

Legislative Assembly of Alberta

Title: **Thursday, January 28, 1993**

8:00 p.m.

Date: 93/01/28

[Mr. Speaker in the Chair]

MR. SPEAKER: Be seated, please.

head: **Government Bills and Orders**

head: **Second Reading**

Bill 55

Electoral Divisions Statutes Amendment Act, 1993

Moved by Mr. Martin that the motion for second reading be amended to read that Bill 55, the Electoral Divisions Statutes Amendment Act, 1993, 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.

Moved by Mr. Taylor that the amendment to the motion for second reading be further amended by adding the words "and contrary to the principles of democracy and fairness to the electors" at the end of it.

[Debate adjourned January 27: Mr. Mitchell speaking]

MR. SPEAKER: Edmonton-Meadowlark. [some applause]

MR. MITCHELL: Thank you. I just caught the Member for Edmonton-Parkallen recognizing me. What a way to start.

Mr. Speaker, I'm speaking to the subamendment, which calls for greater fairness in the manner in which these boundaries ought to have been redrawn. I started speaking the other day, and I'd just like to summarize several points that I made to bring those who weren't in the House at the time up to speed and to keep them abreast of what exactly my two arguments are as to why there is difficulty and why we have concerns with the boundaries as they have been drawn. Both of these arguments demonstrate our general concern, and that is that we simply should not have partisan MLAs, politicians, drawing their own boundaries, and it was because of that concern that we declined to participate in what we felt was a legislative committee that was fundamentally without credibility in drawing these boundaries.

One argument is that the proof is in the pudding. You only need to look at several of the boundary proposals to realize that they are at best suspicious in the manner in which they have been drawn. Of the two ridings in Calgary that would be eliminated, both were opposition ridings. The new Calgary-Elbow is, believe it or not, an astonishing nine kilometres – an urban riding this is – from one end to the next, so it now seems coincidentally to take in the Premier's own house. You could call this Ralph's finger. In the Athabasca-Lac La Biche riding the largely Liberal polls of Lac La Biche have been excised and added to a new riding.

AN HON. MEMBER: Liberal?

MR. MITCHELL: They're everywhere.

One of the members of the committee is the member for the riding of Athabasca-Lac La Biche.

In Taber-Warner – just one further coincidence: another riding of a committee member – the riding has been left practically unchanged even though neighbouring ridings were substantially changed and in fact Macleod was literally disintegrated.

There is also the argument, Mr. Speaker, which I would describe as a logical argument, that if the government is arguing so strenuously now that this most recent process, which has brought us to Bill 55, is so fair and so democratic, why is it that they structured an independent commission in the first place? It seems that for them to be arguing now that this Conservative committee that set up these boundaries is somehow fair and democratic in light of the fact that they chose not to set it up in the first place but instead set up an independent commission can be nothing more than an argument of convenience, an argument that in and of itself actually erodes, corrodes, and undermines whatever vestige of credibility the process they have structured might possibly have had.

The real irony, Mr. Speaker, one of the really distressing ironies in this process, is that had the government given the same guidelines to the commission in the first place as it ultimately gave to its own four-member committee, then the commission could have come to the same conclusions that this body, this group, could have come to. I'm not saying that they did come to the same conclusions, but I'm saying that they could have come to a conclusion that would have resolved the impasse that the original guidelines created.

The original guidelines imposed upon that independent commission were basically two. On the one hand, the commission had to meet the Supreme Court ruling which said that ridings couldn't be larger than 25 percent of the average size of a riding and couldn't be smaller than 25 percent of the average size of a riding in the province. They also said – and this is another restrictive guideline that the government put on the commission – that there could be no more urban ridings. It was logically, physically, empirically, numerically impossible, Mr. Speaker, to meet those guidelines.

Well, the chairman of the original legislative committee who set this up figured that out, so what did he do? The Member for Taber-Warner very carefully said: okay; we're going to allow them to create rural/urban ridings. I don't want to be cynical about this, Mr. Speaker, but I would say that there may have been perceived this political advantage: we will take some of those votes from urban ridings in which we have little support and dilute them into rural ridings which we feel we intrinsically hold great strength in, and somehow if we get enough of those rural/urban ridings, we'll really turn urban ridings which don't support us into rural ridings which we think will support us and therefore create more rural support and secure a next election victory.

Well, I can just imagine the morning that the Member for Wetaskiwin-Leduc woke up and realized that this stroke of genius resulted in a riding where a huge chunk of votes from Edmonton-Whitemud, votes which had defeated no less than the Premier, were put into the riding of Wetaskiwin-Leduc. Far from diluting urban support, what it did was dilute rural support.

There are those who say that the government responded because the 'rurban' ridings which they had defined, which they had asked for, were ridiculous. I'm not at all certain about that, Mr. Speaker. I think they responded in the way they responded not only because those were ridiculous but because they realized that they had made, from their point of view, a horrible, a staggering political error. They could have recovered from that, I suppose, by saying – well, they did say – to the commission, "Don't do 'rurban' ridings anymore." Then the commission was literally hamstrung. They had the Supreme Court guidelines on the one hand, and they had the limitation of not creating any more urban ridings on the other hand, and it was impossible for them to achieve those two guidelines.

What did the government do? The government then realized the impossibility of those two guidelines, and they simply changed them. They allowed their own committee to create three more urban ridings, two in Calgary and one in Edmonton. The result is that we now have a breakdown of ridings which seems to meet – although I'm sure it will be tested in the court, and I'm not a lawyer – the Supreme Court guidelines.

So here we are, Mr. Speaker. The great irony is that the government has launched itself on a politically suspicious course of action costing a great deal more money because the whole process had to be duplicated – that is, the process that was originally undertaken by the commission – when in fact if they had had the common sense to simply tell that commission in the first instance that they could create three new urban ridings, we would have finished this in June. We would have had it passed in June, we wouldn't have taken all this extra time, and we wouldn't have spent all that extra money.

Mr. Speaker, we're not about to say whether these boundaries are right or wrong. There are enough incidences, enough examples that are relatively glaring to suggest that the proof is in the pudding, that a flawed process has resulted in a flawed allocation of boundary lines within this province. It is for that reason that we are opposing this particular Bill. It is because even if in the final analysis the boundaries that this group drew were perfect – and they are not – we could never be certain of that. Certainly it is obvious that we have good reason not to appreciate that they are perfect, because there are some glaring examples of boundaries that seem to be drawn from motivations other than pure fairness and pure democratic representation.

8:10

I'm not surprised, Mr. Speaker, that it would come to this. I would have hoped that if the newness, the new management that the government wants to claim it is now providing, had some substance, the new Premier would have scrapped this process and said to the commission, "Using the data you have, using the hearings that you've undertaken, let's implement this process and let's do it properly." But this is not new management. This is the same old management by the same old team. Nothing has changed. The interests that they represent haven't changed. Their prejudices haven't changed. Their priorities, if they've ever been able to establish them, haven't changed. Ten of the members of this cabinet that could have influenced the kind of decision that would have been needed to make this right are members of the old cabinet. That's not change. That's not new. It's the same old thing. The same old imprint which we saw so often on the decisions or failures to decide by the earlier regime are now very, very clearly evident in this decision, the decision that is embodied in Bill 55.

Mr. Speaker, it's for these reasons that I and my caucus colleagues will not be supporting this Bill. I think it is particularly unfortunate that it has come to this at a time when cynicism is eroding the effectiveness of the political process. The opportunity to redraw boundaries is an opportunity to demonstrate that institutional processes can be fair, they can be objective, and they can be democratic. Our subamendment calls for greater fairness and for the recognition of greater democracy, the pursuit of democracy in the drawing of these boundaries. That's why I support this subamendment, and that's why I will not support this particular Bill. At a time when we must utilize every resource available to demonstrate credibility, to regain credibility in our institutions, this government has thrown away one of the most significant and important opportunities to do that that has been at its disposal.

Thank you, Mr. Speaker.

MR. SPEAKER: Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Speaker. I would rise to support this subamendment, which holds that this Bill cannot be adopted because it is contrary to the principles of fairness and democracy. I believe that the people of Alberta want to elect legislators to make laws incorporating the principles of fairness and democracy. So maybe we need to look at what the word "democracy" means, because that's what we're talking about.

[Mr. Deputy Speaker in the Chair]

Democracy is based on an age-old concept of each citizen having one voice and one vote. As states became larger, they joined together into what we call representative democracy, in which one person spoke for a group of voters with one voice and one vote. No one person under this should be represented as having more than one voice or one vote. Certainly when we had straight democracy – one person, one vote – no person could speak with three times the authority of another person or vote with three times the authority of another person. Representative democracy must honour that principle because it is a refinement of the principle of one person, one vote. In the transformation we must not lose sight of that principle.

In Alberta we know that this is a province of large geography, so that is a variable that must be added in to maybe have influence on the guiding principle of democracy: one person, one vote. We must remember, however, that in this Assembly we speak for citizens, for voters, not for acres, not for square miles, not for hectares. We speak for human beings, not land, not geography, Mr. Speaker. We can see that there will be an influence of the size of constituencies on the principle of one person, one vote, but it cannot be the determining factor and put aside the principle that we have representative democracy. We must hold to that principle even though it does not require strict adherence. The Supreme Court has set out parameters on the effect of geography on the guiding principle of one person, one vote.

Mr. Speaker, we have another principle that is absent from what has gone on in drawing the boundaries, and that is the principle of fairness, that each person has equal voice in the decisions that profoundly affect their lives. Those are the kinds of decisions we make in this Chamber, decisions that profoundly affect how Albertans will live together, how their resources will be shared and spent, how the disadvantaged will be taken care of, and in many cases, how the advantaged will be taken care of too. What we're talking about here are rules about how we live together, so we must have all voices heard, and we must have representative democracy. Fairness is absent when some voters have voices that carry two or three times the power of other voices, for that means that some interests are overruled because they do not have adequate representation and some perspectives are dismissed because they are understated; there are not enough people to articulate them.

Elected members' most important work in this Assembly, indeed, is to find solutions that balance the needs and interests of all Albertans in a fair and democratic way. That cannot happen as a result of the process that we have just been through, because the boundaries lacked and fail to honour the principle of representative democracy, the principle of one person, one vote. In addition, the process was plagued by partisanship. I would suggest that the process lacked the principles of representative democracy by the nature of the legislation that came before this House and set up the guidelines for how boundaries would be drawn. Mr. Speaker, partisanship may or may not have been the guiding principle in

drawing the boundaries. In fact, it is hard to tell, but certainly it is there in the perception of the voters.

MR. DEPUTY SPEAKER: Would the hon. member mind yielding for a moment, and would the Assembly mind granting unanimous consent to revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.
The hon. Member for Edmonton-Belmont.

head: **Introduction of Special Guests**

MR. SIGURDSON: Thank you very much, Mr. Speaker. Thank you to the members of the Assembly and especially my colleague from Edmonton-Avonmore for interrupting her comments so that I might introduce a very special group of Boy Scouts from the 203rd Evansdale scout group. They're seated in the public gallery at the moment. They're accompanied by Mr. Alfred Madge, Mr. David Rose, Mr. Brian Berg, and Mrs. Sherry Madge. I would ask that they rise and receive the traditional welcome of the Assembly.

head: **Government Bills and Orders**

head: **Second Reading**

8:20

Bill 55

Electoral Divisions Statutes Amendment Act, 1993

(continued)

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

MS M. LAING: Thank you, Mr. Speaker. That people do not believe that this process of drawing boundaries was free of partisanship is very evident in this morning's paper, where we read about the concerns of Albertans angered at what appears to them as partisan, politically motivated boundaries. We say, how do we answer the charges that government ridings were strengthened in the redrawing of the boundaries and that opposition ridings were weakened? Could it have been by chance or was it coincidence? How can we answer that? The charge of partisanship stands because we cannot answer it.

Mr. Speaker, we have received in our offices numerous letters with regard to communities of interest sundered, and we have to say, to what purpose? Sure, we know boundaries have to be drawn somewhere, but fairness holds that in drawing boundaries, we must recognize communities of interest so that communities can work together to be heard and speak to the needs of their own communities. If that does not happen in the drawing of the boundaries, we have to say why not? Is it that political interest was being served instead of the interests of the community, of the voters of this province?

