

Legislative Assembly of Alberta

Title: **Thursday, February 4, 1993**

8:00 p.m.

Date: 93/02/04

[Mr. Speaker in the Chair]

MR. SPEAKER: Be seated, please.

head: **Government Bills and Orders**

head: **Second Reading**

Bill 55

Electoral Divisions Statutes Amendment Act, 1993

Moved by Mr. Martin that the motion for second reading be amended to read that Bill 55, the Electoral Divisions Statutes Amendment Act, 1993, be not now read a second time because the Assembly finds the process leading to the development of this Bill inappropriate insofar as it was drafted by members of this Assembly and not by an arm's-length body such as an independent Electoral Boundaries Commission.

[Adjourned debate February 2: Mr. Evans]

MR. SPEAKER: Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. We first had Bill 55 introduced over a week ago in this House, and since that time there has been a considerable amount of debate centred on whether that Bill in fact should be proceeding. The nature of the amendment submitted on January 26 by the hon. Leader of the Opposition, Mr. Martin, stated that Bill 55 not now be read a second time because the Assembly finds fault with the process leading to the development of the Bill and further calls for something known as an independent Electoral Boundaries Commission to address it.

I think by the very nature of the debate that has occurred here, that amendment stands on its own with a lot of merit. I can't foresee any reason why it should not be followed through. We started off two or three years ago with a group of MLAs who held hearings, who had a considerable amount of input from the public, and this input, I think, was very valuable. It was very valuable in the sense that the people we represent at least for a portion of the time had some limited degree of input into what was going to be happening with the redistribution.

I don't think anybody really looks forward to the process of redistribution, simply because it does create an awful lot of turmoil no matter how it's done. However, legislation calls for this redistribution to be done on a regular basis so that we maintain a fair and as equitable as possible representation of people in this Assembly.

Unfortunately, Mr. Speaker, the process that was used to get to the particular point that we are at now fell down, and hence the amendment. The reason it fell down is that the commission of five members that was struck after the committee from this Legislature had so many stipulations put into how the process was going to occur that it in fact was impossible for the process to happen. The result, as we all know, is that we had a series of minority reports, none of which we could accept – I stress, none of which we could accept – in the House, so it was supposedly back to the drawing board.

Now, back to the drawing board should have and could have meant a reconsideration of the criteria which were set up to deal with this particular issue of redistribution. Instead of looking at where the problems were, instead of sitting back and having a good look at what could be done that would facilitate the needs that were there – and that was something called redistribution –

the Assembly acted in unreasonable haste. As a result of this haste, we ended up strictly sending out elected politicians, not to have more hearings, not to determine where the flaws in the process were, because it was the process that fell down, but rather to redraw the boundaries on their own.

I don't know; I think that would be the first time this has happened in any Legislature in recent history in Canada. As such, I think that if it's permitted to go through and if we don't address it responsibly, we may be setting a precedent that certainly is not going to be very desirable nor very well received not only by the public but by ourselves. I would say also that the judiciary could not exactly stand behind this process. Yes, we are going to submit it after the fact. I think, Mr. Speaker, the process would have been a lot more efficient had we subjected the proposed process for a court opinion on it prior to starting out.

There have been accusations that both opposition parties chose not to participate, and these are true. At that time it appeared that it was the only reasonable thing to do on our part. We felt so strongly about it that we felt giving it credibility by being a part of the process would not do the process or us any good. We were very reluctant to abandon the principle that we felt redistribution should be done by an independent commission.

Now, Mr. Speaker, I think further that we can't leave this business of the process alone, because once it was implemented, the appearance was – and it may well not have been this way – that input into how boundaries should go was quite selective. Now, that may have been by accident, and I'm sure it was, but what that did was discredit the process. The Speaker and probably all of us in this Assembly have received letters from constituents, letters from municipalities, and we try now to address these wishes. So is this process going to lead to the Committee of the Whole redrawing all the boundaries? These considerations that the public have are very valid and have to be addressed. Every member in this Legislature has an obligation to address their constituents' concerns, not in a politically biased way but to try and determine what the concerns are, if they are in fact valid. I myself as the MLA for Stony Plain have sponsored an amendment. It's not that I endorse the process, but I feel that I have an obligation to the people in the community who felt that the changes as proposed would be an improvement to the redistribution.

Now, Mr. Speaker, if 83 members come in with conflicting recommendations on the part of the community, we have just stepped back to the public hearing stage, except that the process of getting the public in to hear these proceedings has been somewhat convoluted. If we're going to go through some form of public hearings again, just perhaps we should not move this Bill but should start all over again, not from the very beginning. A lot of good work has been done by the members of the committee that put together this latest proposal. The proposal, I'm sure, has some faults. It also has considerable merit. I think we should let people who are not emotionally involved, who are not in the process of judging the process, if you will, but rather some selected representatives, sit down with the information, look at what has been said to date, and in fact give credibility to the process.

8:10

Mr. Speaker, I don't think for one moment that that would in any way, shape, or form take away any credibility from the members who put in their hard work, but what it would do is give the redistribution a lot of credibility. I think that's extremely important since we are also in the process of taking these new boundaries, either good or bad, into the next century. I will not stand in my place and pretend that I am an expert on the whole

layout – no way – but I would feel a lot more comfortable if the legislators on all sides of the House here supported the process. They don't at the moment. We have even some government members publicly stating, either piecemeal or in whole, that the process is flawed. We definitely have the Official Opposition and the third party stating unanimously that the process is flawed. So I'm really at a loss to understand why this is being rammed through.

We've got a Bill before us that goes on for some 90 pages, and the majority of it is the descriptors that outline the various constituencies. We've got 90 pages that are going to haunt us for a long, long time. It's going to haunt us because rightly or wrongly – and I would say rightly – the perception that is being left with Bill 55 is that it has been put together behind closed doors, that it has been put together by a special interest group only; namely, the government MLAs. There have been suggestions of gerrymandering. I would suggest, Mr. Speaker, that even if the Bill were done perfectly, that suggestion would be there with elements of the public because of the process used to arrive at it.

