

Legislative Assembly of Alberta

Title: **Monday, February 8, 1993**

Date: 93/02/08

8:00 p.m.

[Mr. Speaker in the Chair]

MR. SPEAKER: Be seated, please.

head: **Government Bills and Orders**

head: **Second Reading**

Bill 55

Electoral Divisions Statutes Amendment Act, 1993

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

Moved by Mr. Woloshyn that the motion for second reading be further amended by adding the words "and 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 on the contents of the Bill through the Public Affairs Committee of this Assembly."

[Adjourned debate February 4: Mr. Kowalski]

MR. KOWALSKI: Mr. Speaker, I move that the debate on second reading of Bill 55, the Electoral Divisions Statutes Amendment Act, 1993, shall not be further adjourned.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Under Standing Order 21(1), the question. 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.

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

[Eight minutes having elapsed, the Assembly divided]

For the motion:

Ady	Elzinga	Mirosh
Betkowski	Evans	Moore
Black	Fischer	Musgrove
Bogle	Fjordbotten	Nelson
Bradley	Fowler	Orman
Brassard	Gesell	Payne
Calahasen	Gogo	Rostad
Cherry	Hyland	Schumacher
Clegg	Kowalski	Sparrow
Day	Laing, B.	Tannas
Dinning	Lund	Weiss
Drobot	McClellan	West
Elliott	McFarland	

8:10

Against the motion:

Bruseker	Gagnon	MacDonald
Chivers	Gibeault	McEachern
Dickson	Hawkesworth	Woloshyn
Fox		

Totals: For – 38 Against – 10

[Motion carried]

MR. KOWALSKI: Mr. Speaker, the subamendment before us is one that basically refers to the government not moving to open up the process by such a process as public hearings. I would like to draw members' attention to *Hansard* of February 4, 1993, at which time I pointed out the numerous processes that had gone into the development of Bill 55. Rather than repeat those items this evening, I would ask members to kindly refer to *Hansard*, I repeat, on pages 2121 and 2122. The whole litany of the historical development with respect to Bill 55 is provided.

MR. HAWKESWORTH: Well, Mr. Speaker, I beg to disagree with the Government House Leader and Deputy Premier, because the Bill at its most crucial time has failed to get the required form of public hearings that it requires. What the subamendment does is attempt to create a forum by which meaningful public input could be developed around the specific Bill before us, Bill 55.

I'd like to take just a few minutes to talk about that process and why it's so important that public hearings ought to take place on this Bill before it's adopted by the Assembly. It seems to me that there are a number of important benefits that public hearings provide members of the Assembly, provide any review of an important initiative, important legislation, facing the province and this Assembly. It seems to me there are at least three of them, and there may well be more.

A public hearing serves to prevent errors from occurring, grievous errors, Mr. Speaker, in the way that legislation is designed, drawn up, implemented. Secondly, it ensures a degree of constitutionality, legality, and it helps to ensure that the Assembly adheres to important legal principles before enacting legislation. Thirdly, it allows citizens an opportunity to voice their concerns. It's my view that Bill 55 has failed to accommodate any of these three important benefits of public hearings because, in fact, no public hearing process in a meaningful way has been provided for this particular legislation.

Now, it's interesting listening to the Deputy Premier – I heard him the other night – and other members of the government. They talk about everything that went into place before the four Conservative members started to meet in a back room last summer to draw up new boundaries. They talk about some process that took place in 1989 or 1990 with the all-party committee that toured the province, had extensive hearings, went into a long process of public consultation, and that's important. That was a worthwhile process, Mr. Speaker. But as a result of it, what did the government do? They drafted a piece of legislation. They brought it through this House. They set up an Electoral Boundaries Commission, and when that commission took the rules established by this government out to actually draw up boundaries, what happened? The public was in a huge uproar because the boundaries failed to respond to the legitimate needs of Albertans.

Now, as some of the members of the Electoral Boundaries Commission said in their report, they presumed that when the government went out and listened to people in that first part of the

process, they presumably came up with the rules that would satisfy Albertans. Unfortunately, this government in drawing up the boundaries commission legislation gave rules that really couldn't stand up to the review of a public hearing process across the province. I'm not going to say, Mr. Speaker, that at all times and all places public hearings are a success. It all depends on whether the government is prepared to listen to the concerns that are being brought forward and are prepared to act in a legitimate and fair way towards all Albertans. Just the fact that they had public hearings some time ago when the all-party legislative committee was set up in 1989 doesn't prove anything if they drafted faulty legislation.

Let's look at that legislation, Mr. Speaker, briefly in terms of the Electoral Boundaries Commission. It was a bipartisan group, and it took the rules given to them and applied them in the most fair way they could see of applying those rules and then published an interim report. The interim report then became the subject of extensive public hearings across the province. Now, I can't imagine a single member of this Legislature saying that that process was a waste of time or that it was improper or that it failed to be effective or that it was a waste of time and money. I'm sure every member of this Assembly would say that there were some significant benefits for the Electoral Boundaries Commission to have public hearings. It prevented some serious errors from being committed, it ensured that the constitutionality of any proposed legislation was upheld, and it gave citizens in every corner of the province an opportunity to address their concerns prior to the legislation becoming law.

Now, as a result of those public hearings, it became obvious to the Electoral Boundaries Commission that the rules they had been given to operate under were simply unworkable. Now, if we had not had public hearings, would that have become obvious? If we had not allowed the public to come forward and express their concerns, would that have become obvious? If there had not been a review mechanism in place for people to put their concerns on the record, would the Electoral Boundaries Commission have plowed ahead regardless? I think, Mr. Speaker, it's fair to say that had there not been public hearings at that crucial juncture in time, the Legislature would have been presented with a set of boundaries that the public would not have wanted. I emphasize that this is not a problem of the Electoral Boundaries Commission itself. They showed exceptional diligence and responsibility in the context in which they were asked to work. The problem was the legislation developed by this government and presented to them.

Now, Mr. Speaker, what Bill 55, that we have in front of us, really is – and I don't think any member of this Assembly could dispute my interpretation – is the equivalent of an Electoral Boundaries Commission interim report. That's really what it is. Four MLAs went behind closed doors, sat around a committee table. [interjection] Oh, maybe they heard from one or two or half a dozen selected and important people in the province. But let's face it. The consultation was not wide; it was not extensive; it did not go widely throughout the province. There were lots of people in Alberta who had no opportunity to make their views known prior to the development of the boundaries and the legislation contained in Bill 55.

8:20

Here we are at a critical juncture, when public hearings would help us, benefit us in a number of significant ways, and at this crucial time public hearings are not taking place, have not taken place, are not being contemplated by the government, and are not being made available to Albertans. I find it hard to accept, Mr. Speaker, given the recent experience in this province with the

Electoral Boundaries Commission, that this government would deny that opportunity to Albertans to ensure that grievous errors are not committed.

Here we are, a group of MLAs sitting in the Assembly in Edmonton. It's obvious throughout the province that the purpose of this session is to deal with Bill 55. Tonight the government could adopt the subamendment in front of us, resolve this Assembly into the Public Affairs Committee of this Assembly, a committee of the whole House, and begin next week inviting Albertans to come forward and present their views to us on the contents of Bill 55. There are lots of knowledgeable Albertans out there, Mr. Speaker, who would very much like to have the opportunity to present their concerns on the public record, but no forum exists for them to do that.

The subamendment in front of us looks at the context we're in at the moment: the Assembly being here with legislation in front of us uses the opportunity afforded to us by Standing Orders to resolve into the Public Affairs Committee. Public hearings could be organized on a relatively short-term basis, and we could then get that input from the public in terms of their views on this interim report, Mr. Speaker, which is what we have in front of us, Bill 55.

What I find ironic about this – I assume from the indications given by the government that they will not be endorsing this particular subamendment – is that the legislation itself, Bill 55, requires and strengthens the requirement for public hearings to be held in the future when the next Electoral Boundaries Commission prepares its next report redrawing the next boundaries down the road in the future for the province of Alberta. The current legislation gives the Electoral Boundaries Commission permission,

before its report is submitted to the Speaker . . .

hold public hearings at the places and times it considers appropriate.

