider that because every time you set up a committee to study what kind of committee, you've got trouble."

In fact, what we've had out of that process is trouble. We then debated the adoption of that report in 1990, and we debated the Electoral Boundaries Commission Act which came out of the report. Then later on, we debated the Electoral Boundaries Commission Amendment Act because there were some problems in the administration, the ability of that commission to meet a deadline imposed by the Legislature. Then we debated the motion to set up Select Special Committee on Electoral Boundaries number two, the current one, and now we have this debate today. So I count six debates in this Legislative Assembly to date on this one particular problem. You talk about legislation by exhaustion. I think this is probably it. We keep bringing this thing back and back and back. We keep talking about it, but I'm not sure that we're making a tremendous amount of progress. So we have, you know, today's report.

Now, I think it's fair to say that there is a central dilemma which was posed in the first select special committee report. There appears to be a conflict between two principles that we all agree on. One is the principle of democracy, which is that all people are created equal. That is to say that your vote counts the same towards deciding a democratic matter. When we elect members to this Assembly, we do two things: we elect people who represent us politically, but we also elect a government. Both tallies are made and both are important. So there is this apparent conflict between effectiveness of representation and equality in terms of determining the outcome.

Now, what I thought was an innovative idea that came out of the first select special committee report was the idea of multimunicipality districts. I think the select special committee said in their report that they felt that kind of operation would tend to reduce the tensions or friction that takes place sometimes between urban and rural districts by having districts that combine both of them. I think the central ambiguity that came in the instructions that committee gave to the Electoral Boundaries Commission was how much latitude did they have in using that multimunicipality concept in order to blend these two concepts of equality and effectiveness of representation. Now, it seems that in the view of most of the government the commission went too far in its interim report to use that multimunicipality concept to marry those two concepts. I daresay that a lot of Albertans came out to the hearings and said they were opposed to putting urban and rural districts together. So that quarrel, I think, was the genesis of the breakdown in the commission. There were probably some other things as well, but I think that was the central conflict.

That commission was working with legislation which was complicated, which was lengthy, and which tended to forestall their options. For example, the commission was working with a quota of 17 urban districts in the city of Edmonton. Now, in the Bill before us today there are 18 urban districts in the city of Edmonton. So that was not an option the commission had in preparing its report but which this committee had and which I think we should recognize goes some distance towards redressing the concern felt by many Edmontonians that they are under-represented under the status quo. The committee whose report is contained in Bill 55 also added two seats to the city of Calgary, from 18 to 20 urban seats, again an option which the commission didn't have.

It seems also, on careful inspection, that the select special committee report embodied in Bill 55 used different criteria for the special consideration districts than were given to the commission in the first report. I listened very carefully when the Attorney General explained that. He said – and I hope I'm quoting him accurately – that we have criteria which back up the creation of these special consideration districts. These criteria, I

think it should be said, are not fixed in stone. The criteria can vary from one to the other. I guess what I'm saying is that there are different rules at play here. My belief is that when it comes to rule-making, especially when you're empowering a body to do something with some degree of independence, you should keep it as simple as you possibly can. I guess it's the old KISS formula or Occam's razor, as they refer to it in academia.

I think there were too many rules put forth to the commission, and that probably led to their downfall as much as anything else. Now, I think when you look at the final product, as I say, the committee operated under different rules than the commission did. There's perhaps some movement. I hope I never get put on a committee to do a job where you'd be criticized because you used criteria which were later abandoned by the people who put you on it.

9:10

What it boils down to in the final analysis is that there are some systematic differences in the map. It's not as if anybody denies that you can have special considerations to meet the needs of representation. I think most people would agree that those differences should be examined case by case. But when you look at a report, you know, in which 61 percent of the electors who live in urban areas are confined within 52 percent of the seats, that looks to be a systematic difference. If you had some in the rurals that were larger and some in the urbans that were smaller, you could say that somebody's looking at it on a case-by-case basis, but when it goes line by line, it starts to look systematic. Professor Archer observed, "It takes 146 urban votes, on average, to equal 100 rural votes." In short, the legislation for drawing constituency boundaries provides for systematic inequality in the value of a vote. I guess that's sort of the bottom line or outcome position out of this and why some people have problems with it. Special consideration is I think based on the principle of effective representation. What we have appears to be based on a principle of inequality of citizens.

Now, I think one of the criteria that probably needs to be elaborated is: what is a community? When you look at a map, you look at how things are drawn. A geographer by the name of Richard Morrill wrote that

One of the . . . bases of representation in our culture is territorial – not of arbitrary aggregations of geography for the purposes of conducting elections, but as meaningful entities that have legitimate collective interests arising from the identity of citizens with real places and areas.

Like my colleague from Edmonton-Beverly I find there are areas where, even though the committee did follow community league boundaries in urban areas, they missed communities of collective interests which arise from patterns of work, patterns of residence, from social, religious, and aspects of political participation.

Now, I know some communities in the west end of Edmonton have been in communication with the chairman of the select special committee. I would like to inform the members of the Assembly that some of those considerations will come forward in the committee, if we get that far. Meanwhile, we are hoping that this particular amendment will pass, because that will mean that we will have a process which is accessible and open and independent, in keeping with the reform tradition of Alberta. For that reason, I urge the passage of this amendment.

MR. SPEAKER: Speaking to the amendment, Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I, too, want to speak in favour of the amendment, as have my colleagues in the Liberal

caucus. I think the amendment is the only right and fair and just way to deal with this very complicated matter before us.

Mr. Speaker, I've spoken before in the House about the sense of angst and cynicism and even distrust of governments that is prevalent today. My view is that democratic representative government cannot now or ever be taken for granted and has to be protected and nourished and not eroded. Confidence in the integrity of the processes of government must be maintained. I think this whole boundaries exercise has been a frightening example of what is wrong when we misuse our power as government.

One of the primary principles of representative government is one citizen's vote should have the same weight and be equal to another's. It calls into question all of the difficulties that are inherent in this country where the population is uneven and the geography disparate. So we have had, subsequent to the Charter, consideration given to the value of the vote of citizens in different parts of this province and others giving rise to court decisions that allow for a variance of 25 percent plus or minus and even for a greater variance to accommodate unique geographic circumstances.

So the government of Alberta gets into a long and prolonged and protracted process. The Legislative Assembly agrees to an all-party committee to review the circumstances, Mr. Speaker, in this province regarding electoral boundaries and to consult with the citizens of the province to determine their desires and the principles under which electoral boundaries should exist. They traveled the province, and they came back with a report which we debated in this House, and that report said without equivocation that MLAs should not draw the boundaries. That was one of the enunciated principles. That process, of course, led to the Electoral Boundaries Commission Act of 1990.

I spoke against this Act at the time it was debated here in this House. I believed then that it was badly flawed, and I believe that now. The Act was far too prescriptive. It posed an impossible task for the commission. There were major objections raised to the commission about what the Act was demanding. They had to use the wrong census figures. They ended up with a report that had the majority of the constituencies at either end of the scale, not in the centre of the curve, with the dreadful 'rurban' constituencies that pleased no one. In fact, the report was a major disaster.

Mr. Speaker, I think the work of that commission was sabotaged by the legislation that we created and gave to them. The boundaries commission spent \$840,000 and reached no conclusions. It was a very expensive and wasteful exercise. We put a number of good people to work doing something that was impossible.

[Mr. Deputy Speaker in the Chair]

Mr. Speaker, subsequently the leaders of the opposition pleaded with the government, with the Premier for an objective process, a process that would be removed from bias, suggesting that the problem should be sent to the Associate Chief Justice. The leaders of the two opposition parties submitted the following:

We're concerned that the process must not only be fair, but must be seen to be fair. The public is demanding that elected officials not be self serving or manipulative. In order to allow for a process and a result that are fair, we maintain the principles outlined in our letter of 23 June, 1992, as follows:

1. Members of the Legislative Assembly should not participate directly in re-drawing electoral boundaries, for reasons related to real and perceived conflict-of-interest.
2. Prior to re-drawing of electoral boundaries, the legislation needs to be changed to reflect . . .

I'll go through them briefly, Mr. Speaker: fairness to electors, approximate voter equality, the parameters of the Supreme Court decision, use of the current population data, that the electoral boundaries be established by the Associate Chief Justice based on material used by the recent Electoral Boundaries Commission, and finally, that the report be presented by the first of October.

Now, I thought that was an eminently sensible letter, a very sensible suggestion enunciating practical principles that could have been used by the Chief Justice to determine reasonable boundaries. They were workable principles.

9:20

MR. FOX: That you and I voted for.

MRS. HEWES: Yes, that's true. We write good letters, don't we?

The government, however, for whatever reasons had to do it their own way in spite of these sensible principles. The government insisted that they were right, so they struck a committee of MLAs. To be sure, they used the 1991 census, which I think was a great improvement.

Mr. Speaker, there have been, however, some substantive changes in the new piece of legislation that are different from the last report that we saw. Some people have mentioned the name changes, and I know that's caused some consternation. I'm thankful that Edmonton-Gold Bar remains the same. I expect we will deal with those further. The new Bill has some other changes. The criteria for special areas has changed, and the number of times and when the boundaries are to be reviewed has changed. I have not heard from the minister as to what the rationale for those is, but perhaps he will speak to that further when we get into the committee state.

Mr. Speaker, here we are. I support the amendment because I believe the process is suspect. I believe it's a violation. I believe there may have been another agenda at work, and that's most unfortunate. The results certainly don't inspire any confidence.

The Member for Calgary-Fish Creek comments about a previous commission that he was part of, and I suggest that times are very different, and whatever it was he was involved in doesn't make it necessarily right for today. I believe this process is in error. I believe the process is regressive, and it's an unfortunate mistake. I think the amendment may be one way that we can finally correct it.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. I, too, rise to speak in support of the amendment, which says in effect that the process by which this Bill was drawn is inappropriate. Not only is it inappropriate, but I would argue that it's undemocratic, that it's self-serving, and it violates one of our fundamental constitutional principles, which is that of fair and effective and equitable representation.

Now, Mr. Speaker, I just would like to go through parts of the process itself. As we recall, an all-party committee was established, and on the basis of their report a Bill was brought before the Legislative Assembly. I think all members will recall that we the New Democratic Party opposed that legislation at every step of the way. Even that legislation that was introduced in 1990 we saw as being undemocratic and unfair. Not only were we of that opinion but also the mayors of Alberta's two largest cities saw it as being equally unfair. They spoke out against it because they

recognized that their citizens would not be fairly represented if that legislation were to come to be.

Another problem with that legislation at that time: it was to be based on the '86 census. We were already well past that. We were looking at a 1991 census even then. We know that Calgary is the fastest growing area of the province, so even if there was unfair representation based on the '86 census, Calgary would continue to be even more unfairly represented by whatever boundaries were drawn if they were to be drawn on the basis of that legislation.

The legislation also created some hybrid concepts. There are some very ambiguous concepts. They created the concepts of single municipality and multimunicipality, which, as we foresaw at the time, led to problems later on when the boundaries commission attempted to draw legislation. So here we have a situation where we established a boundaries commission to come in with new boundaries, and they have two things that are there before them that they have to take into account as they draw these boundaries. One is this very undemocratic legislation that we've passed. They have to draw boundaries in accordance with that, so they're limited in terms of the number of single-municipality seats that they can construct in Calgary and Edmonton. At the same time, the boundaries commission has to deal with their interpretation of various judgments that have been made both by the Alberta Court of Appeal and by the Supreme Court of Canada in their reaction to decisions that were made by the Supreme Court of Saskatchewan.

Now, I think that the boundaries commission interpreted the Alberta Supreme Court decision in a way that's very different from the way in which most Conservative members of this Assembly have interpreted this decision. I'd just like to read part of that decision by the Alberta Court of Appeal when they were asked to comment on the proposed legislation. They said this, and I quote:

We are bound also to say that a rule permitting a 25 per cent deviation does not offend the Charter as an "undue" intrusion upon voter parity.

I think that's where the members of the Progressive Conservative Party stopped reading this decision, because they seem to feel that there's no reason why urban seats couldn't be on average 25 percent higher than the mean and all rural seats could be 25 percent lower. The judgment goes on to say:

See Carter, [pages] 19-20. That case does not, however, mandate the use of that or any deviation in a case where it is not needed.

Now, the judgment doesn't go on to explain what need is, but certainly the government in terms of drawing up boundaries would have to explain what their justification is by way of need to have urban ridings substantially greater than rural ridings.

MR. TANNAS: Get back to the amendment, Barry.

MR. PASHAK: Well, back to the amendment. I'm talking about the whole process being inappropriate, and part of the inappropriateness was to design legislation that really handcuffed any possible boundaries commission if they had also to comply with court opinion on the way boundaries should be established. So it's no wonder that when they came out with their report, they had to create something that was not happy to city residents nor to rural residents. They had to come up with this 'rurban' kind of constituency that had people who had very different communities of interest combined in the one riding.

