

## Legislative Assembly of Alberta

Title: **Monday, February 1, 1993**

8:00 p.m.

Date: 93/02/01

[Mr. Speaker in the Chair]

MR. SPEAKER: Please be seated.

Hon. members, a rather strange piece of housekeeping business: the Sergeant-at-Arms has found two sets of glasses, so if any of you really want to read tonight, you might speak to the Sergeant-at-Arms.

The Speaker's office also received earlier today some more correspondence with respect to Bill 55. I've had copies run off and distributed to all members, and there are now herewith four copies for tabling with the Table officers.

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.

[Adjourned debate January 28: Mr. Day]

MR. SPEAKER: The Minister of Labour.

MR. DAY: Thank you, Mr. Speaker. Having made my remarks the other day and having made, I think, the case for fairness and democracy, I would not hesitate to call for the question on the amendment.

MR. SPEAKER: The Member for Calgary-Mountain View, on the amendment.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I'm pleased to be able to join in the debate this evening on the amendment by the hon. Leader of the Opposition, who would call on the House not to read the Bill at this time because of our concern over the process that led to the development of the Bill in the first place. It's an amendment that I'd like to support.

I think that the hon. Leader of the Opposition has got the issue nailed down quite correctly. The problem is that the legislation in the development of this Bill was done by a committee of members of the Legislature who have a vested interest in the way the boundaries are distributed, the way the boundaries are drawn, the way Albertans are put into different constituencies. As such, by representing those very same Albertans and being in this Legislature on behalf of a political party, it's our contention that members of the Legislature are in a conflict of interest situation and are not able to properly make the kinds of impartial, objective decisions this sort of process requires. It's only an independent Electoral Boundaries Commission that can, in fact, do that sort of work and do it in the public interest as opposed to trying to sort out the conflicting personal interests that MLAs find themselves in.

I think this is something that all members of the Assembly should pay very close attention to, because I have seen nothing provided in the debate or otherwise that would convince me, Mr. Speaker, that the four members of the government who sat on the

committee were in fact able to disassociate their differing interests in how those boundaries were drawn: the interests of their party in how those boundaries were drawn from the interests of Albertans in fair and effective representation in this Assembly. Now, some may take issue with these comments I'm making, and that's fair enough. That's why we're in this place, to have a debate and in the process of debate come to – if not some agreement at least we've had the debate.

I really would like in my comments this evening in support of the reason for having an Electoral Boundaries Commission do the work of drawing boundaries to draw heavily on a presentation made by Dr. Archer to the Electoral Boundaries Commission after their interim report was issued last year and public hearings were held. The work that Dr. Archer did in analyzing the history of electoral boundaries commissions, not just at the Alberta level but at the federal level, I thought was very instructive. This was in fact his point: that if you look at the track record of electoral boundaries commissions in their history in this country since the mid- and early 1960s, you find that the result of their work is that in the drawing of boundaries, the creation of boundaries has moved in a direction towards much fairer and more effective representation than what was achieved when the process was left in the hands of Legislatures. That study is an important one for the discussion of the amendment here this evening.

First of all, I think we need to really begin at understanding what is meant by effectiveness of representation, because this is often the counterpoint to the proposal made that we have to accommodate communities of interest. Communities of interest are the basis on which we say that some electoral districts should have a smaller population because of the size of geography and that a smaller group of people share some geographical and common community interests. This is often the basis on which the disparity is defended, that some areas of the province deserve special boundaries that would reflect their community of interest.

The other concept that informs this debate that we're having about this Bill focuses on the definition of effective representation. Now, the reason that we want to move in the direction of equal-sized electoral districts is to ensure that Albertans or Canadians are effectively represented, because that's more likely to create a situation where the majority government in an Assembly is more likely to reflect a majority or at least a strong plurality of the electorate. So if you have a situation where perhaps only 30 percent of the population – say that there's a million people voting in an election and 300,000 of those people can elect a majority of the seats in the Assembly. They have a great deal of clout compared to the 700,000 who collectively would not be able to create or support a majority government. That's why equal-sized electoral districts are important. They create a situation where 50 percent of the population would be required to elect 50 percent or more of the Legislature in the election.

The premise is based on the notion that all citizens would have an equal voice in selecting those who would govern them. You know, if 30 percent could elect the whole majority, then compared to 70 it would be as if the effectiveness of the vote for everyone that lived in those smaller constituencies is twice as powerful as for those who live in the larger electoral district. This is why it's important for us to consider carefully effective representation and why electoral boundaries commissions are much more likely to achieve the kind of balance we want.

### 8:10

Now, if we were to take a look at the maps in front of us and the boundaries as proposed by the government in terms of Alberta's new electoral boundaries, we would take a look at the

city of Calgary as being the most obviously disadvantaged by the proposed map. The riding I represent is one of those in Calgary. It would become the most underrepresented part of Alberta in the Legislature in that the 20 Calgary ridings would be approximately 15 percent above the provincial average. Along with that is the compounding problem, Mr. Speaker, that if we look at growth rates over the next 10 years, with migration and growth Calgary is probably the most vigorous community in the province. By the year 2001 our expectation is that the average Calgary riding would be more than 22 percent above the provincial average, which means that in terms of effectiveness of representation people who live in that city would be underrepresented and their vote would have less impact and less weight or less clout in this Assembly than it otherwise should.

Now, why this is interesting in particular, Mr. Speaker, is because we previously debated a Bill in this House setting up the Electoral Boundaries Commission, which, as we know, issued its interim report based on the rules written into the legislation. Given the wide-ranging public dissatisfaction with that map, it ended up that the commission themselves were unable to come back to this Assembly with a majority report based on the rules they were given to work with by this Assembly.

Dr. Archer made a very interesting analysis of the work of the commission as it was expressed in the interim report. What he did was look at what population was necessary to elect a majority government in Alberta. What he discovered was that if the Electoral Boundaries Commission had gone along in one direction that the Bill would have allowed, they could have come up with a population required to elect a majority of seats in Alberta of something like 40.7 percent. That's what the Legislature, as represented by the government majority, contemplated under that legislation, that effective representation would be undermined by having just the small percentage of 40 percent able to elect a majority government.

What the commission did was try to introduce greater effectiveness of representation and fairness in terms of the way the boundaries were drawn. The boundaries, the map that they presented in their interim report, increased substantially the percent allowable to 45.6 percent. That meant that it would take 45.6 percent of Alberta's population to elect a majority government, a significant improvement from what was contemplated by the Legislature.

Well, I watched very carefully and closely and with a great deal of interest the public hearings that were conducted across the province. I found it ironic that some of the criticisms raised by the opposition when the Bill was debated were echoed by members of the government's own party when they appeared at those hearings. Nevertheless, the end result was that the commission itself was unable to reconcile the rules provided in the legislation by the Legislature with the basic principles of fairness, effective representation, and the judgments that have been rendered by the Canadian court system. What I think has to be emphasized and understood is that the Electoral Boundaries Commission introduced a substantial measure of fairness that was not contemplated in the drawing up of the rules of the legislation adopted by the government in this Assembly.

Now, Dr. Archer further presented at the public hearings a chart analyzing something called the Canadian federal Gini indices – it has nothing to do with Aladdin and his lamp – based on official population census figures. What this index is, Mr. Speaker, is an attempt to scientifically analyze effective representation in the numbers of people that are placed into differing electoral districts within differing electoral boundaries.

The way the index works is along these lines. The lowest you can get on the index is zero and the highest you can get is 1. Now, a Gini index of zero would mean that all constituencies would have exactly the same number of electors or citizens contained within them, say perhaps 35,000 people. It wouldn't matter which of the electoral districts were represented in this Assembly. If the Gini index was zero, it would mean absolutely equal numbers of electors or population in each of the ridings represented in the Legislature down to the last individual. If the Gini index was 1, it would mean that there was one constituency that had absolutely every voter in the province, and all the rest of the constituencies would have no one in them at all. Well, that's taking it to the extreme. It's easy to recognize that it would be impossible to reach 1, but you can see that on the basis of the spectrum you can begin to analyze what is relative equality of individuals in each of the ridings or constituencies in the Legislature.

What's interesting is that in the table presented by Dr. Archer, he did it first for the federal elections beginning in 1903 and concluded in 1983, and as well he went through and did Gini indices for provincial elections starting in 1911 and concluding in 1987. What was interesting in looking at these indices was that for the first 50 or 60 years, when as far as the federal government was concerned, Parliament was responsible for allocating electoral divisions, the Gini index was typically very high, consistently high. In this index that would be from .15 to about .25. In Quebec, for example, in the 1903 redistribution the Gini index for that province was .250, whereas in Alberta that same year it was .075. So what the Gini index shows is that in terms of Parliament the disparity of the ridings in Quebec was substantially out of kilter with that of Saskatchewan, Alberta, and British Columbia.

However, what's intriguing is that something happened of great significance in the redistributions that occurred after 1964. Of course, it was in 1964 that the federal government adopted the electoral boundaries Act, in which federal maps were drawn by electoral boundaries commissions operating independently within the provinces. So what was at one time a consistent distortion, measured by a Gini index of .15 or .25, dropped to .05 or even less after electoral boundaries commissions became involved. For example, again in the province of Quebec, as I mentioned, in 1952 the Gini index was .151, but by 1966, the first year that the electoral boundaries commission operated in Quebec, it dropped to .060. It's a huge drop. Since that time, for example, in 1983 in Quebec it's .059. I'm sure members would be interested in Nova Scotia as another example. In 1952 it was .213 and dropped in 1966 to .061.

#### 8:20

If you look all the way across Canada, Mr. Speaker, in each province there is a significant drop from the distortions that obtained when Parliament itself was redistributing electoral districts to 1966 and following, when the federal electoral boundaries commissions undertook to do the job. In 1983, the most recent year available, in Saskatchewan, for example, the Gini index was .011, which is as close to equality as one is likely to get. In Alberta it was .058. This was I think a significant accomplishment and an objective measure of how good a job electoral boundaries commissions have done at the federal level in terms of making provincial constituencies more equal in the number of people contained in each one of them. Deviations have become very, very small by comparison to what they were when Parliament was doing it.

Now, what's interesting about this as well, Mr. Speaker, is that in the early 1980s the federal Parliament passed an amendment to

the electoral boundaries Act which provided a mechanism for electoral boundaries commissions to create any number of electoral districts that deviated over a 25 percent guideline; that is, would allow significant deviations that were not originally contemplated in the legislation. In making that amendment, some would even say that Parliament was actually inviting electoral boundaries commissions to create greater distortion and greater inequality in the populations of federal constituencies in the provinces.