The only way to avoid such questions, such accusations, is to have boundaries drawn by a nonpartisan, independent commission. I for one cannot accept the arguments that we heard yesterday on constraints of time. Mr. Speaker, the principles of democracy and fairness must never be sacrificed on the altar of expediency. I think it's a false assumption to say that it was constraints of time that forced us into this partisan process, because in fact we had four years. I don't think it was time at all.

What has fouled the process and has defied and denied the principles of fairness and democracy were the political constraints that were placed on the drawing of those boundaries by the government legislation, legislation that did not fully incorporate

the principles of fairness and democracy and, in fact, legislation that made that impossible, legislation, many would hold, that served partisan political purposes. Political constraints rendered a nonpartisan process unable to act upon the principles of fairness and democracy as articulated by the Supreme Court of Canada. This process, therefore, was doomed from the beginning. That is clear when we get four minority reports from a five-member commission, for goodness' sake. That should have told the government that there was something wrong with the legislation under which that commission operated, that fairness and democracy were not incorporated into that legislation.

Instead of doing the right thing and changing the legislation and the guidelines, what did the government do? They didn't bring in new legislation. They made a bad situation worse. They doubled the partisanship by setting up a committee of MLAs. Now, we as opposition MLAs said: we don't want any part of that kind of foul process, a process that will not, cannot incorporate the principles of fairness and democracy into the outcome. So we have to say that no wonder Albertans are angry and are writing letters. What is to be done when we get these letters? I look forward to the next few days, because we have here requests from several thousand people in one constituency requesting that they be included in another constituency so that their community of interests will be preserved, so that their voices will be together and united. But to change one constituency means we have to change another constituency. So we'll have ad hoc changes: take one from here and put it there and take those from there and put them there to compensate. Sounds like a nightmare to me. I look forward to seeing how the government will deal with this.

What will the result reflect? Will it reflect fairness and democracy, rhyme or reason? I don't think so. I think it will represent chaos. If we don't have that result, then I would say that the suggestion that amendments will be acceptable is meaningless because it seems to me it will require a tremendous amount of work and thought to redraw boundaries in accord with the requests of the community of interests that we have all heard from. So I look forward to seeing how this government will deal with these requests.

More importantly, as we try to deal with this, I think the question for me is who is going to see the overall picture to see where population will be increasing, where population will be decreasing? Who will ensure that fairness and democracy, in spite of flawed legislation and in spite of an inappropriate process, will be served? I don't know who will do that, Mr. Speaker, because there's no way that can happen in this Chamber. Fairness and democracy require a process that honours those principles in reality and in perception. It must be done, and it must be seen to be done. To have partisan politicians carving up an electoral map certainly fails to satisfy the second criterion, that it be seen to be done.

Mr. Speaker, in a time of great mistrust of politicians particularly, of most social institutions, indeed, whether or not the principles of fairness and democracy were adhered to is a moot point because few people would believe that what has occurred in this political climate did in fact serve those principles. In this time voters demand that politicians do not act in their own self-interests, that they serve higher principles. Few people looking at the boundaries as they have now been presented to us would believe that had occurred.

Mr. Speaker, we've heard we have a new government, new management. Well, we may have a few new faces in the front row, but boy, we sure have the same old script, and it is not good enough. Therefore, I encourage all people to support this amendment and ultimately defeat Bill 55.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. I rise to speak in favour of this subamendment presented by my colleague the Member for Westlock-Sturgeon, that the words "and contrary to the principles of democracy and fairness to the electors" be added to the end of the amendment we are dealing with.

The word "democracy" is one that is easily thrown around these days, and it often seems to mean different things to different people. As a matter of fact, it seems that democracy itself is often ignored in favour of blatant partisanship. I think it may be useful to look back to the origins of the term "democracy" to discover what it truly means. "Democracy" comes from two ancient Greek words: "demos," meaning people, and "kratos," meaning power, giving us a term that means literally people power or the power of the people.

The first and purest form of democracy was the ancient Greek system of direct democracy, where all citizens came together to directly vote on each and every issue that affected them. This system allowed each citizen their viewpoint on the decision-making process. Under this system political parties were not necessary and therefore were not allowed. However, as we all know, the business of legislation is onerous, and in due time this direct democracy system was replaced with a system of representative democracy, where people elected representatives to make decisions on their behalf. This is the primary principle of our democratic system, that our elected representatives make decisions on behalf of the people they represent.

The question before the House on electoral boundaries violates this fundamental principle in a very elementary way. Instead of making decisions on behalf of their constituents, elected representatives are making decisions about their constituents. They are deciding whom they will represent, how many people they represent, and where the people they represent reside. They are drawing their own boundaries. This is unbelievable. This is a perversion of the basic premise of our democratic system, where instead of having people choose their elected representatives, elected representatives are choosing which people they will represent. This is certainly contrary to the principles of democracy. Members of this Legislature have received their mandate from the people they represent. Logically, then, they do not have the mandate to change whom they represent, for they would be disenfranchising people who elected them. This of course assumes that no one has gerrymandered the boundaries. In this case it is somewhat difficult for our caucus and for my constituents and for Albertans to avoid the suspicion or the perception of gerrymandering.

8:30

Another issue that we are dealing with in this subamendment is the perception of unfairness. In order for this process to have the confidence of Albertans, it needs to be seen as a fair and honest endeavour. Unfortunately, the process used to arrive at the electoral boundaries which we have been presented with cannot be labeled fair. The conflict of interest that the boundaries committee faced was all too evident. MLAs were given the opportunity to hedge their own personal and political party's future chances of electoral success by affecting the size and shape and population of every constituency in Alberta. It has been suggested that the opposition parties could have addressed the issue by participating on the committee. This would have done nothing to address the inherent conflict of interest of members drawing their own

boundaries. Rather, it would have been a three-way conflict of interest, with the government majority prevailing in the end.

The worst aspect of this whole process is that it has once again helped to destroy the faith of the public in the political process: a terrible consequence which all politicians should avoid. People need to believe in the political process if democracy is to prevail. This is a consequence which I as an elected representative resent the most. Albertans are experiencing a very deep-seated disaffection with politicians and the political process. Across the country, it was recently reported in a *Maclean's* magazine article, 73 percent of respondents told a Decima poll that they have lost faith in their politicians, that they no longer believe that their politicians serve the public good. More than two-thirds of respondents in that same poll said that politicians only seem interested in helping themselves. Public alienation is all-pervasive, and we are all painted with the same brush. That makes me, personally, very angry. It is a very scary thing for democracy to see what has happened in this province with this whole process of boundaries redistribution. The process of determining boundaries should have increased people's faith in the political process. It was a wonderful opportunity to do that. Instead, it has harmed it.

The hon. Premier has stated that he has brought this issue to the most democratic institution in the province, the Legislative Assembly. I would suggest that although he is correct in principle, he ignores the principle of democracy. A democratic institution is only such if the decisions it is presented with have been arrived at in a fair and democratic manner. It is clear that the Electoral Boundaries Committee was not structured on fair and democratic principles, and as such we consider that it cannot be called fair and democratic. As a matter of fact, what we seem to have is an act of a failing government desperate to retain power.

So I repeat: I support the subamendment to Bill 55, and I urge the Assembly to support it as well.

MR. DEPUTY SPEAKER: The hon. Minister of Labour.

MR. DAY: Thank you, Mr. Speaker. We hear a lot of these words "fairness" and "democracy," and that of course has to do with the subamendment which nobody has referred to in the speeches, but we appreciate your good graces, Mr. Speaker, in allowing them to continue. At any rate, the subamendment talks about "the principles of democracy and fairness to the electors." I'm going to be talking about that in some detail in a few minutes. That may get a little uncomfortable for some members. It's like the disclaimer before the TV show starts: if you don't think you can handle what's coming, you may want to leave now. I'm going to get to that in a minute.

The other thing I'd like to address right off is that if we're talking about fairness and democracy and we're talking about the principles involved, we've got to ask ourselves the question: how did this whole process begin? Well, as we know, and I think some need reminders on this, it began simply because legislation requires that every maybe 10 years in some jurisdictions or every two elections there has to be an assessment of the redistribution of population. That has to be done. That's why the process started. How did we embark on this path in 1990? Well, as a reminder again, a select special committee of the Legislature consisting only of MLAs sat down and worked fairly well together - obviously we had our times of disagreement, but we worked fairly well together - in coming out with a set of guiding principles that would be followed by whomever was to actually take on the onerous task of trying to come up with the actual boundaries and the lines and the constituencies. In drawing up those guidelines, there were some principles that were followed. We're talking

here about principles, fairness and democracy. One of the principles was that the meeting had to be open. All meetings were open, everything recorded in *Hansard* – this is the select special committee now; just stay with me here – and one of the guiding principles was that whatever that committee came up with, it would be given to the courts to make a judgment on in terms of its fairness. That's a guiding principle.

Now, it's very unfortunate in terms of that I'm not allowed to comment on attendance, and I won't, but it's funny that after I mentioned that some members had better sit tight because it could get uncomfortable, it seems to have caused a certain reaction, which I can't comment on. The reaction is now fast depleting this Assembly, and we'll forward the *Hansard* to anybody who would be interested.

The fairness and democracy was clearly enunciated by the select committee, clearly enunciated, and even sent on and tested in the courts. Since we're talking here about principles and fairness and democracy, I won't get into every single area, but the courts upheld the principles and the guidelines that were attended to in this particular exercise. Then what happened? The question of how: it went to a commission. It had to go to a commission. I might add that that particular select committee of MLAs came up with these guidelines and principles in a unanimous fashion. I just add that: a unanimous fashion. These were then set out to be the guiding principles for a commission.

The commission, as we recall, was a mixed group. I didn't say "mixed up"; I said "mixed." I think they were good people; I think they were committed people. There were people who were appointed and suggested by the opposition and some by the government and neutral people. As we know, they tried to work with those guidelines and, we believe, in a sincere but misguided fashion came up with certain electoral maps. Those of us who were watching were concerned about what the reaction was going to be, and the concern was seen when they went around the province and people saw those guidelines and saw what the constituency would look like, coming up with things that the select committee, Mr. Speaker, had never dreamt they would come up with in terms of the shape of certain ridings, the so-called 'rurban' ridings, something that was never anticipated by the select committee. They ran into incredibly fierce opposition everywhere they went in the province, but I will say that they were operating under principles of fairness and democracy. They were being fair to the public. They were being very democratic. They were letting the public see what was happening.

8:40

Then coming back from what was, I would suggest, a harrowing experience, because if you're not an elected person – elected people have some experience with talking to folks who are upset about issues. Especially when they're talking about the opposition is when I find they're really upset. You get somewhat used to that as an elected person would. A nonelected person is maybe less able to handle that. They went back and under some duress because they'd worked long and hard and diligently, they came out with a report which is actually five different reports. You couldn't have a greater minority, five different reports. There's no way in the world anything could happen from that. Some people just dismissed that report out of hand and said that it was a waste of time. I don't think it was, because we were able later to draw from some of the good, salient points of each of those five reports.

So here we are with approximately a year left in the legislated mandate of the government, with no electoral report and yet required by law to come out with one. The very process of naming people to another commission is one that takes a consider-

able period of time. To name another commission, another report, another series of public hearings: it does make you wonder just a little bit if there wasn't some thought and planning from members opposite in terms of trying to delay this. Can you imagine the mandate running out and still no electoral report? It would be a horror story; it would be a nightmare. Something had to be done. So again the all-party committee approach is what was looked into. It's no secret that the members opposite made a choice not to be part of that all-party committee. That was their choice. Things couldn't be delayed. We had ample information, not just from the public, which now had gone through two rounds of public hearings at great expense – but what price democracy? We had all the information we needed from the public, more than enough information and suggestions from five people working on this committee. Something had to be done to tie it all together.

Now, I find some of the accusations that have come from across the floor intriguing. First of all, in light of the subamendment here, "principles of democracy and fairness," that the process was not open. The process not open, Mr. Speaker? The media were invited to the sessions. *Hansard* was there to record every decision through some of the long, hot days of summer as the not very exciting process was ongoing. After a while the media didn't even bother showing up anymore. They realized that this was going to be a fairly dull Monday. There were no cloaks; there were no daggers. There was nobody running around with masks so they couldn't be recognized. It was open; it was recorded every bit of the way.