Now, the solution is for us to suspend this Bill where it is, to stop second reading, to get a motion of the Legislature that would create an arm's-length commission that would then go on and address the real issue at hand, which is to get a redistribution which is as fair as possible and which is accepted as much as possible by all the politicians and the public as a whole. It's very interesting that a good number of the local-level politicians don't endorse this. I think it's very significant that we have a town of substantial size, Lac La Biche, that is threatening a lawsuit. Now, if the emotions in that town are so strong that they would go in this day and age to a lawsuit because they are not pleased with the constituency boundary that has been drawn around them, I think that in itself is sufficient cause to take a step back and have another look at what we are doing. But it appears that the government doesn't want to be fair. It appears that the government doesn't want to appear to be fair. It appears that the government must have lost any desire to give the people of this province what they want when it comes to carving up the province so that representation is as fair as possible.

I'd say: why isn't the mayor of Edmonton happy? Why isn't the mayor of Calgary happy? It's not on the basis of politics by any stretch of the imagination; it's that they feel that the consistent level city constituencies are over the mean is not acceptable to them. It may well be that this is the only way out. However, if this is the only way out – and by that I'm referring to retaining the number of seats that have been assigned by this particular committee of government MLAs to carve up the province – perhaps there should have been better representation from city dwellers in both cases so that their input as to how their municipal area would be divided would be considered. That also didn't happen, Mr. Speaker. It didn't happen at all.

The people, none of whom are from Edmonton, I believe, drew lines all over the Edmonton map as they saw fit. They went to Calgary and drew a salamanderlike riding when it came to the Premier's riding. I wouldn't say it was done to get extra votes for him, Mr. Speaker. It was probably so he would enjoy driving farther around the riding, because you have an arm going here and an arm going there and you'd get a better view of the beautiful city of Calgary. It wasn't in any way, shape, or form just to get areas of stronger support. I wouldn't suggest that for a moment. When I look at that salamander of a riding, I say: does it make any sense? The answer has to be no. But we are now locked into it because if we change that riding, we have to change other ridings around it. It's not quite as easy as it is in rural Alberta, where if you take into consideration the makeup of an area – how county lines go and how community shopping patterns are

established and how school districts are located – at a committee level you can make small adjustments where you have missed the boat here and there if you are willing to listen to perhaps where the mistakes were made. I would suggest that hopefully at the committee level these considerations will be taken very seriously, especially – and I underline the word “especially” – if they reflect the concerns of the constituents themselves.

Now, there is another very good reason MLAs should not draw the boundaries: if you are seeking re-election, no matter how you do it, it appears you're trying to make your constituency fit your desires as opposed to what's the best for the area. So like I say, there may be a good reason the Calgary riding the Premier represents looks like a salamander, but I'm not sure of that one. I'm waiting for some government member, hopefully from the committee, who will give me a rational explanation of how the perimeter of that riding came up the way it is. Perhaps they don't like to go in straight lines; I don't know.

8:20

I would urge all members of this Assembly to take a good solid step backwards and look at what is happening. Look at the clock. Our Premier looked at the clock in the campaign in December and said, “Aw shucks, fellas, we've got until March of 1994 for an election.” You know, Mr. Speaker, I was one of the people that believed him. I really did. I thought that sometime close to March he was going to call an election, which gave me a great deal of joy. When the boundaries issue was around, I felt very sincerely at that time, because of some comments made by various leadership contenders, that whether the process was going to be redone again or not – I wasn't too sure – there were members in the leadership race making commitments to look at and review with the leaders of the other two parties. If no further than that, the commitment was made at least that far: to sit down and discuss what has happened.

Now, let's assume for a moment in the context of this amendment that the three political leaders of this province discussed this very issue, that in fact it happened before Bill 55 came to the House. I would suggest to you that had that in fact been the case, we would not be here debating this amendment now, because I have faith that the shortcomings of the process up to that point would have been acknowledged, addressed, and we would probably be discussing an alternative method to get the job done that would be more effective and would represent the wishes of the people of this province a lot better.

I stress to you, Mr. Speaker, that there isn't any urgency at this time to force-feed this particular Bill through the Legislature the way it stands or with minor amendments to it, because we're going to take the Premier at his word and we're not going to have an election until, let's say, after next January. That gives the people involved with the process of establishing the boundaries, the process of getting the enumeration done, sufficient time to have it all in place and information out for everybody who is interested and needs it. I would say that with the exception of a few communities here and there whose wishes would be impossible to account for totally – we would have that situation, I'm sure, under any system – the vast majority of Albertans would be pleased with the process. They would know that if the process did not provide them with what they wanted, at least it was done in a fair and an upfront manner. I think that's extremely important. Not only is it fair, but it's also perceived to be fair.

We still have the opportunity at this time, Mr. Speaker, to take control, to change what has happened to this point and give it credibility. I don't know why that's not being done. One can only speculate that it's based on a very stubborn streak in some of

the people that call the shots from the government side. It certainly doesn't have any rational basis to it, because I have not yet heard any member stand up in the House and defend the process. Read my lips, hon. member: "defend the process." Not the people. I would not for one moment be derogatory toward the people on the committee but only the process, a process these people had to follow.

I think the motive behind it – an election is certainly not there, because I don't think the Premier was musing or thinking out loud when he stated that it's not going to be for up to 14 months, and that was a couple of months ago. So it's not a time element, unless something is happening that we in this House are not aware of, and that is that there are plans to go toward an earlier election. If that is the case, then let's be honest about it. Let's say to the people of this province: there's going to be an election held on such and such a date so many months down the road, and we have to achieve this amount of clerical work in order to have the province ready for that election. But we're not even doing that. The public who don't understand the process but feel very strongly that the process has not been the way it should be are not totally aware of what's really happening here.

Mr. Speaker, I would invite members on all sides of the House to once more reconsider what is happening here. Look at the development of this Bill. We know it is inappropriate. We know it was drafted only by government members, and we know it doesn't appear to be very fair. However, Mr. Speaker, all is not lost even if we are going to push this through. I would propose – and the Table should have it, and I'll get a page to distribute it to the members – a further amendment to the amendment. That amendment reads as follows:

And the Assembly further regrets that the government has not moved to open up the process even by such a small measure such as inviting public hearings on the contents of the Bill through the Public Affairs Committee of this Assembly.

Now, the Public Affairs . . .