### **Speaker's Ruling Reading from Documents**

MR. SPEAKER: Forgive me, hon. member. I see from your copy great lines of underlining. I trust you're not reading this too closely, because I know you have a great ability to speak for yourself.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I'm not reading or quoting; I'm just borrowing heavily from the analysis done by Dr. Archer.

### **Debate Continued**

MR. HAWKESWORTH: I thought what was really interesting was that in the last redistribution at the federal level, of the 295 seats that exist in the federal Parliament, only five were based on this new authority that had been given to the commissions. In fact one could even argue that the commissions ensured that they went in completely the opposite direction from the one they were encouraged to go in by the federal Parliament.

Mr. Speaker, that example is to sort of set the stage to explain how the Gini index works. Certainly what's of primary interest to us here this evening is: how does this particular system work when it comes to the Alberta provincial Legislature and the history of Alberta elections and redistributions over the years? Well, the Gini index indicates, for example, .278 in 1959, .263 in 1963, and .269 in 1967. So those figures would indicate, given what I've already indicated to the House, high distortions as experienced at the federal level. We see, for example, that with the redistribution in 1971 the index immediately dropped to .191. Then again in 1975 it increased to .234, in 1979 it dropped back to .190, and in 1982 it was .222. What's interesting is that in 1986 the Gini index for Alberta was .170.

Now, these are interesting in that Alberta was, let's say, in its early period not one of the worst offenders as far as provincial Legislatures were concerned. In fact, it was relatively stable. That had to do, I think, with the distribution of the population, the demographics in the province from 1921 until the late 1940s. The population was relatively stable. There was no major increase in the population of the two urban centres of Calgary and Edmonton, so migration didn't distort the indices a very great deal.

What happened was that in 1969, Mr. Speaker, the Electoral Boundaries Commission Act was adopted. It did a number of things, establishing two classes of constituencies, a bipartisan electoral commission, and an electoral quotient for urban constituencies at 25 percent of the provincial average. What it did was halt the trend, I guess, towards distortion in the way that boundaries were created in Alberta. It put a stop to a trend of rising distortion, but it institutionalized that distortion at relatively high levels. So in our early years of provincehood Alberta's Gini index was relatively low compared to other provinces. By the time we hit our stride with the huge population gains of the 1960s and the 1970s, by the time the Electoral Boundaries Commission was established by the Assembly in 1969, the distortion was quite high, and it was institutionalized at that level throughout much of

the '70s but then, interestingly enough, started to drop near the end of the 1980s.

What is important is that the work that was done by the Electoral Boundaries Commission in this province was not a radical step towards equality but was actually a move towards greater equality than what the legislation would have allowed. Dr. Archer took a look at the boundaries in the interim report from the Electoral Boundaries Commission, and based on his calculations, the Gini index was .07, which would have made it the lowest it had ever been in the province's history.

So in fact the move that the Electoral Boundaries Commission was making was towards greater equality. He analyzed what was possible under the legislation that the commission was given to work with by the majority in this Assembly and said that the maximum possible distortion allowable was .138, which was going in the right direction from what currently exists in the boundaries that we represent today. What the boundaries commission in effect did was to take that direction, take that trend, and make it even more equitable in terms of the number of voters in each provincial riding. What's also interesting, Mr. Speaker, if you look at what the federal Electoral Boundaries Commission has done with the federal ridings in Alberta: their Gini index, based on the analysis, was .058. So when the Legislature set up a possible distortion of .138, that's a significantly greater distortion than what would be allowed under federal legislation.

8:30

MR. SPEAKER: Additional, speaking to the amendment?  
Edmonton-Kingsway.

### **Speaker's Ruling Relevance**

MR. SPEAKER: Before you commence, please, I'd draw everyone's attention to the wording as proposed by the Leader of the Opposition. This is indeed an amendment, and the words are there. I'm sure you'll follow them quite closely. We will not get into the specifics of the Bill. Thank you.

MR. McEACHERN: Mr. Speaker, it's my understanding that the amendment is worded in such a way that it's considered to be the same as the motion itself except that it's the contrary. Therefore, the debate is of a similar nature on the principle of the Bill, so then it is the principle of Bill 55 which is at debate. Is that not the case?

MR. SPEAKER: Thank you. Your understanding is incorrect.

MR. McEACHERN: May I ask a question then? Does that mean that we will get a separate debate on the Bill at second reading, separate from this amendment?

MR. SPEAKER: You have risen to speak to the amendment. I trust you have a copy of the amendment before you.

MR. McEACHERN: It is a fairly important question to me in making my remarks. If I speak on the amendment knowing that I would get another turn on the Bill itself, I might make my remarks a little bit differently than if I assumed that they were the same debate.

MR. SPEAKER: The time clock is still running against you, hon. member. I have made myself manifestly clear. It's the tradition of the House that you speak to the amendment. In conversation with your own acting House leader earlier today I mentioned that

indeed the normal process would follow. Right now we're speaking on the amendment.

### Debate Continued

MR. McEACHERN: Mr. Speaker, yes, I do have a copy of the amendment in front of me. It basically points out that the development of this Bill was inappropriate as it was done by members of the Assembly and was not done by an arm's-length body, such as an independent Electoral Boundaries Commission, and I wish to pursue that angle at some length.

The specific process in this case had four members of the Conservative Party as the members which drew up the boundaries. Not only was that an inappropriate idea, but these four members obviously didn't understand the city of Edmonton and some of the things that have gone on there in terms of its history and its natural divisions and its community associations. I will get back to that theme at some length, but I do wish to spend a few minutes on this process. The government started off what seemed to be early enough in terms of redrawing the boundaries. We'd had our two elections on the present boundaries, which are the areas that we each represent in this Assembly now. In fact, in 1989, which was appropriate after the election, some moves were made to start the process of drawing up new boundaries. I have here the report of the Select Special Committee on Electoral Boundaries, as it was called, of November 1990 showing that indeed they had been set up as early as 1989. It was an all-party committee of the House that toured the province and held a number of hearings. I think they said 29 in the spring, and then there were additional calls for hearings later, so in the fall they held some more hearings to see what kind of considerations should be given to an independent commission which would then draw up the boundaries.

Now, the terms of reference of the Select Special Committee on Electoral Boundaries go something like this. They were given a mandate to consider and make recommendations on the following points:

- the appropriateness of the provisions of the Electoral Boundaries Commission Act

in Alberta. Fair enough to review that Act.

- the implications of the Charter of Rights and Freedoms for electoral boundaries and the distribution of constituencies.

There had been a ruling, I believe in B.C. by the Supreme Court of B.C., with regard to the extent to which you could allow variations from the norm in terms of the number of voters in a particular constituency that would still somehow meet the provisions of the Charter of Rights and Freedoms, which tries to put forward the idea that all Canadians are equal and therefore have equal rights. Obviously, if your vote doesn't have the same weight as somebody else's, then you have to consider whether or not there should be some change that would make your vote more equal to someone else's than it might be at present.

The composition of the commission was discussed and the process by which it would carry out its responsibilities was another mandate of the select special committee.

- Any legislation, legal decisions, and historic and current practises of Alberta or other Canadian jurisdictions relating to the distribution of constituencies and their boundaries

were to be looked at. In other words, they weren't to just tour the province and listen to Albertans but look into the literature right across this country. I might point out, as I said the other day, that I remember, as a student at university in the early '60s, being visited. A commission came through that was setting up the drawing of electoral boundaries for Canada. Even at that stage they were considering doing it with an independent commission and with a fairer set of rules than had been the norm in this country before that. So for us to go back to having a four-

member committee, a political committee, a one-party committee actually drawing the boundaries goes against a long history.

I remember, though, one of the examples that that committee mentioned as to why they needed to have a fairer way of doing the boundaries. To illustrate the point of how unfair it could get and how much a vote could count, they said that Prince Edward Island had one riding with 8,000 voters in it to represent for a Member of the Parliament of Canada, and there was a riding in Toronto that had 127,000 voters in it. I think that would not quite meet the modern idea of what kind of variation you might have and still have some kind of one person, one vote or approximately one person, one vote in an Assembly. Actually, there were some constitutional reasons as to why Prince Edward Island was overrepresented, and I'm sure there still are, but I don't think the discrepancies are quite as great anymore because we have had independent commissions setting the boundaries across this country, all our provinces and at the federal level, unlike what we've done here.

- The select special committee also was supposed to look at any geographic, demographic and other factors that should be considered in the distribution of constituencies and the determination of their boundaries.

Of course, the reason that you look at redistributing the boundaries is because you know that populations grow in some areas; they shift away from other areas and move into certain areas. That's of course the whole reason for the change, and I guess the first thing you have to do is determine the extent of that change.

8:40

- Another point they were told they would have to reference: the impact of the determination of constituency boundaries on the ability of Members of the Legislative Assembly to fully discharge their duties to their constituents.

I guess this is where you would look at the idea of it. If the areas were rather remote and sparsely settled, distances could come into play as to how well you could do your job. How far you are from the capital also might have an influence on how well you could service your constituents.

The final point was:

- any other factors that the committee reasonably considers relevant in the discharge of its duties.

So a fair set of rules was given to the Select Special Committee on Electoral Boundaries, and they came back with this report and recommended a number of things for the commission that they intended to set up. By the way, they specified what that commission should be. They said there should be a judge for chairman, or at least a retired judge, appointed by the Lieutenant Governor in Council; the Chief Electoral Officer; two citizens at large nominated by the Premier; and one citizen at large nominated by the Leader of the Official Opposition in consultation with the leader of the other opposition party.

So what that commission was decided upon and who should be on it. The select special committee also gave them some parameters. The first thing they said – and we all agreed on that, and this was a reasonable thing to say – was that there should only be 83 seats in the next redistribution, that 83 seats were enough, that we didn't need an expansion. In fact, our Assembly is one of the bigger ones for our population size.

They also suggested that

- the basis shall be total population using the most recent federal census.

There's been, of course, some updating on that. I think they used the '86 initially. They have now got the '91, and I'm sure that was used in these last redistribution calculations.

However, they went on to make a couple of other points:

Percentage Variation Formula between Ridings may be up to + or -25% from the provincial average of electoral division population with extreme criteria to -50%.

No, there's not a plus 50 percent but only a minus 50 percent.