It sort of opens the door. It doesn't necessarily require it. The current legislation also says that the commission

shall after its report has been made public,

hold public hearings at the places and times it considers appropriate,

et cetera. What this new legislation, Bill 55, does is give the Electoral Boundaries Commission a requirement that it must hold public hearings both before its report is submitted to the Speaker and after its report has been made public.

Now, why this commitment in the legislation to public hearings, Mr. Speaker? What is the intention of the government? Why would it put this particular clause in the legislation, Bill 55, in front of us? Is it committed to public hearings in the future before future electoral boundaries are drawn up? That would seem to me to be the intention of this legislation, in reading it. Well, why would the government be committed to it in the future and not be committed to it in the present? It's just inconsistent, to put it kindly, that we have not had the same requirement, the same standard, the same principle adhered to in the development of Bill 55 as is being required in Bill 55 for a future Electoral Boundaries Commission. I think it is indefensible for the government to require it of some future body but not be prepared to have it required of themselves in the product that they themselves have developed.

I would simply say that I know of a number of instances that are close to the constituency I represent where people are quite concerned about communities being severed from one another. It was supposedly a principle of the four Conservative members when they met together to draw up these boundaries not to sever communities. They have, in fact, severed communities. I'm aware of some. What's the forum in order to present those concerns to government? Some indications have been that letters should go to the Chair of the committee. The Chair of the

committee has written back saying that they should go through the MLA. Does the MLA go to the Electoral Boundaries Commission? Does the MLA go to Parliamentary Counsel? What is the process? Why should MLAs be doing all of this anyway? Why shouldn't people have the opportunity to present their concerns in the open, before the public, before the rest of Alberta, express their problems, put on the record what their concerns are? That to my mind is what's required, what's missing at this particular point.

There has been no evidence that at any time these boundaries were being drawn, a member of the public could step forward, could present, could write. Even if they did, how would it be acknowledged? If they had some concerns to ensure that their community was not severed from another or that their city had proper representation in the new boundaries, in the new legislation, what was the process for them to make that known and to be acknowledged and to be received and to have government respond to it? There hasn't been a process in place. Before we make the error of adopting Bill 55, it seems to me that if this government were committed to fair representation for all Albertans, effective representation in the next Assembly, this government would allow for a forum for Albertans to step forward and put their concerns on the public record.

I'd like to know, Mr. Speaker, for example, how is it that people in the city of Calgary, where I'm from – the riding that I represent is in that city. What's the process for them to come forward to explain and to talk about how they are significantly underrepresented in the Legislature under Bill 55? For example, there are 20 seats under Bill 55 for Calgary. Let's just take a look at what 20 seats represents. We know from the Select Special Committee on Electoral Boundaries that in calculating the population of the province divided into 83 electoral divisions, there's an average population of 30,780 people per electoral division. Well, 20 seats in Calgary. You multiply 20 seats by the average per electoral division, and 20 seats should represent 615,600 people. But guess what? Calgary's population is 710,000 people. Just to give you some idea of the magnitude of underrepresentation for the city of Calgary in the new Legislature, 95,000 Calgarians would not be represented under the formula that's being proposed in Bill 55. Where is the forum for people from Calgary to draw this problem to the government? I think it should be something that Calgarians are allowed to present. Calgary should have been allotted three more seats if we were going to follow a strict representation by population.

8:30

[Mr. Deputy Speaker in the Chair]

Edmontonians: where is the forum for them to come forward and put their concerns on the record? If we look at the formula of 30,780 people per electoral district, 62,000 Edmontonians remain underrepresented, given the formula under Bill 55. This is a significant distortion, Mr. Speaker. Where is the opportunity for people in the capital city to express their concerns? Let's also not forget that this distortion is compounded when you look at the zero-sum game that's entailed in Bill 55. There's a total of 83 seats, so if Calgary and Edmonton are short five, somebody else is gaining five. The net effect is a 10-seat margin, transferred from outside the two major cities of Calgary and Edmonton. That's if one uses a strict representation by population in the drawing up of electoral boundaries.

Now, I'm quite prepared to acknowledge that a strict application of the rule in all situations is not always warranted or necessary or defensible, but I do want to say that there is no forum by which Albertans from the two major cities or other parts of the province

can come forward and put their case before the Assembly prior to the adoption of Bill 55, and resolving into Committee of the Whole through the Public Affairs Committee of this Assembly would provide the forum that to now has been denied, has been ignored in the process of drafting Bill 55.

Mr. Speaker, you may remember that earlier in debate at second reading of Bill 55 I made reference to some work done by a political science professor at the University of Calgary, Dr. Keith Archer, who made a presentation to the Electoral Boundaries Commission when it was reviewing the interim report that they had published at that time. Dr. Archer made reference to something called the Gini index that scientifically, I guess, or almost mathematically, developed a formula to determine fairness or, let me say, equality of representation in the drafting of electoral boundaries.

For those who may not remember some of the work that he had done and to which I referred, I'll just briefly review that evidence that he presented at the public hearings provided by the Electoral Boundaries Commission. He looked, for example, at the Gini index. The Gini index, Mr. Speaker, is a situation in which if every single riding in the province had exactly the same number of people in it, the Gini index would be zero. So if all 83 electoral divisions in Alberta had exactly 30,780 people in them, the Gini index would be zero. If one constituency had 2,554,779 people in it, and the other 82 electoral divisions had no one, the Gini index would be at 1. You can see the two extremes between 1 and zero: the closer you get to 1, the greater the distortion; the closer you get to zero on the Gini index, the closer you approach strict equality. Dr. Archer's main thesis was that Electoral Boundaries Commissions had provided the opportunity to achieve greater equality in the drawing of boundaries as opposed to the work that was done either by Parliament or Legislatures over the years.

Just to give a couple of examples, Mr. Speaker, the Gini index for federal ridings in Alberta in 1976 was .068, and in 1987, .77. The interim report of the Electoral Boundaries Commission a year ago came up with an index of .070. That compares relatively favourably with what was available to the Electoral Boundaries Commission in drafting those boundaries but reflected poorly with the work done by the Saskatchewan boundaries commission, which produced constituencies with a Gini index of .011.

Well, Mr. Speaker, let's take a look at how well the four MLAs who sat in a committee meeting for much of the summer and fall have done. I have to tell the hon. members that given the index used by Dr. Archer, they don't come out looking very well at all. For example, the Electoral Boundaries Commission, based on the interim report and the boundaries drawn up at that time, had a Gini index of .070. Now, that was significantly better than they might have done. Had they simply adopted the electoral boundaries legislation, they could have had a maximum distortion of .138, a very significant distortion. However, our four Conservative members have come up with electoral boundaries – we find them reflected here in Bill 55 – and the Gini index comes up to .094. That is a way of saying that the distortion inherent in Bill 55 and the boundaries contained in Bill 55 are greater than those produced by the Electoral Boundaries Commission a year ago. It's interesting to note the long-term trend of Legislatures and MLAs and politicians doing a poorer job than Electoral Boundaries Commissions at arm's length from government. That trend continues, and it's not just one man's opinion but part of a mathematical process that can demonstrate that.

It's further noted in terms of the distortion that a number of ridings in the province have come in over the mean. The percentage variation from the mean is very significant. Of all 20

seats in Calgary, Mr. Speaker, half of them are between 15 and 25 percent over the mean. Now, what is the opportunity for Calgarians to come forward and say to the Legislature, "Do a better job; put it off to an Electoral Boundaries Commission that can do a fairer redrafting of the boundaries"? There's no opportunity provided for those people to come forward and express their concerns about this degree of distortion. All 20 ridings in Calgary are above the mean in terms of the average that was envisioned under Bill 55. It has to be said that no one envisioned that legislation should overwhelmingly discriminate against a particular group based on their geographical boundaries. I think it's fair to say that from time to time, in exceptional circumstances throughout the province, deviations from the mean can be justified, but one can't use that as a way of systematically denying people effective, fair, and proper representation. To compound it, there's no opportunity for those people negatively affected to come forward and be able to put their concerns on the table and to call upon the Legislature to prevent a serious error from being committed.