There was a lot of representation made to the commission after they rendered their interim report from both urban residents and rural residents about the unfairness and the unworkability of these

'rurban' ridings, so the commission had to go back to the drawing boards. But because they were hamstrung by both court decisions and by the legislation, they couldn't agree. They couldn't do anything other than either to come up with these 'rurban' concepts where they had to render five different, individual reports, which they did. Then that report came back on the government, and the government, instead of sending it out to an independent commissioner or striking a new commission or changing the legislation in any substantial way, took it upon themselves to strike a committee of the Legislature itself. Now, quite correctly the Liberal Party and New Democrats refused to sit on that committee because that reverses the whole trend of democratization that has been going on in terms of drawing electoral boundaries.

Until the 1960s it wasn't unusual for governments to draw their own electoral maps, but it became very clear to the population generally that this lead to all kinds of abuse, particularly gerrymandering, so it became kind of a practice in Canada that boundaries would be drawn either by bipartisan or strictly nonpartisan commissions. We reversed that. We went back to a situation where a committee of this Legislature itself attempted to draw boundaries, and that's what we have before us in this Bill. Highly undemocratic, not done in any other province or jurisdiction in this country any longer.

Now, what did they do? They've come in with, certainly, some improvements. They've at least brought us up to the use of the 1991 census figures. As I say, it's an improvement, but in some respects it doesn't go far enough, because as I say, it's 1993 right now. The city of Calgary is the fastest growing area of the province. It's going to continue to be underrepresented just on the basis of what's being proposed in the new legislation as well as by population trends. Calgary, in fact, if we had fairness should have not two additional seats as proposed in this legislation but it should have five additional seats. Calgary should have 23 sitting members if we adhere to the principle of fairness and equity in terms of representation.

There are some arguments, and I listened to them, that were presented by members, particularly our rural members, who argued that if urban/rural ridings get too large, there are some particular problems that rural members have in representing their constituencies. They have all these hospital boards and school boards to deal with. Well, there's an obvious rejoinder to that: Alberta has more school boards than the province of Ontario. We could certainly begin to collapse the number of school boards in this province, and it might make sense to look at regionalization of health care so that there'd be fewer boards for rural members to deal with. In any event, there are other ways in which members today can communicate with their constituents. You don't have to knock on their doors. The whole notion of constituency is very much related to – well, a synonym for "constituency" I guess is "riding," and the notion of riding comes from the days when our population was largely rural and not urban. In fact, at the time of Confederation I think Canada was about 80 percent rural and only 20 percent urban. Today that figure has changed. Over 80 percent of our population now lives in urban areas. When we had a rural population, the concept of riding arose because that was the distance that one person could ride on a horse over a 24-hour period, and that's often how riding boundaries were established.

9:30

Well, today I'd like to point out to rural members that you don't have to get around by horse any longer; you have automobiles. You also have telephones; you have fax machines. You could use interactive videos, teleconferencing, and there are many other ways in which a rural constituency could be served. In fact, you could

have offices in each of your small towns with representation there. So that argument no longer applies.

There's no barrier any longer to having fairness of representation: one person, one vote. As an urban resident I don't like to feel, I just don't accept, that some other person in this province should have a vote that counts either more or less than my vote counts. That really is completely offensive to me. Within certain limits I could understand that you can't draw maps perfectly and that maybe some ridings would have to go somewhat above the mean and then that would mean, of course, that some ridings would have to drop below the mean, but certainly 25 percent is just wrong. It's undemocratic and it's unfair.

In fact, my colleague for Edmonton-Jasper Place mentioned a report that was done by Dr. Keith Archer, and he has made some suggestions – if I can only find it here . . .

AN HON. MEMBER: Make it up.

MR. PASHAK: I'll make it up, as my colleague has suggested.

Anyway, it would be based on a sense of a federal commission that has recommended that the deviation for a riding should not exceed at the very most 15 percent either below or above the mean. I think that should be built into our legislation, and that would certainly then introduce an element of fairness into representation.

Now, I'd like to just turn to the Calgary situation for a moment. The minister said in his opening remarks that he was going to try to protect communities of interest, and you saw the kinds of communities that are established in geographical territories within cities like Calgary and Edmonton. In fact, he suggested that he had representation from the two mayors to say that they'd like to see community boundaries kept intact in terms of any redrawing of the electoral map. I think that's a good principle, and I adhere to it, but it doesn't take into account the larger notion of what community is.

Just let me speak about my own constituency by way of example. The constituency of Calgary-Forest Lawn apparently includes within it the following Calgary communities: Alberta Park, Radisson Heights, Forest Heights, Forest Lawn, Penbrooke Meadows, Applewood Park, Southview, and most of a community called Dover. The Member for Calgary-Millican has the other half of Dover. We seem to co-operate quite well in terms of representing Dover's interests, so even if a community is split, it's not out of the realm that it can get good, effective, fair representation. But let me just say this, Mr. Speaker: these communities in a way represent a longtime historical entity. They're really part of an older town that was called Forest Lawn, and the communities have a history of co-operating together. They built twin arenas in the area. I must give the Member for Calgary-Millican a pat on the back for helping to get that project off the ground. In any event, he was the alderman at the time. They have this history, as I say, of co-operation.

In the new boundaries that have been drawn, the whole name of Forest Lawn is just gone completely. So we've lost a good part of the heritage of the city of Calgary just by getting rid of the name itself. The new constituency is really kind of a hybrid constituency. It includes from my existing constituency three communities, Southview, Dover, and Penbrooke Meadows, and then two new communities – well, the new constituency of Calgary-Millican, that is, the one that I intend to run in. It also picks up Inglewood and Ramsay. Now, that's fair enough, but there's a major road called the Deerfoot Trail, and there's the Bow River that separates Inglewood and Ramsay from the rest of Calgary-Forest Lawn. Similarly, two of these communities,

Alberta Park/Radisson Heights and Forest Heights are now part of the new proposed Calgary-Mountain View. There are a couple of miles that separate these communities from Mountain View. The whole Deerfoot Trail and Nose Creek run down between the two. There's a big industrial area, and the residents of Alberta Park and Forest Heights do not have the same community of interests that the existing residents of Calgary-Mountain View have. So the process is flawed. It didn't take into account reasonableness in terms of communities of interests when the boundaries were drawn within the city of Calgary.

Mr. Speaker, our leader has demonstrated, in addition to this, just how one-sided the drawing of boundaries was in terms of favouring the new leader of the Progressive Conservative Party, the new Premier of the province – and it's more than just a coincidence – and how these new boundaries have also favoured members who sat on the commission itself. For that reason among many others – the fact, as I've said, that the process is really flawed; it was really inappropriate; it's led to undemocratic provisions that are contained in this Act – I ask all members of the Legislature to support the amendment.

MR. HYLAND: Mr. Speaker, I'd like to make a few comments against the proposed amendment. It's been interesting to hear some of the comments in support of the amendment. When we talk about holding up, not voting on this Bill, not having the second reading vote on it, in reality what we're doing is holding it up, stopping it, procrastinating, putting in more time. Certain members of this Assembly who also serve on Leg. Offices Committee know from conversations with the Chief Electoral Officer of this province that from the time that this Bill is passed it will take a minimum of six months to process and have people in place, have enumerations done. What they're saying tonight is: "That's good. Let's put another six months in there. Let's get it a year down the road before anything can be done. Let's hold it up for six months. Let's send it out. Let's let somebody study it for six months." Let's take it maybe to the political scientist they've quoted tonight, let him design lines.

I wonder if the quotes that were used tonight, talking about representation, relating to a political scientist I believe from the University of Calgary – I wonder if that person has left his family at 4:30 Monday mornings to come to Edmonton when session's on. I wonder if he's left his family at 4:30 in the mornings to go to do his job and come back to that family Friday night when those children are asleep. I wonder if he's done that. I wonder if that's been done. Mr. Speaker, that's why some of those variances were put in place in the court decision. That's why they were there, for differential.

As the Member for Calgary-Forest Lawn said, we may have modern conveniences like the telephone, fax machines, video games. That's true, and there is the concern about one person, one vote, but what about the access of the constituent to the MLA when he wants to talk to him? In the city or in an area closer to Edmonton or other areas that are closer to the capital, how much time does it take for the member to go back and forth to their constituency? Personally, it takes me five and a half to six hours on either Sunday night or Monday morning to come to Edmonton and the same to go home. That's a day and a half out of the week lost in travel. Those closer have that day and a half or portions of it extra to use either with family or to deal with their constituents. So, Mr. Speaker, there are reasons for the variance.

9:40

It was interesting to hear the comments of the hon. Member for Calgary-Forest Lawn suggesting that we do away with some

school boards and some hospital boards and do regionalization. I'm sure that when those boards read those comments in *Hansard*, they'll be overwhelmed with glee, and so will the candidates for his party when they run in those areas and start answering why it is a position of their party to do away with commissions and school boards, to cut down on the public participation in government. Cut it down; there are too many participating. There are too many for MLAs to work with, so let's cut the boards down so they don't have as many to work with: that's what he's telling us. It's a funny solution to a problem.

Mr. Speaker, we've heard comments about the lines drawn around Calgary-Elbow and that it's the present Premier's seat. We hear comments related to gerrymandering. But isn't it interesting? I believe the report was tabled on or about November 22, before the hon. member was elected Premier. Also, the one part that isn't in there: what's the seat in rural Alberta that's lost? The seat of the then Premier disappeared under redistribution. They haven't said that.

Mr. Speaker, I would urge members to reject this amendment so that we can get on with debate on the Bill.

MR. DEPUTY SPEAKER: The hon. Member for Three Hills.

MR. MacDONALD: Thank you, Mr. Speaker. It's a privilege to stand today to not only speak to this issue but to take the opportunity to say that it's a privilege to represent the people of Three Hills, which I might add was so ably served by Mrs. Connie Osterman for nearly 13 years.

I, too, rise to speak in favour of this amendment. Mr. Speaker, while I recognize the difficulty in redrawing boundaries in a province this size with its great diversity, I'm troubled by the process as we arrive at a decision as to whether or not we will accept it. Elected officials are called upon to give leadership and are in fact elected because they are seen to be able in that realm. However, for elected officials to define whom they will represent or will not represent I think raises the question of undue privilege. Should we as elected officials be given the opportunity to cut away from a riding those people who challenge our leadership in order to gain a district that will support us in a greater way? I think not. Rather, we as elected representatives must be willing to submit, I think, to a judicial process that will not be subject to political whims and personal preferences. If we as elected officials want to regain the trust of the populace and rekindle the belief that we stand first and foremost to represent the interests of those we represent, we must be willing to take some risk in putting our seats at the decision of a judicial body. Doing what's right and not doing what is expedient must become the norm in this province. To me the question of drawing boundaries goes far beyond which political parties are represented on a committee. Rather, I think the underlying philosophy must be to represent to the people a set of boundaries free of political heavy-handedness and represent that which is fair and equitable.

I'd call on this government to accept this motion, withdraw the Bill and instead present this committee's report to a judicial body that can then make necessary changes that will reflect the concerns expressed by various communities and ultimately will be far more acceptable to the electorate as a whole. Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Speaker. I also rise in support of this amendment, because I believe, as other people do, that the

process used to develop the boundaries was indeed inappropriate and flawed.

We've heard that Albertans want a nonpartisan process. I think for any of us that have been paying attention to what Albertans and indeed Canadians have been saying for the past while, they are most skeptical of what politicians do. So in order to address the wishes of Albertans, it should have been a nonpartisan process. Further, Mr. Speaker, an all-party select committee has recommended that no MLAs be involved in the process of drawing boundaries. I will quote from the paper by Keith Archer that the Member for Calgary-Forest Lawn spoke to:

The government's decision subsequently to strike a legislative committee to draw constituency boundaries is a significant step backwards in efforts to reduce the partisan impact in the redistribution process.

We have a regressive step at a time when we would have hoped for what we had been promised by the new Premier: new management and hopefully new priorities and a new way of addressing issues.

Mr. Speaker, an independent commission was established because the select special committee recommended that. However, the legislation was so restrictive in defining where and how a constituency could be drawn that the commission members, in attempting to honour the guidelines of the Supreme Court of Canada and the restrictions of the legislation, could only come to an impasse with four minority reports. In addition, the original judge resigned in dismay because of the failure to provide resources to the independent commission to do a thorough job. So much for independence and nonpartisanship. The restrictions were such that the principles articulated by the Supreme Court could not be honoured.

Instead of remedying the legislation, this government decided to create an all-party committee of MLAs. So much for the need for a nonpartisan process that Albertans want. Yes, we have heard that the opposition members were asked to participate and that we refused. We were asked to participate on a government controlled committee to violate the principles of nonpartisanship, to legitimize a behind-closed-doors process in which we had little power, participation that could have been used to legitimize a process that can be interpreted as gerrymandering, drawing boundaries to serve partisan political purposes.

Mr. Speaker, I believe there are political purposes. One of these purposes is to undermine the principle of one person, one vote, equality of representation in this Chamber. Of course, in Alberta we recognize that we cannot have absolute and strict adherence to the principle of one person, one vote, but we must use our common sense and come as close to that principle as possible.