The suggestion of suspicion or that something could be hidden would be funny if it wasn't so horrifying to think that there could even be any mental credibility given to that accusation. The media invited, anybody could attend, things recorded on *Hansard*, and then when we bring the report out, is it in a cellophane envelope that nobody can read, little brown envelopes that aren't marked? No. A press conference; the report sent to anybody who had anything to do with it or any interest whatsoever. There for the whole world to see were the results of the drawing of those boundaries, in full public view, and again these senseless accusations of suspicion. How suspicious is it when you suggest at the start of the process, even when the members opposite strictly for political posturing reasons don't want to be a part of it, that no matter how wonderfully it's accepted by constituents and Albertans, this is also going to be subject to a court ruling again? We talk about suspicion? Give me a break.

Let's look a little further in terms of fairness and democracy. It's fascinating that we were accused – some of the accusations dropped down. Do you notice we had specific meetings with the mayor of Calgary, the mayor of Edmonton? I think the biggest disappointment for members opposite was when they realized when this was released that not only had we consulted with the mayors of the two largest cities – I didn't say the two best cities or the two most wonderful cities; I said the two largest. When we had consulted with them and then produced the report, did the mayors of those cities rise up in anger and hurl thunderbolts at us? They didn't, Mr. Speaker. Why didn't they? Because to the very best of our ability we had done what they'd asked. We had been sensitive to the constituencies. We had been sensitive to the communities of interest. We had been sensitive to the guidelines.

Depression really hit. One of the heaviest areas of depression hit when one of their most foolish accusations was proven to be as foolish as it could possibly be, Mr. Speaker. Do you remember? There was the accusation that we were going to protect the rural stronghold. That's what we were going to do, because there's no government members in any of the cities any more. I don't know what geography map they were looking at. The map that I looked

at showed there was a majority in one of all of our cities and Tories, Tories everywhere and hardly red anywhere. They're talking about this fictitious rural majority, and we're just out of all hope in all the other cities. They had to come up with that straw man – sorry; straw person – because the accusation behind it was that we were now going to slice and slash and axe the cities. We were going to devastate their representation. What was going to happen? New rural constituencies all over the province. Just boom, boom, boom, popping up all over. Hundreds and hundreds of rural constituencies popping up all over. What happened? Why did depression set in? Why did Valium sales rise in Edmonton after this report was released? [interjection] Yes, I said it would get difficult. I said it would be tough to listen to. Because they saw an increase in constituencies in those two cities. What did they see in the rural areas? More rural MLAs popping up? Conservative strongholds bolstered? No. They saw government members saying to their own government members: "Some of you folks are going to disappear. Some of your constituencies, including the Premier's, are going to disappear."

Mr. Speaker, I wonder if they have ever looked their colleagues in the eye and said, "We have just drawn up something that is going to cause two of you to have to fight each other politically if one of you is going to survive." Did we do that in just one case? No. Six different rural government MLAs face that. That's why there was depression: because all of their senseless arguments one by one were being blown right out of the water, and they had no support whatsoever. It's not an easy thing to say to your colleagues, to your friends, to people you work with, to people you govern with, "I'm sorry, but the numbers speak for themselves, and it looks like your constituency is going to disappear." It's not easy to say that, but six times we had to say it. How many teams of opposition MLAs do we have to say that to? None. Because we did what those mayors asked, and we did what the population dictated, and we did what was fair, and we did what was democratic, wide open for everybody to see.

You know, you talk about fairness and democracy. We've heard a definition of what democracy is. I'd like to give you a definition of what democracy isn't and what fairness isn't. Mr. Speaker, if you'll just imagine with me, just picture this. I'm just using this as an example, and this is where it's going to get very tough for certain members here. If I was going to present myself to people to vote for me, it would not be fair and it would not be democratic if in that presentation when I drew up, let's say, my résumé – would it be fair if I left out a large chunk of that résumé? If I was vice-president of a major internationally known corporation, for instance, and in listing my résumé as I hold myself out to voters I just happened not to mention I'd ever been the vice-president of a huge internationally known corporation, would that be fair? Would that be democratic? I don't think it would be. Well, this is a silly example being raised. Why would anybody if they've been a vice-president of a prestigious organization leave their name off the résumé that they were presenting to voters? Well, if that organization was taking money from widows and senior citizens while it was going down the tubes, and not telling those widows and senior citizens that it was going down the tubes and still taking their money, and I was vice-president of that organization, I would not want my name on that résumé.

8:50

Now, that's an example of what "fairness" – and I'm just quoting the subamendment here – and "democracy" is not. Now, someone might say: "Well, you just picked an example like that out of thin air. I mean, why do you imagine things like that? Nobody would do that." No? I happen to have in my possession

a résumé, Mr. Speaker, of an elected person presenting himself to voters here in Edmonton. Do you know, totally just forgot to mention he was vice-president of a gigantic international organization that happened to fall into horrifying disrepute. Far be it for me to name that person. Let me say it's the principle of the thing. For someone who wants to talk about fairness and democracy and define it, there's an example of what fairness and democracy is not. Anybody, should that have ever happened, who would be so unfair and so undemocratic as to misrepresent themselves in that fashion, I question their ability to talk about fairness and democracy. It all comes back to the principle.

Mr. Speaker, this has been a difficult process. I have shown in terms of fairness and in terms of democracy – that's what the subamendment here is talking about – that this process was as open as it could possibly be: subject to the courts, open to the media, recorded in *Hansard*, and satisfying the demands of some of the major stakeholders in this province. Did it make everybody happy, and was everybody delighted? No. There's never been an electoral boundary mapping that has made the entire population happy. That can't happen. People are always going to be, to a degree, upset.

On these major points and on these points of accusation I suggest there is no point. I suggest there is no point of accusation at all on these principles. Oh, a member here or there might say, "Well, I wish it had gone around this house or through that lake or whatever it might be," but on the point of principle there is no point here where there has been unfairness or where it has been undemocratic. It couldn't have been more fair. It couldn't have been more democratic.

Thank you, Mr. Speaker.

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

MS BARRETT: Mr. Speaker, thank you. In speaking to the subamendment which does add the words "and contrary to the principles of democracy and fairness to the electors" to the amendment sponsored by Mr. Martin, the Leader of the Official Opposition, which reads

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,

it has my support.

Mr. Speaker, the Minister of Labour has just given a blow-by-blow account of the history, of the evolution of this process. Part of his account is accurate, in my opinion. Part of it is most inaccurate. He says, for example, that the Select Special Committee on Electoral Boundaries, of which I was a member as was he, drafted a report after having had public hearings which were on the record, and that is true. But we did not draft a report that was – and to use his words he said something, something "unanimous fashion." That is not telling the truth. The reason he can get away with using the words "unanimous fashion" is because our Assembly does not allow the concept officially of minority report. I can tell you that I and the Member for Edmonton-Belmont did draft an opposing view to the final recommendations of that report, so it is not entirely truthful to suggest that it was "unanimous fashion." It was not unanimous in the end.

He says then that well, it went to the court and it enjoyed support in the court. Ahem. I don't know how that's spelled as far as *Hansard* goes. Anyway, let me just read a few little

excerpts from the court decision, Mr. Speaker, to make this clear. The judges say:

Boundaries should respect the existence of that community interest. But that interest does not, of itself, justify deviations. The right of effective representation for rural voters does not mean they are always and everywhere to have divisions with lower populations. Interference with parity is warranted . . .

It refers to a legal case that's not necessarily relevant.

. . . only when otherwise a division becomes unworkable, either because it becomes impossibly large or a community is mixed unduly with other communities. Even accepting the idea of effective representation for rural voters, we must yet ask why the population in the 40 divisions . . .

Forty rural is what they're talking about.

. . . need all 40 of those divisions for effective representation, instead of a number closer to the 33 that would, as we calculated above, reflect voter parity. The question comes down to this: why are those extra seven needed?

These questions were not asked by the four-member Conservative committee when it went back to work.

On page 138 the judges say:

But we cannot find, in the material before us, an explicit statement of explanation why these populations must have 40 divisions, as opposed to some other number.

On page 139:

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. No argument for effective representation of one group legitimizes under-representation of another group.

Now, Mr. Speaker, we made almost exactly these arguments last spring in the Assembly when we were dealing with the legislation. Pardon me; that's almost two years ago. We made these arguments last spring when the independent arm's-length commission could not come to a decision. We said that the reason they can't come to a joint and unanimous decision or even a single majority decision is because the guidelines in front of them were conflicting; they were not drafted to reflect a solid principle by which these people could work.

When the hon. Minister of Labour suggests that we were facing serious time constraints, I might suggest to you that it would be a task to have an independent commission restructured, or even let's say the same one, and new legislation put in place. We'd have to do that first. We could do that in a few days: restructure the independent Electoral Boundaries Commission, tell it to do its work, report by the summer, which it could do. We could be passing legislation this autumn in enough time for an entire new electoral boundaries map to be drafted before the next election needs to be called. Don't tell me that it's the opposition's fault that we're in a time constraint. If we face any time constraint whatsoever, it is because the ears of the Conservative government were not listening to the reasoned pleas of the Official Opposition last year and the year before. Don't blame this on us. It is the problem caused by an arrogant government that is just too used to governing and not having to use the most important part of its collective anatomy as government, that being ears.

Mr. Speaker, I would suggest to you that it is not too late, that we can stop this Bill now. I personally draft a lot of my own legislation, probably one of the few MLAs that do. I personally can draft you some amendments to the current legislation that wouldn't offend general sensibilities, that would provide reasonable and workable guidelines for an independent commission. I could do that. I'm busy, but I could commit to doing it by Sunday night and have it here on Monday. We could go with it, have it done within a couple of days, and the commission could be restructured. I think the commission members would agree to

being restructured as long as they had proper guidelines to which they could work. That was their problem: they didn't. They all made interpretations of the guidelines and no wonder, because the guidelines were not drafted to reflect the strong principle of voter parity. I could do this for the Assembly, and if any Conservative front-bencher, meaning cabinet minister, takes me up on my offer, I shall do it, and I shall present it on Monday. In the meantime, I say that we have to support the principle of democracy and the principle of fairness to the voters.

9:00

Maybe I should tell you what this problem is really about. Do you know the story of gerrymandering? Do you know what this is about? You see, there was a particular politician on the east coast of the United States many, many years ago who had the ability to draw his own boundaries or have input on them. When he did them, he ended up going from a riding that had been, you know, close to rectangular, though not entirely, to one that was drawn like a salamander, because if he had his riding in that particular arc, he could maximize the votes for him. As a result, we have this concept of gerrymandering.

Now, I don't want to suggest to you that a lot of ridings were gerrymandered. I'll tell you what. I speak as a person tonight whose riding was completely wiped out by the independent commission's report. The riding of Edmonton-Highlands was completely gone. I would rather have that than have a report from MLAs. We are the last jurisdiction to my knowledge in North America that drafts its own boundaries. I didn't complain about that report. Now, I'm glad that I can still have a riding in which to run and to hopefully represent in the future, but I think it would be better if that decision were made by an independent agency, an arm's-length agency.

We may not have direct gerrymandering in a lot of the ridings in Alberta right now, but one thing we do have is faulty legislation which leads to voter imparity, if you can say "imparity." I don't seem to have any English consultants, so I'm going to assume I can get away with "imparity." In any event, we do not have anywhere near voter parity in this province. That is part of the problem in this report.

The other part of the problem is the process itself. It could have gone back to an independent agency. I don't understand why you refused to allow that. I didn't understand then; I don't now. For that reason I support the subamendment and the amendment.

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

MS MJOLSNESS: Thank you, Mr. Speaker. I rise tonight to support the subamendment, which supports the fact that this Bill is "contrary to the principles of democracy and fairness to the electors." Of course, it expands the amendment that was introduced by the Leader of the Official Opposition.

Mr. Speaker, how in good conscience could we support this Bill? It is the farthest thing from being democratic and fair. The whole process that was used was inappropriate, and it's unacceptable. It's amazing that this government can stand in debate and justify the process, because it was flawed from the very beginning. We all know - and we've heard it in earlier debate - that the legislation was flawed. It was very restrictive, and it was very defining. Therefore, the commission that was struck had a lot of difficulty coming up with an acceptable result because of the fact that the legislation was so restrictive. This legislation prevented, in essence, the commission from doing a proper job. We know what some of those restrictions were; we're familiar with them.