8:40

One also has to note that these boundaries are envisioned to be in place for a significant length of time. We can find that in terms of the legislation, after "the next decennial census" is one of the measures of when the new commission and the new boundaries are to come into place. But if you look at the growth patterns in the province over the years, Mr. Speaker, the growth of the province has been concentrated in the two major cities. While I don't think that's necessarily a good thing, I don't know that there's anything that can be done, short of a drastic change in government policy towards rural Alberta, to reverse that trend. So what we're doing is entrenching in law a very high distortion in 1993, but by the year 2000 or 2001 or 2003, at present growth rates that distortion will be much, much greater.

Where is the opportunity for Calgarians or Edmontonians or people in other parts of the province to come forward and ask the people who drafted this legislation to defend it, to enter into a dialogue directly with the people who came up with this legislation, to have them defend it or be accountable for it, or, hopefully, in the process change it?

MR. DEPUTY SPEAKER: The hon. Minister of Federal and Intergovernmental Affairs.

MR. ELZINGA: Thank you very much, Mr. Speaker. I'm going to be very brief in my presentation, as I just have a few comments I'd like to put on the record on behalf of the residents of our constituency of Sherwood Park. Prior to doing so, let me address directly the subamendment that we have before us and take issue with the hon. member opposite in dealing with this subamendment, because he has suggested that we should open up the process.

Well, if one goes back and examines this process, we see that the process started back in November of 1990. Here we are, February 1993, close to some two and a half years of debate and discussion on the electoral boundaries within the province of Alberta. I can go through the list, as has been done before, the many steps that have been taken to ensure that we do come forward with a proper redrawing of the boundaries: the previous commission, the minority reports. Quite frankly, I salute the four members who had the courage to come forward with these recommendations, unlike the Liberals and the NDP, who boycotted the hearings and now they're complaining about not having an opportunity for input.

We've heard to date some 71 speeches within this Legislative Assembly. We've had in excess of 1,300 presentations made as it relates to the electoral boundaries. Mr. Speaker, there's been lots of opportunity to participate. I regret, though, that the New Democratic Party and Liberal Party did not take greater opportunity when that offer was extended to them. When we go out to various meetings, the one thing I always encourage individuals to do is to participate, because if you do not participate, you forfeit that right to criticize. Yet again the New Democratic Party has attempted to play both sides of the issue, whereby they don't wish to participate in the redrawing of our boundaries, yet they feel that they should criticize. Where else should we have a greater forum but the Legislative Assembly itself? To the hon. members opposite, if they do have concerns, we are open to amendments to this, whereby we want to take into account all the concerns and the considerations of the residents of the province of Alberta.

Let me put on the record some of the concerns that I have as it relates to the redrawing of our constituency of Sherwood Park. We have had representations both from the county council and from the chamber of commerce indicating their displeasure at the shrinking of the constituency, because they have followed the urban boundaries for this constituency. But as fate would have it, the chamber of commerce building itself is not within the Sherwood Park constituency under the redrawing of these boundaries. It is of deep concern to the chamber members, whereby their constituency of Sherwood Park will not have their chamber building included.

Mr. Speaker, that's not to say I don't recognize the legitimate concerns that have been presented to us as it relates to the provisions our hon. members had to work under. Quite frankly, I recognize the difficult task they did have in putting together these boundaries, and notwithstanding the fact that we all are going to have concerns, I think it's important that this is the place where we express those concerns. I'm delighted that I've had the opportunity to express them on behalf of the many chamber residents within the constituency of Sherwood Park plus the residents of the county of Strathcona who've indicated their concerns to me.

Thank you, sir.

MR. DEPUTY SPEAKER: The Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. The subamendment we have before us today asks the government to consider public hearings on this process. The previous speaker, the Member for Sherwood Park, said the opportunity was there for lots of input from political parties, the New Democrat and Liberal oppositions. We're not here saying we want to have our input, because we can do that in the Legislature. What this subamendment asks for is for hearings to occur on this Bill, Bill 55, a process which, as has been pointed out by the Member for Calgary-Mountain View, has not occurred with this particular Bill.

Mr. Speaker, when you look at the legislation before us, the Member for Calgary-Mountain View points out that in earlier iterations it said that the commission must hold public hearings. In fact, when we started this process - the Member for Sherwood Park once again is wrong with his date. We didn't start this in 1990. In fact, our first committee meeting was held in August of 1989, so we've been at it since that time. We had as chairman of that committee the Member for Taber-Warner. We had 39 hearings, and we traveled many miles. I kind of felt sometimes we had a motto like the U.S. postal service, that neither rain nor sleet nor snow nor dark of night shall keep us from our appointed rounds, because we did travel the length and breadth of the

province to some places I didn't know existed before. We traveled to some places whose names I cannot spell. We did have a lot of hearings on a report that came into this Legislature quite some time ago. But on this particular Bill there have not been hearings. We have had a number of speeches from members of the Legislature.

I think the reason for the subamendment is pointed out most clearly in some of the letters that have been directed to the Speaker's office. The frustration I see in those letters – and the Speaker has circulated them to members of the Legislature – is pretty strong. In fact I'd like to quote a couple of lines from one of them. This was from Mr. John Patrick Day, who sent this letter on February 1, 1993. Just two sentences from there:

A standard step in the process of defining new electoral boundaries has not yet occurred. Normally, there is a period when public reaction to an initial report is canvassed.

That's not from a member of the Legislature. It is from a member of the public who, to his credit, has taken quite a bit of time to review, first of all, the report that was put forward by the select special committee. He obviously took umbrage with some of the boundaries and in fact took the time to produce a whole other series of boundaries for constituencies north of the river in the city of Edmonton because he felt there wasn't any other opportunity for him to provide input. The frustration this man must be feeling is indicated by the tremendous effort he put into this. I compliment him for his efforts. Whether they in fact go anywhere remains to be seen.

The Member for Sherwood Park says there are all kinds of opportunities for input; there are all kinds of opportunities to make changes. We even see in the media where the Premier has said he's prepared to accept changes. Well, Mr. Speaker, when we dealt with the first Bill, the Electoral Boundaries Commission Act, in the late fall of 1990, the New Democrat opposition and this member for the Liberal opposition introduced a number of amendments. How many of those were passed? I bet you could count them very quickly, because the number is zero. We did provide input; we provided input in the Legislature. When I was on the committee, version one, I provided input there. Sometimes there were changes in the report, but when we actually got it into the Legislature, despite the input from members of this Legislature, there was no change. It was rammed through. The government told us that this is a wonderful piece of legislation. Everything is terrific. We're going to have a commission, we're going to get boundaries, and everyone's going to be happy.

8:50

Then, of course, we had our commission. They came up with a report that really did get strong reaction because I think everybody absolutely deplored the initial report. Then they went out and had hearings, and that was the good part of that process, Mr. Speaker. When the commission that was created in the Electoral Boundaries Commission Act had their hearings, they got their ears and eyes opened. They saw the problems in that piece of legislation, and we ended up with a hung jury. We ended up with five different reports, some with maps, some without maps. The end result was that that interim report was changed.

Now, Mr. Speaker, I'm prepared to accept the fact that this report from the Select Special Committee on Electoral Boundaries, which has led to the boundaries we're discussing, generally speaking is in fact proposing a number of boundaries that are substantially better – and to their credit, because I know how much work it probably took. Having worked on at least one committee, I know it probably took a tremendous amount of effort, and I think the members who were involved with that are

to be commended for the effort they put into it. That doesn't mean I buy all the boundaries that have been proposed, but certainly they put a lot of hard work into it.

Mr. Speaker, the frustration I talked about that I hear from members of the public is because now we have a Bill before this Legislature and we have the Deputy Premier standing up and saying, well, that cost is a big concern. Cost is a reason we can't have hearings, cost is a reason we have to impose closure, so we're just going to speed up this process a little bit. Well, I don't see much speed here, considering, as I've said, that we started this process in August 1989, three and a half years ago.

What we have now is a government imposing closure, not willing to have public hearings. I submit, Mr. Speaker, as I've said, that I think most of the boundaries would probably be accepted by the majority of constituents in those respective constituencies. But there have been a number of letters, a number of written presentations from people exercising their right to express a viewpoint. Unfortunately, we really don't know if the government is going to accept them. We don't know if the government is going to reject them. There have been no public hearings on these.