Now, I'd like to comment on those particular provisions. I think it doesn't necessarily mean that because those provisions were there, somebody had to come up with a set of boundaries that tried to push on the margins of the 25 percent above and below. Just because in some cases it might be most logical to do so doesn't mean that you should try to get most constituencies to do so. I say to the people that drew up these boundaries that it seemed to me you worked too hard at trying to see to it that most of the urban ridings were closer to 20 percent above – in other words, pushing toward the 25 percent above the average – and most of the rural ridings were pushing toward 20 percent below the average.

They went on to say five special criteria:

In establishing electoral divisions the commission shall consider the following:

1. Sparsity and density of population, which of course is the reason for the change in the first place;
2. Community interests including Indian reservations, Metis settlements, special areas and improvement districts.

"Community interests" is the point I think where this commission fell down the most. I do not see how the members of that committee could think that they had any kind of a handle on the historical development of communities in Edmonton, which communities had worked together and whether you should put a line between these two communities or those two communities because there happened to be a road there or not. I will illustrate that with some particular points in a few minutes.

3. Number of municipalities, school boards, hospital boards, et cetera.
4. Geographical features including existing road systems.
5. Understandable, clear boundaries.

Now, the geographical features in the existing road and railway systems of course make a certain amount of sense, sort of natural boundaries. The number of municipalities is probably not a major point but one to look at and worth considering, the number of school boards, hospital boards, et cetera, so that we have some idea of the workload of the MLA, which would relate back, then, to the points that were made earlier.

So the commission then proceeded with its work but didn't get very far before the original chairman, the original judge, resigned. I want to correct something I said the other day. I'd indicated that he had been concerned to have an updated enumeration. It was not an enumeration that he asked for; it was a population projection by a consultant. He felt that a consultant, for a few thousand dollars – I think it was \$100,000 or \$200,000 – could do a projection of population growth over the next 10 years or so and hence give the commission a good idea of how they should leave their margins for growth, which areas were the growth areas and which were not. It seemed a reasonable request to us at the time, but the government turned it down and said that they weren't going to give any money for that. The judge resigned, and no one knew about that for some length of time. Finally, we found out about it, the government appointed another judge, and the commission did get on with its work. That commission did a pretty good job, considering.

Now, I think where the government made its mistake, if I may say so, is that they didn't stick to the provisions here entirely. For instance, the government in setting out its regulations to the commission put a limit on the number of ridings that you could have in Calgary and Edmonton. Rather than just leaving the commission to work it out by looking at the population and

deciding what made logical sense, taking 83 and dividing it up around the province in as equitable manner as possible, the government decided that there will be, you know, 19 seats in Calgary and only 17 in Edmonton. I believe they also said that they could have up to four rural ridings that varied as much as minus 50 percent below the average. Now, I don't think the select special committee meant that you had to have four necessarily. I think they said that if you look at an area and if certain criteria apply, then you could have some ridings like that and you could have as many as four if necessary. I believe the government turned it the other way around and said, "We'll have four."

One can't help looking at the maps now and wondering why Peace River didn't qualify. I suppose it was because they decided to put the town of Peace River in so that it would not qualify. In fact, that area, although it's huge and sparsely populated, above Peace River right up to the Northwest Territories and Yukon borders and to the B.C. border – the town of Peace River has more than 4,000 people. They didn't qualify, and they're on the southern edge of this huge riding. I guess it was decided there were four other areas that were more deserving. I'm sure those people up there kind of wonder if they weren't as deserving. I'm not sure what was magic about the number four. Again, it seems to me that could have been left to the commission.

The other thing that the government decided to do with its motion setting up the commission and giving it its rules was to tell it that it could have X number of single-municipality ridings and X number of more than one, multiple-municipality, ridings in a detailed way that I think hampered the work of the commission. The commission did the best it could with those rules. They went around the province, held hearings – they drew their maps first, of course – brought in a report, and then held hearings on those boundaries that they had.

The government, because they didn't adhere to the idea of moving away from the norm toward 25 percent above and below in rural and urban Alberta, chose to give them a very bad time for setting up these 'rurban' ridings. I don't understand why. Given the parameters that the government gave the commission, they did a pretty good job. They said, "Well, to fulfill this and try to stay closer to the norm under most circumstances, except where circumstances warrant going toward the 25 percent, we will make 'rurban' ridings that will then allow us to have only 17 seats in Edmonton and 19 in Calgary but have the majority of the ridings closer toward the average or the norm rather than further toward the 20 or 25 percent away from the norm." It seemed to me a logical and reasonable thing to do, given the Charter of Rights and Freedoms and the idea in this day and age that we should all be equal citizens and have equal weight with our vote.

### 8:50

However, the Conservative Party MLAs particularly and a lot of members and supporters of the Conservative Party came out in large numbers and got really angry with the commission, gave them a very bad time, and finally the commission gave us a final report which was not really a consensus report at all and one that of course didn't go anywhere. So the government then said, "Well, I guess that means that if the commission can't do the job, then we'll do it ourselves, and we're going to do it as MLAs." I don't think it was right that you should then switch to MLAs, because I don't think most of the MLAs in here know the whole province, nor can they have time. I remember the Member for Taber-Warner talking about how many hearings were held and all those sorts of things. Of course, those numbers all applied to the select special committee and to the commission itself and to the hearings after the commission report, not to the MLA committee,

so the MLA committee must have sat in a room somewhere and taken a ruler and a map and just drew some lines.

[Mr. Deputy Speaker in the Chair]

If you look at the map of Edmonton, nobody that knew anything about my area certainly, for example, would have drawn such a map. I have a number of community leagues in my area, and community of interest was one of the things that was put forward as being one of the main criteria that you should look at before you draw your boundaries. I brought along with me today a book called *Edmonton's West Side Story*, and there are just a number of historical and geographical facts that are relevant to this situation. For instance, they talk about the history of the Westmount Community League. Now, the Westmount Community League was formed in December of 1919, for heaven's sake. Actually, the boundaries were a little different than they are right now, but quite interestingly it was sort of west of 121st Street. The southern limit was the CNR spur that angled west, crossing 107th Avenue at 128th Street, and then the north end was the CNR line on 125th Avenue, but the west end was the city limits at that time. You know, they sort of bypassed Jasper Place, I guess. Oh, sorry, Jasper Place wasn't within the city at that time, so it was right out to what was then the boundary of the city of Edmonton.

Right next door to Westmount Community League was Oliver Community League. Below Westmount was Glenora, and Glenora and Oliver sometimes have shifted back and forth from one constituency to another, sometimes both in the same constituency, sometimes oriented toward the east to the Oliver side, and sometimes toward the west to the Glenora side.

Another community league right next door . . .

#### **Speaker's Ruling Relevance**

MR. DEPUTY SPEAKER: Order please, hon. member. I wonder if the hon. member could explain to the Chair how those matters of historical interest to some people relate to the process that is the subject of the amendment.

MR. McEACHERN: Yes. Mr. Speaker, one of the criteria is community of interest, and I wanted to establish a few historical points – I'll keep it very short – and the connections between the community leagues in the Edmonton-Kingsway, Edmonton-Centre . . .

MR. DEPUTY SPEAKER: Order please, hon. member. The Chair isn't trying to be difficult, but the Chair fails to see how the community of interest that the hon. member mentions relates to the process leading to the development of this Bill.

MR. McEACHERN: Oh, I see.

#### **Debate Continued**

MR. McEACHERN: It would seem to me, Mr. Speaker, that if you have a faulty process, it's going to result in some faulty solutions, if you call them solutions, to some of the problems you have. If you have a process that puts some people to do the job who don't know and understand the community of interest, which is one of the criteria, then that helps to reinforce the idea that the process was a faulty process, because surely you would have had to find somebody who knew about the community of interest of the area you're dividing up. Had the four members of the committee done that, then it seems to me that we would not have

had the boundaries we have. I really think I can illustrate that quite easily without taking a lot of time of the Assembly.

The most obvious one, you know, for those of us that are sort of in north-central Edmonton – I mentioned the Westmount Community League area. It is close to Glenora, south and west of it, and Oliver is to the east of it and a little bit south, but also the one that it's had the most association with is Inglewood, which is right above it. Just a point about that Inglewood community: it developed a little later than the Westmount one in terms of its history, of its start. In fact, it's rather amusing, if you read parts here, that relations weren't always totally friendly. In any case, they found that in 1976 they had some really strong reasons to put their differences aside and start working together in an organization called West-Ingle. That was the point I wanted to make.

Not only were these two community leagues next door to each other, they actually began to realize that they were under attack by developers and that if they wanted to keep their residential nature, they were going to have to do something about it. So they actually formed an association called West-Ingle development association. At first they fought developers sort of one development at a time before the development appeal board, but after a couple of years of that, they started to realize that they were going to be tied up with the development appeal board on an ongoing basis forever. So they said, "Look, let's develop a community plan and set out some rules by which developers can come into the area." They did that, Mr. Speaker, and those two community leagues are divided by these boundaries that the MLAs have come up with. Probably of all the community league divisions – I don't know the history of some other community leagues – no two community leagues could possibly have co-operated more thoroughly than these two have over the last 15 years or so. To then put one in one constituency and one in another is just not something that anybody would have done had they been totally impartial and known a little of the history of the area.

A couple of other examples from the area as well. Just above Inglewood are two community leagues called Sherbrooke and Prince Charles. Now, they also have worked with not only Inglewood but also Sherbrooke, which is on the other side of St. Albert Trail to the west. Yet those two community leagues out of the eight community leagues in Edmonton-Kingsway are now associated with the riding of Edmonton-Norwood, and the airport is between them and the main Norwood area. Now, again, no commission that understood the parameters of the area would have done that. Those two community leagues are isolated from the rest of the riding that they are now in by two or three miles of airport and will have a different MLA at the end of the next election, if these boundaries hold, from the one representing the Inglewood and Woodcroft areas and the Sherbrooke area, all of which are in the new riding of Edmonton-Mayfield.

Mr. Speaker, it's that kind of impartiality and knowledge of the area that is needed to draw up fair boundaries, and there are a number of people out there that can do that. I know of many people who have worked on these kinds of things through the years. One of the really great people in the Inglewood area that had a lot to do with getting this book printed that I mentioned, *Edmonton's West Side Story*, is a wonderful lady called Joan Torguson. She was asked by a reporter from the *Examiner* the other day about these boundaries, and she had a few comments to make. I'll just pick out one or two comments and not bore you with too many.

"Communities are struggling to be heard," says Torguson. "To take on another level of government is just spreading yourself so thin."

Communities like Inglewood and Westmount have worked together in the past on the West-Ingle area redevelopment plan. Out of that plan came the 127 Street bike path.