Speaker's Ruling Wording of Motions

MR. SPEAKER: Thank you, hon. member. The Chair perforce must make a small editorial comment, and members perhaps will be good enough to . . . There are too many suches involved here, so in line two the second "such", which falls between the words "measure" and "as", should be deleted. That's just a small editorial comment. Otherwise we're going such, such, and if you look at the proposed amendment, we also have a such appearing there. It really doesn't make that much difference; it just cleans it up.

Please continue.

Debate Continued

MR. WOLOSHYN: Thank you very much, Mr. Speaker. I appreciate that removal of the second "such" in the second line. It certainly improves the Bill.

Now, speaking to the amendment, Mr. Speaker, we should all be on the subamendment, a subamendment which is an amendment to the amendment to Bill 55. I mention in here the Public Affairs Committee of the Assembly. That is a committee that is little used. I once appeared before the committee back in, I believe, 1968 or '67. That is when this whole House, sitting in committee, opens its doors for members of the public to address all members of the Assembly. If we are in such desperate straits where we're not going to succumb to reason, where we're not going to let the people of Alberta . . . I'm saying that if we're not going to succumb to reason by suspending this Bill, then we

should become reasonable enough to permit the public to come to hearings in this building in front of all members so every member of this Legislature will have the same information from representatives of the public who choose to come here regardless of who they represent. If that had been done in the first instance two or three years ago, perhaps we might have had a better process than what is going on now, but unfortunately at that time no one thought of doing it that way, and it wasn't brought up. So now we're afforded another opportunity to, if not totally correct the process, at least in some small measure improve the process. I am recommending to all members of this House to give serious consideration to my subamendment, because by saying no to this subamendment, the House is going on record to the public as not wanting to hear the public's views on redistribution. Mr. Speaker, that would not be fair by any stretch of the imagination, because at the moment . . .

[Mr. Woloshyn's speaking time expired]

8:30

MR. WOLOSHYN: Does that mean my second half-hour . . .

Speaker's Ruling Speaking Time

MR. SPEAKER: Thank you, hon. member. No. Standing Orders are quite clear. When speaking to the amendment or making a subamendment, both speeches relate and the same time period applies. Thank you.

Debate Continued

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

MR. WICKMAN: I just want to add a few comments on the subamendment. I had spoken on a previous amendment, and I don't want to become repetitive. [interjection] Mr. Speaker, to the hon. Deputy Premier, I'm going to keep this within seven minutes. You can time me. I'm going to talk a little faster than the last member, just a wee bit.

Again I've got to point to the original legislation and what started the process off wrong. If we went to that original legislation and allowed the flexibility that was in there, we would never have had the situation that we're presently dealing with. When the hearings were done, after that first report came down, it was logical that there was going to be opposition from many, many of the ridings, and there was. The commission members, trying their best to accommodate the concerns being expressed, attempted to but found it virtually impossible. That's just quickly the background.

What I've got to talk about is the spirit of democracy. The spirit of democracy entails fairness. I think there was a growing perception out there that the one thing this particular process and the result of this particular process have lacked is that spirit of democracy. The spirit of democracy, of course being tied in with fairness, really, really does question the original process. Now, if we look at the report that came down by the four-member Tory committee, there's probably a relatively good number of constituencies out there where people would say, "It's fine; we have no problem with that." That part of it is good. Nevertheless, the process that led up to it will always be questioned because again it's being drawn up by MLAs.

I think the concern that we now have to deal with and that this subamendment addresses to a point is where do we go from here? There has been written correspondence that we've received from a number of areas, and quite frankly I would like to see this Bill

get into committee stage so that I can see if there are particular amendments coming forward from government members and if those amendments may in fact somehow change the process. That will be the opportunity to do it. Government members could very well say that they want an amendment that does refer this to an independent process, whether it be a judge, whether it be a commission, whether it be public hearings such as proposed here that would then go back to a committee. That possibility is always there. We can't rule that out. Possibly there'll be amendments that will address some of the concerns that have been raised.

Some of the concerns that have been raised are very, very valid. We see neighbourhoods that are split up. We see some technical drawings and that type of thing. That kind of stuff can all be accomplished. Nevertheless, until it goes through what people perceive is a fair process, it's always going to be questioned. Making amendments is not going to resolve that particular problem. As each day goes by, I believe very, very sincerely that government members just continue to dig themselves in deeper and deeper and deeper. No latitude has been shown yet in terms of trying to make the process fair and reasonable. But I could be wrong. When we get into the amendment stage, that could very well happen. That's one of the reasons I don't want to see this second reading delayed any longer than is necessary. If there are members that want to delay the process intentionally, it can be delayed in the committee stage, but I begin to question here as to how much is being gained.

There are amendments that will come from the other side. There are members that have expressed concern as to the impact on their own riding. One member has been very, very vocal about it publicly. If I were in his situation, I guess I'd be feeling the same way as well. When government members themselves begin to have problems and those problems can't be addressed – the process isn't there to address them – then one really has to question the fairness and one has to look at other alternatives, such as public hearings.

To sum up, Mr. Speaker, I again make a plea for government members to reconsider the original intention and not necessarily to admit that mistakes were made or that anybody was wrong but simply say that we are going to go through a fair process. Sending it to the judge under the terms of reference of the report does not address the process. It simply addresses the numbers and the fairness in terms of the variables that are being used. I would sincerely hope that when we are at committee stage, government members will bring amendments forward that will in fact see the process change, that we can all feel comfortable that the spirit of democracy and fairness does prevail.

Mr. Speaker, I assume I have kept it under seven minutes. I'll conclude.

Speaker's Ruling Relevance

MR. SPEAKER: The Chair was just a tad concerned that on three separate occasions, hon. member, you referred to the wording of the previous subamendment, which was defeated. Nevertheless, the spirit of your comments was indeed germane to this proposed subamendment 2.

Debate Continued

MR. SPEAKER: Additional members? Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. I rise to support the subamendment which provides that

the Assembly further regrets that the government has not moved to open up the process even by such a small measure as . . . public hearings on the contents of the Bill.