9:50

Mr. Speaker, we often hear of the great difficulty government backbenchers have in representing their areas and getting here as compared to those of us who represent urban areas. They suggest that we cannot understand the difficulties they face in serving their constituencies. With all due respect, however, I suggest that they speak with only half the information: their own experience in a much larger geographical area but with much smaller numbers of people to serve. They hold that geographic size is the primary consideration, something that may have made a great deal of sense 50 years ago, the horse-and-buggy days, but given communication and transportation systems of today, those considerations are less relevant. There is a failure by these members to recognize that greater numbers of constituents mean greater numbers of people that need our help and attention. I would suggest that because the attention is so much greater, it negates the time spent traveling in

order to meet with constituents. But what must not be forgotten and is often forgotten by those members is the need for equality of representation in this House where decisions about how we shall live together are taken that impact on every citizen of this province. Thus, in this Chamber all interests must be represented and be given weight and proportion to the people that hold those interests. Surely then we must understand the importance of equitable representation in this House.

Barriers to service in terms of distance can be overcome in many ways other than giving undue power to certain members in this Chamber, to certain voters, and certainly many of those were suggested in the other innumerable debates we've had on this problem, this issue. The residents of cities, urban areas, have votes of diminished importance compared to voters of other parts of this province, importance that is one-half to one-third of that of voters in other areas of the province. That is not acceptable in this day and age.

Mr. Speaker, in terms of my own constituency, it has been changed in ways that will benefit but confuse the voters in the areas represented, but one can accept that. However, what is less acceptable is the failure of the committee to look at increases in population that will occur in the new constituency of Edmonton-Avonmore. At the present time, it is one of the larger ridings, and through the projected population increase over the next decade, it will become a very large riding that will far exceed the guidelines established by the Supreme Court. In other areas we have seen integrated communities, communities of interests that are divided, and we have to say to what purpose? How did this occur? We have to say then that if this has occurred, the process is suspect.

Mr. Speaker, I urge adoption of this amendment because the process is suspect, not only because of who participated in it but because of the results of that process.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for West Yellowhead.

MR. DOYLE: Thank you, Mr. Speaker. I rise in support of the amendment from the hon. Leader of the Official Opposition and the Member for Edmonton-Norwood. I listened patiently to many of the speakers and got a better idea of how some people feel about their ridings throughout Alberta. I believe many people who represent urban ridings will learn from this process that it's very important that they take a look at rural Alberta and the distance some people have to travel to serve their constituents. That goes with not only members of the government party but members of the Liberal Party and members of the New Democratic Party. Unfortunately, we cannot agree with everything, but I do agree with this amendment, that these boundaries should not have been drawn up singly by MLAs on the government side but by a public commission or committee that would address issues that are relevant in rural ridings.

Mr. Speaker, the urban ridings quite often have as many people in an apartment building or a high rise as do some of the communities in rural Alberta. I say to members of urban ridings: can you go to any restaurant in your riding or any gas station or community hall or function or coffee shop or church where you'll not be recognized? In rural Alberta it's much different than it is in urban Alberta.

In my riding of West Yellowhead, my home in Edson, I'm closer to the city of Edmonton than I am to 3,500 to 3,700 people in the beautiful community of Grande Cache. I'm an equal distance, basically, from the city of Edmonton as from the town of Jasper. It's quite regular in rural ridings that people in rural

areas around municipalities will travel to one municipality rather than another. When these boundaries were drawn up, they should have been drawn up to take into consideration the shopping trends of rural Albertans. They should have taken into consideration those who have to come from one rural area to buy their farm machinery, to pay their gas bills or power bills, and where they do their banking and send their children to school and where their families could be in local hospitals.

Mr. Speaker, the boundaries drawn up by the government MLAs did not recognize many of those factors. I say, what do the people of Athabasca have in common with the people of Fort Chipewyan? I say, what are the shopping trends of the people of Lac La Biche? Do they run down to St. Paul? I know that area quite well. They generally shop in the Athabasca area. Some 30 percent of the people that come to my office in Edson are from my bordering riding, east of my riding, simply because those people come to Edson to do their banking, their shopping, and pay their power bills and put their children in school and their sick in the hospital.

[Mr. Speaker in the Chair]

Mr. Speaker, it doesn't matter who the representative is. When people come to those municipalities, the MLA's office is there. They know that the office is available, and that's where they prefer to go to regardless, sometimes, of who the MLA is. So I believe much consideration should have been given to drawing these boundaries based on the shopping trends and travel of the general public. People in urban ridings – of course, it's easy to say that it should be one vote, one person, but it's very difficult. It's very difficult for me to understand why in the north of this province there's a very small population; many of the ridings have three or four towns. I have in my riding four major municipalities – Edson, Hinton, Jasper, and Grande Cache – and of course smaller communities like Marlboro, a native community of some 130 people. I'm sure some apartment buildings in the cities of Edmonton and Calgary would have that many on one floor. So it's very difficult for me to understand how people in urban areas can only give the urban perspective when we are here to represent all of Alberta. Mr. Speaker, we have to be fair to all Albertans, but these maps were not drawn up with fairness. I see in southern Alberta some of these ridings are some 23, 21 percent lower with a very small traveling area with airplane service, something that some of us don't have in our ridings in the north. I'm sure they could have adjusted some of those ridings to bring in a better population and not have such a large spread. In larger ridings like mine and several others in northern Alberta we have to have some flexibility as to how many people we have within those riding boundaries and definitely have to take in the shopping trends and the movement of those people. Thank you.

10:00

MR. MFARLAND: Mr. Speaker, I would like to take this opportunity as well to make a few comments. Although I can't at this point in time support the amendment that has been made, I do respect some of the comments the Member for West Yellowhead had made and that's the mere fact that rural Alberta has been mentioned. I've heard all but the Member for Three Hills and the Member for West Yellowhead stand up as city MLAs and expound the virtues of one person, one vote. I think it comes down to effective representation. I, for one, cannot give effective representation to 40,000 people or 38,000 people when they aren't there within a reasonable area.

The area that I represent and many that rural MLAs represent cover huge areas. For those of you who would sit there and smile

and represent one city council and one or two school boards and possibly one or two hospital boards, I'd like to remind you of those of us who represent something like 17 towns, villages, and hamlets; six MDs and counties; six hospital districts; one native reserve; eight school boards. I'd reiterate Cypress-Redcliff when he said that he would basically dare anyone to come down and challenge eight hospital districts to amalgamate, eight school boards to amalgamate, when they are already a hundred and some-odd miles apart.

It's far too easy for somebody in a city riding to be able to walk across a constituency in a half hour or hour at the most, to be able to go back the same night on an airbus from Edmonton to Calgary, fly back the next morning on the airbus from Calgary to Edmonton in about 55 minutes. It'll take me 55 minutes to get to Calgary, and then I can look forward to driving for two or two and a half hours after to get across my riding.

Mr. Speaker, I noticed that the Leader of the Official Opposition hinted that perhaps the ridings were drawn for political purposes. In my own riding I take exception to that for the simple fact that we have the Siksika Nation. I received one vote in the by-election. Your candidate, with a great deal of credit to herself, received 3,000 percent more than I received. So I don't think that by keeping the Siksika Nation in Little Bow we discredited the process. I think we enhanced it, because we did a favour to the people in keeping them in an area that's consistent with the geographic area, bound on the north by a natural boundary, the Bow River, and partially by the Trans-Canada Highway, a man-made barrier.

The Member for Three Hills was troubled by the process. Perhaps none of the processes are perfect. I do think we have to take a little bit of responsibility for the areas we represent, because who better than the MLA knows the area they travel on a weekly basis. Boundaries do have to be closer to natural and geographic boundaries. I don't think it's fair or reasonable to assume we can arbitrarily pick a point and at the same time be perceived as working the system to disadvantage another MLA or to advantage our own selves for political reasons. I just don't think that happened in many of the cases.

Mr. Speaker, there are a few other points I'd like to make, but I did want to come down to the fact that I think effective representation is paramount in this thing. When you are representing so many boards and districts and people do want to see you on the weekend, it's pretty darn tough to travel home, get home at midnight, and then try to contact 17 towns and villages and eight hospital boards and eight school districts and do it effectively on a weekend where we're in a session. So I don't accept the argument of one person, one vote. I accept the argument of something that's reasonable. Even though the proposal is in my particular case one that will make it approximately 30 percent larger geographically, it is going to be a challenge, and I think it's one that we'll have to live with. At the same time, the government side has lost three seats. Three seats have gone to the cities. It may not be as much as you want, but at the same time the people in the rural areas deserve just as much.

Thank you, Mr. Speaker.

MR. SPEAKER: Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I'd like to say a few words in support of the amendment too. Following the Member for Little Bow, I'm fairly familiar with his constituency, and I know that no one would even think that he possibly influenced the committee. It's just sheer accident that the Trans-Canada Highway, an area on the north side of Little Bow that had all voted Liberal,

north of the Indian reserve, is now missing. It's all up in Drumheller. I'm sure the member didn't have anything to do with that, that the towns of Gleichen and Cluny that hadn't voted for him suddenly end up outside Little Bow. Of course, these accidents will happen, and I know that we can expect this every now and again.

As we roam through the province, Mr. Speaker, we find all kinds of things going on that bother one a bit. It's not only a question of doing right, even though the members of the committee may have thought they were doing right. One of the problems with any party – Conservative, Liberal, NDP – after being in 22 years, they start feeling they're anointed rather than appointed. Consequently, somehow or another there's that almost indefinable something that's connected with the infinite or with the Almighty that somehow says that whatever is good for Bull Moose is good for the country. In this case, what is good for the Tories is good for Alberta.

I know they'd be the last in the world, if they were examined before a psychiatrist, to ever think that in any way they were warping or doing anything wrong. It's just one of the natural things that flow through as sure as being in favour of motherhood – although in these days I'm not too sure that's in anymore – and in favour of the natural things that occur. They just think that's the way the thing operates. But the point is that any system that is run by the politicians themselves is going to be subject to manipulation by the politicians. If there's anything the public is saying today, it's that the politicians have been manipulating too much, whether it's in boundaries, salaries, bureaucracy, friends, appointments, pensions. It doesn't matter what it is. Consequently, we get editorials like this down in a certain Calgary paper. Neither one has ever been accused of being Liberal, but I'll just read you three short paragraphs:

It's no surprise that opposition MLAs suspect the rural Tories have gerrymandered electoral boundary revisions.

The greater surprise would be if the Tories had not. Certainly, that would be a heck of a surprise.

Tailoring ridings . . .

Pardon the pun, Mr. Speaker. It's spelled with an I not a Y.

. . . to give the government an edge has a long history. If the Tories have deliberately attempted to skew ridings, they would not be the first.

Hence again, as I mentioned, once you've been power many years, you forget you're appointed and think you're anointed. It's happened to all parties.

Indeed, even if the Liberals and the New Democrats had not refused to participate in the process, the Alberta legislature would still be faced with a conflict of interest.

Politicians of every stripe are open to suspicions of mischief whenever they're involved in divvying up their own electoral territory.

Now, let's look at some of the mischief.

Remember when the 'rurban' riding came out how everybody jumped up and down and said that was awful that Edmontonians and St. Albertans and so on would have to vote with the rural? But what did we see that the committee has sneaked in the back door? Northwest St. Albert is in the old Westlock-Sturgeon riding. You know, for some reason, when northeast St. Albert was stuck in under my feathers like a surreptitious thief of an egg, it somehow was wrong, but then when the committee did it, I got stuck with northwest St. Albert. Very interesting indeed. For some reason or another, northeast St. Albert was a sin. It shouldn't be mixed with the country area, but northwest St. Albert: who cares? They can go in under old Taylor's feathers anytime.

10:10

Another 'rurban' riding is Grande Prairie, a peaceful metropolis of the north, one of the greatest prairie areas you can visit. It's

had a tendency of being a little mixed up in its politics and voting Tory for the last while, Mr. Speaker, but there it was, a jewel up there in the Peace River country. What did our committee do? Right down through the middle. You've got east Grande Prairie and west Grande Prairie. Just after they took down the Berlin wall to unite the two sides of Berlin, we have the Member for Taber-Warner putting a wall down through the middle of Grande Prairie. Well, I know most Tories and the wages they get go south, but if they ever get a chance, they should go north and find out how enthused Grande Prairie is with the fact that there is now an east Grande Prairie and a west Grande Prairie. They've got a lot to look forward to. This is by the committee that was going to get rid of the 'urban' riding. This is the committee that said Fort McMurray should have its own setting, a town also in the north all surrounded by rural areas. But for some reason or another Grande Prairie isn't that way. I wonder why. Could it have had something to do with the votes or how it was going to break up? No, no, it was an accident. There was an accident. These things happen.

Gerrymandering. Well, Mr. Speaker, whether you spell that in two words or one, the point is – everybody's already touched on Calgary-Elbow. I won't touch that because I lived in the area for some years that didn't support our Premier, not only when he was mayor but doesn't now. I can see why they want to excise that out. Some vestigial appendage that was of not much use to the Tory party, so lop it off and stick it into Calgary-Currie. No wonder the Member for Calgary-Currie is retiring. All those Liberals that were eating our Premier's lunch have now moved over into Calgary-Currie. I'd be scared too if I was a Tory.

Take a look at Lac La Biche and Athabasca. The member of the committee said the natives should be all in one area, and we have the natives now strung out in a constituency all the way from St. Paul to darn near just short of Yellowknife, Mr. Speaker. What kind of gerrymandering would put that together? It's a long, snaky area going by, picking up every Indian reserve they could find in order to solve the problem of the committee, again by accident. Maybe it is. Maybe that's what's happened.