Without the plan Inglewood wouldn't exist today, says Torguson.

So here's a longtime community activist, an historian, a person who understands the communities, and she's saying that these communities of Woodcroft, Sherbrooke, Dovercourt, Prince Charles, Inglewood, and Westmount should not be split up and carved into parts, one attached to this part and one attached to that part.

9:00

Some of the basic principles of how you divide up your ridings. It seems to me that the first thing you do is say, "Okay, we have to make some accommodation to population growths and changes." That's one of the points that's laid out in the criteria, right? That's why you do this. So you look at the changes that are made, the growth and the population shifts that have taken place, and then you say: "What have we got now? What areas are together? How are they working together? What's happening now?" Then you say, "How can we modify that to take account of the growth without disrupting the communities too much?" That's really what you should be saying. But as I see it, this commission didn't do that.

Certainly in the central part of north Edmonton the lines are just drawn very arbitrarily to get the numbers right, and there doesn't seem to be any other consideration. Now, getting the numbers right was only one consideration. I grant you that it's the motivating consideration; it's the one that gets you to draw new boundaries.

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

MR. DICKSON: Thank you, Mr. Speaker. I rise to speak in support of the amendment. I've listened with considerable interest to those who are promoting the Bill. I've listened to them explain the advantages of the proposed electoral boundaries. I've listened, in fact, to the Member for Calgary-Fish Creek and the Minister of Justice practically rhapsodizing about the process that brings us here. We've heard a great deal of discussion about the amount of energy that's been expended by the four people on the select special committee, those on the government side, to put together the new map and the new redistribution proposal, but it seems to me that no matter how much work has gone into that process – and I think we all acknowledge that there has been a great deal – it's still a house of cards. There's no proper foundation for it, and if the process is fundamentally flawed, as I submit it is, then it doesn't matter how much work and how much time has been expended in terms of trying to put together and fashion this new map. It's still fundamentally bad.

The first principle, sir, has been set out for us by the Supreme Court of Canada in the case of Carter and the Attorney General of Saskatchewan. If we look at the majority judgment of Madam Justice McLachlin, she talks about two issues, the first one focusing specifically on the process. Was the process fair? In that case it was clearly distinguishable from that that we're presented with in this House. In Saskatchewan what you had was, by any account and by any standard or measure, an arm's-length, independent, unimpeachable body which was responsible for fixing the boundaries. Now, as I understand it, in August of 1989 the original select special committee saw the wisdom in agreeing unanimously that elected members ought not to be part of the

process of drawing boundaries. The process we have, I submit, sir, is one that is not fair, and everything that that select special committee, the most recent committee, has done is tainted as a consequence.

Let us look, sir, at the boundaries that are produced by this process that I say is fundamentally flawed. If we contrast it with what happened in Saskatchewan, there were discrepancies, but the court was quick to note that the discrepancies were not great. The actual allocation of seats between urban and rural areas in Saskatchewan's case was very close to the population distribution between those two areas. In fact, the court noted that the deviations are relatively small. If we look at the dicta of Mr. Justice Cory in his dissent in that case, in his customary forthright manner he noted, and I quote:

Any significant diminution of the right to relative equality of voting power can only lead to voter frustration and to a lack of confidence in the electoral process.

Now, this was a peril to which both the Member for Edmonton-Glenora before Christmas and now also apparently the Member for Calgary-Currie recognized and were alive to, sir.

Mr. Justice Cory noted in his dissent, and I quote:

To diminish the voting rights of individuals is to violate the democratic system. Such actions are bound to incur the frustration of voters and risk bringing the democratic process into disrepute. The haunting spectre of "rotten boroughs" is not that far removed as to be forgotten. The right to vote is too important to be diluted in the absence of some valid justification.

Mr. Speaker, do we have rotten boroughs here in the work that's been done by the select special committee and that underpins Bill 55? I submit we need look no further than three Calgary constituencies. This isn't to suggest that there are many other constituencies which are suspect, but I'll address the three I'm most familiar with: Calgary-Elbow, the constituency currently represented by our Premier; Calgary-Currie, represented by a government member; and Calgary-Buffalo, a constituency that has decisively rejected the government party in 1986, 1989, and most recently in 1992.

If we look at just the Calgary constituencies, they're all above the provincial average of 30,780, and not just marginally above but substantially above that provincial average. In fact, of the 20 proposed constituencies only three deviate less than 10 percent over that average. If we look at the three rotten boroughs I referred to a moment ago, Calgary-Elbow is 19 percent above average, Calgary-Currie is 22.9 percent above average, and Calgary-Buffalo is 19 percent above average.

Now, when the Minister of Justice moved second reading of Bill 55 the other day, he asserted that he was pleased that none of the proposed electoral divisions will deviate more than 25 percent from average except for the four special cases. That just reinforces this myth, and I submit it is only a myth, that 25 percent is to be the standard. It was never to be the standard. It's clear in all of the higher court decisions on this point that 25 percent was to be what I might describe or characterize as an outside tolerance, and that's all it was to be. In Alberta we still have 61 percent of urban Albertans with only 52 percent of the seats. The Member for Calgary-Forest Lawn made the point earlier that even the Alberta Court of Appeal in the reference confirmed that the 25 percent maximum tolerance does not mandate the use of that 25 percent or any deviation in a case where it is not needed. So there still has to be a qualitative assessment, Mr. Speaker, of whether that deviation is needed, whether it can be justified, and whether it's warranted. It's surely incumbent on the government that comes forward and propounds this new map and this new scheme of electoral boundaries to make the case. The burden of proof is on the members opposite to show us that this new map is

going to be fair, that this is a better process, and that Albertans are somehow going to be better served under that arrangement than they are currently.

Just with respect to effective representation. I think it comes from comments that I've heard members on both sides of the House address in terms of justifying special treatment or a lower ratio in a rural constituency, and I say this, Mr. Speaker, as a native Albertan who grew up in a smaller centre. I understand the challenge that's presented to a member who represents what we'll call a rural constituency. So I acknowledge that distance and low density create a particularly difficult challenge for a rural member, but I doubt, sir, that we have some reliable means, any means, to be able to accurately calculate that there's some differential disadvantage to a rural representative than an urban representative.

**9:10**

Sir, in my own constituency of Calgary-Buffalo under the current boundaries we have perhaps 70 percent of the residents living in rented accommodation. Under the proposed change we will now have something in the order of 90 percent of my residents living in rented accommodation. Most members will appreciate that in an inner-city area, that translates into a turnover of most of the constituents every six months to one year. Now, that presents some problems which I suggest are at least as onerous and at least as challenging as members in a rural constituency have to confront. I don't for a moment want to diminish or disparage the challenge that a rural MLA has. I simply assert that to be fair we have to look at the balance, and we have to recognize that there is also a challenge in representing an inner-city constituency.

Not only do we have in the inner-city like Calgary-Buffalo an enormously high turnover, but you also have the difficulty that you're dealing with a very high-needs area. A very large number of the 35,000 people that live in Calgary-Buffalo under the new boundaries are people who are functionally illiterate. A large number of them are new Canadians, immigrants. A very large number of those people are unemployed. A very large number of those people are unable on their own to access government services and government resources. That translates into particular demands on an elected representative, and I simply cannot accept, sir, the argument – and I disagree with the Supreme Court of Canada in this respect. It was accepted and taken as a given that it's more difficult to represent a rural constituency than an urban one. I simply make the point that it may be different, but I think it's unrealistic and unfair to say that it's significantly more difficult.

Just to come back and touch, then, on what I described as the three rotten boroughs in the heart of Calgary. Is it just coincidence, Mr. Speaker, that the Premier has managed to shed those polls, in lower Mount Royal in particular, that he lost in the 1989 general election? Are we to believe that's just luck, that it's just a fluke, that it just happened that way? Is it just coincidence that Calgary-Elbow is stretched and twisted so that you have a constituency that on one end touches the inner city, the core of Calgary, and on the other end goes right to the municipal boundary? I think it impacts or touches at least seven urban constituencies and I suppose at least one rural constituency. Are we to believe that's just coincidence, sir?

#### **Point of Order**

#### **Reflections on a Member**

MR. GOGO: A point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-West, on a point of order.

MR. GOGO: Mr. Speaker, I hesitate to interrupt the hon. Member for Calgary-Buffalo, who's making such an interesting case here, but if my recollection serves me well, he used the word: the Premier "shed" various polls in his riding. My understanding, and the Premier said so in this House himself, is that unless there's evidence to the contrary, hon. members must believe the word of a member. To my knowledge the hon. Premier did not even meet with the committee, so to make the allegation I find offensive under 23(i). I would hope the hon. member would reconsider his comment about the Premier shedding any polls in his riding that would benefit him.

MR. DICKSON: Mr. Speaker, I'm happy to acknowledge I was in the House when the Premier made that disclaimer, and certainly I'm quite prepared to rephrase it and say that the old constituency of Calgary-Elbow has shed a number of polls that were not particularly helpful to the government party last time around.

#### **Debate Continued**

MR. DICKSON: We look at Calgary-Currie, the other one of these three constituencies, I respectfully submit, that is a rotten borough. Once again, Calgary-Currie had been constructed in such a way that it respected community boundaries. There was a unity in terms of community perspective.

If we look at Calgary-Buffalo, Mr. Speaker, 23 polls have been taken out of Calgary-Buffalo, and not just any 23 polls. Is it coincidence, sir, that the 23 polls that have been removed from Calgary-Buffalo are the ones with highest voter turnout in 1989, highest voter turnout in the 1992 by-election, highest support for my party in 1989, and highest support for my party in the by-election in 1992?

What's surely of interest is that in all three of these constituencies I'm focusing on we're talking about stable communities, little population change, no clamour that I'm aware of by community associations or any other group within those three constituencies for rejigged boundaries. It seems to be, with respect, sir, that when we look at a process and we try and get some sense in terms of whether it's defensible or whether it's fatally flawed, this process, as demonstrated by simply three constituencies by way of illustration, is lacking. It doesn't begin to meet the test. If we look at those three constituencies, it's clear there's no compelling reason. I've sat and diligently read *Hansard*, I've listened as carefully as I could to the speeches made by those that support and endorse the proposal, Bill 55, and I'm afraid I still have not heard any cogent, powerful, persuasive explanation or reason for rejigging these three constituency boundaries. So I therefore extrapolate from that and assume that there may well be many other constituencies with which I'm not as familiar that are subject to the same kind of adjustment and arbitrariness.