I just want to quote a single line from another letter. This is from the city of Camrose. Norm Mayer is the mayor of the city of Camrose, and he writes in his letter dated November 30, 1992:

It is apparent that the proposed "Wetaskiwin-Camrose" constituency totally disregards our previous submission dated February 4, 1992.

The frustration coming out again in that particular instance I'm quoting – and this is an individual who, I'm sure, is representing himself in his letter but also representing his constituents as the mayor of the city of Camrose – is the frustration of not being heard, the frustration that he feels that the boundaries proposed are not appropriate for his particular area. Now, who's going to know that area better than the city mayor? Certainly the Member for Camrose spoke earlier in this Chamber and said he's heard of concerns about the boundaries in that area as well.

Mr. Speaker, that's why this proposal is such a good proposal. The Member for Stony Plain introduces his subamendment saying: "Let's have some public hearings. We can resolve ourselves into a committee of the whole House. We can invite people to come to this Legislature. We can invite them to make presentations." Now, in a very complex issue like electoral boundaries, it is inevitable that you can't please all the folks all the time. But I think the point here is that we have to open up the process. I don't think anyone is suggesting – the Member for Stony Plain, when he introduced the subamendment, didn't talk about a long process of months and months and months. I think this process could be wrapped up fairly quickly, within, I would guess, a matter of a month or so. Allow the people to make their presentations to either this entire Legislature or the Public Affairs Committee, depending on who of the Legislature shows up for that particular set of hearings. I think the fact that that has not occurred has led to a great deal of frustration.

Let me quote a line from yet another writer, a woman by the name of Katherine Kvill, who writes on January 5, 1993: "Is it the mandate of the government to deny the residents of these areas a voice?" Mr. Speaker, I don't want to read the whole thing, because I know that would be beyond the rules of the Legislature. I want to get that one line in because it highlights a frustration from those people. This is an individual who is very concerned about what's going to happen in her area, again the Wetaskiwin-county of Camrose area. She's concerned about the boundaries being proposed.

I don't think it would take a long time and I don't think it would be a difficult task for members of this Legislature to meet

with people, to hear their concerns. In fact, as I mentioned in the presentation from Mr. John Day, here is an individual who not only expresses his concerns but even provides an alternative, a whole series of alternatives, very thoughtful. I think if we were to ask a good number of these individuals, "Well, gee, what do you think would be best for your area; where do you think the line should go; what's best to represent your concerns as a constituent?" they probably would have some strong suggestions that should be heard in this Legislature as opposed to simply accepting a committee of four Conservative members of the Legislature and not accepting any changes to that.

Mr. Speaker, I think the need for change is highlighted clearly by the Bill itself. When we debated the first piece of electoral boundaries legislation in this House in December of 1990, we introduced amendments which were completely not accepted by the government. We were assured the end result was a great piece of legislation that had everything in it to meet the needs of the Legislature and the people in the province of Alberta. Yet when you look at Bill 55, the Electoral Divisions Statutes Amendment Act, 1993, it proposes a whole bunch of amendments to that piece of legislation that we were assured was such a wonderful Bill in the first place. Well, it's better, but it could be even better yet. That's why we're saying: let's have some hearings; let's have a committee of all parties of this Legislature and receive input on the report. A lot of people will come and say, "In my area it's good" or "In my area we need to change things a little bit."

Mr. Speaker, I want to quote from one more letter. From the town of Bashaw, Mayor John Gust writes on January 12, 1993: "It appears to us that no one is listening to the wishes of the people." That is a quote from an individual who represents himself, certainly, in writing his letter but also the people in the town of Bashaw that he represents as mayor. He writes a letter expressing severe concern about that area.

I know that we've had opposition members express concerns about particular constituencies; we've had government members express concerns about particular constituencies. Let's open up the process. Let's have that public hearing and get on with it. In fact, as I said, Mr. Speaker, the legislation itself, the Electoral Boundaries Commission Act that we passed in this House, said there shall be hearings after an interim report. This new Bill that we have before us says in section 7 that there must be "hearings both before . . . and after [the] report has been made public." So the desire from the government to have public hearings apparently is very strong, yet we have the Deputy Premier saying he's not in favour of hearings, because he's going to vote against the subamendment. I take it, then, that the Deputy Premiers – versions one and two, because they both spoke against it – and the Member for Olds-Didsbury, who also spoke against public hearings, therefore are probably going to vote against the Bill, because the Bill says there shall be public hearings, amongst other things, of course.

So, Mr. Speaker, let's get on with the job, let's let the people in the various parts of the province of Alberta come and have their say in this Legislature, and then let's make the changes that the people want, because we are here to serve their needs, not the other way around.

Thank you, Mr. Speaker.

9:00

MR. ROSTAD: Mr. Speaker, I appreciate the opportunity to make a few comments and respond to the Member for Calgary-North West. He like the Member for Vegreville quotes profusely from letters addressed to the Speaker that are from my constituents, individually and as municipal representatives.

I wish to assure the members as well as the Legislature that the people writing these letters are not complaining about the process. They in fact appeared during the process at hearings. I can assure the members as well that I know they're not happy with the final results for the Wetaskiwin-Camrose constituency, but that is not complaining about the process. That's complaining about the results as the configuration came, and that is a significant difference.

This subamendment is addressed to having a public process. Frankly, the Member for Calgary-North West, if my memory serves me correctly, served on a Legislature committee that went around the province in public process listening to people and their representations and I think voted unanimously for a recommendation that resulted in the Electoral Boundaries Commission Act of 1990, I believe it was.

So in conclusion, my constituents are not making representations for process. They're making representations for changing the results of what the process was.

Thank you.

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

MR. McEACHERN: Thank you, Mr. Speaker. I'm pleased to rise and speak on this subamendment to Bill 55. The amendment of course was to indicate that the Bill should not be now read, and the subamendment said because we further regret that the government did not invite the public to hold public hearings and suggested that the Public Affairs Committee of the Assembly should do that.

The members on the government side keep saying that there were all these hearings, 62 hearings, and there were a thousand submissions, et cetera, et cetera, but that was for previous processes, not in regard to these particular boundaries. It could be that the Member for Taber-Warner and his three colleagues took some account of some of those early hearings for part of the province, but I cannot see how they could possibly have taken into account anything very rational or reasonable in the northern part of the city of Edmonton, north of the North Saskatchewan River, because nobody could have come up with a boundary as bad as they did had they known anything about that area at all.

It's really important that that committee, that this Assembly listen to some of the people from the city of Edmonton, not just MLAs. That's fine. We can make some suggested amendments, and in fact that seems to me a possibility yet, that the government might decide to take some amendments. The thing is to look at what the people are saying and see what kinds of boundaries they have been suggesting. There are a number of good examples that I've brought forward already. I'm going to run through those quickly and go on to a couple more ideas that I think are certainly far better than what the Tory committee came up with.

The Deputy Premier and FIGA minister a few minutes ago said that there had been lots of hearings and that sort of thing, but it was not hearings on this proposal, and that's what needs to be done. The Premier when he was tackled on this issue by the Leader of the Official Opposition on January 25 when we first started this sitting said that this is the most democratic of bodies. I guess it has the potential to be the most democratic of bodies, but if it is going to be, then that means the government has to seriously consider amendments on a significant level to fix this map, because this is a very poor map. The Member for Camrose said that his people were not complaining about the process, they were just complaining about the product. Well, a flawed process brings a flawed product, and the only way you can correct that is

to listen to the people that have some ideas on how it should be done differently and then make some significant changes.

I want to quote the Premier, who said in response to questions from the Leader of the Official Opposition that this was the most democratic body in this province and that this was a place where we could make the amendments. I hope that proves to be true. The process was set in place by the Getty cabinet, some of the same people involved right through the process. Now the Klein cabinet is saying: "Oh, we're a new government. We're going to do a different style; we're going to be more open and democratic." The only way they can claim to be that is if they listen to these submissions that we're bringing to the Assembly and make some substantive changes. The Premier said – and I'm going to quote him just a little bit here – after the first question by the Leader of the Official Opposition about the electoral boundaries process:

Mr. Speaker, the process is indeed a democratic process; it's not in any way, shape, or form a corrupt process.

I would quarrel with that. He goes on to say:

The boundaries will be decided hopefully over the course of the next 10 days or so by the Legislative Assembly, by all of us.