Of course, I leave the last, Mr. Speaker, the best for the chairman of the committee himself, Taber-Warner lying down next to the border in between the dry area of Cardston where you're lucky if you can get ginger ale and the area of Montana where you can get anything you want. It should by common sense be united with Cardston. But no, no, no. They have four exceptions, one of their own rules they've put in. As long as you're next to the border, you're allowed to jockey the constituency. For some reason when you're on your way out of this province or in a hurry to leave, that constituency snuggled up to the border, according to the regulation, you're allowed to warp. Whether it be Hanna or whether it be Taber-Warner or whether it be Cardston. As long as it's on the border, our committee decided it could be changed. It's just an accident, of course. I was born and raised in that country.

Now, if you crawl up on a windmill tower in the chairman's constituency, you can see the other end of Cardston. As a matter of fact, to be honest, on a clear day you can see Chicago. They don't have any hills down there. The fact of the matter is that the people are all alike. They're all the same. But they end up with two MLAs because it appears to be Tory areas, two Tories where there should only be one.

It starts a movement all the way around. What happened? Macleod, of course, disappears in with Crowsnest Pass. Now, I don't know what's in common between coal miners of the Crowsnest Pass and the wheat growers of that flat area for the hon. Member for Macleod. But they got stuck all into one area because the chairman happened to be over in the other area which

he didn't want to get stuck in, which he didn't want to put in with Cardston. So as you start taking up the slack, it's like putting a little bit of elastic through a corset. Eventually you get it out the end. Something has to stretch, so the stretch had to be done in Macleod and Crowsnest Pass. What do we have here? Oh, no, another bit of manipulation. And these are all by accident.

Then I think sometimes, Mr. Speaker, you have outright errors. Somehow or another the committee just did some really peculiar things. They put Camrose and Wetaskiwin in the same constituency – two scorpions in a bottle – Lacombe and Stettler in the same constituency. They can't even cheer for the same hockey team, those four towns. Why are they together? Then we have adjoining towns, Spruce Grove and Stony Plain, snuggled up together with a common boundary. You would think that they would have the same thoughts. As a matter of fact, they drive through each other to get to Edmonton to make money. Out there most of those people have to work to make money; they don't work in here for the Tories. Anyhow, they're right beside each other. Why? Because one of them is represented by the NDP, and the other town happened to go by a couple of votes over to the Tories. For some reason those two towns, twin cities, are separated in two different constituencies: one put in my old constituency of Westlock-Sturgeon and the other left hanging in the breeze with the old constituency of Stony Plain.

I leave the last, possibly, for the best. [interjections] No, I don't. I forgot one other area, but I'll touch on it. One of the last ones I want to talk about is my own constituency. You know, what they did to my constituency, Mr. Speaker, isn't fit to say. They just jumped all over it, tore it to pieces, a fine jewel in the centre of the province with probably some of the best representation that you could find anywhere, plus some of the best soil. They took a piece and said to the Member for Barrhead, who's now the Deputy Premier, "You can be rewarded with Westlock, because it went Tory last time." You know, I think they might have messed up there, because it went Liberal the time before and it might go Liberal again. Can you imagine the Member for Barrhead so busy trying to put out fires that he won't be able to go around and campaign? Can you imagine what will happen to the lottery fund? They'll be springing up all over the place. Right now I'm having an awful time trying to keep up to openings occasioned by the minister of lotteries putting out the loot there. That just happened in the northern part of my constituency.

Then that wasn't enough. They said: "Well, you know, maybe we can hack up these Liberals a little more. We'll put this in with that Tory riding. Then we'll take the southwest corner and stick that off in a corner, and maybe a Tory can win that too." So we've got the new one called Spruce Grove-Sturgeon. Poor old Spruce Grove, as I said, living side by side with Stony Plain, happy as the dickens for generations, suddenly yanked asunder, pulled out of the family, thrown on its own, saying, "No, you're over there with Sturgeon." Then to add insult to injury, they took the southeast of my constituency, where I'll admit a lot of the rich live. They have acreages and horses and white fences, people that, you know, put big fences around the places. They used to all vote Tory years ago, but for some reason or another they're voting Liberal now. They stuck them over with the Member for Redwater-Andrew, said that maybe he'll have enough votes to dilute it. They've left me in a quandary, because I've got three constituencies I could win with, Mr. Speaker, and I don't know which one to jump in. Nevertheless, they did their best to try to put the heat on.

Now, all in all, I could go on with a number of things, but the whole point I want to drive home in moving the subamendment – and Mr. Speaker, I might have had my kilt down this afternoon,

but I'm prepared for you tonight. There are 80-some copies here of a subamendment to Bill 55 that reads that the motion is further amended by adding the words, "and contrary to the principles of democracy and fairness to the electors" at the end of it. May I circulate this?

10:20

MR. SPEAKER: It will be brought to the Chair so the Chair can at least look at it for the first time and see whether it's in order.

MR. TAYLOR: You would like to look at it for the first time, Mr. Speaker? Of course.

MR. FOX: At least he wrote it out, Mr. Speaker.

MR. TAYLOR: It was done on the government processor.

MR. FOX: Tell them what happened to Vegreville.

MR. TAYLOR: The hon. Member for Vegreville says tell what happened to Vegreville, but I won't. It's too obscene, Mr. Speaker. It would cause the whole crowd to break into tears, and I think I'd just as soon wait and let the member explain it himself.

MR. SPEAKER: The subamendment is in order. We will wait for it to be distributed to the whole House. If our two volunteer pages would do that, please, perhaps assisted by the Sergeant-at-Arms and the legal counsel, you can split it up and move them around.

Thank you, hon. Member for Westlock-Sturgeon. If you care to continue for the balance of your time, dealing with your subamendment.

MR. TAYLOR: Mr. Speaker, could I ask how much time is left?

MR. SPEAKER: My understanding is that you began at 6 minutes past 10. You have 30 minutes entire.

MR. TAYLOR: Mr. Speaker, the motion is contrary to the principles of democracy and fairness to electors, and I think this is the whole thing that comes through to anyone looking in from the outside. The big problem with the job that's been done here is that it reflects on all of the members of the Legislature. The public have a strong sense of propriety in that the politicians shouldn't be trying to gild their own nest, whether it's in pensions or in pay or whether it's picking who they will represent. I think this is the principle that's been most offended by the government marching forward with their committee.

Sure the government will say, "Well, the NDP and the Liberals had every opportunity to join this committee." What they neglect to point out is that the government insisted on having the majority. I'm sure that the people who were House leaders would remember this. If it had been a tripartite committee, with equal representation from all, or even so far as the government equaling the opposition members so there would be no question of railroading any one party's point of view through, I think it wouldn't have been as good as having it independent, but we could have participated. But we were asked to participate with a committee that was rigged to have the voting majority to the government.

I notice the Minister of Energy over there. She will very well recall how just and democratic the votes were in the heritage trust fund committee. When any issue came up, the old whip was laid on, and on it went. We had an example again today in nominat-

ing the Speaker. The whip was laid on all the way through. Well, that's the whole idea.

AN HON. MEMBER: You came in fourth.

MR. TAYLOR: As a matter of fact, Mr. Speaker, if I had come in first, I would have demanded a recount; that's for sure. Fourth is where I expected to be, and I'm glad.

The point is that to join a committee that was stacked in favour of the government to begin with was foolish.

What we're doing here in trying to push this through – it will be interesting to see whether the government is going to make any amendments. I just pointed out a few of the most glaring errors. I'll be interested in knowing whether the government members will try to rectify some of the damage done by the committee, but as it stands now, we're going to be accosted here and there and all through this province: "Oh, I hear you're fixing your own boundaries. You fix your own pensions. You fix your own salaries. You're fixing your own boundaries." I don't see why the hurry. It's only a worried government that's concerned about losing the next election that would have gone to the ends and the depths that we have in the doctoring of the boundaries, Mr. Speaker. Hence, in closing off on my subamendment, I hope it will be supported by some other parties, and it does open it up for us to have another go-round again.

Thank you very much.

Speaker's Ruling Relevance

MR. SPEAKER: Now, before the Chair recognizes anyone else, it gives fair warning that as hon. members start to craft their strategy, as you will, start moving further and further down and narrowing and narrowing the window of discussion, you do it by your own device. Now, the Chair will be listening more attentively to the business of the subamendment and its wording so that we're not going to be going into large, encompassing areas, but I do look forward to your ability to go through the matter of this particular wording of this particular subamendment.

Debate Continued

MR. SPEAKER: Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. I don't know if I should feel honoured or beleaguered to be the first one up after your kind words of wisdom.

We are speaking now of democracy and fairness to the electors. The subamendment just expanded what the intention of our amendment was, which is only proper in this House. I find it rather interesting that this Bill is being sponsored by our soon to be beleaguered minister of justice, who puts forth the greatest injustices this House has seen for a long, long time. I would say that even his honoured position can't enhance this poor-quality Bill, this Bill that goes against all the principles of democracy that we have seen. We had legislation passed in this House that was purported – and I stress "was purported" – to make sure the process was democratic. If we look through the literature on it, we will find that somewhere there's a commission that ruled that in order for the process to be democratic, MLAs should not participate directly in the process. I feel that it's very important that MLAs have a duty to make sure that everything that happens in this House underscores the principles of democracy, underscores the principles of fairness to all.

I think the subamendment as proposed by the Member for Westlock-Sturgeon, soon to be Spruce Grove-Sturgeon or choice

of constituency thereof, underscores the very need that we have in this House not to be politically oriented as to party but to look at what we are doing here. What we are doing is sending a message to the public, the public that belongs to all of us, that we are going to railroad through for heaven knows what reason a changed electoral map for which, although time has been wasted along the way, time is not of the essence. We have 14 months left before an election must be called. The Chief Electoral Officer has indicated that a maximum of six months is needed. So why did we go from a commission of five members and five reports to adjusting the rules and then to a commission of all MLAs? I don't know, but I know that the perception that is out in the public is one that the process is certainly not democratic. I think the message was very, very clear that there was a need for some rethinking when both opposition parties chose not to participate. We know that in committees we're outnumbered. That's a part of the game. But at least at times we are heard. At least at times our suggestions are given some credence, so we participate in the committees that we can with the idea of being able to contribute as best we can on behalf of our constituents.

10:30

This perhaps is the most important piece of legislation to come before this House this whole session. All of a sudden it's only done by one party. There wasn't a need for it. One can say: oh, we invited you to take part. But an invitation to take part in an undemocratic process: for us to do that would have been sheer folly on our part. I think the fact that the invitation was turned down was a clear signal that the government members should have reconsidered the railroad that they had so diligently embarked on.

I feel very, very strongly that with the number of positions being given under the amendments, with the concern expressed not only by members of the opposition but by the leadership candidate, currently the MLA from Glenora – and I think the observations were very astute; they were based on the process – the end does not justify the means. I think no matter how you flavour this particular redistribution, whether you want to pit urban against rural, whether the 25 percent factor is fair or unfair, whether courts endorse it or don't endorse it, the process by which it was achieved is definitely undemocratic.

We look at fairness to the electors. I find it very interesting, Mr. Speaker, that you provided all the MLAs with copies of letters – we certainly appreciate it – that indicated how a group of constituents representing a few towns and villages in the new constituency of Camrose felt about being included in there. They were very vocal in stating quite clearly that the people of Bashaw and the villages of Bawlf, Bittern Lake, Edberg, Ferintosh, Hay Lakes, New Norway, and so on, are all unhappy. They all proclaimed that their wishes were not heard. We have a news release from the Minister of Justice saying how all these things were taken into consideration. I find it very interesting that your office, Mr. Speaker, has got letters that state very clearly that the end result was not fair to them, the end result was not desirable.

We can talk about gerrymandering all we please, but if we're talking about fairness to electors, there has to be consideration given to where some people want to be represented. We have to look at some of the criteria that were outlined – shopping patterns, communities, and so on – but it appears that only lip service was given to this. The Member for Westlock-Sturgeon did identify very clearly some areas that are subject to question, Grande Prairie, and certainly it distressed me to see Stony Plain and Spruce Grove split down the middle. There may be a rational reason for it, but certainly the people of Spruce Grove or Stony Plain or their municipal authorities were not consulted about it.

They had to react after the fact. The constituency of Stony Plain will extend considerably farther west and encompass parts of Drayton Valley and Whitecourt. I don't have a problem with that. If I happen to get re-elected in the constituency of Stony Plain, if it goes through as it is, I'll do my level best to represent those people as well as I have anybody else.

However, the point is: are we here to serve ourselves or are we here to serve the people? If you look at the map of northern Alberta, I think that somehow or other buffalo and trees came into the equation. Because of a dramatic shift of constituencies there, where very few people live, the only criteria that could have come about had to be buffalo and trees. I don't see that in the guidelines, and hence I wonder how fair that had to be. Lesser Slave Lake goes from Swan Hills all the way up to the Northwest Territories. I would only speculate that if the aircraft that flies that particular MLA around stays on a straight north/south course, they will make it through the constituency, but if it should go either to east or to west they'll be out of it and into either Athabasca or Peace River. That constituency for some strange reason has to be narrow and long and go forever. Again, it must be because of the trees there.

The same can be said for Athabasca-Wabasca. Why were those changes made? I would imagine that they wanted a squiggly line instead of a straight line, so they followed the river, or maybe they consulted with the buffalo. They certainly didn't consult with very many of the electors.