Mr. Speaker, I noted with respect to the matter of public hearings that in a news release issued by the hon. Minister of Justice and Attorney General with respect to Bill 55, he was at some pains to make some reference to the hearing process. I'm going to quote very briefly from his press release of January 25, 1993, in which he states:

After extensive public consultation, public hearings, and a thorough examination of all written submissions, the Select Special Committee on Electoral Boundaries prepared and submitted a Report to the Alberta Legislature. Bill 55 reflects the recommendations contained in that 1992 Report.

The point I wish to raise here is that although it is true that during the entirety of this process leading up to Bill 55 there were public hearings, it was in the context of another procedure, the procedure with the Electoral Boundaries Commission. It was in the context of a different proposal for a map that there were public hearings. It was not, I submit, in the context of the present blueprint which is before the Assembly, the proposed map. Consequently, I submit that the process remains flawed as a result of the absence of public hearings with respect to the blueprint or the proposed map which is presently before the Legislative Assembly for electoral boundaries in Alberta.

8:40

Now, I know it's been suggested that public hearings are not necessary. It's been suggested by some members opposite that in the circumstances here, in the context of the discourse and debate on this and the ultimate disposition of Bill 55, the Assembly will be the surrogate representatives of the electors and, therefore, in that sense there is a semblance of public hearings. My concern with respect to those comments – and it has been suggested that the hearing in this Assembly in the debate on Bill 55 is indeed the most democratic of public hearings. At first blush, that argument is indeed attractive and seems to have some merit, but I think when you examine it more carefully, you come to appreciate that the reason that argument is flawed is because this Assembly itself at the present time is reflective of the inequality in voting power in Alberta which this process is seeking to redress. Consequently, that process of public hearing once removed by debate in the Assembly, I submit, is just as flawed. Of course, the reality of it is that as a result of the last election, the governing party has 71 percent of the seats but only 44 percent of the vote. Consequently, in terms of this Assembly being able to be the substitute for public hearings, I submit that that argument does not hold water or stand up to scrutiny.

Mr. Speaker, the minister of justice noted the many steps that had led up to the introduction of Bill 55. He spoke, of course, of the Select Special Committee on Electoral Boundaries, and there were public hearings in the context of the first Select Special Committee on Electoral Boundaries. Those public hearings, of course, did not entail scrutiny of a proposed map. The hon. minister of justice refers to the process before the Electoral Boundaries Commission. That process did include public hearings, but those public hearings were based on a different blueprint, a different proposed map than the one that is reflected in the contents of Bill 55. Finally, he makes reference to the hearings of the second Select Special Committee on Electoral Boundaries, which is the committee which has produced the report upon which Bill 55 is based. Once again, although there were submissions made to that committee and there were representations from the public and there have continued to be representations from the public, the difficulty is that that process did not involve the

examination or scrutiny of a proposed map. It's only at this stage, with Bill 55, that there is the scrutiny of a proposed map.

I submit that in those circumstances the public hearing dimension of the process has not been adequately adhered to and that indeed the Assembly should regret that the governing party has not sought to open up the process in such a measure as by inviting public hearings. Mr. Speaker, I'd like to point out that to do so even at this late stage is not an impossibility if the choice were to be made by the governing party to do so.

I cite as a precedent a process with respect to public hearings after a Bill had been introduced into the Legislature. I think it was in 1983 or 1984. I'm thinking here of the amendments of nearly 10 years ago to the labour relations legislation in this province when the doors of the Assembly were opened up and members of the public were allowed to come into the Assembly and participate and were examined by members of the Assembly with respect to their submissions on the proposed legislation. Consequently, Mr. Speaker, my submission is that that is a precedent which provided for the opening of the doors of the Assembly for the purposes of enabling the public to make input on a matter of very substantial import at that time. I submit that this matter that is presently before the Assembly with respect to the proposed electoral map for Alberta is equally of great public importance and there is a great deal of merit in following a similar process with respect to an examination, a scrutiny, of this Bill by members of the public in that fashion.

Now, it's been suggested that it's not necessary as a result of the representation of the various parties in this Legislature. As I said, Mr. Speaker, I think the difficulty there is that this Assembly is elected under a system of electoral boundaries that had the result of reflecting a systematic underrepresentation of more populated portions of the province and a systematic overrepresentation of the less populated portions of the province. In that sense this process that we're presently engaged in is no substitute for providing the public with an opportunity to make their own input directly into the process of the development of an electoral map for Alberta. After all, this is not a situation that arose overnight.

It's suggested that it is difficult to go through all of the steps that one ordinarily might follow in the development of an electoral map in the circumstances here because the government, of course, is approaching the last year of its mandate and therefore there is some urgency and therefore it is not possible to engage in a public hearing process. I submit, Mr. Speaker, that I do not accept that argument. It seems to me that it's very clear that the process could be expedited; there has been considerable discussion. To now give the public an opportunity to examine and provide input on the proposed map itself, it seems to me, is a very worth while and a very feasible and a very possible initiative; therefore, that process would not take an undue amount of time.

Now, what is the urgency? As I said, the urgency, presumably, is that we're fast approaching the last 12 months of this government's mandate. That urgency, I submit, does not come about as a result of design, but in the circumstances here it seems to me that it would be well worth the time to invest in a process which would give the public a meaningful opportunity to participate in the development of an electoral map for the province of Alberta.

[Mr. Deputy Speaker in the Chair]

I submit that the institution of a process to get direct representation from the public, to get direct input from the public with respect to the map that is presently proposed would restore a measure of confidence in the process, a measure of confidence which is sadly lacking at the present time. It seems to me, Mr.

Speaker, we must also remember that these are boundaries that are being developed according to this plan, according to this proposed map, not just for the forthcoming election but well into the next decade.

8:50

The inequities that have already been identified in the proposed map I am sure could be elucidated and illuminated by discussions and input from the public. Consequently, public hearings, it seems to me, are the bare minimum with respect to where we should go from here, and in this subamendment we rightfully, I submit, regret

that the government has not moved to open up the process even by such a small measure as . . . public hearings on the contents of the Bill.

I think it important to emphasize that what we're talking about in terms of public hearings are public hearings on the contents of this Bill. Although, as I've recited earlier, there have been many opportunities during the whole evolution of this lengthy process for public input, it has never been with respect to the contents of this Bill. There have not been public hearings with respect to the map as it is presently proposed in Bill 55, and I submit that that is a serious deficiency.