The result, when the commission had finally done their work, was four minority reports. Now, I agree with the Member for Red Deer-North, for once, when he says that that commission was made up of talented and dedicated individuals, because they were. Even though they had the talent and the skills, they had difficulty drawing up a map that was acceptable simply because of the legislation.

It's very clear that the government was very displeased with the results of that commission, with the report. It was at this point in time, Mr. Speaker, that I felt that instead of the government simply saying – well, at the beginning it was an all-party committee made up of MLAs to draft up the electoral boundaries. They decided that four government MLAs would do the job. Now, why at that time did they not stop and say, “Why was the commission, made up again, I say, of talented people, unable to do the job?” That is where I think the process should have stopped and should have been corrected, at that particular time.

Mr. Speaker, we've been told that we could have sat on that committee, that we could have had input, but because we took a principled stand – we believe in principles – we said no. The process was not a good one, it was seriously flawed, and we would not be part of the process. When constituents ask me why we didn't sit on that committee – and they do, because they wonder why we didn't want the input – and I explain to them why we didn't, they are very shocked that the government would proceed with this particularly flawed process, which is undemocratic and very unfair.

We've heard this evening, too, that politicians these days are not particularly trusted. Many people view their politicians with suspicion. When I see processes like this being undertaken by this government, it's no surprise that the general public for the most part is suspicious of politicians, especially when they can ignore democracy and forge ahead with such an unfair process. MLAs are not neutral; we're very partisan. No matter how hard we try to be nonpartisan, it's a very difficult thing to do, especially when you're looking at various ridings and you're looking at the number of votes that were cast for each political party. All of those things are considered – there's no doubt about that – when the boundaries are being drawn up, which is why it is imperative that this committee be an independent committee and not made up of politicians.

I'd like to say, too, that this task of redrawing the boundaries is a very important one. We all recognize that. One thing that I have found surprising is how important it is to some of my constituents. It's true that many people, many voters, don't really concern themselves with what riding they're in. That is true. On the other hand, there are many voters who are very concerned and, I might add, very upset with the fact that, first of all, their constituency is changing. They're upset with the fact that they may not have their current MLA any longer, that that whole scenario may be changing. In some of the ridings the name is changing. That is upsetting to people, and it's a very uncomfortable situation for many simply because the name is changing. I found that quite surprising, Mr. Speaker. People seem to have developed a connection with not only the name of the riding but also the boundaries and also their MLA, which is a good thing, I would say.

Mr. Speaker, the other concern that they're expressing to me is that their own community may now be connected with other communities that they may not be too familiar with, and that's an uncomfortable feeling for them. So the whole prospect of their constituency changing is a concern to many people, and I believe strongly that they would be able to handle it a little bit better if they knew that the consideration and deliberation that went into

changing those boundaries had been done by an independent commission. When they find out that it was very partisan MLAs that sat down and redrew these boundaries, they're even more uncomfortable with them.

I know that we've had several submissions from various organizations and groups. My colleague for Edmonton-Beverly spoke at length the other night about some of the community leagues in his riding that have made submissions and are concerned, and we've got them from various municipalities from around the province. Mr. Speaker, I would say that it's not only the fact that people want their input into exactly where the boundaries should be changed, but they're also expressing concerns about the process. I think that if the government were acting responsibly, they would take these concerns very seriously.

I know that we'll get into more specifics on the submissions that we have received when we get into committee stage of the Bill. For example, in my own riding people have expressed a concern that the CNR tracks are a natural boundary. They're almost like a river, yet they were ignored in the new boundaries. So there are concerns like that. Again, I say that if they knew that an independent commission had sat down and really studied all the variants involved in this, they would be less concerned than knowing that some very partisan politicians drew up the boundaries.

9:10

Mr. Speaker, I've also had some constituents ask me: “How did they arrive at these boundaries? Where's the explanation to this?” Well, I can't answer that. I don't know how they came up with what they did come up with, but we do know who came up with it, and that's the problem. Many constituents just don't have faith in the proposed electoral divisions because they know who sat down and actually made the decisions. I believe there would be a lot less problem and a lot less concern expressed by Albertans across the province if the whole process had been democratic.

I believe that the whole issue here is the fact that politicians are not nonpartisan. That is a very fundamental principle in all of this. Mr. Speaker, if our goal in this whole exercise is to come up with not only fair but equitable redistribution, I believe we have failed simply because the process has failed. If you look at the figures – and this has been brought up in debate previously – we know that some of the ridings have been favoured. People feel that those ridings have been strengthened to support more Conservative voters in those ridings. Now, I'm sure that some MLAs could take a look and say, “Well, gee, in this particular riding there may be more New Democrat votes or there may be more Liberal votes,” but the fact is that they're suspicious. They don't trust the process, so this Bill and the maps don't have any credibility.

Mr. Speaker, Albertans are upset, constituents are upset in my riding with this government, which purports to be open and honest and all the other buzzwords you can think of, but in fact they do not even believe in the democratic process. That is really unacceptable. Now, the Premier said the other day: what could be more democratic than coming into this Assembly and discussing the electoral boundaries? But the truth is that the Bill we are dealing with was flawed even before it came to this particular Assembly. So again I would urge support of the subamendment and ultimately the defeat of Bill 55.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Speaker. I rise to speak in support of the subamendment, and I might preface my comments

to the subamendment by saying that this is my first opportunity, sir, to deliver a speech in the Assembly. I understand that question period doesn't count, and I understand that there's a long tradition that novice, freshman MLAs deliver a speech and speak at length about the virtues of their constituents, the beauty of their constituency and the many attributes; in this case, Calgary-*Buffalo*. I choose not to follow that particular convention or tradition.

This province is in very serious difficulty, and that's certainly been confirmed by the comments of the Provincial Treasurer the other day. What Calgarians have told me, sir, is that they want to see politicians substitute action for rhetoric, they want to see elected members accountable and focused, and they want to see a commitment from elected members in terms of solving and resolving the problems that concern Albertans.

Now, Mr. Speaker, I recognize that the residents of Calgary-*Buffalo* have been exceedingly well served by a number of past MLAs, several distinguished members: Mr. Ghitter, who demonstrated that advocacy for human rights is a responsibility that all members have, whether you're a member of the NDP, Conservative, or Liberal caucus; Mr. Chumir, a friend of mine for some 20 years, a remarkable man who reminded my constituents and indeed all Albertans that an individual MLA can make a difference. I think both those individuals demonstrated principles of fairness and principles of democracy and action and representation.

Mr. Speaker, the test that ought to be applied in looking at electoral legislation, electoral proposals, has been delineated quite clearly by the Supreme Court of Canada in the case of *Carter* and the Attorney General of Saskatchewan. Before dealing with a matter of electoral boundaries, it's important to look at the first principles. Before doing that, I'd simply say, sir, that I express my disappointment with the proposition that had been advanced in front of the Supreme Court of Canada by counsel for the Attorney General of Alberta, an astonishing representation, I submit. Counsel for the Attorney General of this province in front of the Supreme Court went so far as to assert that in assessing the right to vote, equality should not be treated as a core value; equality should not be treated as a fundamental value. It may be reflective, sir, of the attitude of the government, but I assure you that from my perspective it's not reflective of the attitude of other Albertans and Albertans generally.

Mr. Speaker, this government has shown itself prepared to put expediency and self-interest before principles of democracy and fairness. The Supreme Court of Canada looked at basically two issues. The first one was: was the process fair? This involves a consideration of principles of democracy and fairness. Then, secondly, the issue examined was: was the product fair? Was the product reasonable and acceptable?

If we look firstly at the issue of process, sir, the enabling legislation in this case put the commission in a straitjacket. It deprived the commission of the ability and the capacity to achieve a reasonable solution. It's not acceptable, I submit, Mr. Speaker, for the government now to shrug its corporate shoulders and disclaim responsibility when the commission was unable to achieve a new map and a solution, a proposal. Some members of the commission were quite clear in their dissent that they were not afforded sufficient latitude, sufficient flexibility to be able to come up with the appropriate map, something that was fair and made sense and that Albertans would find acceptable. The government then decided, sir, to take the easy way out. They decided to have MLAs draw their own boundaries. Surely the government ought not to be surprised now that the proposed boundaries are met with suspicion and opposition by not only members of this Legislature but Albertans at large, sir.

What I think is of interest is that in the Supreme Court of Canada decision in the *Carter* case before the Supreme Court, there was a question of whether the process itself was fair. What was interesting in that case is that the boundaries had been fixed by a commission, not by a group of MLAs in the province of Saskatchewan, but by an independent commission, a commission that the Supreme Court of Canada said was perceived to be both independent and trustworthy. I submit, Mr. Speaker, that no reasonable, objective person could conclude that the select special committee of MLAs of this Legislature is/was independent and trustworthy. I don't mean to impugn the hard work done by the four members on the select special committee. I appreciate the fact that they spent long hours pouring over maps and demographics and statistics. But the reality is that the process was fundamentally flawed before they commenced, and whatever product is produced by that sort of committee simply won't stand any kind of scrutiny, never mind particularly rigorous scrutiny. I think it's obvious to all members in this Legislature, sir, that laws generally are supported when citizens have confidence in the process by which the laws have been debated and then enacted. It becomes that much more important when we're dealing with items in which MLAs have such a direct and obvious self-interest.

It's much like MLA compensation, sir. It's wholly inappropriate for MLAs to fix their own compensation. It's equally wholly inappropriate for MLAs to fix their own boundaries. As I say, the process is flawed because of the construction, the makeup of the committee. It wouldn't have mattered if there were two or three or an equal number of opposition MLAs; the principle dictates that that process is wrong.

For those reasons, I'm speaking in support of the subamendment and urge other members to do so as well. Thank you.

9:20

MR. MacDONALD: Mr. Speaker, first of all, I stand to agree with this amendment. I believe Bill 55 should be withdrawn because it fails to convince people that it was authored in a way that was completely aboveboard. However, to give credit where credit is due, I must say that while the boundaries are in question, I think the distribution reflects fairness.

I believe everyone in this House has agreed that the concept of a triple E Senate is imperative for fair representation in this country. When we look at Canada as a whole, we see huge metropolitan areas represented by many MPs. That has, in effect, caused western Canadians to feel disenfranchised because of the much larger population proportion in the east. They are then able to impose their desires upon western Canadians. We wanted a triple E Senate because there is no method of checks and balances to prevent a highly populated area from imposing their agenda on a lightly populated area at some distance from the highly populated area. Our American friends had no such illusion about fairness in population distribution, and in drawing up their Constitution they were not convinced that simply having one citizen equaling one vote would guarantee fairness. That's why they brought in a Senate to balance population distribution.

In the absence of a Senate, I am convinced that the spirit of this Bill reflects an awareness that there must be regional representation. However, we must still agree that the process leading us to this Bill is flawed. How can elected officials look their friends in the eye and say with a straight face that there was no political forethought given to these boundaries? These boundaries are being scrutinized by the people of this province, and even those who like the boundaries agree that they must not be drawn by people who represent those within the boundaries. Let this government do the honourable thing and refer their report to a

judicial body that will be free from political motives. MLAs must not choose who their electors will be.

Thank you.

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

MR. DOYLE: Thank you, Mr. Speaker. It gives me pleasure to rise in support of the subamendment to Bill 55, the Electoral Divisions Statutes Amendment Act, 1993. The amendment to the motion would be "contrary to the principles of democracy and fairness to the electors" at all ends.

Mr. Speaker, I've listened over the last couple of nights to many well qualified MLAs speaking to this amendment and another amendment brought forward by the Member for Edmonton-Norwood, the Leader of the Official Opposition. I support this amendment by the Member for Westlock-Sturgeon, something I don't normally do for the member. I did some years ago, but tonight I stand in support again for the Member for Westlock-Sturgeon on this amendment only. I would say also that I take some offence to members who stand and say that these boundaries have been drawn up by "Jerry-mandering." It's a personal offence to me, of course, as "Bogle-mandering" is to the Member for Taber-Warner.