Mr. Speaker, I think we would be very remiss if we didn't pay close attention to issues which were drawing a lot of input from members of this Legislature. I think every member in here realizes the need for redistribution. You can have the discussion on urban versus rural and methods of representation all the way through. I'm sure there are as many different ways of doing the job as there are MLAs in this House, but we can't deviate from why we are here. We are here and we were trying to establish a set of boundaries that would represent a method of representing people in a democratic fashion. We can take this as a frivolous exercise. We can accuse each other of gerrymandering, whatever may have happened. It may not have; I don't know. What I do know is that the process which this House let itself fall into, of letting strictly MLAs determine the redistribution, was wrong. It was unfair. It was undemocratic, and no matter how much window dressing is placed on it, no matter how many lists of individuals who were allegedly consulted – those four or five people there – it still does not take away from the fact that the map was put together by a group of elected MLAs. It does not change the fact that people want fairness, that in order to get fairness people feel that we should have independent commissions doing these kinds of exercises. We cannot sell to the public the fact that this was the only way to go, because it was the least desirable choice.

When we get to the committee stage, it will be interesting to see how many government members are going to propose changes to this particular map, either minor or great. The argument that's going to be used is going to be democracy and fairness to electors. I'm waiting to see that, because that will indicate to me very strongly whether or not it's only the opposition members who are astute enough to detect the fact that this map was not put together in the best possible way. It will perhaps indicate that some government members themselves feel that the lines weren't drawn properly.

I would also suggest to the House that the basis for a lot of the arguments – and I will be presenting one of the amendments and one of the minor adjustments – will be based on splitting communities. Now, this is happening all over. If that has happened in a

significant number of jurisdictions, then it begs the question: was there sufficient input to this process prior to this particular report being presented to the Legislature? I would strongly suggest to the House that it did not happen. It did not happen because for whatever reasons the government may have had, they chose to establish a committee of MLAs and fast-track it through.

We'll hold an election on it. The election will work. Some people will get re-elected; some won't. It won't really matter. But what we are going to live with for the next 10 years is every inequity that this particular redistribution may represent. I wouldn't question the individual integrity of my colleagues, because I look at all MLAs as colleagues on that particular committee. However, no matter how hard they tried to be fair, there is that influence. Where was the influence coming from? It certainly wasn't from the public. Letters to the Speaker indicate the frustration that was going there. The various submissions to all members of this Legislature from various communities indicate that there's a lot of people who are not happy with the new map. Yes, I know: no map will be there that will please everyone all the time; that's understood. But when you get some of the observations that have been made to this point in this House by various members, it certainly indicates that if there are not flaws, there's a good reason that flaws are being perceived as being there.

As the Minister of Justice knows: you can't only be just; you have to be perceived as being just. This process I don't feel is just, I don't feel is democratic, I don't feel is fair to the electors, and it certainly is not perceived in that fashion by a good number of members in this House who ultimately have to assume responsibility for it.

Thank you, Mr. Speaker.

10:40

MR. SPEAKER: On the subamendment, Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. It may come as no surprise to members opposite that I rise to support the amendment to the amendment. The question here is whether or not the process that has led to this report, that has been presented to this Assembly, is contrary to the principles of democracy and fairness to the electors.

It seems to me, Mr. Speaker, that this leads us to an examination of the process that led up to the development of the Bill. The roots of that process, of course, are in the previous legislation. I'm speaking here of the requirement in the previous legislation for a redistribution after every second election through an Electoral Boundaries Commission, and that legislation contemplated an independent commission, which is in furtherance of the principles of democracy and fairness to electors. I submit that that is why that requirement was in the legislation to begin with and that is why that process was countenanced by the Assembly at the time those rules were passed by the Legislative Assembly.

Now, redistribution is one of those touchy political problems that raises its ugly head from time to time, and the previous legislation recognized that reality. It recognized it by inserting in the legislation a requirement for redistribution through an Electoral Boundaries Commission process after every second election, and there was a good reason for that. There's an old anecdote from Saskatchewan with respect to Ross Thatcher dealing with the problems of redistribution in the context of democracy and fairness to electors. He was being much criticized in Saskatchewan that his electoral boundaries were not in keeping with the principle of democracy and fairness to electors. Indeed, he responded to those

criticisms by stating that the minute he was in opposition he, too, would join the chorus of criticism of electoral boundaries in Saskatchewan and would champion the cause of redistribution. Now, I think that says something very badly about fairness and democracy, because it bespeaks altogether too much of political partisanship.

I think that anecdote underscores a number of important issues which are at the heart of the redistribution question, which are at the heart of fairness to electors and democracy. First in any redistribution process you have the reality that the governing party, when the pressure comes to bear to commence an investigation of distribution, invariably is the beneficiary of the disproportionate representation in the Legislative Assembly. Obviously, that must be so, because were it otherwise, were the governing party the victim, then you can imagine how quickly and expeditiously the government would move to respond to the needs of fairness to electors and democracy by redressing the imbalance in the electoral system. The party in power does not long tolerate population disparities if it is the victim of those disparities. If those disparities work to its disadvantage, then fairness to electors and democracy are soon adjusted and addressed.

Secondly, the anecdote also speaks of the situation that occurs here. Where the governing party is invariably the beneficiary of the disproportionate representation, quite content to allow that political advantage to it and the disadvantage to the other parties engaged in the political process to remain until such time as it becomes apparent to a widespread number of members of the electorate, then in fact this is not a democratic system. It is unfair to the electors. Consequently, the pressure comes to bear on the governing party to respond to those needs, and that of course is exactly what has happened here. This government is not addressing this issue willingly. This government addresses this issue because it must, because the reality is that there is a widespread, recognized unfairness and lack of democracy in the present electoral map, and consequently the government has to appear to be responding to it.

Thirdly, once that point where the government must respond because of the demand for equity and fairness in the electoral map has become such a serious liability that the government must respond to it, then the governing party does in this situation, perhaps not unnaturally, respond to it in a way that best serves its own interests and not the interests of democracy and fairness to electors. It seems to me, Mr. Speaker, that is precisely what is at the heart of the amendment to the amendment. What is being requested here is that there be permitted to unfold a process that will be fair and impartial and nonpartisan and that that is the process that should have been adopted by the governing party and that that is the process that would respond to the needs of democracy and fairness to electors.

The opposition parties obviously in these circumstances that I've described are the victims of the disproportionate representation, and as victims, of course, they are concerned about the electoral map that is being drawn. Some members on the opposite side of the House have quite correctly pointed out that opposition parties also have vested interests in these matters. Sitting MLAs have vested interests in these matters. Surely that is not what the business of this Assembly is all about. Redistribution is not a simple process; it's not an uncomplicated process. No party wishes to champion a position that is perceived to be detrimental to the base of support that it perceives it has, but that is the reality of why the amendment to the amendment calls for a fair and democratic process, which would be an independent, nonpartisan process. We can hardly be expected to act contrary to our own

self-interests unless there is the pressure and power and force of an independent commission.

It seems to me that the reality here is that the government got started on the right track but somewhere along the line – perhaps it was when they established the Electoral Boundaries Committee after having set up a very complex, complicated, and inconsistent scheme of criteria for the Electoral Boundaries Commission to apply in its report. Perhaps it was because the government was disappointed that that commission attempted to adhere to the requirements of fairness to electors and the principles of democracy.

10:50

Of course, what happened after that is history. We all know that the government was displeased with the report of the Electoral Boundaries Commission and decided it could do the job itself. Once again, it strikes me that that is exactly what is wrong with this process. As the previous member stated, justice must be seen to be done. Put it another way: fairness must be seen to be done. It must not only be seen to be done; it must actually be done. It is not being seen to be done in the context of the process that's been engaged in at this point in time, and it seems to me that the requirements of a fair and effective and relatively proportionate and equitable redistribution require the appointment of an independent commission to achieve that goal. The principle of nonpartisanship is paramount. The merits of that principle in terms of fairness to the electors and the principles of democracy are well underscored by our experience here, firstly, with the first committee that attempted to draft a complex set of rules, a set of rules that did not work to its intention in terms of the Electoral Boundaries Commission.

I wanted to make some reference to some comments that had been made in that regard with respect to fairness by the Alberta Court of Appeal. It seems to me that when we're speaking of fairness and democracy, some of the comments made by the Court of Appeal have a particular relevance. In speaking of the division of the province into 43 single-municipality divisions and 40 multimunicipality electoral divisions in the original instructions given to the Electoral Boundaries Commission, the Court of Appeal made the observation that the split was "troubling" and stated:

One is driven to ask how the Legislature could know, before detailed study by a boundary-writer, that the deviations forced by the 43/40 split are justified on the basis of practical need or effective representation.

One might ask oneself the same question with respect to the numbers that have been chosen by this committee to reflect that split within the province of Alberta.

The Court of Appeal also noted:

We close with the comment that the real issue may not be about adequate representation of the less populated areas but under-representation of more populated areas.

Now, of course that comes down to the same problem. There's inadequate representation on one hand or the other or more than adequate on one hand or the other. The reality is, the Court of Appeal stated, that "no argument for effective representation of one group legitimizes the under-representation of another group." That is the ultimate principle of fairness to electors and adherence to the principles of democracy. I think all members can agree with that proposition. On the basis of the process that's been followed here, which has not been seen to be fair, which does not have the appearance of fairness, the question is whether or not the product could ever meet that test that indeed it can be seen that there is effective representation of all groups within the province of Alberta. Ultimately that has to be the object of our exercise.

In closing, Mr. Speaker, let me say once again that the object of everyone's attention here is to draw an electoral map which does reflect the principles of fairness to electors and the principles of democracy. Those principles, of course, include the principles that have been enunciated by the courts with respect to the application of the Charter. I don't believe any Member of this Legislative Assembly is seeking to have an electoral map which does not adhere to principles of fairness and democracy, but the reality is that the process that has brought about this product is flawed. We don't need to get into the question as to how flawed the product is, and I won't address that. It was certainly well addressed by the Member for Westlock-Sturgeon.

Those are my comments, Mr. Speaker.

MR. SPEAKER: Thank you.

The Member for Taber-Warner.

MR. BOGLE: Thank you, Mr. Speaker. The subamendment that we're dealing with at this time relates to the principles of democracy and fairness to electors. I think it's important that we go back and reflect on the reasons this Assembly approved a motion to establish the Select Special Committee on Electoral Boundaries in 1989.

As some other members in the Assembly have alluded to, we were all taken aback by the Court of Appeal decision in British Columbia wherein Madam Justice McLachlin ruled that based on the Charter of Rights, the British Columbia boundaries did not conform. That sent a shock wave across this country in terms of how other Legislatures and indeed the federal government would deal with boundaries when indeed they were next up in terms of review. Because of our own requirements through our legislation that redistribution occur after every second general election – and indeed two general elections had passed since the last redistribution occurred in 1982-83 – the Legislature approved the creation of an all-party committee to examine carefully various factors relating to fairness, relating to principles of democracy, and to ensure that whatever recommendations would come forward would comply and meet the test of our Charter.

The committee had numerous meetings across the province, met with individuals, with groups and organizations, with local governments, with mayors from smaller towns and mayors from the largest cities. A lot of input was received. One of the observations made by the committee in its findings in 1990 – and I ask you, Mr. Speaker, to bear with me, because the discussions we've heard tonight really were predicted by the members of the committee at that time. On page 1 of our recommendations we indicated that

approval of these recommendations by the Legislative Assembly means that all 83 electoral divisions will see some changes. These changes may be minimal in some cases; however, most will be major and significant.

When you're going through redistribution, it's not possible to do it in a way that pleases everyone. It doesn't please all of the electorate. It does not please the local governments and jurisdictions, and it certainly doesn't please those of us who sit in this Assembly, because we have become accustomed over time to working with constituents within a given area. We become comfortable with that, and to disrupt that process either by deletions or additions is something we'd rather avoid if at all possible, but – back to the subamendment on principles of democracy and fairness – that was indeed necessary.

The Court of Appeal is an important element. I appreciated the remarks made by the hon. Member for Edmonton-Strathcona. However, he did omit some very important points that were dealt

with by the Court of Appeal. Members of the Assembly will recall that when the report was handed down in 1990, there were those who said: the recommendations contained in the report are contrary to the Charter of Rights; it won't pass the test. So when the report was released, the commitment was given that we would refer the legislation flowing from the recommendations to the Alberta Court of Appeal. While the hon. Member for Edmonton-Strathcona may have read certain excerpts, he missed a key point, and that is that all 13 key provisions contained in the legislation were not only upheld but unanimously upheld by the Alberta Court of Appeal, including the concept of single-municipality constituencies, including the concept of multimunicipality constituencies, including the voter deviation from the mean, including the concept of special consideration ridings, up to four out of 83. Those principles were all upheld by our court. They were upheld in a more general sense by the Supreme Court of Canada in the Saskatchewan reference, wherein the plus/minus 25 percent was again reinforced.