I hope he means, then, that he's not married to the boundaries, at least for the north part of Edmonton, that were brought forward by that four-member Tory committee.

He goes on to say:

You have an opportunity, hon. Leader of the Opposition, to move amendments, to provide positive input.

Now, unless some of that positive input is accepted, there is really not much use proposing it. We've been here for seven years, and we know how many amendments of ours have been adopted no matter how good they were. It's typical for ministers to stand up and say, "Thank you for your valuable input, but, no, we don't need those changes now." If that's what they do on this one, it's not going to be a democratic process, I assure you. With 58 members of this Assembly it's not a democratic process unless you really listen and make some of the suggested changes, not suggested by us personally but by our constituents and the people of Edmonton in this case.

He went on to say in part of this answer to that same question: So we had no choice other than to bring the process to this most democratic body, the Legislature, to have it decided here by each and every member.

So I'm assuming there is a commitment on the other side to making amendments.

His final comment at the end of question three was more of the same.

But what better forum than the Legislature, where all members together – Conservatives, NDP, and Liberals – can decide what is appropriate in terms of an equal and effective boundary system heading into the next election?

Of course, what is better than that is for the ordinary people of this province through some kind of an independent commission to give a proposal to the Assembly as to what the boundaries should be, and then we look at it and accept that. In this case it looks like we're going to have to make the suggested amendments, and I just hope that the government's listening and has some intentions of making some amendments. Now, those comments from *Hansard*, by the way, were on pages 1841 and 1842.

Now, what might public hearings be told if this body were to hold some public hearings through the Public Affairs Committee? Who would come forth with what suggestions? I know a few that I could suggest. One of my community league presidents has already written a letter saying that he doesn't like the fact that Sherbrooke and Prince Charles are split off from the rest of Edmonton-Norwood. They're included in the Edmonton-

Norwood riding, but they're divided from it by the whole of the airport, one of the most ridiculous . . .

Speaker's Ruling Repetition

MR. DEPUTY SPEAKER: Hon. member, the Chair has had the pleasure of listening to that example now for the third time. There are rules against repetition, and the hon. member is being guilty of repetition at the present time.

Debate Continued

MR. McEACHERN: Mr. Speaker, I will move along very quickly over the previous ones I've mentioned. I do understand what you're saying, but I just want to show the variety and kinds very quickly, and then I'll get on to a couple of new proposals that I know are forthcoming.

Speaker's Ruling Repetition

MR. DEPUTY SPEAKER: The hon. member seems to be laying the groundwork for further repetition, and the Chair will not countenance any further repetition. If the hon. member has something new to say, then let's get on with it, hon. member.

9:10

MR. McEACHERN: Mr. Speaker, I gave a fairly detailed dissertation of the Mr. John Day proposal the other day, and it was referred to by my colleague from Calgary-North West. You didn't interrupt him and tell him he couldn't refer to it.

Debate Continued

MR. McEACHERN: I would just say that's the kind of proposal that the government is likely to hear. They're also likely to hear from people who know a lot of the history of Edmonton and can tell you why certain communities have worked together over the years and how those things should be considered when drawing up the new boundaries. Now, I do have a new proposal, it just so happens, from another resident of the Calder area as a matter of fact. The gentleman's name is Bill Glass, and he couldn't resist. He's been interested in these things all his life, and he sat down and started doing some redrawing of boundaries.

There are some basic common themes similar to what Mr. Day put forward but with some differences. He's brought copies to the Speaker, and the Speaker passed them out to all members, but still it's worth putting some of this on the record because it's important that if our constituents give us information that they think is important for this Assembly to have that it not only be given to the members but that it be put in the *Hansard* record. So I would like to take a little time and go through some of his suggestions.

AN HON. MEMBER: You've already done that.

MR. McEACHERN: No, not this one. This is a new one. This gentleman says:

Dear Mr. Speaker:

Yesterday on a radio phone-in program I suggested to Mr. Stockwell Day that I could design a better set of constituency boundaries than the ones being currently debated in the Legislature. My interest is in the north side of Edmonton, but, given time, I could probably do [the same] for the south side.

I believe my proposals to be more logical, regular in shape and respectful of normal community associations. Since I'm told the government is still open to boundary changes, if not to changes in city totals of representatives, I would be pleased if you could circulate these suggestions to the members of the Legislative Assembly.

The Speaker did that, and I want to describe the proposal in some extent anyway. On the north side of the river we have some 11 constituencies, and this gentleman started out on some assumptions that he should keep together those community groups that have been working together and follow some natural boundaries. For instance, he took those two community leagues of mine that are split off from Norwood and put them back into a riding called Edmonton-Kingsway and moved Norwood a little to the northeast. Now, that didn't cause any particular great disruption up there. Edmonton-Calder would remain pretty much as it is as would Edmonton-Glengarry. Edmonton-Jasper Place would change some, would lose quite a lot of territory to Edmonton-Meadowlark, but it would retain the core of the old Jasper Place city. You know, it had a separate existence for a long time and was only amalgamated into the city in the not too distant past, so he felt that Jasper Place should have an historical identity and a riding named after it. He extended Glenora to the east into the Oliver area as did Mr. Day, but he didn't take it quite so far into the downtown as Mr. Day did. Instead, he moved Highlands more into the downtown to take up the slack on the other side. Edmonton-Kingsway: he put back together most of those community leagues and added – right now I share Queen Mary Park. It's divided in half with Edmonton-Centre, and he put that part back together again and included Central McDougall also in the Kingsway area.

Now, Mr. Speaker, these boundaries are much more logical and much more reasonable than what the government has come up with. The government proposal puts together a little chunk out of Mayfield, basically two community leagues and a huge big territory that has very few people in it, and the Winterburn trailer court. Then it puts in three community leagues out of the Kingsway area, which are totally isolated quite a distance away, and then it goes across the CN tracks and the Yellowhead up into Calder and takes four community leagues from there. So we have this Mayfield riding which is made up of three distinct areas that are separated from each other.

**Point of Order
Relevance**

MR. WEISS: Mr. Speaker, on a point of order.

MR. DEPUTY SPEAKER: The hon. Member for Fort McMurray is rising on a point of order.

MR. WEISS: Thank you. Mr. Speaker, I ask your indulgence and clarification and perhaps some guidance. Are we speaking in committee or are we speaking to the amendment? I'm not quite sure, because there have been new remarks introduced here that relate entirely differently to the subject of the matter that we've been dealing with at this time.

MR. DEPUTY SPEAKER: The Chair accepts the hon. member's point of order, which really is: is the hon. Member for Edmonton-Kingsway speaking to the subamendment before the House? The Chair has actually lost the thread from his introduction. The Chair believes the hon. member has strayed too far from the subamendment presently before the House and would ask the member to get back to it.

MR. McEACHERN: What I was doing was, as you directed earlier, putting a new proposal on the table. It does seem to me that if you were to hold public hearings, then these are the kinds of suggestions you're going to get. It would be unfair to Mr. Bill Glass, who spent a lot of hours putting this together, if it was not on the record. It could just be that in terms of an actual specific

amendment for committee, it may not come out of this exactly as it is . . . [interjection] No, you see, there's a number of different proposals floating around. There's the Mr. Day proposal, which is a very good one. There's the government proposal. When one gets looking at them, you could end up making an amalgamation of the two, for example. There is the Mr. Glass proposal. It would be unfair to him to leave his suggestions out, because they are very good ones. It is not decided at this stage, at least by our caucus, that we are going to propose the Bill's last proposal exactly as it is. Therefore, it's really important for this Assembly to hear the essence of his proposal and to take a look at it and consider it in the overall context. There will be some specific amendments coming forward from the government, I gather, and probably from both . . .

MR. DEPUTY SPEAKER: Order please, hon. member. The hon. member seems to be under the misapprehension that he can use second reading debate on this subamendment to bring forward particular suggestions by either present constituents or possible constituents. That is not the function of this stage of the Bill. This is a subamendment to the motion for second reading, which is on the principle of the Bill. The hon. member will have ample opportunity to present the present speech when we get into committee, when we discuss the specifics of these constituencies. I'm making these comments not only for the hon. member but for other hon. members who may wish to participate in the debate on this subamendment. Really, the contents of the last seven or eight minutes' comments, hon. member, are not in order for this particular stage of the Bill.