A measure that the governing party could take to redress that serious deficiency, I submit, would be to follow the precedent that I referenced earlier with respect to the development of the Bill with respect to labour relations laws in the province of Alberta which was presented in 1984, 1985, about that period of time. It seems to me that that was an experience that was well worth the effort. The public did indeed flock to the Legislative Assembly to participate in that process as individuals and as members and representatives of groups in order to give direct input to the Legislative Assembly, and I commend that kind of a process, that kind of initiative to the government.

I note again that it is still not too late for the government to take steps to restore a level of public confidence which is sadly lacking with respect to the evolution of this Bill. This is a process which, if it does result in the passage of the legislation which is presently proposed, will further perpetuate into the future the inequities, the substantial and significant and systematic underrepresentation of the more populated areas of the province and the overrepresentation of the less populated areas of the province. I submit, Mr. Speaker, that in the circumstances this is not a situation that should be tolerated by the governing party. The governing party's objective, the objective of all members of this Assembly, should be to establish a process which is as open to the public as possible, which permits as much public input as is possible.

I submit again, Mr. Speaker, the regret this subamendment speaks to, the regret

that the government has not moved to open up the process even by such a small measure as inviting public hearings on the contents of the Bill.

I submit that that is a regret which I certainly strongly feel, and I believe it is shared by many members of this Assembly. The time not yet being too late, I would hope that it is a measure to which the government will decide to acquiesce and throw open the doors of the Assembly so that the public may come in and make representations with respect to the specific details of the proposed electoral map which is reflected in Bill 55.

Once again, as has been noted many times in the Assembly by members opposite, the clock is ticking. It is indeed ticking. We are approaching the last year of the mandate of this government. However, the sense of urgency with respect to the fact that the clock is ticking should not outweigh the fact that it is of equal and perhaps even greater importance for there to be an opportunity for

the public to make meaningful submissions precisely with respect to the map that is being proposed in this Bill before the Assembly.

I submit, Mr. Speaker, that that has been the process previously in Alberta. It is a process which I think the electorate in Alberta have come to expect with respect to the redrawing of electoral maps. I submit that it is a process of public hearings, an opportunity to make specific comments on specific proposals rather than simply to make observations in the abstract, which is what the process up to date has permitted Albertans and the electorate to do. What is now required is an opportunity for the electorate to make direct input on the specific proposals and not on the abstractions and the principles which were the gist and substance of the previous steps in the long evolution of the process which has led up to this Bill.

With those comments, Mr. Speaker, I would urge the Assembly to support this subamendment, which

regrets that the government has not moved to open up the process even by such a small measure as . . . public hearings on the contents of the Bill through the Public Affairs Committee of this Assembly.

With those comments, I relinquish the floor.

MR. DEPUTY SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Speaker. [some applause] Thank you, hon. members. The more amendments that come before this House from the Official Opposition, the more ludicrous they become.

The Assembly further regrets that the government has not moved to open up the process even by such a small measure as inviting public hearings.

Well, I don't know where the members opposite were, but we had public hearings in our constituency. When I look back at this whole process, it's been a very public process. First of all, we all know coming into this Legislature – as a matter of fact, we all know in the province of Alberta – that we renew our boundaries after every second election, and that was done, and an all-party committee was struck to do that. They didn't do it in secret; they didn't do it hiding somewhere. They did it in a very open and forthright manner and had hearings all across the province.

The first report came out in 1990. That wasn't done in any form of secrecy; it was done in the open. It was taken to the courts to be challenged for the variance factor. You can't tell me that's not a public process, Mr. Speaker. Then it was turned over to an independent commission isolated completely from any government body but told to put in place an acceptable structure that we could live with. That body then took it around to all of the constituencies almost that wanted them to visit. Heavens, they were in our place, and we had over 35 submissions. The committee was there until something like 11 o'clock at night. We had people that raised ostrich for a living make a presentation. We had the reeve of the county. We had three or four mayors – I can't remember – of the various towns. We had people from almost every walk of life. It wasn't done in secret. That was a very open public process that was heard by the committee.

They were sent back to the drawing board, and they came out with another report. Even when the final report – that really wasn't a report at all; it was a scramble between five individuals. It was turned over to the committee. Even though the opposition abstained, the process was very open because anyone could make a presentation to that committee. I really don't know why we're wasting time on this business of inviting public hearings. It couldn't have been more public.

I reject this subamendment, and I call for the question.

9:00

SOME HON. MEMBERS: Question.

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

MR. PASHAK: Thank you very much, Mr. Speaker. I rise, of course, to speak in support of the subamendment, but I'd like to comment just briefly on some of the comments that were made by the Member for Olds-Didsbury. I must disagree with my colleague. I do agree in part with what he had to say. There were extensive public hearings prior to the time that the original legislation was drafted, and there were certainly public hearings after the original boundaries commission rendered its first set of boundary proposals. The real problem is that there haven't been public hearings on the boundaries that were drawn by the so-called Bogle commission, the four members of the government party that drew up the current electoral map, and therein part of the problem lies.

Another part of the problem, mentioned by the Member for Olds-Didsbury in his remarks, has to do with a court reference. I think we're all aware that the legislation itself, the Act that was passed in this Legislature, was referred to the court. It is very much related to the subamendment, Mr. Speaker; I notice you looking at the subamendment to make sure that I'm speaking to it. The subamendment suggests that we should invite "public hearings on the contents of the Bill through the Public Affairs Committee of this Assembly." I think it would be important for all members of this Legislature, through the Public Affairs Committee, to hear what others have to say about Bill 55 and obtain their reactions to it.

I mention the courts because I think it would be very instructive for this Legislature and especially members that would be chosen for the Public Affairs Committee to see how lawyers themselves interpret those court decisions. I suspect that one of the points they would like to make is that that original review, the reference that was submitted to the Alberta Court of Appeal, called for a review of the Act itself. It was not based on actual boundaries. The question was whether or not the court could support the legislation in terms of the potential it held for drawing equitable boundaries. The court said, well, there's nothing within the Act itself that would preclude a fair distribution and allocation of boundaries in the province of Alberta. The court I think was reluctant to engage in that. It was under pressure from the government of Alberta and one other group, I believe, so they went and ahead responded to the Act itself. It's more usual, as I understand it – and of course I'm not a lawyer – for courts to respond to specific boundaries or specific situations, and they did not have that before them.