11:00

We created by an Act of this Assembly an Electoral Boundaries Commission, a five-member commission, chaired by a judge with four other citizens. The commission went out and did its work, developed an interim report, a report which recommended among other things the so-called 'rurban' ridings, something which had not been recommended either by the previous report or by members of this Assembly. After holding public hearings across the province, the commission came under fire everywhere, in the urban centres, in the smaller communities. There was unanimous disapproval of what the commission had recommended. [interjections]

Speaker's Ruling Interrupting a Member

MR. SPEAKER: Excuse me, hon. member. I know you haven't been here for the whole evening and it's inappropriate of me to comment on that, but is appropriate of me to refer you again to the Standing Orders. You will not interrupt. The first intervention on my behalf was my concern that you were criticizing a decision of the court.

Please proceed, Taber-Warner.

Debate Continued

MR. BOGLE: Thank you, Mr. Speaker. The commission in their public hearings across the province received almost unanimous condemnation for the concept and in their final report presented to this Assembly were unable to reach a consensus, in fact were unable to agree on much of anything. There were five individual reports presented to the Assembly. We then were left with a dilemma. Do we go into the next general election on old boundaries, or do we take the challenge that's been thrown back in our lap and get on with the job? I'm going to deal with that matter at another time in our discussion.

But because we're dealing with the principles of democracy and fairness, I want to come back to a couple of matters relative to voter parity, because it's important. Members from the two opposition parties have commented on it this evening. Some members from the government side have also made reference to the matter. Relative voter parity remains important but is not the sole or overriding consideration in drawing constituency boundaries. The courts have ruled that where necessary, deviations from average of up to 25 percent do not amount to an undue intrusion into the voter parity principle.

Earlier this evening the minister of justice gave several examples, and again I'm coming back to the principle of democracy and fairness to electors. In the single-municipality constituencies – and that includes in this legislation 20 in the city of Calgary, 18 in Edmonton, two in Lethbridge, one in Medicine Hat, one in Sherwood Park, one in Fort McMurray, and one in St. Albert, for a total of 44 – only eight of the 44 are above 20 percent from the mean. That's an average of plus 11.3 percent. Of the multimunicipality constituencies – and we're speaking of 39 across the province – only seven deviate as much as 20 percent from the mean, for an average of minus 8.4 percent. It's important that when we go back to the last report handed to this Assembly, a report by a commission in 1983, a short nine years ago, 14 of the 79 constituencies deviated by more than 40 percent from the provincial average. That's quite a marked difference from where we are today, Mr. Speaker, in terms of the principles of democracy and fairness.

I want to conclude my remarks by talking about openness because there's been discussion and suggestion that a lot has been done behind closed doors, that there wasn't an opportunity for public input. With your permission, Mr. Speaker, I would like to read a portion of the last report presented by the Select Special Committee on Electoral Boundaries, which was delivered to you, sir, and distributed to members on Monday, November 16, 1992.

The committee is proud to recognize that over one thousand Albertans contributed to this report by giving their ideas to the Select Special Committee on Electoral Boundaries (1989-1990), the Electoral Boundaries Commission (1991-92) and the Select Special Committee on Electoral Boundaries (1992). Many hundreds of Albertans attended one or more of the 62 Public Hearings held by the Select Special Committee on Electoral Boundaries and/or the Electoral Boundaries Commission while hundreds of other Albertans sent in written submissions; many took the time and effort to do both. All of these important pieces of valuable information are sincerely appreciated and indicate a high level of interest in this democratic process to ensure fairness for Albertans across the Province.

MR. WICKMAN: Mr. Speaker, I'd like to add a few comments aimed specifically at the subamendment that is dealing with the amendment to Bill 55. The previous speaker, the Member for Taber-Warner, made references to the report of the Select Special Committee on Electoral Boundaries. I want to start there. I'm talking in terms of principles of democracy and fairness to the electorate. On page 76 it's pointed out that

the committee is proud to recognize that over one thousand Albertans contributed to this report and the previous process that was in place.

Many hundreds of Albertans attended one or more of the 62 Public Hearings held by the Select Special Committee.

It goes on about how Albertans took time for written submissions. In some cases they took time to not only make a written submission but also a verbal presentation. It concludes that paragraph by saying – and this is very, very significant:

All of these important pieces of valuable information are sincerely appreciated and indicate a high level of interest in this democratic process to ensure fairness for Albertans across the Province.

Now, I believe it's ironic that reference can be made to over one thousand Albertans participating in a process, hundreds attending public hearings and making written submissions, and then it's summed up in reference to the importance of "interest in this democratic process to ensure fairness for Albertans across the Province." I would submit, Mr. Speaker, that for those people making those presentations to read now what they would have to read in many instances and to interpret that as fairness – they would be gulping. They would question exactly how fairness is

defined in the eyes of the select committee of the four Tory members.

If we talk in terms of fairness, we can go back to the original motion moved in this House by the hon. Mr. Anderson. That's on page 66. One of the significant portions of that motion to us that deals with the question of fairness is point 2.

If either Opposition caucus does not appoint its members to the Select Special Committee on Electoral Boundaries before its first meeting, such members may be appointed by the other Opposition caucus.

Now, I relate that to fairness in terms of the obvious intent of a manoeuvre, of a squeeze play to make it as difficult as possible for the two opposition caucuses in making that determination. Do they participate or not? So from day one the process was flawed in terms of fairness in that even when the ground rules were being laid out, the ground rules were not being laid out with the intent of fairness and recognition of the democratic process. Recognition of the democratic process isn't going to attempt to pit one opposition caucus against the other. Obviously, that's what this particular portion of that motion would have done. Fortunately, the two caucuses both stood on principle, and in principle both chose to refuse to participate in that particular process.

11:10

Again, reference is made to fairness in this report on page 69, in terms of a submission made by Gordon Miller, president of the AAMDC, the Alberta Association of Municipal Districts and Counties. Now, in his submission he refers to Grant Notley. All of us in this House recall very, very readily Grant Notley and what Grant Notley stood for. Grant Notley as an individual without question – I don't think anybody in this House would disagree – was one that believed in fair play. In his references, when he talks in terms of the impact of redistribution, he talks in terms of recognizing as a member for a rural constituency the need to have some variance. That's the first thing he recognizes when he determines his interpretation of fairness.

We in our caucus, myself as a member of this caucus, recognize there is a need to have variance because of geographical differences, to take into consideration comments made by the Member for Little Bow, for example, comments made by the Member for Three Hills. There is a geographical difference. We recognize that, and we didn't object to that variance in terms of fairness. We had absolutely no objection to that at all.

Grant Notley goes on to say in his particular submission:

It may be fair in an abstract . . . sense, but in my judgment it is not fair in terms of providing access by the electorate to their member of the Legislature.

Now, he was very, very intent in ensuring when he participated in any process that led to electoral boundaries that he highlighted the importance of fairness. It's more ironic that this particular quotation would come from the president of the AAMDC. Having talked with that gentleman on a number of occasions, I doubt very, very much that he is a card-carrying member of New Democratic Party. I do respect the fact that he recognizes fairness when he sees it, and he saw the fairness in the representation that was made by the former Member for Spirit River-Fairview.

I also want to make one more reference in this particular report where we talk in terms of some of the general discussion that was made. On page 72, under 5, we have, "Access to Member of the Legislative Assembly." This is one of the general guidelines that was laid out, one of the principles that was going to guide the committee.

The committee endeavoured to ensure that constituents have the most effective access to their Member of the Legislative Assembly.

Mr. Speaker, I would submit that even though that is there in writing, that did not appear to be the overall objective of the

findings of that particular committee. If effective access was the main concern, those boundaries would not have been drawn in such a way that we got to accommodate a member up north by taking off a good portion here in which he did not do that well in the last election. I have to argue that this particular principle was not abided by. It was there in writing, but it didn't mean anything as far as the four members were concerned.

Mr. Speaker, I recognize that we are speaking in terms of democracy, we're speaking in terms of fairness, and if anywhere in the province that should be demonstrated, it's in this very Legislative Assembly. This is the Legislative Assembly many Albertans will look to when they see supposed democracy in action or when they see what they expect to be fairness being played. If it isn't played in this particular court, how are they going to react in other areas? We have failed them by even discussing this report here, and we will fail them even further in terms of principles of democracy if members of this House see fit to go ahead and approve this on the basis of the process that was followed. If there is any wisdom on that side of the House and the corner over here, we would just quietly shut down the session tonight, come back tomorrow, and have a motion to have this referred to the independent body to allow it to be deemed on that basis.

On the reference that was made by the Member for Taber-Warner in terms of it going to a ruling by the court – and that is on page 75, the reference to the Court of Appeal – my understanding, and correct me if I'm wrong, is that the Court of Appeal is not being sent there to look at fairness in terms of how the boundaries are drawn but rather to look in terms of fairness as to the distribution in terms of numbers. In other words, is it acceptable to have four ridings over the 25 percent variance? That aspect of fairness will be judged by the Court of Appeal but not the question of fairness in the sense that is it fair to take this boundary and draw it here to accommodate this particular member because it enhances this member's chances of getting re-elected? So as much as the argument may come from various members on that side of the House that they can see fairness in this process, fairness in this report, I reject it. There's an old expression: what goes around, comes around. This is going to come around to haunt many of those members on the other side someday because, as I said earlier, Albertans aren't fooled that easily. Keep it up; you're playing into their hands.

I'll conclude on that note.

MR. SPEAKER: The Member for Edmonton-Mill Woods.

MR. GIBEAULT: Thank you, Mr. Speaker. I'd like to make a few remarks on this subamendment by my hon. colleague from Westlock-Sturgeon, who talks about refusing to give second reading to this Bill because it is contrary to the principles of democracy and fairness to electors. I'd like to make a few comments in that regard, as these proposals have impacted on my own constituency of Edmonton-Mill Woods. Just before I get into that, I would like to say and put on the record that there is a positive feeling among people in the Mill Woods community that there is a recognition of the tremendous amount of growth in the southeast corner of Edmonton by this proposal. We'll be looking at an additional constituency.

But, Mr. Speaker, I do have to say that they have mentioned to me on a number of occasions their concern about the public perception of the integrity of this process. They have mentioned to me that they are looking at this with perhaps more skepticism than should be the case because of the fact that we have politicians here basically drawing the lines on their own constituencies. No

matter how you cut it, no matter which sort of democratic model you care to look at in the 20th century, any model that considers fairness to electors as an important criterion, an important consideration . . . You cannot have a parliamentary institution, if you like, with public credibility when we have politicians slicing up the pie to suit themselves. It just is a very offensive principle. It sort of reeks of the time when kings and lords had their own little kingdoms and fiefdoms, if you like, and so on, and they all protected them with a certain amount of jealousy and self-interest. We should be much beyond that.

[Mr. Deputy Speaker in the Chair]

So if we're interested in protecting principles of democracy and concerned about ensuring fairness for electors, we cannot really accept this kind of a process. It is an inappropriate process; it is an illegitimate process. Certainly the Leader of the Official Opposition and the leader of the Liberal opposition were entirely correct last year when they said that we were not going to participate in that kind of a process which lacked basic respect for principles of democracy and which would lead to the crisis that we're in now, this lack of public confidence in the process that has brought Bill 55 before us at this time.

11:20

Now, I just would like to give some examples of how this affects my own constituency, my own area of Edmonton here, the problem of unfairness to electors. If we had an opportunity to consider fairness for electors and basic principles of democracy in this process, we probably would have respected the fact that in Mill Woods the current boundaries provide for the Edmonton-Mill Woods constituency being that part of the Mill Woods community which is east of 66th Street and south of 23rd Avenue by and large, and that that area of the Mill Woods community that is west of 66th Street and north of 23rd Avenue is part of the Edmonton-Avonmore constituency.

Now, in the proposals that are before us in Bill 55 and in the committee's report and so on, there is a very arbitrary swap of population, so that all of the people east of 50th Street who were in the Edmonton-Mill Woods constituency and the Mill Woods community would now be part of the Edmonton-Avonmore constituency, and those people living west of 66th Street and who had been part of Edmonton-Avonmore constituency would now become part of Edmonton-Mill Woods constituency.

Mr. Speaker, even if my colleague the hon. Member for Edmonton-Avonmore and myself stood for re-election and were re-elected under this proposal, virtually everybody in the Mill Woods community, which would now have three constituencies to be concerned about – even if we were both re-elected and there was someone else re-elected in the new riding – would have a different MLA. So some people in the Mill Woods part of Edmonton-Avonmore, the area west of 66th Street and north of 23rd Avenue, after a period of seven years are still not clear about the fact that at the provincial level of representation they are represented by the MLA for Edmonton-Avonmore. Many of them have now after seven years become more attuned to that reality, yet this proposal would come and switch that all around for no productive purpose and simply have all those people then be part of the Edmonton-Mill Woods constituency and all those people on the east side of 50th Street, who understood themselves to be represented in the riding of Edmonton-Mill Woods, now for no useful purpose, a very arbitrary decision, are to be represented in the riding of Edmonton-Avonmore.

Mr. Speaker, when we're talking about principles of democracy and fairness to electors, I don't see how these principles have

been respected in the committee's deliberations insofar as they affected the community of Mill Woods in southeast Edmonton.

Mr. Speaker, this is indeed a very flawed process. As my colleague the hon. Member for Edmonton-Strathcona mentioned earlier, when we are looking at such a change to the representation of Albertans in this body, the Legislative Assembly, justice must not only be done, it must be seen to be done. There are a lot of questions about just how just and fair and democratic this whole process has been.