MR. FOX: Mr. Speaker, on the point of order as raised by the hon. Member for Fort McMurray.

MR. DEPUTY SPEAKER: That point of order was concluded some time ago.

MR. FOX: Well, you never gave anyone else a chance to speak on it. I'll raise my own point of order, then, Mr. Speaker, if you wish.

SOME HON. MEMBERS: Citation.

MR. FOX: He didn't need one.

MR. WEISS: Mr. Speaker, on the contrary, 319 in *Beauchesne*.

MR. FOX: Thank you very much.

**Point of Order
Relevance**

MR. FOX: Mr. Speaker, with respect to the matter of the debate in second reading on the subamendment, I would submit for the Speaker's consideration that this cleverly crafted subamendment by the hon. Member for Stony Plain in fact requires hon. members speaking in favour of the subamendment to try and bring forward compelling examples of the virtues of public input, the kinds of things that the government members have not heard with respect to the many good ideas that people in the province of Alberta would be bringing to this Assembly and to this forum if, in fact, we had public hearings through the Public Affairs Committee. I would suggest that you consider that representation from the Official Opposition caucus and allow the Member for Edmonton-Kingsway to continue the few minutes that are left in this previously adjourned debate.

MR. WEISS: If I may comment on that point of order. If one would refer to *Beauchesne Parliamentary Rules & Forms*, page 97, under 322, I wouldn't want to read it all into the context of the House, but it does point out:

When a bill is under consideration, points of order should not be raised or matters which could be disposed of by moving amendments.

It does go on to clearly indicate the position and the point of order that I raised with you earlier, Mr. Speaker, and I'd ask you for that ruling.

MR. DEPUTY SPEAKER: The Chair also would refer members to *Beauchesne* 659 and 688, which the Chair feels is more germane to the position that the Chair is attempting to put forward, because the hon. member would have to, I believe, agree that he is talking about particular things that can be addressed in committee by boundary changes. That is not dealing with the principle of this Bill or the subamendment in any way, shape, or form. The Chair does not agree with the proposition put forward that the function of the hon. members in speaking to this subamendment is to bring forward things that might happen. That's particularly hypothetical, and the Chair does not believe that is a valid basis on which to ground a person's remarks.

9:20

MR. FOX: May I comment, Mr. Speaker, on *Beauchesne* 659. It's the first time it was cited by the Speaker. I think the record will show that the hon. Member for Edmonton-Kingsway has not discussed "in detail" or, in fact, in any way whatsoever "clauses of the bill." What the hon. member is attempting to do is make compelling arguments to members of the House in the hopes that they will vote in favour of the subamendment, recognizing the benefits of public hearings on this matter.

MR. DEPUTY SPEAKER: Those remarks were in fact out of order, but the Chair listened to them. The hon. member is questioning the ruling of the Chair. Nevertheless, the Chair believes that we should be getting down to the subamendment before the Assembly and not be wasting the Assembly's time on what might happen if the subamendment passed.

MR. McEACHERN: Mr. Speaker, I thought I was following your dictum when I was getting on to the new material and putting it on the record, as you indicated earlier. In fact, I have covered some of the main points but not the fine detail of that proposal.

Debate Continued

MR. McEACHERN: I do believe that if any public hearings were held, you would have Mr. Bill Glass down here going through this in great, great detail, which would be a fair thing to do. That's the kind of public hearings that we need to have so that people from the community can come in and say, "This is what I believe should be on the record." I think it was only fair to put some of his ideas on the record. Of course, I can stand here and say over and over again that we should hold public hearings and we should hold public hearings and we should hold public hearings, but it does make some sense, I think, to indicate the kinds of things that community league people have been passing in to us that would be elaborated and specified in public hearings. So if we're not going to hold public hearings, I suggest that the numbers of different people that have sent representations to this Assembly through myself – that that should be on the record. Most of them are now, but I have a general kind of comment on how you go about dealing with the north side of the city of Edmonton, based

on the kinds of things that should be considered at a public hearing and I don't think have been considered even yet.

Earlier in talking about the problems of the north side of Edmonton, I pointed out how – these are general comments; they're not specific to specific detail – difficult it is to account for the growth in the west end without having three ridings in the west end as opposed to two. Yet if you do that and don't increase the number of ridings on the north side of the river, then you have to destroy a riding in the north-central part of Edmonton. I suggested the ridings in the north-central part were Edmonton-Norwood, Edmonton-Centre, Edmonton-Kingsway, and Edmonton-Glenora. Actually, both the Day proposal and the Bill Glass proposal make that assumption also.

Speaker's Ruling Relevance

MR. DEPUTY SPEAKER: Hon. member, the Chair is getting exceedingly tired of hearing about the Day proposal and the other proposal. Those are not matters before this Assembly on this debate. They can be when we're in committee stage. The Chair respectfully requests the hon. member to stick with the subamendment and stay out of the committee stage debate.

MR. McEACHERN: Why don't we have the Public Affairs Committee listen to these people? That's what I'm suggesting they should be doing. Quite frankly, if you're going to have public hearings, you are going to get a variety of theories and ideas as to how constituencies should be restructured to take account of population changes. I don't see how the remarks that I was just on are in any way out of order, because the public hearings would obviously listen to a variety of theories about how you account for those population growths and changes.

MR. DEPUTY SPEAKER: We're getting into repetition again on that point, hon. member. One thing about subamendments: it gets things down and makes the debate a little more difficult. It confines the area. I know the hon. member is struggling, but the hon. member could probably get his message into remarks maybe comprising eight or nine minutes instead of always attempting to fill up 30 minutes. That's where the hon. member is getting into trouble. [interjections]

MR. McEACHERN: Mr. Speaker, are you suggesting that I shouldn't have my 30 minutes the same as anybody else? [interjections]

MR. DEPUTY SPEAKER: Order please. [interjections] Order please. The hon. member certainly feels that the hon. Member for Edmonton-Kingsway is entitled to his 30 minutes if the hon. member can fill up 30 minutes with something that's relative to something that's before the House.

MR. McEACHERN: I don't know how you can get more relevant than talking about the proposal that came out of the four-member Tory committee and how it should have been done differently and would have been done differently had we had some public hearings that would have considered some of these ideas I'm bringing forward.

MR. NELSON: Sit down till you can think of something to say.

MR. McEACHERN: No, I'm not going to sit down.

Debate Continued

MR. McEACHERN: Mr. Speaker, the committee of Tories that drew up these boundaries did not solicit information from the people of the city of Edmonton. This is the chance for the people of the city of Edmonton to put their debate forward. It is clear that the government does not intend to hold the public hearings which we're suggesting, and the Premier has said that this is the place where those ideas should be brought forward and the changes should be made, so I am putting these ideas forward.

I will save, of course, any amendments we're going to propose.

Point of Order Relevance

MR. WEISS: Point of order.

MR. DEPUTY SPEAKER: Order please. The hon. Member for Fort McMurray is rising on a point of order.

MR. WEISS: Thank you, Mr. Speaker. I will quote, first of all, *Beauchesne's Parliamentary Rules & Forms*. You were kind enough to outline 659. I'd ask the hon. Speaker and the members of the House to read 662. I think this is where the intent of the hon. member is wavering and is off the subject matter entirely by introducing new items to his topic when it refers to in 662:

The principle of relevancy in an amendment governs every proposed motion which, on the second reading of a bill, must not include in its scope other bills then standing for consideration by the House.

But goes on to say, if I may:

Nor may such an amendment deal with the provisions of the bill upon which it is moved, nor anticipate amendments thereto which may be moved in committee,

which I suggest the hon. member is reaching with introducing of new articles. It also states, "nor attach conditions to the second reading of the bill."

MR. DEPUTY SPEAKER: The Chair thanks the hon. member for his intervention but does not feel that's anything new apart from what the Chair has already been attempting to do with the hon. Member for Edmonton-Kingsway: to keep him to the subamendment that's before the House. I know he has a difficulty filling up the time.