Now, it's proposed that this particular Bill, which includes the new boundaries, would be referred to the court. They'll have an opportunity to look at that. Of course, the big question, Mr. Speaker, is whether or not they'll have an opportunity to do that before the next election is called. Even further, another question is whether or not, even if they disagree with the boundaries, they would set aside an election based on any judgment they might make about the fairness or lack of equity in those boundaries.

There are some other questions that came out of the Alberta Court of Appeal review of the proposed boundaries. I would like to have heard lawyers talk about that, and I'd like to have heard them talk about it in the context of Bill 55 before members of the Legislature – as they might sit in a Public Affairs Committee, Mr. Speaker: I wouldn't want to wander off the subamendment.

The court of course had to wait until September 30, 1991, before they began to make a judgment about the reference. They were asked to do this earlier, in February, and the reason for their delay at that time was due to a decision to wait for the Supreme Court of Canada decision in the case of the Attorney General of Saskatchewan versus Roger Carter, which we've heard in the Legislature on various occasions, defined, talked about, or discussed as the Carter decision. I think there is much confusion over that Carter decision and what it really meant for the drawing of electoral boundaries. That could have been clarified by lawyers presenting cases or presenting testimony or presenting their views before a Public Affairs Committee of this Legislature.

The key question, I think, in the Carter decision, and in the interpretation of that decision that was part of the Alberta Court of Appeal decision, was that the Carter decision argued that effective representation can override the right to absolute parity. Now, I think that when I've heard many members on the government side justify the boundaries that are proposed in Bill 55, Mr. Speaker, they did so on the basis of that principle which is embedded in the Carter decision, which is again, and I repeat, that effective representation can override the right to absolute parity. The court didn't stop there, and this is a critical point. The court also argued that they can't override the right to absolute parity unduly. The problem again, though – and I suspect that this is true of many legal decisions – is that they did not define “unduly.”

Point of Order Relevance

MR. DAY: Point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Minister of Labour is rising on a point of order relating to the relevancy of the hon. Member for Calgary-Forest Lawn's comments?

MR. DAY: You've anticipated my thought on that, Mr. Speaker.

MR. DEPUTY SPEAKER: The Chair would remind the hon. member that it isn't good enough just to refer to a couple of words in the amendment about every third paragraph to stay relevant to the amendment before the House.

MR. PASHAK: Mr. Speaker, I rather believe that I am being relevant.

MR. DAY: He just ruled you're not.

MR. PASHAK: I'm not sure that he ruled me irrelevant; he just said it's not relevant.

MR. DAY: Yes, he did.

MR. PASHAK: Are we going to engage in a conversation back and forth across the hall, hon. member, or are you going to do it through the Speaker?

MR. DAY: Well, you're doing it.

MR. PASHAK: You're doing it. You initiated it.

MR. DEPUTY SPEAKER: Order please. [interjections] Order.

Debate Continued

MR. DEPUTY SPEAKER: To the amendment, please, hon. member.

MR. PASHAK: Back to the subamendment, Mr. Speaker.

MR. DEPUTY SPEAKER: The subamendment, right.

MR. PASHAK: The subamendment, as I've pointed out, calls for “public hearings on the contents of the Bill through the Public Affairs Committee of this Assembly.” I just would like to make it clear, then, that I know lawyers in the city of Calgary, particularly lawyers that are associated with the civil liberties union, that would dearly love to come before this committee that's proposed here. I mean, it's not a proposed committee – it already, of course, as everyone knows, exists within our Standing Orders – but a committee that we would construct for this purpose and name people to. The civil liberties lawyers would dearly love to come before such a committee to present their views. That's why we're calling for this committee. It's perhaps not too late. I think that tomorrow maybe members of the government could sit down and order that this committee be established, and civil liberties lawyers would like to come before this committee and present, I'm quite sure, exactly the case that I'm trying to make. I'm trying to anticipate, in a way, what they might have said had they had the opportunity to appear before your committee, Mr. Speaker. In any event, the key question that's involved in this and that they would probably argue before this committee is that effective representation cannot mean that parity is not unduly taken for granted or overridden, that there has to be some attention paid to parity.

I will even quote from two parts of the Carter decision itself that I'm sure someone from the civil liberties union might bring forward. They argue the right not to have the political force of one's vote unduly diluted, and again they say that limiting the number of urban seats distorts the principle that there should be effective representation. Pardon me. That's not from the Carter decision; that's actually from the Alberta Court of Appeal reference. I think that's a key point. I think that the Alberta Court of Appeal reference has been sadly misinterpreted by many members of this Legislature. The appeal reference again, and I want to state it because we have to be clear on this: limiting the number of urban seats distorts the principle that there should be effective representation. Now, by saying that Calgary should have 20 seats, that creates a measure of distortion that I'm sure all members could appreciate.

There may be cases where we could have larger than the mean numbers in urban areas, and there could be cases where we could have lower than the mean numbers in rural areas. Mr. Speaker, it could also be the case where the needs in a particular riding in an urban area could be demonstrated to require fewer numbers in order to effectively represent those people. I remember engaging in a discussion with one of the other Calgary members. We were talking about the number of calls that we get during the course of a year from our constituents.

Speaker's Ruling Relevance

MR. DEPUTY SPEAKER: Hon. member, we have a subamendment. The hon. member is going to be able to make the speech he is making now when we come to third reading – there's no question about that – or maybe even on the amendment. Certainly the speech you're making now, hon. member, is not germane to the subamendment.

MR. PASHAK: Thank you very much, Mr. Speaker, for bringing that matter to my attention.