With those comments, Mr. Speaker, I simply conclude by saying that I think the process is indeed fatally flawed, and no matter how much work has been put into it and how much more work is done, we are still left with a house of cards.

Thank you.

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

REV. ROBERTS: Thank you, Mr. Speaker. I've been listening with some intent to the discussion here on this amendment in second reading on this important Bill 55. I do so perhaps with a few others in here who bring to the current discussion some concern which is sprung not out of self-interest. Certainly I personally have no direct self-interest in the outcome of this Bill



or the boundaries as they're drawn in the new Edmonton-Centre or Edmonton or whatever else. As I heard the Member for Calgary-Currie speak today similarly sharing my perspective, it does bring an interesting perspective to look at a process without bringing to bear one's own personal self-interest but rather, perhaps, a keener interest in the process and in the wider perspective of what is in the common interest or in the broad principles of what is in the democratic principles of fairness and integrity for the voters provincewide or so on that isn't just going to serve me and my individual well-being. With that perspective, as I say, I don't pretend to offer great sage advice in terms of exactly the way in which this whole process should have unfolded. I'm just convinced that the way it has unfolded has been, as at least members on this side pointed out, terribly flawed. As this amendment points to, in fact the development of this Bill insofar as it was drafted by members of the Assembly has just not been a fair process.

9:20

I want to focus on that operative word "drafted" because I do agree with certain members of government, perhaps in distinction with certain members of my own caucus, that in fact I believe that the final arbiter of such matters really is this Legislature, that we need to have independent Electoral Boundaries Commissions who offer an in-depth study of what's going on. I'm of the view that in fact we are elected. Whether it's to set our own salaries or to set our boundaries or whatever else, in fact we as the Legislative Assembly are the final arbitrator and the final forum, the final court of appeal for these matters. Unless the matter is referred to the Supreme Court from us or to higher bodies such as the House of Commons or whatever, the buck stops with us. I can agree that in fact we bear responsibility for that. However much we'd be willing to bind ourselves to the results of an independent commission, we democratically have to make that decision that we would so bind ourselves.

So that's perhaps a secondary argument to this amendment, Mr. Speaker. What I would like to point out, too, is the fact that it's the process. It's not the way in which these boundaries are going to be defined in their final analysis but rather how they were drafted which is the matter of the amendment before us. I must agree that I think, you know, the vast majority of Albertans, those who might represent the broader common interest of what is best for this province, would agree that to set up four MLAs, particularly from one caucus that happens to be representing the government, to set these boundaries is in anyone's fair-minded view biased, distorted, and completely, blatantly unfair and flawed. As Hamlet says, it's not "Seems, Madam!" It is. So it's not just a matter of appearance; it's a matter of reality. On both reality and appearance here, this process is seriously flawed. I mean, it would perhaps be less of an argument if there were some way in which this four-member MLA committee could have been masked or something, but it's just so blatant and so unfair and so obvious to the vast majority of Albertans as to be incumbent upon us as Her Majesty's Official and Loyal Opposition to point to this unfairness and to bring in this amendment to bring down Bill 55 as democratically mandated.

The point, Mr. Speaker, as I get back to the beginning, is how to separate out this business of what is in one's own self-interest from what is perhaps in the wider interest and in the common interest and the common good. As you say, this is a very difficult matter, something that we can bring our best minds and thoughts and democratic processes to, but it's something obviously that's been a problem in terms of public policy or social policy from time immemorial. Certainly if you take a certain view of human

nature that people only act in their best interests – I mean, Adam Smith and the whole view of capitalist economics is that individuals only do what is in their best interests, only do what is in their maximizing self-interest. That's a basic motivator of human life, human activity, human personality, that you want to have self-aggrandizement. You want to build upon your own base and expand upon that. That's just a basic tenet of human nature.

There are those others, a minority perhaps, in time, in history who have said: "Wait a minute. Yes, that human nature either doesn't exist or if it does exist, needs to be curbed by a view, by a belief, by a philosophy which is a broader one, which is a wider one." Well, wait a minute. I know you need to operate in terms of your own self-interest, but what is in the wider self-interest? That wider self-interest necessitates some degree of self-sacrifice.

MR. MUSGROVE: He's starting to sound like a preacher.

REV. ROBERTS: Now, wait a minute; wait a minute. This is economic theory. It's sort of Adam Smith and John Keynes and how we should understand what is – and I'm trying to bring that same thinking in terms of self-interest with respect to drawing electoral boundaries.

Now, the member here alluded to sermonizing and the rest. I want, just for members' reflection, perhaps, to draw to mind an ancient story of this from biblical times. Mr. Speaker, I don't know if biblical allusions still are permissible in the House. This story is not, you know, of former Premier Getty or current Premier Klein or Official Opposition Leader Martin. It's a story that harkens back to ancient times with someone who is known to be very wise. The second or third king of Israel, named King Solomon, was presented with this same dilemma of how to define, how to adjudicate between what is in narrow self-interest as opposed what is in the wider interest. Members will recall from their Sunday school lessons how two women came to King Solomon like two MLAs coming to this commission. That's the analogy. "This child before us is my child," said the one mother. The other mother said: "Oh, no. This woman is wrong. This child is my child." These two mothers laid claim to the same child and came to King Solomon saying, "We want you in your wisdom to determine, to adjudicate, O King, whose child this is." As I say, it's instructive because it's like two MLAs saying: "No, this boundary's mine" or "should stay here;" or "My community league's there;" or "No, it's here."

What did King Solomon do in this instance? If members will recall, King Solomon in his court asked that a big sword be brought. Sure enough, a big sword was brought, quite like the Sergeant-at-Arm's sword. He took the sword and put the baby in front of him and was about ready to split the child in half, cut the child right down the middle, sever it at the abdomen and give half of it to the one mother and half of it to the other mother. Of course, there were great protestations. In fact, there was one protestation from the one mother, who leaped up and said: "Oh, no, King. Please do not harm the child. Don't dare bring a sword down and split it." I mean, how ridiculous. Sure enough, as the story goes, King Solomon knew instinctively that it was that woman who was of course the natural mother of the child, because she did not want harm to come to that child and, to ensure that no harm came to the child, was willing to give it up to the other mother to make sure that the baby lived and survived.

Well, it's an ancient story, but I say it is somewhat instructive because what it points out is that if this boundaries committee of four MLAs is akin to King Solomon saying, "Well, I can't figure out how to decide this; listen, why don't we have a committee of mothers in this case to decide what to do here?" certainly those

mothers at that level would have been quite at each other's throats. What was needed was some wisdom, some sense, some process which in fact leveraged out of the self-interest the wider interest of the greater good, the common interest, took some degree of sacrifice or some other level of understanding and perspective to be brought to bear on how a division is most sagely and wisely made.

So, Mr. Speaker, this former government under Premier Getty and this current government now sanctioned by Mr. Klein I do not believe have engaged themselves in any degree of wisdom upon these matters. What they have done is engaged in striking a partisan committee to settle it, a partisan committee which works mostly out of passionate self-interest not just for MLAs but of one group, albeit the democratically majority group of this Legislature. I mean, we know they've got the powers to do that and will get away and no one's going to say that they can't, but I would like members to step back, reflect a bit more on this process and say: "Yeah, we know we've been on the horns of a dilemma. We tried to take a most expeditious, practical route, but, you know, something is gnawing away at us because we know that despite the cards that were dealt us, we still could have and should have found a more democratic, fairer, wider process which would have drawn more on what is in the broader interests of Albertans, not on the narrow interests of four MLAs representing the government party."

So, Mr. Speaker, I do believe, as I say, that because the depths of these wiser actions were not pursued with greater vigour, the principles of democratic fairness have not been upheld as the majority of Albertans would want them to have been. I don't, in a sense, blame government because I'm sure for all of us, if we'd been in government, it would have been a difficult process; it's not easy. But finding the wisdom to leverage the common interests out of the competing set of narrower self-interests still needs to go on. Because it hasn't, because we have Bill 55 short of that mark, I believe it's still flawed, and I must support this amendment because it addresses that flaw.

Thank you.

9:30

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

MR. SIGURDSON: Thank you very much, Mr. Speaker. I'm pleased to be able to follow my friend, the Member for Edmonton-Centre, who had to go back a couple of thousand years to find something appropriate to say tonight. I don't propose to go back quite that far, but I do want to take members of the Legislature back a little bit in time.

Mr. Speaker, I know that when we served on the Select Special Committee on Electoral Boundaries we had the opportunity to travel the province and speak with a number of people, speak amongst ourselves, and most of the time we were together we had *Hansard* with us. We were able to record the remarks of all members, of all presentations that were made during those committee meetings. What I'd like to do is go back to September 25, 1990, to a meeting we had in Calgary. We had a number of public meetings outside the city of Edmonton where Albertans would be able to come and make presentations about how many members of the Legislature there should be, what the commission should be made up of, what the ratio between urban and rural constituencies should be, that kind of thing. Occasionally we had a meeting outside the city of Edmonton just as a committee, and indeed we did travel to Calgary. On this particular day we were trying to determine a couple of issues. I want to quote, and I

hope members don't think it too gauche that I quote myself. On September 25, 1990, during that meeting in Calgary on one of the elevated floors of some hotel, on page 912 of the Select Special Committee on Electoral Boundaries binder, you will find that I said:

I would like to take something that I think is possibly noncontentious and just focus on it and start there for today. I hoped maybe we could start with the commission.

I was speaking of the Electoral Boundaries Commission. Noncontentious: that's what I wanted to start with, something we wouldn't have to argue about for too long.

[Mr. Speaker in the Chair]

We talked about the numbers that should be on the commission. Some members wanted three members on the commission, others wanted five, some wanted seven, some wanted nine, as I recall. I can recall that we were meeting in a small room, and we were sitting around the table. I wanted three members on the commission and I think my friend the Member for Calgary-Foothills wanted seven members on the commission, and we were trying to talk and negotiate and come to some kind of arrangement. We were making a little bit of noise and the chairman from Taber-Warner would occasionally look over our way and glance at us and give us a glare, and believe it or not, Mr. Speaker, in order to accommodate the rest of the committee, the Member for Calgary-Foothills and I went into the closet together. We negotiated in the closet. We said: "Well, maybe we could have this judge and maybe we could have the Chief Electoral Officer. What about the appointment structure?" You know, believe it or not, the Member for Calgary-Foothills and I came out of the closet at the same time, and we agreed.

MRS. BLACK: Sort of.