MR. McEACHERN: No. Actually, some of the ideas I'm suggesting are quite valuable ones for looking at how you analyze and draw boundaries. Instead of interfering and interrupting me all the time, it would do well for the House to listen and see if there are some ideas there that might be worth using to make amendments to the Bill. When we get into committee, I'm assuming that the debate will pretty well be on specific amendments. What I'm doing now is talking more generally rather than specifically and suggesting that the theory behind how you divide areas is the kind of thing you're going to hear in Public Affairs hearings.

Now, we're not likely to get the Public Affairs hearing, but surely this body would want to hear those kinds of ideas coming from whatever source. In the previous case I've quoted some other people, but I've had some thoughts of my own on the particular problems that are created in the north side of Edmonton, and I think they're worth putting on the record. I think the members should be interested, particularly the Member for Taber-Warner, who might be interested in accepting some amendments from this side of the House, although we haven't decided exactly what specific amendments we're going to put forward yet.

9:30

Debate Continued

MR. McEACHERN: The problem of the north side, as I said earlier, was that we'd made the assumption that you had to destroy one of the central ridings in order to accommodate growth in the west end. On looking at the map again, if you accept the proposal put forward by the committee that you're going to combine some areas from north of the CN tracks and the Yellowhead with some of the communities south of the CN tracks, then that gives you more flexibility, and you do not have to destroy any of the ridings in the downtown part of the Edmonton area to accommodate growth in the west end. That was sort of the theoretical basis for a different kind of approach to the north side even than the Day proposal, which is a good one, or the Bill Glass proposal, which is also a good one.

If you look at what the committee did – and I'm trying to say that not everything the committee did was wrong, but a lot of it was. A lot of it needed some public input from individuals, either through the Public Affairs Committee or through this Assembly, if we don't get the Public Affairs Committee hearings. In fact, the Day proposal probably required some ideas from the government committee proposal to really be a comprehensive and adequate . . .

[Mr. McEachern's speaking time expired]

MR. DEPUTY SPEAKER: Is the Assembly ready for the question?

SOME HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: The hon. Member for Stony Plain has moved a subamendment to the amendment to the motion for second reading. All those in favour of the subamendment, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: The subamendment fails.

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

9:40

[Eight minutes having elapsed, the Assembly divided]

[Mr. Speaker in the Chair]

For the motion:

Bruseker	Gagnon	MacDonald
Chivers	Gibeault	McEachern
Dickson	Hawkesworth	Woloshyn
Fox		

Against the motion:

Ady	Evans	Moore
Black	Fischer	Musgrove
Bogle	Fjordbotten	Nelson
Bradley	Fowler	Orman
Brassard	Gesell	Payne
Calahasen	Gogo	Rostad

Cherry	Hyland	Schumacher
Clegg	Kowalski	Sparrow
Day	Laing, B.	Stewart
Drobot	Lund	Tannas
Elliott	McFarland	Weiss
Elzinga	Mirosh	West
Totals	For - 10	Against - 36

[Motion on subamendment lost]

MR. SPEAKER: On a procedural basis, the Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I would like to request the unanimous consent of members in the Assembly that if any further division bells ring tonight, the period of silence between the ringing of the bells be shortened from eight minutes to two minutes.

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

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried. Thank you. The Member for Edmonton-Mill Woods.

MR. GIBEAULT: Mr. Speaker, I do want to add a few words to the amendment being put forward by my colleague the Leader of the Official Opposition that

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

I think the key words here in the amendment are that this has been an inappropriate process and that it was not developed by an arm's-length body, an Electoral Boundaries Commission. Now, it seems to be a fairly straightforward concept for most people, but my friends on the government side seem to have a difficult time understanding the process of conflict of interest and how inappropriate it is for members of this Assembly to be drafting constituency boundaries which affect themselves in large measure.

It's a principle that has been widely acknowledged in other jurisdictions that these matters - that is, the drawing of electoral boundaries - should be put forward by independent agencies. Electoral boundaries commissions is what they're usually called. Sometimes they're chaired by a judge, perhaps other well-regarded members of the province, people of some stature in the province, people with some experience perhaps in these matters, people who will have the confidence of the public: people, Mr. Speaker, who will be able to give an assurance to the people of the province that this process is in fact an appropriate one, a legitimate one, and one that will have the confidence of the people of Alberta, so that come an election, we don't have people in the public, the media and so on, wondering whether or not the results of any particular constituency might be legitimate or not because of the way one line was drawn in one area or not drawn in another area. It is just a very poor image to be presenting to the people of the province that MLAs here in the Legislature are drawing our own boundaries. It's clear that an Electoral Boundaries Commission would have much more credibility than having MLAs drawing their own boundaries.

The members of the government who were involved in putting forward the boundaries that are incorporated in Bill 55 would

have us believe that we've already gone this route. We have, and it failed. But we have to ask ourselves: why did that Electoral Boundaries Commission process fail, and why did the government then go to their own committee of four government members?

Well, Mr. Speaker, members will recall the debate we had about the Electoral Boundaries Commission Act, the amendment Act, and how we tried to ensure that that legislation was drafted in such a way that the commission would be able to ensure the principles of equity were observed in that the boundaries would be a proposal that would be within the Charter of Rights and within judicial decisions that have been made in other jurisdictions relative to electoral boundaries matters. Yet they drafted the legislation to guide that commission in such a way that it was impossible for them to come up with a consensus agreement for boundaries. Instead of going back and ensuring that the commission legislation was appropriate and sensible and would allow the commission to do its work properly, the government instead said, "Well, no, we're just going to forget about that process; we'll give up on that independent process, that process that would have maximum public credibility, and instead we will simply do it ourselves." Of course, the leaders of the Official Opposition and the Liberal opposition quite rightly recognized the inherent conflict of interest in such a process and said that we would not be participating in it.

Mr. Speaker, we haven't had public hearings on this process of this committee of government members. We had some public hearings on the Electoral Boundaries Commission initial report but not on the boundaries that are now being put forward under Bill 55, the Electoral Divisions Statutes Amendment Act, 1993. My other colleagues have spoken to the idea of having the Public Affairs Committee of the Legislature conduct such hearings. That was not accepted by the government members, I'm sad to say, but there could be alternative processes for having these public hearings.

Mr. Speaker, the government has made much of the fact that the new administration is under new management, as the Premier likes to say, yet they have resisted the idea of showing a new way of doing business and a way of doing business that has maximum public credibility, the idea of having an Electoral Boundaries Commission reconstructed to ensure that these boundaries are ones that are in fact going to survive any Charter challenges or any litigation or other complications after the next provincial election. The Premier has said on a number of occasions that the next provincial election is likely not to be before the fall of this year, so there is time that the government could refer this matter back to an Electoral Boundaries Commission. It could then be brought back for the Assembly in the session which we understand may begin sometime in April. There is an opportunity for this to happen. There has been a lot of work done, and the Electoral Boundaries Commission that would be reconstituted here could take the work that has been done by the government committee.

Mr. Speaker, to be fair, there are some improvements in this version over previous ones that have come before us and the people of Alberta. For example, in my own case I'm happy to see that there are no 'rurban' ridings in this proposal. That was widely criticized by many of my constituents, people in the cities of Edmonton and Calgary and around the province generally. That is an improvement.

9:50

However, there have been a number of other adjustments in my own region of metro Edmonton that are confusing and hard to understand. They were not called for by any of my constituents or any organizations in my constituency, none of the community

leagues, or so on. Just an example, the flipping of the parts of Avonmore that were in northwest Mill Woods to the northeast part of Mill Woods and vice versa, so that people who had a certain community of interest and had been used to that over the last number of years might maintain that. So even in my own constituency, where we get an additional riding, that certainly represents an acknowledgement of the growth in that suburban area of Edmonton. That's a positive development, but why did it have to be changed in such a manner that virtually everyone after the next election, no matter the results, will be having a new MLA to deal with and will have to get used to the idea of a new constituency no matter where they live? There are some questions about that. One has to wonder if these changes – which were not requested by any public entities, community groups, or any that I'm aware of certainly in, as I said, my region of southeast Edmonton – were made in the public interest.