9:10

Debate Continued

MR. PASHAK: I'm going to now try to put myself in the position of the mayor of the city of Calgary if he should happen to come before your committee, because he probably would be one of the speakers that would like to address this issue. I'm quite sure that he would have welcomed the opportunity to appear before the Public Affairs Committee of this Assembly. I'm quite sure that he would have noted this. He would have said that Calgary had a population of 710,677 people at the time the 1991 census was taken. You divide that by the 20 members that are assigned to the city of Calgary; that comes out to an average number of electors in the city of Calgary of 35,533. Now, Mr. Speaker, he would also point out that the average number for electors in the province is 30,780, so he'd immediately raise the question: is that fair? He would say no, it's not fair because the views and the needs and the wishes of Calgarians will not get the same effective hearing or voice or representation in the Legislative Assembly of Alberta as other Albertans will get. He would make a case, I'm quite sure, before this committee that this is completely unfair, it's one-sided, and that the Legislature should take steps to make this whole process more fair.

I think that I could conceive of a situation, Mr. Speaker, in which maybe all of the community association presidents on the east side of the city would come before the Legislature and ask to be heard at a Public Affairs Committee meeting of this Assembly. Now, Calgary, you have to understand, has a population above the average for the province of some 15.9 percent. Calgary is overrepresented on an average by population numbers in each of the Calgary ridings by 15.9 percent, but look at what happens on the east side of the city. The proposed riding of Calgary-Cross is 19.5 percent above the average. The riding of Calgary-Egmont is 22.4 percent above the average. The riding of Calgary-McCall is somewhat under the general distortion for Calgary; it's only 11.8 percent above the average. The proposed Calgary-Millican riding is 21.3 percent above the average. Calgary-Montrose is 11.7. Calgary-Fish Creek is 15.9 percent above the average, and Calgary-Shaw is only 8.4 percent. I should point out that Calgary-Shaw and some of these other ridings are the fastest growing areas in the province of Alberta, and already by now there is an even greater distortion on the east side of the city.

I must say that even one additional seat on the east side of the city of Calgary would do much to inject a little more fairness into the way in which these boundaries are drawn. I did a little calculation, and if we could put a couple of constituencies that are currently being placed in Calgary-Mountain View back into the east side of the city and then divided those new ridings, we'd get something that's below a 10 percent distortion in terms of numbers per riding. The average for the city of Calgary, if we had one more seat, would drop to 33,842. That's still well above the norm for the whole province, which is, again, 30,780, but at least there'd be a little fairness, and Calgary would drop down to only having about a 10 percent, on average, deviation above the mean. I think that's still unfair and still quite a distortion, but at least a little more fairness would be built into the system. Mr. Speaker, if we did something like that . . .

**Speaker's Ruling
Relevance**

MR. DEPUTY SPEAKER: Order please. The hon. member is now reverting to what he feels. He's not talking about the community associations or what they might be saying. Nevertheless, the burden of what the hon. member is saying, no matter under what guise he attempts to cloak it, is really a third reading

speech. I would ask the member to stay close to the subamendment, please.

MR. PASHAK: Thank you very much, Mr. Speaker. I'll try somewhat more diligently to do exactly that.

Debate Continued

MR. PASHAK: I want to assure you that I have met with all of the community association presidents from the greater Forest Lawn area, and I can anticipate what they would say if they came before the Assembly. In fact, what they have told me - and this is not my expression of interest, although I must admit that I could agree with part of what they were saying. I'm quite sure that they'd make this case, Mr. Speaker. They would argue that historically they were all together as a separate town at one time. Until 1962 it was the town of Forest Lawn on the east side of the city of Calgary. Certainly some of those communities have developed since 1962. I don't know whether the members of this Assembly are familiar with that part of Calgary, but for a long time the east side of the city in some major respects was isolated from the larger part of Calgary, and this is what the mayor of Forest Lawn in 1962, if he were still alive and came before the Public Affairs Committee to make a presentation, would argue. He would say that because of this geographic kind of isolation, there was only one bridge that allowed people to get from the main part of Calgary out to Forest Lawn for a number of years. There's still a major gulf on the east side of the city of Calgary that's created by the Deerfoot Trail, by the Bow River, by Nose Creek valley. These communities in that part of the city have learned to co-operate together in a variety of enterprises.

Now, if all seven presidents of the community associations from greater Forest Lawn were here, they would tell this Public Affairs Committee that they co-operate together on a variety of projects. There's a community of interests that binds them together. With the help of their MLA, they've been working in a very close, co-operative way to try to get, for example, a business revitalization zone plan off the ground for the main avenue that runs through Forest Lawn, 17th Avenue. Just in passing, they'd probably tell you some interesting things about 17th Avenue SE and the fact that there are 35 businesses along that avenue that are identifiably Vietnamese. Now, that's quite an extraordinary fact. It shows you just the kind of change that has been going on along 17th Avenue, and it would indicate, too, a need why they should all be represented by one member of the Legislature. Because that member, working together with the former mayor of the city when he was an alderman, created a group in the community called the Greater Forest Lawn Initiative Council, whose main objective was to try to improve the nature of working relationships between the new ethnic groups that are beginning to establish themselves in the community together with the mainstream Canadians who live in that part of the city, and it's been very effective.

The community associations themselves would tell you that they've been working together on these projects. They care about what's happening in their communities. They want to make them better places to live. They pull together, and not just on those two projects. They're all united right now trying to build a park along the Western Irrigation District canal that runs along the west side of the boundary. They'd tell you how important that is to them and how important it is to have these constituencies knitted together into a whole.

They would also talk about the problems that are caused for them periodically by an oil recycling plant on the east side of the riding. They're working together to try to change that. Now, they would want to know from the people that sat on this boundaries

committee – they would ask, Mr. Speaker, just why did these boundary committee members carve up Forest Lawn into three new constituencies that have no relevance to what existed in the past? There's a finger that comes down all the way south of 17th Avenue; it's the community of Forest Heights that's now up in the proposed Calgary-Montrose riding. They'd say: "Why have you taken two of these community associations and moved them into a riding called Calgary-Mountain View that's a half a mile or more distant from their other communities of interest? Why then have you destroyed the riding called Calgary-Millican and this kind of thing by taking large chunks out of that and putting it in Calgary-Egmont and doing these other sorts of things when all of these ridings were working in some fine, co-operative spirit?"