I look at the map of Athabasca-Lac La Biche, the new boundaries of the riding of Athabasca-Lac La Biche. Having owned property in that particular riding for some 20 years and having a residential resting spot in the riding near the town of Athabasca on Baptiste Lake and having worked in that area, I'm quite familiar with the shopping trends of the people of not only Athabasca but Lac La Biche and the communities of Paxson flats, Flat Lake, Amber Valley and all those people that shop in the Athabasca area. It's surprising to me that this group of Conservative MLAs would go out and change the whole trend, not taking into thought the shopping trends of those of Athabasca-Lac La Biche and separating them completely from their normal flow of traffic for their shopping, their hospital, their schools, and their recreation in the town of Athabasca.

It appears to me, Mr. Speaker – I could be wrong – in thinking of democracy and fairness, that the riding of Athabasca-Lac La Biche was drawn pretty well with the Athabasca River running central to that riding. The only thing I see that would be in common with the Member for Athabasca-Lac La Biche is that he would be able to keep an eye on the effluent running from the mill at Athabasca once it's in full production. It runs right up into Chipewyan Lake. Perhaps that is the reason, so he could monitor the environmental breakdown of the Athabasca River. No other reason.

There are some native communities, of course: Fort Chipewyan and Fort McKay, Calling Lake, the Jean Baptiste Reserve at Calling Lake, and some of those native areas. The ones at Calling Lake generally shop in Athabasca and that area, and some from Wabasca come down to the doctors and dentists. That is fair in the Athabasca riding, but when you get north of Lac La Biche, basically the shopping trends are towards Fort McMurray. There's no real reason for the riding to be drawn in any way other than the way the shopping trends or the general flows of traffic go. I was thinking: use the office of the MLA that is representing their particular area. It will be an awfully long flight from Fort Chipewyan, for instance, to go to the member if his office is in Athabasca just to complain about the effluent that is running up the Athabasca from the mills to the south. Mr. Speaker, I think Fort McMurray would be much better for handling those types of problems, as it was in the past.

I want to mention also, as I did the other night in talking about the principles of democracy and fairness, that in the cities, of course, as some members have mentioned, there are some 16 to 20 MLAs who probably represent one school board and one hospital board or maybe several hospital boards but one municipal council. In my particular riding I have four municipal councils, two improvement districts. I have seven school boards, seven native co-ops. I have the hamlets of Robb, Cadomin, Brûle, Marlboro, and Obed; Jasper national park, including the town of Jasper; and part of Banff national park. I have many miles to travel. My home in Edson is farther from any corner of my boundary than the city of Edmonton, so it's a large area.

[Mr. Main in the Chair]

It's a large area, as it is for many of the MLAs who represent these large ridings. It would be much more sensible, Mr. Speaker, if the whole top of the province from east to west was in one riding. It would be much shorter than the Athabasca-Lac La Biche riding, running all the way to the Northwest Territories border.

9:30

In fact, I would like to say that when you're including "democracy and fairness to the electors," the subamendment from the Member for Westlock-Sturgeon – the mayor of the town of Lac La Biche has referred a letter to our caucus reporting on the select committee for electoral boundaries. His council discussed this at their council meeting on January 26, 1993. He goes on to say:

Please find enclosed 2 self explanatory letters dated January 8th and 22nd, 1993 to Premier Ralph Klein regarding the abovenoted.

The Premier has not replied to these letters to date.

Also please find enclosed a Resolution unanimously passed by Town Council relative to this matter.

It continues:

We intend to pursue our legal remedies and challenge this exercise in gerrymandering in our region which flies in the face of the Charter and the criteria set forth in the Electoral Boundaries Commission Act.

We are confident the Rule of Law still prevails in Alberta. Please help us to give the slogan "a government of Laws, not men" fresh meaning in Alberta.

Signed by Mayor Tom Maccagno of the town of Lac La Biche.

This explains, Mr. Speaker, why the subamendment dealing with "the principles of democracy and fairness to the electors" is the feeling of many municipal councils across this province. I have a good sense of the feeling of many municipal councils, having been on municipal council for some six years, many conventions. In fact, when the minister of justice was the president of the AUMA, I was fortunate enough to be an elected official in the town of Edson, the mayor of that municipality. I'm sure the minister of justice will be fair to all these municipal councils and to the resolutions they might bring forward.

The resolution from the town of Lac La Biche addressing the principles of democracy and fairness, Mr. Speaker, asked:

Be it resolved that the Town of Lac La Biche retain the law firm of Rand Moreau to challenge through Court proceedings the recommendations of the Select Special Committee on Electoral Boundaries (the Committee) as they relate to the electoral distribution affecting Lac La Biche which would deny Lac La Biche effective representation contrary to the Canadian Charter of Rights and which recommendation is contrary to law for the following reasons:

- it is inconsistent with the Charter of Rights and Freedoms which embodies the concept of effective representation;
- it fails to recognize traditional divisions and our community history;

- c) it fails to recognize geographical features, and the desirability of understandable boundaries;
- f) it fails to recognize common community expression;
- g) it does not permit adequate community expression;
- h) the underlying process behind the work of the Committee is contrary to the provisions of the Electoral Boundaries Commission Act;
- i) such further and other reasons as may appear, and to apply to the Court for intervenor status, if necessary, and to also apply to the Court for a stay in this matter.

Unanimously approved at a regular council meeting of the town of Lac La Biche held on January 6, 1993.

Mr. Speaker, that's only a portion of the letters that we received from across this province from very qualified elected municipal councils, improvement districts, and counties. They feel that democracy and fairness must be addressed when we're addressing these boundaries.

I also wanted to point out to city MLAs who feel that rural MLAs should be able to represent their riding by fax or telephone that rural constituents are possibly much closer to their MLAs. They like to meet them in person, they like to meet their staff in person, and they like to be able to come in their office at their will or their freedom. I don't think any resident of Alberta should feel that they have to be represented by the use of only a fax or a telephone. I mean that in no personal way to any member of this Legislature, but I wanted to make sure that city MLAs understand rural Alberta much better. This process, Mr. Speaker, I hope will give rural members the opportunity to express the feelings they have for rural Alberta.

We do know one thing, Mr. Speaker: that democracy and fairness are not carried out in the way these boundaries are drawn up presently. We would hope that the government would listen to not only the opposition parties but to the people of Alberta, who want fairness in every corner of this province.

Thank you.

MR. ACTING DEPUTY SPEAKER: Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I have spoken before to the amendment of the Leader of the Official Opposition about the disillusionment of Albertans regarding government members in general, all levels of government, I think, and their concern about a group of people they elect who then turn around and set their salaries, set their pensions, and now set their boundaries. We are seen as self-serving, indifferent to constituents, and not as worthy of their respect as I would want to be.

I wanted to speak just briefly to the fairness aspect in this subamendment made by the Member for Westlock-Sturgeon. Mr. Speaker, I have here the report of the Select Special Committee on Electoral Boundaries of November 1990, and we all know what's in this report. It was the result of an all-party committee's work, listening to hundreds of citizens of Alberta over a number of months, and gave rise to a very comprehensive report with a great deal of direction in it that eventually produced the legislation. The one part that I just want to draw members' attention to is on page 2 of that report, regarding the special consideration electoral divisions. Now, having listened to hundreds of Albertans, the select special all-party committee determined that, yes, up to 5 percent of the 83 constituencies could be given special consideration, with a variance of up to minus 50 percent.

[Mr. Speaker in the Chair]

Mr. Speaker, they then developed as a result of these extensive consultations with Albertans a number of principles to make up

the criteria for special consideration divisions, and there were seven of them. They determined that in order to meet these criteria as a special consideration electoral division, any constituency must meet four of those seven criteria. Now, the criteria were not idly developed. They made a great deal of sense, and they came from the citizens of Alberta after due consideration of the process. They were:

1. Total area of . . . division over 20,000 square kilometres
2. Total settled (surveyed) area over 15,000 square kilometres

Here's a significant one:

3. Communication and transportation: at least 1,000 kilometres of primary and secondary highways

That was thought to be a significant criterion.

4. Community and diversity of interests of the inhabitants
5. Distance from capital at least 150 kilometres
6. No population centre over 4,000

And finally:

7. Sudden and dramatic loss of population, due to economic factors, as indicated by comparing the previous and current Federal Census.

When we talk about fairness, Mr. Speaker, let me then go to the report of the Select Special Committee on Electoral Boundaries, the committee of four MLAs, and see what has happened to that particular section on special consideration electoral divisions. Well, it's different. Now, some of the criteria have been maintained, some have been dropped, and others have been inserted. That, I think, shows that that committee of four MLAs needed to make some changes in those criteria that had been developed as a result of consultation with Albertans.

9:40

They kept the first two, 20,000 square kilometres and 15,000 square kilometres. They left out the number of kilometres of primary and secondary highways. They left in the population centre over 4,000. But more importantly they dropped the item that speaks to the community and diversity of interests, and they dropped the "sudden and dramatic loss of population, due to economic factors." Then they popped in two new ones that came from absolutely nowhere that have no bearing, as far as I can understand, on how these boundaries can or should or would be developed. One is:

the area of the proposed electoral division contains Indian and/or Metis population living on reserves or settlements.

Well, of the 83 constituencies in Alberta, I would think that a great majority would fit into that category, so why is that there? What is unique about that one? The next one is:

the proposed electoral division has a portion of its boundary coterminous with a Province of Alberta boundary.

Well, what's that got to do with how we get equality of votes? I submit that it has nothing to do with it, but it's a convenient criterion that is put in to make it possible for the boundaries of four of the constituencies to be drawn and these to be designated as special consideration electoral divisions, up to minus 50 percent. They don't go that far. I think the smallest one is at 15,000-something.

Mr. Speaker, I submit to you and to the members of this Legislature that this is a primary example, a very clear illustration, of where the fairness went out of the process. There are many other illustrations, but this is one that is down here in black and white, and there is no rationale, none at all, in the report given as to why some of those criteria developed in consultation with Albertans have now been left out and others have been popped in.

Mr. Speaker, I think all members of this Legislature should support this subamendment. Here's an illustration of fairness gone wrong, fairness being absent.

MR. SPEAKER: On the subamendment the Chair welcomes Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'm pleased to join many of my colleagues in support of the subamendment as proposed by the hon. Member for Westlock-Sturgeon and will confine my remarks, of course, to the subamendment. Hopefully we'll have a chance to deal with the principle of Bill 55, that the boundaries in Alberta be changed according to the report presented by the committee of four Conservative MLAs. We can deal with that later. I really have a lot of concerns about the degree to which this process has compromised the principles of democracy and fairness to the electors. I think we have to examine this process and think about what we're doing here very carefully.

Now, the law in Alberta currently requires that the electoral boundaries in the province be reviewed and, if necessary, be redrawn after every second election. Now, in normal terms that means that it might be done every eight to 10 years, depending on the length of terms, I guess. Each government in the province of Alberta, like any government in Canada, has a five-year mandate. Traditionally, governments in the province of Alberta have called elections on average every three years and six months. So let's say maybe anywhere from six to 10 years the boundaries would be redrawn and changed. It seems like it hasn't been very long since that happened last, Mr. Speaker. I believe 1985 was the year in which the current boundaries were established, but the whole issue had to be readdressed because the second election came and went very quickly, in March of 1989, only two years and 10 months after the '86 election.

So we're into the process again but in a very different way than we've been involved in the process before, because we've had considerable guidance as electors in terms of how we ought to be doing this job from the Supreme Court of Canada and from some difficult decisions that have been confronted and taken by governments elsewhere in this great country of ours, most notably British Columbia and Manitoba, more recently Saskatchewan. So there are a lot of precedents in terms of methods that should be used to redraw boundaries and techniques that have been used and things that we could look to as electors to guide our decisions. I submit that if we don't refuse to read this Bill a second time now and just ram it through, if we don't come up with a better process, then we're going to be suffering the results for a long time to come. I think the process has been compromised because it is in every respect contrary to the principles of democracy and fairness.