MR. SIGURDSON: Sort of. We agreed. We went back to the table and sat down and said, "Well, we agree to five members on the commission" – sort of, as my friend points out. Who were the five? A judge, the Chief Electoral Officer. How were the appointments to be made? The Liberals at that point changed their position; they wanted to have a couple more appointments so they would be allowed to make one political appointment. The New Democrat Official Opposition, one political appointment. The Conservative government, two political appointments. Then we'd have three nonpartisans perhaps.

We got through all this. You would think that once we got the numbers settled, we'd get into the more contentious issue of who the political appointments should be. I want to quote from *Hansard*, again from the Select Special Committee on Electoral Boundaries. Before I let you know, Mr. Speaker and members of the Assembly, who made these statements, I just want to read them. One member of the committee said:

I don't feel that elected members of the Legislature should participate in the commission. I don't think that's appropriate . . . I think it's imperative that the commission be viewed by the public as being totally objective, and that does not include having people – gerrymandering, as you said – elected from various parties participating on this commission.

One member of the committee said that.

Another member of the committee had something else to say about who should be on the commission. That member said:

I don't believe we should have any elected members from the Legislature. Because of the number of presentations we heard from both urban municipalities and the rural municipalities, I think we

should target to have representatives on there from the MDs and Cs, for an example.

That was a position. The chairman said:

Good. Again, a healthy discussion. We've gone around.

A good healthy discussion on an issue.

Now, Mr. Speaker, do you think maybe it was the Member for Calgary-North West that said we shouldn't have members of the Legislature on the commission? Well, indeed he did, but that wasn't one of his quotes. Do you think it was the Member for Edmonton-Highlands that said we shouldn't have members of the Legislature on the commission? Well, I can tell you that indeed she said that as well, but she wasn't at the meeting on September 7. The Member for Edmonton-Belmont was there; he concurred. But who said it? Well, in the first instance, the one that said, "I don't feel that elected members of the Legislature should participate in the commission" was the Member for Calgary-Foothills. The second one was the Member for Athabasca-Lac La Biche. Now, where are they today? They're sitting on the front bench. Congratulations to both of them. How come they changed their position?

All of us – all of us – wanted an independent commission: the Chair from Taber-Warner, the Member for Calgary-Foothills, the Member for Athabasca-Lac La Biche. The Member for Red Deer-North, even a few short days later when we convened our meeting in Calgary, concurred with the position that we had taken on September 7 and said let's have an independent commission. Why did we want that? We wanted to make sure the public had the opportunity to come and make presentations. We wanted to continue the work we had done as a committee. We wanted to make sure the commission would follow that path, that the members of the Electoral Boundaries Commission, however it eventually would be constructed, would hold public hearings. We mandated them to do that, and indeed they did. They did it. After they had come to the interim report they issued, they went out and had a number of public hearings around the province. But then the problem came when we had no final report. Nobody was able to address the problems we had when the commission couldn't deliver to this Legislative Assembly the final report, a big and major problem.

**9:40**

Today, Mr. Speaker, I had a telephone call from the president of an area council that has a number of community leagues in my constituency. For your information, the process in Edmonton is that we have a number of community leagues and they form into area councils that are members of the Edmonton Federation of Community Leagues. The president of area council 2 phoned me and wanted to get a copy of the maps, the proposed boundaries. I took him a copy of the map. What was interesting is that he wanted to know what process he would go through in order to make a submission to comment on the proposed boundaries. I told him that there really wasn't any way he would be able to come to the members of the Legislature to have his concerns listened to and responded to. There was no committee of the Legislature, there was no commission that would be able to take on his concerns and address them. Now, he was rather upset by that.

He was wondering if he could send a letter to the Legislative Assembly, if there was a process he could utilize, a process he could employ in order to have some representation here at this level. I told him that if he sent a letter to me or to the Premier or to you, Mr. Speaker, somehow we'd get it before the Legislative Assembly. But he thought that as he's democratically elected to his position as the president of area council 2, which is a component of the Edmonton Federation of Community Leagues,

he didn't have the right to take a specific position without having consultation with a number of other people from either his area council, his community league, or the Edmonton federation. I told him that he really didn't have an awful lot of time, that we were in second reading stage on an amendment and the opportunity for him to have representation here was somewhat limited.

Like most volunteers that commit their time to community interests, this individual happens to work for a living. He's got a meeting tonight with volunteers from the Edmonton Federation of Community Leagues, not to deal with electoral boundaries. Tomorrow he's going to be working and he's going to Calgary. He doesn't have the opportunity to call a meeting of other members on the board of the federation. He doesn't know what kind of opportunity he'll have to convene a meeting on Wednesday, and we don't know, quite frankly, Mr. Speaker, at what point this government is going to try and push these boundaries through. So where's his opportunity? Where is his opportunity to address the electoral boundaries? He hasn't got one.

In 1983 when we had the previous Electoral Boundaries Commission struck, that commission had a number of public hearings. In every area of the province where a boundary had been changed or a community had been moved from one constituency to another, I can recall the seven-member commission going out and holding public hearings in those areas. What was fascinating was that the public would come and attend the public hearings and make representations to those commission members and the commission members would respond. They would justify how they drew some of the lines, how the constituency of Spirit River-Fairview changed to the constituency of Dunvegan, how the southern boundary moved a little further south and a little further to the east. They were able to justify that and tell the public that attended the meetings the reason that they needed to increase the level of population of the constituency. That was an important process to go through. The people that attended the meeting, Mr. Speaker, in a number of instances, quite frankly, may not have liked the explanation. They may not have liked the result, but at least they had an explanation. They didn't have to accept it, but at least they had it.

That process is missing this time. Why is it that in the new constituency of Athabasca-Wabasca, Lac La Biche is gone? It's interesting. The Member for Athabasca-Lac La Biche was a committee member, and there's been some concern expressed about the eastern portion of that constituency going away. If you look at the results from the last election, those folks in Lac La Biche didn't vote in favour of the member of the Legislature. That area has now gone. How do you justify that? How do you justify that to the public? I don't know that you can.

**MR. PASZKOWSKI:** Where did it go?

**MR. SIGURDSON:** It went into another constituency. [interjection] Well, it doesn't matter whose constituency it went into, hon. member. The fact is that the people in the area of Lac La Biche are most concerned about the treatment that they've had, and they want to be able to have some kind of an explanation in their community about how they've been treated.

The constituency of Calgary-Elbow we've talked about already once tonight. There's another constituency that's moved all over the place. Even the Member for Calgary-Currie has talked about how he's disturbed by the end result of the proposed boundaries. Now, I know full well that the Premier has stood in the Legislative Assembly and said that he didn't even go to the committee meetings. I believe him. I know that the members of the Electoral Boundaries Committee said that the Premier didn't go to

the meetings. I believe them as well. The problem is the perception. That's the end result. Albertans don't believe the process has worked. What have we got? We've got a wandering constituency of Calgary-Elbow, which just happens to be the Premier's riding.

There ought to be, there needs to be, some process that Albertans can access so that they can make their position known to some kind of a commission. Those four members of the Legislature that drew those boundaries I believe ought to go out and justify how they drew them, how they presented them, how they came up with the numbers, what other alternatives there may have been, or if there were even any alternatives at all. We've got to open up this process, Mr. Speaker, and we have to get it back to an independent commission. I believe that that's the only way that we might be able to restore some of the faith, some of the trust that is sorriously missing in this process.

It's time to go back to September 7, 1990, and listen to the words of the now Minister of Energy and the now Minister of Family and Social Services, where they said that we should not have members of the Legislature sitting on the committee. The process was wrong. The perception was wrong and would be perceived as being wrong.

The Premier has stood up this last week and said that he wanted to put out a sign right outside the Legislative Assembly that said: under new management. Well, Mr. Speaker, here's an opportunity for the Premier to put out that sign. He could do it by having the commission go out and attend meetings around the province and justify how these boundaries have been drawn, because if we haven't got that, then we're just going to have the same old commercialism, where a product comes out and you take a look at it on the Safeway store shelf and it says, "new and improved." Then you find out that what's new and improved is the box, the package; it's the same old garbage on the inside.

That, Mr. Speaker, is what we have to do, make some changes. We have to restore some faith to this process, open it up, get it out, allow Albertans to have the opportunity to address their concerns to the committee so that we can have some faith back in this place.

Thank you very much.

9:50

MR. SPEAKER: Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Speaker. I would like to speak in favour of the amendment because I agree with the Member for Edmonton-Norwood, the Leader of the Official Opposition, that Bill 55 should not now be read a second time because the process used to draft this Bill is inherently flawed. While it's possible to make a mistake and to rectify that mistake, there is not an effort on the part of this government to rectify that mistake, and this is the kind of mistake that for a number of reasons cries out to be rectified.

I said when I last spoke that I was suspicious of the changes that have been made by the very partisan committee that redrew these boundaries. I think that there were a number of indicators, or reasons why we should be suspicious. Inherently, when politicians undertake to draw, redraw their own boundaries, it is an obvious case and a very difficult circumstance under which those politicians would have to operate in order to be purely objective. In fact, it would require almost a superhuman effort for them to be objective, and the potential failing in that process simply deserves that suspicions be raised.

I also argued earlier that in fact the proof is in the pudding. The two ridings for example that have been done away with in

Calgary were both opposition ridings. The Premier earlier said that that was a coincidence. Of course, having been in this Legislature for seven years I'm still looking for coincidences. Usually there is a reason behind that.

It would defy logic and the imagination to consider that what's been done to the new Calgary-Elbow would be coincidence. In fact, this riding is nine kilometres wide and has conveniently had a long, slender finger drawn to the left, fondly called in our caucus Klein's finger, in which we find the Premier's own home.

It's also true, Mr. Speaker, that the criteria outlined in section 13 of the Bill, which would define the four special electoral divisions, seem to have put the cart before the horse. That is to say that several of these criteria are so contrived as to suggest that this partisan committee of four Conservatives must have decided which the four special electoral divisions would be and then began to observe them to find what criteria they might have in common. One that seems to jump off the page as being quite contrived is that the proposed electoral division must have

a portion of its boundary coterminous with a boundary of the Province of Alberta.

Another one that seems quite contrived is that

the distance from the Legislature Building in Edmonton to the nearest boundary of the proposed electoral division by the most direct highway route is more than 150 kilometres.

I could imagine this being something like 134.92576 kilometres, if that's what in fact they had to find as the contrived criterion to make this particular thing work. It just happens, I'm sure, that these particular four electoral divisions were able to find a direct route in each case that was, happily, 150 kilometres away . . .