Mr. Speaker, when we talk about fairness to electors, we can talk about the elements that have been referred to by some of our colleagues across the way, about how the rural constituencies are so much more geographically distributed and so on and how this is more difficult. They represent perhaps more town councils and school districts and municipalities and so on. We don't deny that there is more of a challenge for people representing a more geographically disparate constituency, but on the other hand we're all blessed with only 24 hours in the day. We do live now in the 20th century, on the verge of the 21st century, looking at modern communications, with the fax, the cell phones. We've even got the RITE system now. That's been in for some number of years now so that people in one part of the province can contact their member whether they're in Edmonton or in a long-distance exchange that's not convenient. There are a lot of communication advances that have made it much more possible for MLAs to be in touch with their constituents, even those who represent rural districts.

I would suggest that we have to consider the fact that the Legislative Assembly – at least, the practice in the last seven years that I've been a member of the Assembly, Mr. Speaker – is not a body that meets 12 months out of the year, not even 10 or nine months out of the year. In fact, we're lucky often if we get five months of session to conduct the public business here. That means that for the other seven months of the year the MLAs are available to be in their district to be available to their constituents on a daily basis, not just on weekends but on a daily basis. They're available seven months of the year to serve their constituents on an ongoing, daily basis, and then for the other few months of the year when we're in session, there are these communication options that are available to us, as I mentioned before. Then, of course, they have weekends and perhaps evenings as well on occasion. So while I have some sympathy for the logistical challenges facing those of our colleagues who are from the rural areas, I would suggest that they can be met.

I would even be sympathetic to go further and suggest that we may have to review the benefits that are available to those of our colleagues from rural constituencies, the travel allowances, communications allowances. For example, I would recognize that in a constituency like mine I can make one public notice in the Mill Woods edition of the *Edmonton Examiner*, and it goes to every household in my riding – nice and simple and clean – whereas in some of the rural districts I imagine they would have several weekly community papers. I know my colleague for Vegreville has that situation, and I'm sure it's the same in many of the other rural districts. Maybe we have to take a look at that to make sure that rural MLAs have the opportunity to communicate effectively with their constituents and are not unduly hampered.

There was a reference also, Mr. Speaker – and again we're coming back to the questions of democracy and fairness to our electors – to the fact that rural members have to meet with a variety of city councils, school boards, municipalities, and so on, and I accept that that's a challenge. On the other hand, those of us who are from the urban districts have a city council which has

a great deal of business before it, much more in terms of its responsibilities than a lot of smaller municipal councils. We have two school boards. I have over 25 schools in my own district, which I try to keep in touch with on a regular basis, so in terms of schools and students I may have more contacts and responsibilities there to try to maintain than some of my colleagues in smaller constituencies. I have seven community organizations, community leagues we call them in Edmonton. There's a variety of additional community organizations that I try to have regular liaison with: the Millwoods Cultural and Recreational Facility Association, a whole range of ethnocultural organizations, environmental groups, faith community groups, labour organizations.

[Mr. Speaker in the Chair]

Speaker's Ruling Relevance

MR. SPEAKER: Thank you, hon. member. We're dealing with the principle of fairness and democracy as stated in this subamendment. If you want to discuss those issues, you can come back with them when we go back to the amendment.

MR. GIBEAULT: Yes, indeed.

Debate Continued

MR. GIBEAULT: I'm talking about the question of democracy, and democracy involves the ability of MLAs to represent all of their constituents and to have those constituents' concerns raised here in this Legislative Assembly. Mr. Speaker, when we're talking about principles of democracy and fairness to electors, I don't think there is really any significant difference between those of us in rural and urban constituencies. We all have the same challenges.

I think that in all fairness I would like to urge all of the members of the Assembly to support this very useful subamendment to the Leader of the Opposition's amendment, that we not read this Bill 55 a second time at this time because, as I have outlined and made the case for, it is in fact contrary to the principles of democracy and fairness to electors.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Well, in terms of the back and forth of the debate, the yes and the no side, I do have to . . . The Member for Fort McMurray?

MR. WEISS: I beg your indulgence, Mr. Speaker. I was just leaving the Assembly.

MR. SPEAKER: Thank you.

Calgary-North West.

11:30

MR. BRUSEKER: Thank you, Mr. Speaker. I rise to support the subamendment by my hon. colleague from Westlock-Sturgeon. The concept of fairness is certainly of paramount concern to this Legislature and to members of this Legislature.

The reason, as I said before, that we embarked on this process, started, I guess, in part in British Columbia, which led to a decision by now Supreme Court Justice Madam Beverly McLachlin. In her decision she said in part that we don't represent trees or mountains or rocks; we represent the people.

Now, earlier on, the Member for Little Bow was concerned about the distances he had to travel and how difficult it was for

him to represent his people because of the variety of boards, et cetera, that he had to represent. The problem with this particular Bill and why we do not believe it is fair and supporting the principles of democracy is reflected in the numbers that are given as part of the Bill. Mr. Speaker, when you look at the schedule in this Bill that we're discussing here, where the unfairness comes in can be found by doing a little bit of examination of the numbers in the charts on pages 11 and 12. The Member for Taber-Warner talked about attempting to balance them off considerably, but when you do a little bit of careful analysis, you'll see that there is a substantial discrepancy in those numbers that I believe causes this Bill to be unfair.

I would draw your attention to the city of Calgary. As you know, I represent a constituency in the city of Calgary, Calgary-North West, a constituency I'm very pleased and honoured to be able to represent. It is only slightly over the mean. When you look at some of the other constituencies that are listed in that chart, Mr. Speaker, you will note with a little bit of reading that five of them exceed the average by more than 20 percent. That's a quarter of the constituencies in the city of Calgary. An additional five vary from 15 to 20 percent over the average. There are only three in the entire city of Calgary that are less than 10 percent over the average. By contrast, if you look at the electoral divisions other than the special consideration Calgary and Edmonton division column, there are a total of 39 listed there, and seven of those are as far as more than minus 20 percent below the average.

The point I'm making here, Mr. Speaker, is that within this chart what we see happening is an institutionalization wherein the population of three urban constituencies – now we're calling them single-municipality constituencies – is going to have a total population on average of about 105,000 to 110,000 persons, and they will get three MLAs. That's on average using the city of Calgary numbers. If you use the multimunicipality numbers, you will see that same population of Albertans will in fact get four MLAs on average.

Now, I represent a constituency in the city of Calgary, and I say to myself: I understand the concerns that the Member for Little Bow raises. But I say to myself and to my constituents: is it fair for a certain population in one part of the province to get four representatives whereas that same number of voters, the same number of Albertans in another part of the province only gets three? Mr. Speaker, I would suggest that that is not a fair measure of representation for those Albertans.

It seems to me that one of the principles should be – and I believe the Supreme Court has talked about this; I believe Madam Justice McLachlin talked about it – that the weight of a vote in one part of the city or the province or the nation should be equal with other parts. In fact, what this Bill proposes to do is institutionalize a discrepancy. Now, admittedly it is better than it was. This proposes to be better than the current balance, but it does not go as far as what is needed, in my opinion, to get fair representation between all parts of this province. For that reason, Mr. Speaker, I support the subamendment as proposed by the Member for Westlock-Sturgeon.

Mr. Speaker, there are a variety of things that are different between cities and noncities or rural and urban or multimunicipality and single-municipality constituencies: whatever terms you want to use. We've heard talk of a variety of different boards and so on that people have to represent. Those are characteristics that are inherent, that we cannot change. Every individual, when they choose to run for a political party, to run for an office, accepts those differences of his or her potential constituency. Those kinds of things we cannot change. They are the character or the

makeup. The number of people that you represent though, Mr. Speaker, is something that should be fundamentally fair.

The concept, as I said, of distance, of boards, hospital boards, et cetera, et cetera, is not an issue that at least Madam Justice McLachlin accepted as being a primary concern. Her concern was that we represent people. Now, there have to be boundaries that make sense. There are natural divisions like rivers that make logical boundary lines. I'm not talking about individual boundary lines here, Mr. Speaker. I'm talking about the overall philosophy of inherently structuring the representation in such a fashion that gives an extra number of representatives to the electoral divisions we're calling multimunicipality divisions.

Mr. Speaker, it's curious too. You hear of rural MLAs expressing their concerns about their areas and distance and travel and so on and so forth. I have some sympathy for those kinds of concerns, but when you're talking about representation, it's the ability of an MLA to get out, to meet with his or her constituents, and in the cities it's every bit as difficult when you have the differences that you have in the cities. For example, if I use the Member for Calgary-Buffalo as an example, there you have a constituency where you have vast changes in the population. The people move in and out of the constituency on a regular basis. It's the nature of that particular constituency. Is it a fair thing that he has to go out and attempt to rediscover, if you will, his or her new constituents? It's inherent in the nature of that constituency. It's something that MLA has to accept. But when we build in unfairness as this proposes to do, then we have a problem. It needs to go back and be reconsidered, and it should be redrawn.

Thank you.

MR. MFARLAND: Mr. Speaker, speaking directly to the subamendment, Edmonton-Whitemud and numerous others have raised the issue of fairness. Well, I understand that democracy is a system of government by fairly elected representatives of the people, and fairness is honesty and correctness. Democracy is the will of the majority of the people while respecting the minority, but if you put the minority wishes at the forefront, democracy becomes unworkable. An independent body is not, and I repeat is not, by definition a democratic process, because it is not one that's been fairly elected. We're the elected representatives put here to make decisions.

Socialism is a belief that all property belongs to the state and all people are equal. If the courts have upheld that there can be variances, then the concept that one person equals one vote is struck down. This legal variance that's been allowed by the courts and upheld should not reflect on the majority wishes of the elected representatives. The supporters of this subamendment are confusing fairness with equality, and I repeat that equality, which the courts have upheld, does not have to be constant in terms of representation.

Thank you, Mr. Speaker.

MR. SPEAKER: The Member for Wainwright.

11:40

MR. FISCHER: Thank you. I would like to just speak for a minute against this motion as well, and it's on the same topic of fairness. When we talk about fairness in almost any democratic system, government in the British Empire, they have regional representation. In Australia they have the Senate. In the U.S. they have the Senate. They have the House of Lords or whatever it is in Europe, and they all have regional representation.

Now, I know that if we go back to representation by population, we won't have any regional representation, and I just want to bring to your attention what happens when you don't. We watch from

the rural areas the population migrate to the city year after year after year. Our young people have to leave home and go to the city to find a job, and pretty soon we're going to have all our people in the city. At that point, I guess we're then going to have to take turns living out in the country. Maybe you people would like to go down to Bodo, next to the Saskatchewan border, for a while or go up to Garden Creek or Peerless Lake and take your turn living there for a while to see how the fairness in the system works. You're looking at one thing in the city areas where everybody has a nice standard of living. I say that and suggest that many of you people should go out there and see how it works.

MR. TAYLOR: You should at least look at the Speaker.

Speaker's Ruling **Decorum**

MR. SPEAKER: Thank you, hon. member. The Member for Westlock-Sturgeon makes a very valid point. You're to speak through the Chair, which is located in this direction.

Thank you.

Debate Continued

MR. FISCHER: I'm sorry, Mr. Speaker.

I would like to refer back to the last time the boundaries were changed. I was around at the time, in 1983, and my MDs and councils at that time did not approve of the way the boundaries were changed in the Wainwright area. We took on, I believe it was, parts of three different municipalities and took on some fragmented areas and gathered them up and put them in the Wainwright constituency. We didn't think that was fair at that particular time, but we made our presentations to the commission and then accepted it. We accepted the change that was there. We didn't sit around and whine all the time about the commission that did it and whine because our committee went and did it.

I really believe today that we have to accept change. Members of the opposition had a chance to be part of that change, and what did they do? They sat home and whined about it and wouldn't come and help. So I think that it's time we got on with this.

Thank you.

MR. SPEAKER: Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I'm pleased to be able to make a few comments this evening in regards to the subamendment before us, proposed by the hon. Member for Westlock-Sturgeon. I also accept your admonition to keep my comments to the principle of democracy and fairness to electors. In that regard, I would just like to say that I appreciate a number of the comments that have been made by speakers preceding me here in terms of defending Bill 55 and some of the arguments they've put forward. It would be my hope that I could in turn, to some extent at least, respond to the arguments they've put forward.

First, I'd like to respond to the intervention from the hon. Member for Taber-Warner. I should say at the outset that I was only making notes as best I could. I don't take shorthand. I've got some comments as they appear on the paper, and if I misunderstood the comments or the point the hon. member was making, I apologize ahead of time. I certainly would be prepared to look to the Blues or *Hansard* tomorrow to clarify if I didn't quite get the points he was making.

I thought it was interesting that he would go back to the 1989 report that sort of started the process. I think there's one lesson that informs us about that, Mr. Speaker, in terms of democracy and fairness to electors in that it was a bipartisan effort. There

was representation from every party in this House as part of that review and that travel and the public hearings. I agree with the hon. member that some very important principles of democracy underscored that effort, and in my view what was important was the participation by all parties. There was also the understanding from the outset that that committee was not being set up to draw the boundaries for the new electoral districts in Alberta, and that was one of the reasons all the parties, especially the opposition, participated. So, yes, I would agree with the member that that important principle of fairness to electors in a democracy was upheld as part of the process of that particular committee.