I mean, the purpose of redrawing the electoral map every couple of elections or, as is proposed in this Bill, after every decennial federal enumeration - which would mean, I guess, that it would be redrawn once every 10 years, which would stretch it out even more - is to address inequities in electoral boundaries, and those things occur inevitably. There will be population shifts. Maybe due to Conservative government policies we see a depopulation in rural areas and a concentration of working poor in major cities. Maybe that's one thing that might be happening. I submit that if we look, we can see that it is happening in Alberta. Maybe we'd find that immigration is another thing that really has a big impact. What is it? One in six Albertans is a new Canadian. It could be that high. It certainly is very high in the major cities. So we have an influx of people. We even have people who want to move here from other provinces in spite of the fact that there may be people in the government who want to move them out as quickly as they move in. We do on occasion get people moving to this great province of ours who want to build futures for themselves and their families. So there's a need to address the boundaries issue every once in a while to make sure that they're relevant and that

they reflect the population trends to some degree in the province. Another thing that could occur is that towns can spring up where none existed before. I guess my hon. colleague the MLA for West Yellowhead would have a fine example of that: the town of Grande Cache, that grew rather quickly and for some specific reasons. People need representation, so it's up to us as electors to try and facilitate that by redrawing electoral boundaries.

I guess there's a twofold purpose. I mean, we have to be concerned about the day-to-day sort of representation that citizens receive from their elected members, and certainly there have been some eloquent arguments advanced by members opposite about the challenges in providing effective representation for people when they live in a constituency where communities are either very small or very far apart or where the terrain may be rugged or the industry quite diverse. There are challenges with respect to representation, and that's part of the formula. I mean, people have a right to be represented. They have a right to have contact with the MLA that represents them. After all, we're not MPs, where we're cloistered in Ottawa for a good part of the year and deal with laws and issues without having very much in the way of direct contact with the people we represent. We're MLAs, and people expect to be able to have contact with us, so that's certainly an issue.

As a rural MLA whose constituency might increase by 50 percent both in population and area if this report goes through, I'm very concerned about that because I take those responsibilities very seriously. I like to have contact with the people I represent, and I understand very well the concern that members opposite express often about how difficult it is as an MLA to cover a large area and to meet with people and all of the traveling and additional responsibilities that are involved. Indeed, if the Vegreville constituency becomes the new Vegreville-Viking constituency, there will be no fewer than 18 separate and distinct municipal governments that I would have to liaise with and relate to, Mr. Speaker. So I understand those arguments, and they are important.

There's another part of representation here that is even more fundamental in its importance as far as I'm concerned, and that concerns the basic democratic rights of the voter. I can assure hon. members that if we want to preserve the integrity of our democratic system, we have to encourage people to participate. They have to know that when they go out on election day and cast their ballot, when they mark their X on the piece of paper, as insignificant as that act may seem to some - it's rather easy to do; some people even do it without thinking; there may be the odd person that just picks the name they like the best or picks the top or bottom or closes their eyes and marks an X - that process is at the very heart of our democratic system because it describes the most basic input that citizens have into the democratic system. Our British parliamentary system is based on that. If people feel that their input doesn't count, that their vote doesn't count, that it doesn't matter how they vote or, even worse, whether or not they vote at all, then I submit that they're not going to be encouraged to participate, and the system will continue to break down. People will not feel the need to be involved in the democratic decision-making process, and to an even greater degree than we see now, people will abdicate that responsibility to those who are willing to make decisions about what happens in people's lives.

9:50

I'm very concerned about how we as legislators in the province structure the process such that we encourage people's participation. The way to do that, I submit, is by moving towards greater equity in the electoral boundaries, on the one hand, and assuring people, on the other hand, that the boundaries are drawn in an independ-

ent, nonpartisan way so as not to give any rise to suspicion that the boundaries drawn may favour one particular party or one particular interest or one particular group or region in the province. It's got to be a scrupulously neutral, independent process that strives for relative equity so that people can be encouraged to participate.

I submit, Mr. Speaker, that with the boundaries as currently constituted, people aren't encouraged to participate because there is too great a disparity in the number of electors in the 83 constituencies in the province of Alberta. If I could simplify that a little bit, I think it's fair to say that there is too great, in relative terms, a number of voters in constituencies in Edmonton and Calgary and Medicine Hat and too few in some constituencies, particularly in the southern part of the province but also in east-central, including the Vegreville constituency, where I believe in terms of numbers of electors we would be the 15th smallest out of 83 constituencies.

When the Electoral Boundaries Committee, established by this Legislature with all-party representation, went out and sought the views of Albertans to determine how we ought to go about addressing this issue, one of the good recommendations they made was to not count constituencies in terms of numbers of electors but in terms of numbers of people. I think that was not only a significant but a positive step in the right direction, because after all electors are the only ones eligible to vote for us but our mandate is much broader. We don't just represent the people who vote for us; we're obliged to represent the people who vote against us as well, or for somebody else. Beyond that we're obliged to represent the people who don't vote, the people who can't vote, or the people who don't think voting's important. So, you know, expanding that to include all of the people in a constituency was a good, positive move.

In the case of Vegreville, instead of the 15th smallest constituency in the province, it made us the 11th smallest constituency in the province. The reason for that is because we have the highest percentage of citizens in the province over the age of 65. A disproportionately large number of the people in the constituency are voters, and that's why we dropped down in terms of size to 11th.

So I admit that there are some constituencies that in all fairness are too small, and there are some that in terms of equity and fairness to voters are too large. We have to address that. This report, indeed this Act, to some degree does address that, and I'll have ample opportunity in future debate on this Bill to acknowledge that and describe that in greater detail.

The problem is, Mr. Speaker, that the process used to draft this Bill, to come up with the report on which the Bill is based was not fair, was not independent, and is "contrary to the principles of democracy and fairness to the electors" because it can't be described as being above influence. Now, I know the people involved in drawing the electoral boundaries, and I have respect for all of them. I'm sure they did the best job they possibly could; I don't dispute that. I don't for the time being want to dispute the end result of their work. Even if the boundaries were for all intents and purposes adequate in terms of meeting the rather general dictates of the Supreme Court decisions, whether they are adequate in terms of satisfying the largest number of people possible, I submit that that's still beside the point, because what we have to do is make sure that the process is above reproach. If the process is flawed, the results will always be suspect and will fail in terms of our most important and basic mandate, and that is encouraging people to participate. I feel very strongly that the more people participate, the better the process is, the better the system works.

In the United States, for example, a lot of jurisdictions don't do very much to encourage people to participate. They make it difficult for voters to be registered. The electoral process is very convoluted and subject to monied influence in a variety of different ways, and what you find is that people just don't get out and vote in very large numbers. In fact, if I could use a contrast in terms of how our system, that we may be betraying by this process here, encourages people to vote, in the Vegreville constituency in the last election, Mr. Speaker, 75 percent of eligible electors showed up to vote. It doesn't take much to be an eligible elector. You don't have to go and actively register. You don't have to agree to support or pay money to anybody. All you have to do if your name is not on the enumeration list is just go down and register on election day, declare that you're the right age and a Canadian citizen and a resident of the province of Alberta, and you can vote. It's not that difficult.

We encourage participation in so many ways, and that's why it's important to me that in doing what we're doing with Bill 55 here, we do our utmost to encourage citizens to continue to participate, take part in the electoral process in the province of Alberta. We're not going to have a chance to do it again for a long time. If this Bill is passed, Mr. Speaker, the issue won't be addressed until the next millenium, next decade, next century. After the year 2000 we won't look at it again, so it's important that the 83 of us in this Assembly here do our utmost to get it right. I think we've got a long way to go in terms of correcting the flawed process here so that we can come up with something that is fair to the electors, that does reflect our respect for their democratic rights and encourages their involvement.

I think we have to consider the time we're in, Mr. Speaker. There's almost a new age of political reality in Canada. People are not going to be satisfied with doing things the old way, where they have the opportunity to vote once every four or five years, complain about their elected representatives and their government, come back four or five years later and throw them out and complain for the next several years. Those days are long past, and I'm glad they are. If we learned anything through the process of the constitutional referendum, we learned that people don't trust the decisions we make and want to be involved. It's important for us to understand that, so that we can do everything in our grasp to make sure they're involved in making decisions, make sure that their input is sought, that their input is reflected, and that their input is respected in all of the work that we do as legislators.

I submit that if we can continue to work towards that kind of a system, Mr. Speaker, we're all going to be the beneficiaries of it, and our children and grandchildren will as well, because the decisions made will be better, and the decisions made will be decisions that people share. If they share the ownership in the decision-making process, if they feel they have a hand in making decisions, then they're going to take them more seriously and do a better job of defending and participating in the process. So it is a new age.

Countless examples would come to hon. members' attention if we want to think about how important it is for us to ensure the integrity of the process in doing anything like coming up with something like Bill 55. An example I could use, Mr. Speaker, that's on my table right now.

MR. SPEAKER: On the subamendment.

MR. FOX: The subamendment, ensuring "the principles of democracy and fairness to the electors" by encouraging their involvement. In this dump decision, if I may illustrate for a moment, a local elected authority made a decision to accept a

greater amount of garbage than they were previously from Edmonton into a rural area, and people are up in arms, really upset about it because they did not have any input into the process. The elected authority used the very convenient route of just making a decision and then telling people what the decision was. Instantly the whole process is jeopardized. People get their backs up, they feel that something's being put over on them, and the outcome is suspect forever.

10:00

If we'd learned from our mistakes, if the people making a decision like that or the decision we're making here would decide that people's input has to be sought, reflected, and respected in the work that we do, then we wouldn't run into these kinds of problems. Go out and tell people what you're planning on doing. Think out loud, like the hon. Premier seems to want to do. Think aloud, share your views with people, get their input, make a decision together, and we'd come up with something worth while. That has not been done in this whole process, and regardless of what my friend the hon. Minister of Labour might want to say about it, people's input has not been respected in this process.

I admit that we did seek input from people through a little MLA committee tour. I don't know how many years ago that was, Mr. Speaker, but indeed the members on that committee participated in good faith, sought the opinions of Albertans about not how the boundaries themselves ought to be drawn but what process and principles we ought to use in drawing those boundaries. There were some hearings at that point, and there were some public hearings during the Electoral Boundaries Commission process, the independent commission that was set up and didn't work because the legislation was so flawed and they weren't given the tools. This commission process did involve some public hearings. Their report I guess to some degree reflected what they heard people telling them, so people did have some input in the initial phases. But when it came to the crunch, when we got down to the wire, when it came to actually drawing the boundaries that ended up in the report on which the Bill that's before us today, Bill 55, was drawn, people didn't have much input.

Oh, I admit the committee did call, you know, the president of this and the reeve of that and different people whose input would be significant and get them to appear before the committee. Maybe some MLAs appeared before the committee too, but that's not the same as having open public hearings, the same as inviting people to come and have your say. "Tell us what you think. Where do you want these boundaries to be drawn? How do you feel about this whole process?" It's not the same, and people recognize that. They're not going to be fooled by what we've done here. They're not going to have the wool pulled over their eyes in terms of this process, because they recognize that it is contrary to the principles of democracy and fairness and it doesn't respect their wishes.

We don't have to look very far, Mr. Speaker, to find examples of Albertans who are upset. We don't have to look very far; they're telling us that they're upset. Some of them who seek fairness in this process write directly to the Speaker of the Legislative Assembly because he's the independent arbiter of what we do here. They write to him and tell him that they're upset with the process. I've got lots of copies of those letters that people have sent to you. I won't strain my relationship with the Chair by trying to read all of them into the record, because I don't think time would permit. I think in fairness their concerns need to be duly noted, and I'll just outline them very briefly.

The county of Camrose is a particular area where many, many concerns have been expressed. Now, I submit that people would

not be expressing these concerns if they felt that the principles of democracy and fairness had been respected. If they felt that they had input into the process, if they felt some degree of ownership of the proposed electoral boundaries, they wouldn't be sending letters to the Speaker of the Legislative Assembly expressing their concern. The county of Camrose No. 22 on December 3 wrote to you, Mr. Speaker, expressing their great concern about the particulars of that constituency. I won't get into the details because that's something that would be more appropriate during the committee phase, and hopefully someone will represent their views by presenting an amendment of sorts. [interjections] We will get to the committee stage; don't worry. It's early in 1993, hon. Government House Leader. We will get to the committee stage, I can assure you.

The village of New Norway – I would assume that's in the same proposed electoral division – on January 5 wrote to the Speaker of the Legislative Assembly of Alberta expressing their concern about the electoral boundaries and by implication the process used to draw those boundaries. Some of them come from individuals, you know, not just from jurisdictions. The village of Hay Lakes, office of the secretary-treasurer: the municipal administrator has written to you, Mr. Speaker, as you well know, expressing their concern about the electoral boundaries.