9:20

I'm sure, Mr. Speaker, there are many questions. I mean, I can just cite a few of those examples from the area of Forest Lawn, but I am sure that citizens from all over this province would like to come here, appear before a Public Affairs Committee of this Assembly, and comment on the boundaries that have been drawn. They've never had the chance to do that. They've had the chance to comment on the legislation; they've had the chance to comment on the initial boundaries that were proposed by the Electoral Boundaries Commission. As all members know, a lot of people found the original legislation questionable. They found the boundaries that were drawn by the Electoral Boundaries Commission objectionable, although I don't think that commission could have done anything other than it really did. Why is it, I would ask, that the government did not give citizens of this province an opportunity to come before a committee, such as the Public Affairs Committee of this Assembly, and give them an opportunity to be heard, to have their views expressed, to present their case?

Who knows? Many of these citizens may have had some welcome thoughts, some suggestions for improving the boundaries. I am sure that members of this committee, if they met and listened to all of these representations, would then have been in a position to make strong recommendations back to the government that could have led to some significant modifications that might come about during committee study of this Bill.

Thank you, Mr. Speaker.

MR. KOWALSKI: Mr. Speaker, I'm very, very pleased to participate in the debate on the third subamendment with respect to Bill 55. The premise of this subamendment deals with a small measure dealing with public hearings on the contents of the Bill. To be very, very specific with the intent of the subamendment in dealing with public hearings, perhaps it's important periodically during this whole debate that we just refresh ourselves with respect to numbers and where we've been with respect to public hearings and involving everything else.

All members will recall, Mr. Speaker, the historical process with respect to the creation of the process that went into this and will recall as well that the Electoral Boundaries Commission that was created as a result of the Electoral Boundaries Commission Act produced an interim report in December 1991 and a final report in May of 1992. Subsequent to that, the Legislature passed a motion on July 2, 1992, establishing a Select Special Committee on Electoral Boundaries.

During this whole process, public hearings have been held throughout the province of Alberta in a variety of venues. Myself, I attended one. I even participated at one in the community of Westlock along with other leaders in that community: the chamber of commerce and others, people who were invited to attend a public hearing on the contents of the Bill. They gave

their comments, and the comments that were provided to this particular committee eventually found their way into the creation of Bill 55.

All in all, Mr. Speaker, it's my understanding that more than 1,300 submissions – 1,300 submissions – have been provided through the various processes that we've had. All 83 Members of the Legislative Assembly of the province of Alberta were invited to meet with these committees in the past, the numbers of them. All individuals in the province of Alberta were invited to provide information if they so chose either by attending or in written form. A variety of leaders representing a variety of groups in the province of Alberta shared their views with one of these electoral boundaries committees in terms of the consultation in the past.

Groups like the Rural & Improvement Districts Association of the province of Alberta, which represents all of the improvement districts in the province of Alberta; the former members of electoral boundaries commissions; the Alberta Urban Municipalities Association, an association which represents all of the municipalities in the province of Alberta; and the mayor of the city of Calgary provided representations. The member that spoke previously said that if the mayor of Calgary was here, he would be able to provide something. The fact of the matter is that the mayor of Calgary did provide input, Mr. Speaker. Gee, even the Chief Electoral Officer was in a position to provide information and provide submissions to all of these things. The Alberta Association of Municipal Districts and Counties provided information. It was stated here hypothetically that if the mayor of the city of Edmonton could come and provide some information, what would she say? The fact of the matter is that she did. She did. It's not a hypothetical thing; it's a reality. That information is on the record. Even the hon. Mr. Justice Charles G. Virtue, former chairman of one of the committees, provided additional information.

I repeat, Mr. Speaker: some 1,300 submissions, with an offering to all of the citizens of Alberta to basically come and participate and an offering to all Members of the Legislative Assembly. Some chose not to. That was their right; that's their democratic right. I don't look down upon them if they chose not to make a submission. That was their right. On a more positive note, it's the numbers that have presented: 1,300 submissions at least, a continuance.

Now, Mr. Speaker, the Bill – and I'm reminded that we're talking about the subamendment inviting additional public hearings – that was introduced by the government some two weeks ago, introduced in this House, has been spoken to by a wide number of individuals. In fact, if I were to include myself as a participant, we've now had 48 speeches. I mean on Bill 55, the first subamendment, the second subamendment, the third subamendment: some 48 speeches, and they have provided a variety of different kinds of talks and suggestions and what have you. But I keep hearing the same thing I heard a long time ago. This is now the sixth event, the sixth sitting that we've had to deal with this particular situation, and what have we got so far? We've got basically the cry for some more public hearings with respect to it.

[Mr. Speaker in the Chair]

Well, Mr. Speaker, the public hearings that I have had and the individuals that I have talked to have asked me the question: how much money does it cost to keep this Assembly of yours going? I postulated and I thought about it and I said: Well, you know, actually you get pretty good value because most evenings the session is well attended by members of the government. At the same time, when I look across, I don't really see that many people

sitting in other corners in this House. I would never name individuals who are here or not here, but I think it's valid to say that vast numbers of the government caucus are here. The question of further public hearings . . .

MR. TAYLOR: Just a question, Mr. Speaker. Would the hon. Member for Barrhead permit a short question, a very short one?

MR. KOWALSKI: Mr. Speaker, the hon. Member for Westlock-Sturgeon was not even here for the vote on his subamendment. If the hon. member now wants to interfere with the opportunity that I have to speak on this floor, when I listen to him talk about all the things he thought were really important and then to find out that the hon. gentleman was not even here to support his subamendment, it makes me question what exactly is going on.

**Speaker's Ruling
Referring to the Absence of a Member**

MR. SPEAKER: Thank you, hon. Deputy Premier. The Chair would allow the comment once, but twice is more than enough.

MR. KOWALSKI: I apologize to you, sir.

Debate Continued

MR. KOWALSKI: Sir, we are on the subamendment with respect

to the public hearings. I really believe, Mr. Speaker, that there comes a point in time where the people have to be served. The people expect service from their elected representatives. There is such a thing in the parliamentary process as individuals believing that they have to fill in time; I would never suggest that any hon. member is doing that. It's now time to move forward with respect to not only the subamendment that's being addressed but with respect to Bill 55. So, sir, I humbly beg that we adjourn the debate.

9:30

SOME HON. MEMBERS: Question.

MR. SPEAKER: The question before the House is to adjourn debate. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The matter carries.

[At 9:31 p.m. the Assembly adjourned to Friday at 10 a.m.]