Now, I think another point he made after that was that at the point at which the Electoral Boundaries Commission failed to come up with a final report, the Legislature was forced to come up with a different process. There certainly were lots of options available to be pursued. The member said that the Legislature voted to support Motion 24, setting up an all-party special select committee of this Legislature to try and come up with a resolution to the problem and that it was a democratic vote by the Legislature. I guess it's a minor point, but it's important to remind the member that it was the government members of the Legislature that voted to support it, and it was over the strenuous objections of the opposition, who were very concerned about a number of principles that were being violated in setting up that committee. In fact, there were lots of democratic options available to the Legislature. Certainly the Leader of the Official Opposition and the leader of the Liberal opposition jointly presented some proposals to the Premier of the day about how we felt the issue could be resolved in a democratic way by democratic institutions in fairness to electors without requiring the MLAs to sit around and actually draw up the boundaries. I want to remind the hon. member that the two leaders said at the time that "the process must not only be fair, but must also be seen to be fair." That's a quote from their June 29, 1992, letter to the Premier.

The public is demanding that elected officials not be self serving or manipulative. In order to allow for a process and a result that are fair, we maintain

a number of principles outlined in the previous letter.

Members of the . . . Assembly should not participate directly in re-drawing . . . boundaries, for reasons related to real and perceived conflict-of-interest.

That was a first principle. The two leaders also drew to the Premier's attention that

prior to re-drawing of electoral boundaries, the legislation needs to be changed to reflect:

(a) fairness to electors, meaning approximate voter equality where possible, and where voter equality is not demographically possible, allowance for constituents and their MLAs to enjoy effective communication.

Again, the principle of fairness to electors was enunciated back in the summer.

(b) the parameters of the Supreme Court of Canada decision . . .

That's in regard to the 25 percent of the mean average.

. . . should be the extreme variation, while the norm be approximate voter equality.

(c) use of the most current population data available . . . the 1991 census,

which up to that point had not been conceded, as I understand it.

Again, Mr. Speaker, further proposals were made about involving the associate justice of the Court of Queen's Bench as an option to MLAs actually drawing the boundaries.

I just want to make it clear that it was the government members who decided to proceed in the course of action that has resulted in Bill 55. Now, the hon. member might say that because the majority in the Legislature proceeded, that was democracy. I also

want to make it clear that on a matter of principle the opposition strongly opposed the motion and refused to participate.

11:50

I think he also made a point that it's democracy to offend some people, and I think that's a fair statement. Yes, when decisions are taken, some people are going to be offended. But let's also acknowledge that might does not always make for right and that while the majority has the democratic right to impose its will, I guess, certainly in a democracy it's not an unbridled right that the majority has to oppress the minority at every point. I just want to make the point that those in the opposition have an important role to play but that throughout this process the opposition has not had its criticisms acknowledged by the government. One of the reasons why the opposition felt particularly concerned about participating in a process they didn't agree with, with MLAs drawing up the boundaries, is that government has imposed its will at every step, and the opposition has not throughout the process had an impact on the government's agenda or plans in terms of new electoral boundaries. So there's no way the opposition would want to give credence to a process that they believe has been fundamentally flawed and where objections have not been reasonably taken into account by the majority.

Now, the member also made reference to the fact that there were 13 key provisions in the Electoral Boundaries Commission legislation that were referred to the Alberta Court of Appeal and upheld by the Court of Appeal as being within the Charter. I guess the member was making the point that the courts have an important role to play in a democratic society, and I certainly concur with that. As I've already mentioned, Mr. Speaker, the Official Opposition has on a number of occasions along with the Liberal opposition made proposals as to how the courts could be used effectively and fairly in this process, especially since last summer, when the commission itself was unable to come up with a final report. So I agree with the member that the courts have an important democratic role to play. I suppose by rendering their conclusion, they somehow gave a democratic seal of approval to the legislation.

Well, that all may be right, Mr. Speaker, but how was it that the members of the Electoral Boundaries Commission could not reconcile the legislation with the principles of fairness and democracy? If the commission itself could have reconciled the legislation with principles of fairness and democracy, they could have issued a report on the basis of which the boundaries could have been redrawn. I think it's quite interesting that the members of the commission could not reconcile the legislation with principles of fairness and democracy. In establishing the motion for a select special committee of the Legislature, the government majority decided not to compel or bind the MLAs by that legislation. If it was so good, if it was so fair, if it was so democratically exact, I wonder why they didn't compel the MLAs to be bound by the legislation, but they didn't. In fact, they freed the MLAs and gave them a freedom which the Electoral Boundaries Commission did not enjoy. I think that if one were to have given the broader terms of reference in the motion to an Electoral Boundaries Commission, this matter could have been decided a long time ago by that commission. We would have been able to proceed without requiring the involvement of MLAs whatsoever.

Now, the hon. Member for Little Bow made a number of comments in regards to fairness. I think that also gets to the heart of what in a democratic society we expect of our Legislatures and of our elected members, to represent us as citizens. A government should be fairly elected, yes. That's exactly what the whole debate is about. How do we ensure the ground rules are estab-

lished so we can say with assurance that fairness has been served? I agree with the member that it has to be a question of the majority of people being able to impose their will in a democratic way. That's what it's all about. The concern is to ensure that the minority does not have a disproportionate influence on government compared to their population in the province as a whole. What the whole debate is revolving around is to what extent a minority of interests is able to dictate or determine the outcome of elections. Depending on how boundaries are drawn, a minority can have a disproportionate influence, so that's also what the whole debate is about.

Now, there is in my view an important role for independently appointed commissions to play in a democratic society. Simply because commissions are appointed does not invalidate their important contribution to democratic decision-making. Not everybody who has important authority and responsibility in society is elected. We have commissions all over the place that have an important role to play in ensuring that Legislatures and the political process do not override human rights of individuals, for example, do not tyrannize some group or overlook a need in society. I mean, we have a multitude of commissions in this province and in Canada, and democratic societies have found that they can play an important role. In fact, in Canada electoral boundaries commissions have been playing an important role for very close to the last 30 years, if not longer, and no one has ever before questioned their efforts simply because they were not elected.

The hon. member made some comments, I guess, about socialism being undemocratic, and again I make the same comment I made to the hon. Member for Taber-Warner. I was just scribbling notes as best I could; I hope I didn't misunderstand him. He said that socialism advocates that "all property belongs to the state." I don't know what socialism he may be talking about – certainly not the kind I advocate. He did say that everyone ought to be equal, and in my view that is certainly a principle that we all ought to be embracing. Of course in a democratic society everyone should be equal. That's where the principle of one person, one vote has come from, that some people don't have greater power over others because of where they live, because of their background, because of their creed, their religion, or any other ism. People in society ought to be equal. That's an important democratic principle. Confusing fairness with equality: well, equality and fairness I think have a lot to do with one another. We want fairness of treatment, which comes close to being equality of treatment. We can't pick out one group or one individual and treat them unfairly or give them special treatment simply because of where they live or who they are or what their background is. Fairness and equality are important principles in a democratic society.

12:00

Now, the hon. Member for Wainwright made some comments as well about the important principle of fairness and made reference to regional representation, that strict representation by population would, I guess, militate against people in different regions having their say because of where they live, the geographical area of the province in which they find themselves. The member is quite right that if one were to go to a bicameral Chamber in terms of a Legislature, much as you would find in most of the states in the United States, yes, there are two bodies to represent the people of a state. One is appointed strictly on representation by population, and the other Chamber is represented more on a regional basis. Of course, in a Legislature such as ours, where there's only one Chamber, there's some marriage

of these two principles. Well, that's certainly what Justice McLachlin's judgment in British Columbia alluded to, that in Canada we have never had strict representation by population but on the other hand this right of making variations has to be balanced off by effectiveness of voting power. That's the principle also that we have to balance off in terms of judging the legislation in front of us.

I, too, am very concerned about the migration to the city. If we assume that this is going to be the trend over the next 10 years, we not only have to draw boundaries that reflect certain principles today, but these boundaries are going to be in place for at least the next decade, in which case we do have to be concerned about those trends and ensure that the boundaries that we draw today take those into account. I have to agree with the hon. member: I, too, decry the depopulation that I see occurring in rural Alberta. I don't think it's good for the long-term social health of the province that everyone should live in two metropolitan areas. I'd like to see our smaller communities prosper and remain vibrant so that we can provide economic opportunities for our young people for the future, but we won't get that unless we change governments. Given the migration we've had, this government certainly hasn't done anything to change those trends.

The final comment that the hon. Member for Wainwright made that I think is also important in terms of the principle of fairness was that when the boundaries were changed in the early '80s, not everybody in his area liked the changes that were made and made representation to change them. Well, first of all, where has the opportunity existed in the current process resulting in Bill 55 for people who don't like the boundaries to be able to make presentations before the boundaries are set in stone? Secondly, once the commission had made a decision, the hon. member and the people he was working with accepted the change.

Well, Mr. Speaker, I agree. If an independent commission had been the one drawing up the boundaries, I would be a lot less concerned than that the MLAs on the government side have drawn up the boundaries, and that's an important point. Going back to the letter that the two opposition leaders wrote to the Premier back in the summer, it not only has to be fair, but it has to appear to be fair. Because an independent commission in the early '80s made a change that appeared to be fair, that went a long ways in reassuring the people that the change was necessary and led them to accept it. [interjections]

MR. SPEAKER: Order please. Order.
Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker.

It's those principles of fairness and the appearance of fairness that have gone out the window when a group of MLAs come together to draw up boundaries for their future election or re-election. In my view, taking the comments made across the way about fairness, about equality, about imposing the will, the right of government to make decisions and so on, the key words from the Member for Little Bow are: a government that's fairly elected. That's the essence, the key to our understanding of why the process . . .

MR. SPEAKER: Excuse me, hon. member. I see a newspaper in this Assembly, and it's not the practice of this House to have that occurring. Thank you, hon. member.

Calgary-Mountain View, please.

MR. HAWKESWORTH: Thank you, Mr. Speaker.

It's the effectiveness in representation that in my view decides whether a government has been fairly elected or not and gets to

the heart of whether the process of MLAs drawing up boundaries can result in effective representation and a government that's fairly elected.

Let's understand, Mr. Speaker, what the problem really is. I'd just like to turn to what I believe the Oxford Dictionary defines as the word "gerrymander," because this has often been raised as a pitfall that could occur when politicians are drawing up boundaries. It's defined in this way:

To change the geographical boundaries of a legislative district in order to ensure that one political party will have a majority of voting supporters in many areas, while competing parties' supporters are concentrated in as few areas as possible. Since voting districts are determined by whatever party is currently in power, gerrymandering is used to keep that party in power in subsequent elections.

That is at the heart of the question here. Is a government elected fairly? Is it elected not just by a majority of people, but are those people divided up into voting districts so that the true intent of the population as a whole is reflected in the final results at the end of the electoral process? That's why I say, Mr. Speaker, that the hon. Member for Little Bow came closest to hitting the nail on the head in terms of asking the question of whether a government has been fairly elected. Yes, it's essential that a government be fairly elected, and that's why it's incumbent on us to ensure that the process from beginning to end is not only fair but has all the appearances of being fair. When a group of people who have a conflict of interest sit around a table and try and make a decision, there is not only the appearance of fairness that disappears but the fear that fairness itself has flown out the window, and it is an impossible test to meet.

12:10

Now, what effectiveness in representation comes down to, Mr. Speaker, is what is the population necessary to elect a majority government? Just to give perhaps a crude example, if you have a situation where 50 percent or more of the people can elect 50 percent or more of the seats, you have, I guess, relative representation. You have relative equality between people within that jurisdiction. But if you have a case, for example, where 40 percent of the population could elect a majority of the seats, you'll see that some minority of people would have a greater power or greater influence than the majority. So if 40 percent of the population could effectively elect a majority government, what you have is the minority having a disproportionate influence over

the majority, and this is where the hon. Member for Little Bow – I keep coming back to his comments – hit the nail on the head.

MR. SPEAKER: The Minister of Justice.

MR. FOWLER: Thank you, Mr. Speaker. I made more notes on the shorter speeches from the opposition side than I did on the 30-minute one that we've just listened to.

However, having regard to the time of night, I only want to make two points. When we speak of fairness to electors, I'm wondering if it's felt by the opposition that it's fair for a Member for Lesser Slave Lake to try to meet a school in Fort Chipewyan or Trout Lake and get down to Edmonton for a meeting that day. Or I wonder if it's fair in the view of the opposition to try to meet a council in the Peace River area and be down here for a 2 o'clock session of this parliament today. I wonder if it's fair, Mr. Speaker, that the people in the farther reaches from the capital city should be content with a phone call once in a while from their elected representative rather than meeting face to face, as is so easy in our own urban ridings. I suggest very strongly that the Fathers of Confederation in looking at this great country of ours fully realized that straight representation by population and one vote, one person does not in fact work and had the wisdom to put a Senate in place that took into account the various regions of this country to offset that group that was elected to the House of Commons. That was a fairness recognized some hundred or more years ago.

Mr. Speaker, having regard to the hour of this evening, I therefore move adjournment of this debate.

MR. SPEAKER: Having heard the motion, those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion carries.

[At 12:16 a.m. on Wednesday the Assembly adjourned to 2:30 p.m.]