MR. SPEAKER: Forgive me, hon. member. I do appreciate the fact that you're going through the various tablings that did occur. Perhaps you could leap ahead to the subamendment again, please.

MR. FOX: Mr. Speaker, I know you get large volumes of mail, and I wouldn't want to pretend to deal with all of them. The thing I'm trying to do is convince government members, who don't seem convinced at this point, that the process is contrary to the principles of democracy and fairness, and this is the proof of it. The proof is in the pudding. It's not just opposition politicians standing up and trying to use up the time of government members, who would prefer to perhaps be doing something other than this. That's not our purpose.

Our purpose is to try and convince them with the strength of our arguments. Lest you suspect that we're doing it for, you know, particular political gain or our own partisan reasons, I want to dispel those notions. We're doing it because Albertans expect us to do it. They feel jeopardized by the process. Dozens of letters have been received, many, many representations from all over the province from people expressing their concern about the process that's been used to draw these electoral boundaries in the province of Alberta, and that's the problem.

I wish hon. members could get it through their heads that it's not the result that we're dealing with here. It's not the final result that counts. If the process used to develop the report is flawed, the results will always be subject to suspicion and over time will discourage Albertans from participating in the electoral process, and we'll be the poorer as a result, Mr. Speaker. I recognize it's not possible to please everybody. No one would pretend that we could come up with a fail-safe, seamless kind of a process that would involve an independent commission, the requisite number of public hearings to satisfy everybody, boundaries being drawn, presented to the Legislature and debated, and everybody would be happy. It's just not possible. I recognize that, but it's important that we do our very best to work towards that kind of ideal.

The way we do that is by establishing a genuinely independent process that is above reproach, that people cannot criticize. Give that committee or commission the mandate to do the job they need to do. In the case of our current situation I believe that would have been to say: "We want 83 electoral divisions. We want to

stay within reasonable limits, plus or minus 10 percent. If you need to vary significantly, give us good justification and we'll consider it. Go out there and draw the boundaries and let us know when you're done." I submit that process would work because they would seek the input of Albertans. Albertans would help them define community of interests. They would help them understand which geographic boundaries are significant and need to be respected. They would help people understand the trading patterns, the economic situation in various constituencies, help people understand the unique history and culture of different constituencies. It would work.

I can tell you there are some particular Albertans whose input they would seek. Those Albertans are called MLAs. Those are Members of the Legislative Assembly. I think our input's important. I think it needs to be considered, but it shouldn't be paramount. You know, it's a very different thing to have MLAs providing input into an independent process than it is to have MLAs sitting in a room behind closed doors and carving up the electoral map of the province of Alberta. Even if they do a good job, even if they all say, "Look, we're not running again, and we don't care who the government is going to be after the next election, and we're just going to draw the lines to the best of our ability," there are some people who will be suspicious. I'm not saying I would, hon. Government House Leader; I'm not a suspicious person by nature. But there are some people who would be suspicious. That's why it's important for us to establish a process that assures democracy and fairness for the electors, that is above reproach. Establish that independent commission, give them the mandate and the resources, send them packing, tell them to do the job and let us know when they've got it done. I believe it would have worked, Mr. Speaker. It would have worked very well.

That's not what we have. Why don't we have that situation? We argued. We made eloquent arguments, Mr. Speaker, at every stage. The government members seem to feel that because the process had been delayed – and I suppose we could go into the reasons why it was delayed – time was of the essence. All of a sudden, you know, we didn't have time to change the law to make it right so that an independent process was going to work. We didn't have time to set up another commission and give them the mandate and the resources needed to do it. No, we had to establish a committee of MLAs and go out and do it right away.

10:10

It was great, you know. I've got to tell you that one thing I really liked about that process was that the opposition parties co-operated, that there was an agreement between the hon. Leader of the Official Opposition, the Member for Edmonton-Norwood, and the leader of the Liberal Party, the Member for Edmonton-Glengarry, that our parties would not participate in a tainted process, that it would be wrong for us to join government MLAs in that closed room drawing boundaries, and we decided not to do that. It's difficult for us to co-operate with Liberals on occasion, Mr. Speaker, because they're so often envious of us, but we laid aside our differences and worked together to accomplish something very good for the people of Alberta trying to highlight the . . . [interjection]

MR. SPEAKER: Through the Chair, hon. member.

MR. FOX: I have to wake them up too, Mr. Speaker.

MR. SPEAKER: What do you mean, "too"?

MR. FOX: No inference implied; none taken, I hope.

Anyway, Mr. Speaker, we could have participated but didn't, and it was tempting. I mean, maybe it was the only game in town: the boundaries are going to be redrawn; we might as well draw them too. But we didn't. The reason we didn't is because we didn't feel the process was right, and if the process isn't right, then the end result would be forever flawed. The government members soldiered on, drew the boundaries, and we have this Bill before us now. It's not too late, hon. members opposite. The government has – what is it? – 14 months left in their mandate. It makes me shudder to think of it, that you guys might govern for another 14 months without letting Albertans pass judgment on it, but it's your legal right. You won that right March 20, 1989, elected for a five-year mandate. You could govern till the end of the rope. I mean term. You could do that, and it gives you lots of time to make this right, to do something, let's say, as your last hurrah. [interjections] Is there such a thing as a nonverbal heckle, Mr. Speaker?

MR. SPEAKER: Yes.

MR. FOX: Anyway, as the government's last hurrah, your final kick at the cat, you could do something right for the people of Alberta and establish an independent process that results in boundaries being fairly and independently drawn in a way that encourages voter equity so that the people of Alberta want to be involved, so that when it comes time for elections to be held in the province of Alberta, they're not only scurrying out to the polling stations on . . .

[Mr. Fox's speaking time expired]

MR. SPEAKER: I know it seems like only seconds since you began.

Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Speaker. I rose several days ago in support of the amendment by the Leader of the Official Opposition. I did that because I was speaking up for the community leagues and the people in my constituency and those in Edmonton-Highlands who had concerns with the boundaries.

Since that time I also had occasion to visit with the electoral boundaries office and in fact had some time with the chairperson of that committee. As the Member for Vegreville stated, I too drew an appreciation for the tremendous task that the committee had and the work they have done. In spite of that, I believe that the process was flawed, and it is unfortunate that the chairman and his committee were placed in the position that they are. Let me say I had no particular disagreement with the boundaries that were drafted up for my new constituency. I had no particular difficulty with that, but I had to raise the issue of concern that was brought to my attention, Mr. Speaker, and as a result I needed to meet with the chairperson of the committee.

Now, it amazes me somewhat that this House was aware in the past four years that the redistribution was going to be a requirement and . . .

MR. SPEAKER: Calgary-Forest Lawn, do you wish to be recognized?

MR. PASHAK: No, thank you.

MR. EWASIUK: . . . that we have gotten ourselves into such a situation. We are now almost in a panic situation, and we need

to have the boundaries drawn because of a possible impending election. I think that's unfair to this House. It's certainly unfair, I believe, to the committee that had to deal with the issue. In my opinion, it's also unfair to the people of the province of Alberta. When you attempt to determine where the problem lies, then I believe it has to be with the government. There was sufficient time and opportunity for the government to deal with the issue of redistribution in the province of Alberta, but we waited, we dillydallied, and now we're in a panic situation. The process again is the real issue here. As the Member for Vegreville said, certainly I respect the committee, I respect the chairperson, and I respect the work they were asked to do. But even then we look, and not only were these boundaries drawn up by a partisan group but the *Hansard* transcripts of the portions of the meetings that were not held in camera were suppressed until the report was released. I think it's that kind of action that makes it very difficult for us and the citizens of this province to understand and to accept this report and Bill 55 as being something representative of the people of the province.

Mr. Speaker, the Member for Vegreville also alluded to the correspondence we have. Thank you for providing this information to us. The problem is not only in urban centres; it's throughout the province. Dissatisfaction with the boundaries is certainly widespread throughout the province. Again, it's an unfortunate situation. I'm not sure we want to blame the committee, but obviously they had the responsibility for doing the job, and the job doesn't appear to have met the requirements or the supposed need of the people of the province of Alberta. One of the letters that was given to us from the town of Bashaw also related to the difficulties the county of Camrose has alluded to in their correspondence to us and the many supporting letters we have received from other counties and interested groups within that county.

The town of Bashaw concluded in their letter to us, and I quote:

Although we realize the Committee has a difficult task at hand, it appears to us that no one is listening to the wishes of the people.

Now, Mr. Speaker, that really highlights and underlines the difficulty that I think is perceived, certainly in my constituency and obviously throughout other parts of the province. As I said, the community leagues, the area councils in my constituency do not believe there was fairness and that democracy was in place when you had a group of one-party politicians attempting to determine the boundaries for all the province without consultation. I think that's the underlying problem as well: without the necessary consultation with the people who are going to be impacted by their decisions.

So, Mr. Speaker, I rise to support the subamendment. I think the process is unfair, undemocratic, and as was suggested in one letter to us, the matter should be tabled and referred back, and an independent group or commission should be appointed to do the right thing and the proper thing in a process that will meet the desires and the wants of the people of this province of Alberta.

MR. SPEAKER: The Member for Camrose.

MR. ROSTAD: Mr. Speaker, I would like to add a few comments not in favour of the subamendment but against the subamendment and also to clarify. I really thank the Member for Vegreville and the Member for Edmonton-Beverly for citing the letters that my constituents have sent in. Those letters speak to displeasure with the boundaries that we have for the Camrose, now known as Wetaskiwin-Camrose, constituency, but they in no way allude to any problem with the process. Those letters were sent at the behest of the MLA for Camrose, who also expresses some displeasure with the new boundaries but again not a displeasure

with the process. The process was thought to be fair but the result in the boundary not.

Thank you.

10:20

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question? Well, the Chair recognizes Calgary-Forest Lawn, but with some real reluctance about the process of entering the Chamber that way.

AN HON. MEMBER: Question.

MR. SPEAKER: No; the Chair recognizes Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. I apologize, but one of the people that was in your gallery was . . .

MR. SPEAKER: I'm sorry. Attendance upon the House.

MR. PASHAK: I apologize.

Anyway, Mr. Speaker, I rise to speak to the subamendment, which states that the motion as amended by the New Democrats is further amended by adding the words "and contrary to the principles of democracy and fairness to the electors" at the end of the New Democratic Party amendment. I want to dwell on those two words, democracy and fairness. Democracy, as we all know, essentially means government by the people. It also means rule by the majority. There are two main types of democracy, as we're all aware. There's direct democracy, which by definition has the supreme power vested in the people and is exercised by them directly. My colleague from Edmonton-Avonmore earlier this evening pointed out that that was the kind of democracy that existed in Greek city-states. We also saw a type of direct democracy in some of the New England states where people would gather in town hall meetings, a very interesting form of democracy because as many who gave opinions in those situations heard opinions, which is very different from the situation that characterizes democracy today. Often a person who has access to the media – to television or to radio – expresses an opinion and the people who hear that message aren't able to argue back. In any event, our concern here is to try to determine to what extent democracy and fairness apply in the case of Bill 55.

A second type of democracy – and this is particularly relevant to Bill 55 – is representative democracy, which is a form of government in which, again, power is vested in the people, but it's exercised indirectly through officials who are elected by the people at regular intervals by majority vote in elections. Now, if we don't protect the integrity of that process by which we choose our elected representatives, we do that by weighting some ridings differentially from other ridings; that is, by increasing the voting power for some people who live in ridings relative to others. In a moment we'll go through some examples in the Bill itself that show that the voting power of some residents in some of the rural ridings in Alberta weigh effectively twice as much as my vote does. That's very offensive. It's very offensive to the whole spirit of democracy. It means, in fact, that if we're going to define democracy as majority rule and that if you have a weighting like that, a minority of people could actually elect a government. This is what's happening in Bill 55 with the way seats are distributed, Mr. Speaker. It's very undemocratic, as the subamendment clearly indicates.