MR. FOX: Build a new highway.

MR. MITCHELL: Or they could simply have built a new highway. Exactly.

Mr. Speaker, I guess I also had some suspicions when I saw what happened to the ridings of the four members of the committee, who not only redrew their own ridings but of course had the opportunity to redraw the Premier's riding. Further, my suspicions were fueled when I saw what happened to the careers of each of those four after the "change" in government. I think three of them, if I'm not mistaken, are now in the cabinet, and one of them is a quasi cabinet minister.

My suspicions, Mr. Speaker, were fundamentally confirmed when I saw the Premier answer questions on the first day that the Legislature reconvened about what happened to his riding. While the Premier has on occasion been sincere in his answers, one only had to look at the smirk on his face and the glint in his eye . . .

#### **Speaker's Ruling Reflections on a Member**

MR. SPEAKER: Careful hon. member. In this House you take all members' answers at face value, indeed, as being honest.

#### **Speaker's Ruling Relevance**

MR. SPEAKER: The Chair is also a bit concerned that you're wandering down the road with citing back specifics of the Bill. I know you'll come back to the amendment, as you're capable of doing.

MR. MITCHELL: I was simply describing the circumstances under which the Premier answered that question, Mr. Speaker. I believe that to argue that it was coincidence is to stretch our imagination.

### Debate Continued

MR. MITCHELL: Mr. Speaker, the most important issue in this debate and the most important reason for supporting this amendment is, I think, that this process is an affront to the credibility of this Legislature. If there is an issue that transcends most political issues today, it is the problem of the political process itself. It is the cynicism that people hold about that political process, and if any group of members, any caucus in this Legislature, should understand the problems of deteriorating credibility, it should be this government, which finds itself in the predicament of being unable to lead on extremely important issues. It is a government that is without a plan to settle the budgetary difficulties.

### Speaker's Ruling Warning a Member

MR. SPEAKER: I'm sorry, hon. member. You're going beyond the scope of the amendment, and I believe that you know that well. I can give you the citations, but you're not here to go on and debate other issues of the House. You come back to the amendment. This is the second time. The third time you'll be denied the access to speak.

### Debate Continued

MR. MITCHELL: Mr. Speaker, I believe that a core issue here is credibility. What I am arguing is that this erodes the credibility of this government. The fact that they would deny an open and democratic process erodes their credibility. I will not wander beyond that to demonstrate where their credibility has been a predicament not only for them but for the people of this province who are without leadership. I will argue, and I will argue strongly, that this government has offended the credibility of this Legislature by allowing four Conservative backbenchers to redraw their own boundaries, to redraw their Premier's boundaries, and to redraw every boundary in this province.

It is inherently a flawed process. At a time when people are crying out for reforms that re-establish the credibility of this Legislature, the people within it and the government that is supposed to lead it and them, this government has not only lost an opportunity to re-establish credibility for all politicians, themselves amongst those, but it has also offended credibility by implementing a process that is inherently flawed, is inherently subject to unfairness, is inherently subject to bias, is inherently subject to manipulation. I would think, Mr. Speaker, that the government would want to have avoided that itself, and there are members within that government who are on the record as saying that they would like to have seen a better process.

In fact, it would be very interesting, Mr. Speaker, for us to have a free vote in this Legislature on this very amendment, because it would certainly put some of the members in that caucus who have been on the record – for example, during the leadership – in an interesting position to express their beliefs about this process in the democratic way. Of course, free votes are another reform that the government doesn't want to embrace, but we need to understand that this partisan process erodes the credibility of this House, it erodes the credibility of this government, and it is a lost opportunity to re-establish credibility. For those reasons I will be supporting this amendment.

10:00

MR. SPEAKER: The Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'm indeed pleased to join hon. members in the debate on the amendment as proposed by my

leader, the hon. Member for Edmonton-Norwood, to express my concern about the process leading to the development of this Bill. I do think that it was inappropriate. I have some arguments that I would like to present to members opposite in the hopes that they would agree with me, that they would find my arguments compelling and agree with me and members of the Official Opposition and Liberal caucuses that Bill 55 be not now read a second time.

I think we have to look briefly, Mr. Speaker, at the process and recognize that it, like everything that we do, was driven by political considerations on both sides of the House. After all, we are politicians. We're elected not only to make political decisions, but we're elected to be involved in the political process. To the extent that we have or lack information, we come up with certain opinions and positions on issues. I would like to submit that that's a reality that was ever present in the consideration of the electoral boundaries issue, how the process was developed, what sorts of things were done when. From our point of view, one of the things that always influenced our analysis of the process was our concern that an election may be called at any time. As an opposition we're vulnerable to that sort of speculation, if you will, because we don't know in our British parliamentary system when the election's going to be called. That is, of course, the prerogative of government, indeed the direct responsibility of the Premier.

Even though the average election date was three years and six months in the province of Alberta in the last 20-some years, because the election in '89 had come only two years and nine months after the one in 1986, we were worried as an opposition. We did not want to be caught unprepared, and we were concerned that we had to make sure the electoral boundaries review process moved along quite quickly so that we would not only have reviewed the electoral boundaries but we would have established new boundaries well in advance of the end of the five-year term of the 1989 government so that we could have a new enumeration, new electoral lists, and be prepared to more or less campaign on an equal footing.

I think we can agree that if we had such a thing in the province of Alberta as fixed election dates, like they do in the United States, or even in Alberta with respect to municipal elections, we would not have felt so much concern about the apparent delays that seem to be inherent in this electoral boundaries review process, Mr. Speaker. It seemed to us that the government was very anxious at every step to make haste slowly, and we were frustrated by that because we didn't know when the election was going to be called. Whether it's called early or late, the only thing that we can do is be ready to campaign.

When the MLA committee was established, we had to have an extra little wrinkle in our legislation to create this committee, this sort of extra step. Rather than just a commission being appointed to review and establish electoral boundaries, the hon. Government House Leader at the time suggested that we have an all-party committee of MLAs whose mandate it would be to travel the province and solicit input from Albertans, not to draw the boundaries per se or to deal with the lines on the map of the province of Alberta but to gather input from Albertans about what sort of parameters they thought we should be using in drawing electoral boundaries. I think we all recognize that that extra little adjunct was there because of some compelling actions or precedents in other jurisdictions. The McLachlin decision in the province of British Columbia, for example, Mr. Speaker, as we all know, set some parameters on the degree of variance that should be tolerated within a fair and balanced democratic system. I believe the dictates there were plus or minus 25 percent from the average, with justifications.

This committee – it was an all-party committee with legitimate input from all sides of the House – traveled the province gathering input, trying to, I guess, determine whether Albertans wanted us to just draw maps according to one person, one vote, exactly equal electoral divisions, 83 of them in the province of Alberta, the way they do in the United States with respect to the House of Representatives, or if they thought there were mitigating circumstances that we as legislators ought to pay attention to. I'm one who thinks that there are mitigating circumstances that we ought to pay attention to, so I thought this process would probably be quite worth while to find out where Albertans stood on this sort of issue. I mean, how do we balance the need for electoral fairness and representative democracy with cultural and geographic and economic and historic kinds of situations or commonalities that exist within communities out there in the province? What is the impact of moving one town or one community from one constituency to another? Does that affect matters of representation? What's involved in terms of a citizen's right as an elector in terms of their access to their elected representative? All of these things needed to be considered, and I supported that. I guess I thought it may have been an attempt to delay the process, but, you know, I can see that it had some merit.

Unfortunately, the process was extended. I know there were Albertans who wanted to make further submissions or groups that had not been heard, and I think it's legitimate that we make sure everyone has an opportunity to be heard, but we have to ask ourselves if the public hearing process was genuinely impartial or genuinely neutral for this process. I have no doubt that the people who attended the hearings were well represented, that their views were well represented, but really in retrospect only a small percentage of Albertans bothered to attend these hearings. Now, whether that prejudices the process or not is something that we could debate forever. I mean, I guess as legislators we give them the opportunity to come, and if they come or not is a decision they make. If we wanted to determine whether or not this process was truly independent and arm's length, we'd have to ask ourselves who these people represented. Were they representatives of constituency associations of one political party or another? Were they overwhelmingly the representatives of certain elected bodies at the municipal level? Were they overwhelmingly representative of certain communities of interest within the province of Alberta, be they chambers of commerce or labour organizations or people from educational institutions? I don't know.

If we wanted to determine whether or not that public hearing process was really independent and sufficient in terms of the amount of input we needed to collect in order to come up with the decisions, we'd really have to analyze it to a much greater degree than we have thus far. I think all members recognize that when people come and make submissions to the committee, their representations individually are not independent. They're making representations from their own point of view, advocating for their own particular interest, whether that be their community or their group or just their particular philosophical view of the world. They come with a bias, and we expect that. I mean, that's their role. We want to hear from them about their concerns, and our role as MLAs in that process is to absorb the information and try and reflect it in as balanced a way as we possibly could.

Now, I know that some would argue that the extended hearings, the extra hearings the Legislature agreed to by majority vote, certainly over the objections of both opposition caucuses, were agreed to and held. Some would argue that the motive there wasn't just to let more people have their say but to sort of pad the arguments that government MLAs would eventually use to have

some constituencies that are considerably smaller than others when the map was eventually drawn.

#### 10:10

Well, Mr. Speaker, then a commission was established. I think we can agree that to the greatest extent possible the commission was independent in its construction, led off by a judge, and when you've got a judge whose name is Virtue, it's difficult to even challenge his independence. Of course he's independent. He's got no axe to grind. He's beholden to nobody. He was appointed to that esteemed position because of his impeccable judgment and record of impartiality. No one questions the impartiality of a virtuous judge.

The Chief Electoral Officer. Well, anyone with an ability to analyze the situation would agree, I think, that the Chief Electoral Officer is an appropriate appointee to an independent boundaries commission. After all, that person, in this case Pat Ledgerwood in the province of Alberta, is the person not only with the expertise in terms of how boundaries have been drawn in the past, how the constituency boundaries have worked in terms of facilitating the electoral process, but he is the person who will eventually have to take the boundaries that are drawn and turn them into reality in terms of process so that an election or two can be held on those boundaries. I think that even though the Chief Electoral Officer is appointed and paid by the Legislature, we are representative of a Legislature made up of various parties and political interests, elected by Albertans, and that officer of this Legislative Assembly reports through the all-party Legislative Offices Committee, and to the greatest degree possible, his independence is assured.