I'd just like to say that what this government is proposing to do in this legislation has been done before. Our type of representa-

tive democracy had its origins back in the 13th century in merry old England. At that time, the populace was generally satisfied with its form of representation. The knights of the shire and the burgesses who sat in the Parliaments of the 13th and 14th centuries really did represent the wishes of the great majority of the free inhabitants of the counties and boroughs by whom they were elected. But it wasn't long before a process of corruption, not unlike the process of corruption that's taking place in Alberta today, began to take place back in those days when representative democracy first got institutionalized. This happened partly for natural reasons, not unlike, again, what's happening in Alberta today, but some of the ancient towns were beginning to decay, new commercial centres were rising, and I suspect that's the real problem we're confronted with with respect to Bill 55 in terms of democracy. It is this: forces of urbanization are really powerful in this province. The Calgary I grew up in back when I went to school was very, very different from what it is today. There were fewer than 100,000 people in Calgary in those years; now it's a city of well over 800,000 if you take the greater area and people that live as far south as High River, as far north as Didsbury, as far west as Canmore, Banff. Really, many from these communities work in Calgary, so Calgary's greater population would probably be well in excess of 900,000 people.

But the point is that there is a change, a very significant change taking place. Back when I went to school, of course, Alberta was largely a rural province. I'd say that maybe 60 or 70 percent of the people clearly lived in small towns or in rural parts of the province, and it was quite legitimate that a preponderance of the representatives in the Alberta Assembly should come from those areas. But now that situation is reversed, and our cities are clearly underrepresented, Mr. Speaker.

Many of the new boroughs that were established back in the 14th and 15th centuries, however, just to draw a comparison, represented an early form of gerrymandering, exactly what's occurring today in this situation. These boroughs were eventually even bought and sold. The process was totally corrupt, it was very venal, and many of you probably recognize the term "rotten boroughs." That's what in fact they were called. The system was really full of corruption. It didn't just extend to the boroughs but extended to the way in which the Crown dispensed privileges and this sort of thing. That corruption, by the way, extended right through to the early part of the 19th century, and it wasn't reformed until the passage of the great Charter of 1832.

I'm suggesting here, Mr. Speaker, that what this government in the province of Alberta is doing today is creating just a modern form of rotten boroughs throughout the province where representation is certainly not democratic, and I'm going to go on to try to demonstrate that it's certainly not fair. To begin with, the whole process of MLAs determining their own boundaries is exactly how the process of corruption began back in those earlier times. In the 1960s, as we've looked at, there was a decided movement away from MLAs and Legislatures drawing their own constituency boundaries. It was seen as much more fair, open, and honest for independent commissions to draft political boundaries. This certainly avoided the immediate problem of gerrymandering.

The second respect by which we're forming rotten boroughs, Mr. Speaker – well, just look at the distribution. I've alluded to it before. Just pick up a copy of Bill 55 and turn to pages 11 and 12.

Speaker's Ruling Relevance

MR. SPEAKER: Thank you, hon. member. We won't. That will come when we get back to second reading. The subamendment, or I'll start to . . .

MR. PASHAK: Well, I'm just trying to demonstrate, Mr. Speaker . . .

MR. SPEAKER: I know, hon. member, but I look forward to the rest of your comments.

MR. PASHAK: Was that fair and democratic?

Speaker's Ruling Criticizing the Speaker

MR. SPEAKER: That's an attack upon the Chair. Would you like to withdraw that question?

MR. PASHAK: I'll withdraw that comment.

MR. SPEAKER: Thank you. Let's get on with the business.

MR. PASHAK: Well, I think I can demonstrate without going back to those pages.

Debate Continued

MR. PASHAK: It is unfair, Mr. Speaker, that certain ridings should only have 20,000 electors when other ridings have 37,000. I'd like anyone in this Assembly to tell me just why I should have half a vote. I don't think anyone can do that. That's certainly undemocratic, it's certainly unfair, and it seems to me it's precisely what was suggested by the Member for Westlock-Sturgeon in his amendment. I think I'm speaking to the amendment, but in any event . . .

MR. SPEAKER: The subamendment, please.

MR. PASHAK: Subamendment. Yes, that's correct.

Now, I'd like to assure my rural colleagues, because this point was allowed to proceed – even my colleague from West Yellowhead had raised the question of the need to have to take into account more than just equal population in each of the ridings. He tried to argue – and I'm very sympathetic to his point of view – that there are other factors that do have to be taken into account. I agree with him.

10:30

I think that every citizen in this province should be represented in this Assembly effectively. Everyone has the right to that. But I think that can be done in a variety of ways. If it isn't sufficient just to provide every member in a rural area with a fax machine, with a telephone, with an opportunity to use interactive video, and to use all of the modern means of technology that are available to effectively represent constituents, we could go beyond that. Rural members could have more help in their offices. They could have more funding to set up more offices in the major towns within their constituencies so that every individual in their constituency could be represented just as effectively as any urban resident could be represented.

Personally, I wind up doing most of my calls in my constituency of Calgary-Forest Lawn using the telephone. Last year my constituency office handled over 400 requests for help with social assistance and workers' compensation cases and unemployment insurance cases. That's all done by phone. Certainly people do drop in from time to time, but I go out into the constituency. I go to schools; I go to community association meetings. I think rural MLAs can do the same thing. I don't want their constituents to be treated any less effectively than urban constituents are treated, but I think we can do that if we work at it and still uphold the

democratic principle that one person should have one vote and that they should have the same weight when it comes to voting on important measures that come before this Assembly.

Mr. Speaker, with respect to fairness, which was part of the subamendment to the amendment that we proposed, I looked up again in the *Webster's* dictionary meanings for the word "fairness." Well, you can define fairness, I guess if you want, synonymously with beautiful, and I don't see anything beautiful about Bill 55. But fairness can also be defined this way as well: it's characterized by honesty and justice, free from fraud, injustice, prejudice and favoritism. Certainly these electoral boundaries are not characterized by honesty and justice, and they're demonstrably not free from fraud, injustice, prejudice, and favoritism. Injustice: again, why should my vote be worth only half a vote in some other part of the province?

With respect to favoritism, Mr. Speaker, we've looked at Calgary-Elbow. The leader of our party mentioned during the debate on the Bill itself that it's redesigned to favour the new Premier. My colleague from West Yellowhead earlier this evening pointed out that gerrymandering took place in the creation of the new riding of Athabasca-Wabasca. In any event, it's no coincidence that one of the people who sat on that committee that drew those boundaries derived the benefit from the way in which those boundaries were drawn. We did a little research in our caucus with respect to Calgary-Elbow, just looking at the gain that would have occurred if the 1989 election had been carried on on the basis of the new proposed boundaries. The Progressive Conservative Party would have received an additional 2,000 votes. The Liberal vote would have gone up by 1,200 and the New Democratic vote would have gone up by 600, but still there would have been such a substantial gain in Calgary-Elbow that the outcome of that election would not have been in doubt. I must point out that the Member for Calgary-Elbow only won that seat by approximately 900 votes. The same thing is true in Athabasca-Lac La Biche in terms of numbers.

I'm trying to demonstrate again, Mr. Speaker, with respect to the Liberal subamendment the question of fairness, and I'm trying to define fairness in terms of . . .

MR. HYLAND: How about Taber-Warner? What would that have changed?

MR. PASHAK: I beg your pardon?

MR. SPEAKER: Order.

MR. PASHAK: I can't enter into a debate with the member from across the floor.

With respect to Athabasca-Lac La Biche, if the 1989 election had been fought on the boundaries as they're drawn today, the Progressive Conservative Party would have dropped 600 votes. That's clear. But the Liberal vote would have dropped by 800, and the New Democratic Party vote would have dropped by 1,300. If that's not favoritism, which is contrary to fairness, I don't know what is.

I'd now like to address the whole question of fraud, which is part of the definition of fairness. I think if you pick up the news release that accompanied the introduction of Bill 55 in the Legislature, it's full of examples of fraud. Here's a quote from the second paragraph:

After extensive public consultation, public hearings, and a thorough examination of all written submissions, the Select Special Committee on Electoral Boundaries prepared and submitted a Report to the Alberta Legislature.

Then it implied:

Bill 55 reflects the recommendations contained in that 1992 Report.

Point of Order Parliamentary Language

MR. SPEAKER: A point of order.

MR. KOWALSKI: Mr. Speaker, a point of order. Perhaps we might reference *Beauchesne* 489, on page 145: "Since 1958, it has been ruled unparliamentary to use" an expression such as "fraud."

MR. SPEAKER: Hon. member.

MR. PASHAK: Okay; I'll withdraw the word "fraud," then, and say "contrary to the principle of fairness."

Debate Continued

MR. PASHAK: Contrary to the principle of fairness, there's an implication here that these written submissions materially affected the drafting of the Bill that preceded Bill 55. I'd submit, after having looked at some of those submissions and looking at the opposition the mayors of Calgary and Edmonton presented to those earlier submissions, that they were not at all happy with the boundary proposals. I've already indicated that Calgary, really, on the basis of fairness would have three more seats than it has allocated to it in Bill 55.

Secondly, Mr. Speaker, it says:

The intent of this Bill is to provide Albertans with electoral boundaries which are a current reflection of our population.

I think that all through this debate we've provided example after example where they don't reflect the current population fairly.

Thirdly, Mr. Speaker, in this news release it says:

This proposed legislation is consistent with recent Court decisions.

I think this is really critical to the whole issue that's before us. It says:

The Courts have ruled that where necessary an electoral division may deviate by up to 25% from the average population of all electoral divisions.

Up to 25 percent. That's not how I read that court decision. In fact, I think the Court of Appeal states quite clearly that the Carter case does not "mandate . . . deviation in a case where it is not needed." Nowhere do I see in anything that the government has presented to us a need to have urban ridings go up to the point that they're 15 and 20 percent above the mean. I have not seen that demonstrated by argument, by fact, or by any other way. I think on that ground alone the Bill that's before us is unfair.

Mr. Speaker, I think after making critical remarks about the Bill, it is important to set before members of this Assembly what I think would be a fair and honest statement about what ought to take place and something that I think would be reasonable, that all Albertans could accept. It comes from a paper that was drafted by a political scientist from the University of Calgary. His name is Keith Archer. He was here earlier in the evening with a group of his students. His paper is entitled *Conflict and Confusion in Drawing Constituency Boundaries: The Case of Alberta*. Some of my colleagues have already referenced their remarks from that. If I may, I'd just like to conclude by reading the concluding paragraph from this presentation. It's not very long, and I'd like to have it entered into *Hansard*. He says:

One way to avoid the regressive step of returning to the legislature for redistricting is to follow the sensible recommendations of the Lortie commission both federally and provincially. The commission's recommendation of a plus or minus 15 percent deviation limit, with no recourse to "exceptional cases", gives

appropriate emphasis to voter equality while also providing boundary commissions with sufficient latitude to remain sensitive to communities of interest. Furthermore, although it may be useful for the legislature to set the total number of legislative seats, it is counterproductive for them to assign large numbers of those seats to urban or rural (or single municipality versus multi-municipality) areas. Partisan gerrymandering can best be avoided by leaving the details of redistribution to nonpartisan or bipartisan boundary commissions. The Alberta government should change its legislation accordingly.

10:40

HON. MEMBERS: Question.

MR. SPEAKER: All those in favour of the subamendment, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The subamendment fails.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the Assembly divided]

For the motion:

Bruseker	Fox	Mitchell
Chivers	Gagnon	Mjolsness
Dickson	Gibeault	Pashak
Doyle	Hewes	Sigurdson
Ewasiuk	McEachern	Woloshyn

10:50

Against the motion:

Ady	Fowler	Moore
Betkowski	Gesell	Musgrove
Black	Gogo	Oldring

Bogle	Hyland	Payne
Bradley	Jonson	Rostad
Brassard	Kowalski	Schumacher
Clegg	Laing, B.	Severtson
Day	Lund	Shrake
Drobot	Main	Tannas
Elliott	McCoy	Thurber
Fischer	McFarland	Zarusky

Totals: For – 15 Against – 33

[Motion on subamendment lost]

MR. SPEAKER: On the amendment, then, Deputy Government House Leader.

MR. DAY: Mr. Speaker, I move that we do now adjourn until 10 a.m. tomorrow.

MR. SPEAKER: Thank you. The Chair, then, understands that you're speaking on the amendment and have requested an adjournment of the debate.

MR. DAY: That's right.

MR. SPEAKER: Thank you. The Chair needed to go through the road map as well because of various things.

The motion, as moved by the Minister of Labour, is to adjourn debate on the amendment. Those in favour of adjourning debate, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion carries.

[At 10:53 p.m. the Assembly adjourned to Friday at 10 a.m.]