Three citizens at large were appointed to that commission, one upon the recommendation of the Leader of the Official Opposition in consultation with the leader of the Liberal party, and two by the hon. Premier. There was an extra stipulation there that we should have some sort of balance considering gender and geography.

I think that to the greatest degree possible, we had independence there, but the process broke down. Why did it? I think it broke down, Mr. Speaker, because the process that they had to engage in was biased. The committee in its formulation was not, but with the tools they were given, it ended up skewed. The resources were inadequate. Hon. members have referred to how they came to a committee of the Assembly asking for some additional resources so they could use up-to-date population data to do a better job of recommending boundaries to the citizens and the Legislature. They weren't given those resources, and I submit that that sort of challenged their independence, their ability to make the decisions.

In terms of the legislation they were given to work with, having seen that Bill that they were given to implement, when trying to balance the dictates of the Bill as drafted by the Conservative government with the judgements of the Supreme Court of Canada, I think hon. members can recognize that they found it was an impossible task. It was a Gordian knot that no one could unravel. We had a situation where in the end there were five independent or separate reports. One of the members, in fact, submitted several subreports as part of her report. The whole process broke down.

I think what we have to really examine here is whether or not it's worth our while to set up a new, independent Electoral Boundaries Commission process. In order to do that, Mr. Speaker, I think we have to look at whether or not the process of MLAs drafting boundaries is appropriate. What is the role of the MLA? The hon. Member for Edmonton-Centre made some very good points about the very complex role of the MLA. We've got

an obligation to represent the people that we were sent here to represent, the people who hired us and to whom we report on our every activity, the constituents. We've got that obligation. We all belong to political parties in this Legislature. We have an obligation to try as best as possible to live up to the policies that we helped draft in our party and reflect the honour and traditions that all three parties have developed. We have an obligation to live up to our own expectations: "To thine own self be true." We don't expect any member to stand up and betray themselves or to help make decisions that they cannot in good conscience agree with.

The role of the MLA is a very challenging one indeed. If we can make decisions that do indeed reflect the majority wishes of our constituents, live up to our party's policy, and reflect our best judgment on issues, then we would be very lucky politicians indeed, because I submit we can't conform or live up to those three things all the time. Sometimes we don't know what a majority of our constituents feel on a given issue, our party policy may be unclear, and sometimes we're just left to our own devices to come up with judgments on issues.

What is the role of the MLA? I mean, surely we have a role in the legislative process here. This Bill was drafted by members of the Assembly, and we consider that inappropriate. Well, is it inappropriate for members to draft Bills? I don't think so, not in every case. We've got a responsibility to research issues. We've got a responsibility to seek input, whether that be from our colleagues, our constituents, our party, the province at large, to go to sources that are beyond the province to seek input. We've got a responsibility to try and develop consensus-based strategies in order to deal with issues in the Legislature, to decide whether or not they're best dealt with in terms of recommended expenditures, through Bills, motions, whatever, on the Order Paper.

We even have a responsibility to help draft legislation, and we all do that. I mean, we help draft Bills, submit Bills to give people an idea of what we would do if we on the opposition side were in government or what private members on the government side would do if they were given the opportunity. But we're drafting those Bills for other people; we're not drafting them for ourselves. When I draft a Bill recommending changes to the Hail and Crop Insurance Corporation Act, I'm drafting that on behalf of the farmers in the province of Alberta, who I hope will be pleased with the Bill. I'm not drafting it for myself, because I have no direct interest in the outcome of that Bill.

The same cannot be said for an electoral boundaries Bill, Bill 55. We all have a direct interest in this Bill, all 83 of us who sit in this Assembly. Even those who aspire to sit in this Legislative Assembly, who talk to us from time to time, have a direct interest. That's why it's inappropriate that we be involved in the drafting of that legislation. It's not appropriate in our view, Mr. Speaker, for MLAs to draw the electoral boundaries, to carve up the electoral map behind closed doors.

Although I can't engage in biblical allegory like my hon. friend from Edmonton-Centre, I can be somewhat anecdotal in my presentation, Mr. Speaker. I'd just like to talk very quickly about a story my father-in-law told me about sharing, because certainly we could be described as trying to share the electoral boundaries with each other as we draw them together. Sharing was best described to me by my father-in-law when he told me a story about two children who asked their mother, "What does it mean to share?" The mother said to the children: "Well, I have a cookie. I'm going to give it to you. Here's the knife. You cut the cookie in half and give the bigger half to your sister." The little girl looked at her mother, thought for a moment, pushed the cookie and the knife across the table, and said, "Well, how be if

she shares the cookie with me?" Well, there's a lesson to be learned there, hon. member, and that is that it's impossible for us to share these things like electoral boundaries, to share constituencies in a way that would be perceived as independent and not influenced by our own desire to get re-elected or enhance our party's chances in the next election.

AN HON. MEMBER: You'd never do that.

10:20

MR. FOX: Well, hon. member, the point is that whether we do it that way or not, as long as we're perceived to be doing it that way, then the outcome is prejudiced and the people of Alberta cannot feel that they've been well served by us as their elected members in doing it.

We had the committee; we had the commission. The commission was basically a hung jury. What are we left with? We're left with an incomplete process, and time is running out. We're almost in the final year of a mandate. When has the government in the province of Alberta ever gone five years? When have they ever waited till they fall off the electoral calendar after five years? The election could come any day. Time is running out. How are we going to draft these boundaries? Well, the MLA for Taber-Warner in his down-to-earth, let's-get-to-business kind of fashion said, "Let's grab the bull by the horns" – now, that works well as long as it's not a polled Hereford that you're dealing with – and believed, I think very sincerely, that MLAs can draw the boundaries, that MLAs have a unique kind of expertise. He and I have often talked about that, and I share that opinion. MLAs have a unique expertise that they can bring to the process because we can speak as regional representatives. We don't come to the process as members of a town council or a county council or people from a particular community group. We've had the challenge of representing broad regional interests, and we have that expertise.

There was an opportunity for all parties to participate in the process, and I think we can agree that we on this side have great respect for the all-party process, Mr. Speaker. It's important that we as Members of the Legislative Assembly be involved in all-party committees, but we did not want to take part in that process. We felt that no matter how diligently we laboured as members of a committee, because of the process that we were using and the task that we were given to draw our own electoral boundaries, the outcome would be prejudiced no matter what, that there would always be a cloud of suspicion hanging over us as hon. members if we were to involve ourselves directly in this process.

I've got to say that I have every faith that the members of that committee did their very best to draw the electoral boundaries in a fair and reasonable way. I would not suggest otherwise, because I recognize in talking to hon. members on the committee from time to time and indeed other members how challenging it is to try and draw boundaries. It's an enormously complex thing. One little variation here affects this and affects that. These people don't want to be there; these people don't want to be here. This one's too big; this one's too small. It's a horrendous job. It's very difficult, and I want to acknowledge on the record that the boundaries on paper in terms of their degree of variance from the average are much more fair than they were before, that the committee members on paper statistically have done a relatively good job in terms of trying to ameliorate the imbalances in the existing boundaries where before, under the existing boundaries, 22 mainly urban ridings are 25 percent or more above the average in population, and 22 rural ridings are more than 25 percent below average in population, so 44 out of the 83 ridings are above or below 25 percent. In the proposed new configuration we now

have only four that are below 25 and none that are above 25. So there has been a considerable movement towards electoral fairness, and I want to recognize that the members have accomplished something.

But I submit, Mr. Speaker, that the ends become irrelevant if the means are inadequate. If the means are deficient, then the ends are impossible to justify. For that reason, because of my concern about the contents of the Bill, the degree of effort that we should put into ensuring that the outcome of this Bill is based on an impartial process rather than a flawed process, I have a subamendment that I would like to introduce and speak briefly in the time remaining. The subamendment – and I believe it's in the possession of the Chair – is that the amendment be further amended by adding the following:

Moved by Mr. Fox that the amendment to the motion for second reading be further amended by adding the words “and the Assembly further regrets that total impartiality of the contents of the Bill was not ensured because of the flawed process of its development.”

Mr. Speaker, we could do a better job. We owe it to the people of the province of Alberta to a better job, and I think we need to really look at what we've done here.

What does “impartial” mean? “Impartial,” I guess, can mean “above influence,” but it's the opposite of “partial.” “Partial” in the dictionary has two meanings, Mr. Speaker. The one that we're most familiar with is “favouring one person or side over another or others; biased; prejudiced.” Well, we don't want our process to be partial. We don't want Albertans to think that the MLAs in the Legislative Assembly eventually voted on a Bill that favoured one person or side over another or others, that is biased or prejudiced.

The other meaning of “partial” is just as revealing, it's “of, pertaining to, or affecting only part; not total; incomplete.” Mr. Speaker, this process is incomplete because we didn't do the job properly. I do believe that as hon. Members of the Legislative Assembly we have time to make it right, we have the opportunity to make it right. The first thing the government needs to do is fix an election date in the future, let's say March 20, 1994, and then set up a truly independent process – the data's all collected; the boundary information that we need is there – so that the next time this issue comes to the Legislative Assembly, we are in a position to judge the results on behalf of the people we represent and

implement them because they're fair and they've been done independently.

Mr. Speaker, I think the tables have turned somewhat. Where we were questioning the process and trying to push things because we were in a hurry – we as the opposition believed an election may be called anytime – now the shoe's on the other foot. The government seems to be in such a hurry, saying that we've got to get those boundaries in place because the election may be called any day. You know, we may not be able to sustain smoke and mirrors much longer, Mr. Speaker, so we want to get going. What we're saying is just relax, chill out, set an election date, set up an independent process, and we would be able to guarantee the total impartiality of the contents of the Bill because the process would be above reproach.

Thank you, Mr. Speaker.

MR. SPEAKER: The Minister of Labour.

MR. DAY: Mr. Speaker, one quick comment in terms of the subamendment and the “flawed process.” It's one thing to say the process is flawed. People can debate that one for centuries. However, in the debate on the so-called flawed process, as mentioned here in the subamendment, sometimes what we hear either directly or indirectly is closed doors, behind closed doors. In looking at the subamendment, it's important to remind every person here that the doors were open, wide open. The public was invited; the media was invited. *Hansard* recorded the decisions. It was released before TV cameras and microphones. It is being debated in the Legislature and will go before a court. You cannot say it was a closed process.

With those gentle thoughts, I would move that we adjourn debate.

MR. SPEAKER: Having heard the motion, a request to adjourn debate, all those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.

[At 10:29 p.m. the Assembly adjourned to Tuesday at 2:30 p.m.]