Then, of course, we have the names. In my own area, for example, the name of Edmonton-Ellerslie in the riding that would be south of 23rd Avenue in Edmonton is just an example of an item that was not recommended by community organizations in my area. At a community league meeting that I was at not too long ago, people asked me why they gave it this name. I couldn't understand why, because the name of the constituency of Edmonton-Ellerslie – that only represents about 5 percent of the population in the district. If community league organizations had had a chance to make submissions to an Electoral Boundaries Commission through public hearings, as is the normal practice and has been done before, many of them would have suggested that a better alternative might have been having the constituencies of Mill Woods-North and Mill Woods-South, like we have Red Deer-North and Red Deer-South. That would have been a better description of the constituencies involved.

Of course, Mr. Speaker, my constituents, like the taxpayers of this province in all 83 ridings, are fundamentally taxpayers and concerned about the number of constituencies. Many of them expressed to me the view that we should perhaps have less than 83 ridings in total. Again, this is another issue, another point of view of my constituents for which there is no opportunity, no public hearings of an Electoral Boundaries Commission or a Public Affairs Committee of the Legislature or any other public forum, for them to express.

Some community organizations, Mr. Speaker, have directed letters to you, which you've been kind enough to circulate to all members of the Assembly, but that is not really, I would suggest, in the view of many of my constituents and many of the people who have made those submissions, an appropriate process for public input. There's no opportunity that way for a public dialogue. Then we get, of course, into the situation we're in now where members are forced into a position where they have to struggle with whether or not they should make suggested changes to electoral boundaries as they're being presented here, whether that's inappropriate or not. So now we've got amendments that reflect a variety of changes, and it becomes a very gray zone and a very problematic one.

We've got the question of whether or not the major cities in the province have been properly represented. We've had representations from other members: the Member for Calgary-Mountain View talking about the situation reflecting Calgary, the second major city after the capital city of Edmonton, probably now the largest in terms of population, and how it's not represented perhaps to the extent that it should be. So there's a lot of difficulties with this whole process. I would just reiterate, Mr. Speaker, for the benefit of the government members, that this process has not been an appropriate one, that it is not an appropri-

ate process for members of this Assembly to be dividing constituency boundaries themselves. It just does not lend itself to a process that will survive public credibility and perhaps legal challenges in the times ahead.

I urge the members of the government on the opposite side to reconsider this situation. I would suggest it is not too late to take heed of the Leader of the Opposition's amendment here and suggest by inference that that's exactly what should be done by the government, that we should refer this matter to an independent Electoral Boundaries Commission. They may be able to do it, I think, in due haste, with good dispatch now that there has been a certain amount of work done by the government committee and by the previous Electoral Boundaries Commission and so on. I think by doing that, it would lend a maximum degree of public credibility and legitimacy to the process, one that we would all be able to be proud of as Albertans and one that we would be able to go to the people of Alberta with in the 1993 election which is ahead of us with a maximum degree of confidence and assurance that the results would be ones that would not be subject to any public question. They would be results that would have the support of the people of Alberta. I'm sure that's what the government wants, so I urge them to support the Leader of the Official Opposition's amendment to this motion.

HON. MEMBERS: Question.

MR. SPEAKER: The call for the question is with respect to the amendment. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The amendment fails.

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

[Two minutes having elapsed, the Assembly divided]

10:00

For the motion:

Bruseker	Gagnon	MacDonald
Chivers	Gibeault	McEachern
Dickson	Hawkesworth	Woloshyn
Fox		

Against the motion:

Ady	Evans	Musgrove
Betkowski	Fischer	Nelson
Black	Fjordbotten	Orman
Bogle	Fowler	Payne
Bradley	Gogo	Rostad
Brassard	Hyland	Schumacher
Calahasen	Kowalski	Sparrow
Clegg	Laing, B.	Stewart
Day	Lund	Tannas
Drobot	McFarland	Weiss
Elliott	Mirosh	West
Elzinga	Moore	

Totals:	For – 10	Against – 35
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[Motion on amendment lost]

MR. SPEAKER: The Member for Vegreville on the main motion.

MR. FOX: Thank you, Mr. Speaker. I thought it would be prudent of me to make a few comments in second reading tonight to try and sum up the efforts and thoughts of the Official Opposition with regards to Bill 55 and to address some of the comments that have been made by the Member for Sherwood Park and some other members of his caucus that have expressed concern to me about the fact that members of the Official Opposition and the Liberal caucus did not take part in the committee process that led to the development of Bill 55; you know, their belief that somehow it was not proper of us to then criticize the process in second reading.

I think that is a very logically inconsistent argument, Mr. Speaker. In fact, we didn't participate in the process because we believed the process to be wrong, we believed the process to be flawed, and we believed that it was not a proper thing in the 1990s for elected members to draw their own electoral boundaries, boundaries which after all are for the citizens of the province of Alberta. They should be involved in doing that. So we didn't take part in the process because we believed it to be wrong. Therefore, when we come to the debate in the Legislative Assembly on the principle of the Bill, it's incumbent upon us to express our views in that regard, and that means opposing the Bill in principle. We've done that at every stage.

[Mr. Deputy Speaker in the Chair]

I'd like to point out that just because both the leader of the Liberal Party and the Leader of the Official Opposition felt it improper for MLAs to participate in the committee process leading to the Bill doesn't mean that we think it inappropriate for members of the opposition to participate in the debate on the Bill. In fact, we think it's very important that every member who has concern about the underlying principle of the Bill participate in the debate on the Bill and try and use many good, well-thought-out, reasoned arguments to convince government members that this Bill should not be read a second time.

As the Official Opposition caucus, led by our leader, the Member for Edmonton-Norwood, we believe that we've done that to the very best of our ability. Indeed, we've had many compelling arguments raised in speeches by members of the Official Opposition at various stages, whether it be on the amendment that was before the House for 11 days, Mr. Speaker, as proposed by the hon. Leader of the Official Opposition, or on a couple of subamendments, as proposed by the hon. Member for Vegreville and the hon. Member for Stony Plain, in an effort to convince government members of the wisdom of our point of view.

It's not proper parliamentary form for me to refer to the motion passed earlier tonight that will see debate end when we finish with discussion in second reading, Mr. Speaker, so I certainly won't do that. I do think it important to consider all of the effort that's gone into this from our side of the House with respect to convincing the government that because we're doing something here that's supposed to endure, that's supposed to last for at least 10 years before it'll be done again for the people of the province of Alberta, we had the responsibility to try and do the very best job that we could as elected members. Though I recognize the sincere and earnest efforts of the four government MLAs on that committee – and I'm certainly not going to disparage their work, because I think they did the very best they could – I don't think that the other 79 of us have done the very best we could, because

we did not come up with a better process, a process that was not flawed, a process that would not be questioned and challenged by the people of the province of Alberta over the next several years.

I look forward to debate in committee. Perhaps we'll have some opportunity to try and do a better job with the specifics of the Bill on behalf of the people of the province of Alberta, but that said, I conclude debate on behalf of the Official Opposition for second reading of this Bill.

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

MR. ANDERSON: Thank you, Mr. Speaker. It's with some difficulty that I rise to debate second reading of this particular Bill. On one hand, with regards to the principles of the Bill I have to support and endorse the concept that we have to have a renewed set of constituency boundaries with which to face the next election. I also have to support in principle the breakdown that has been indicated in Bill 55. I think the committee has done a great deal of work, a lot of hard work on this particular Bill.

I could go on with some of the other principles which I agree with, but suffice it to say that there is one that I want to speak to this evening, and that is the principle of compromise. This Bill, as with every Bill we speak to in this Legislature, represents compromise: compromise between what one and another community needs, compromise between the differences between traveling great numbers of miles in representing an area and the need to represent those with urban difficulties, urban issues, urban possibilities. Mr. Speaker, that compromise is absolutely nothing new. That's what we do in this House. That's what we do in our caucuses. The people who elect us in our various constituencies throughout the province expect us to do that and will judge us at election time on the basis of the judgment we've made to compromise in our caucuses and in this Legislature. In this particular case, however, Mr. Speaker, there is no appeal of the citizens to the election to be. These boundaries will be the basis on which they select members of this Assembly, the basis on which they choose who is there, on which they choose how to judge individuals who have voted one way or another in their caucuses and in this Assembly.

It is the input into this Bill that I have concern with. Members have rightfully pointed out that previous commissions and committees have spent hours, days, weeks, months having public hearings throughout the province, having input, and that has indeed been the case. In fact, I'm sure that most citizens when faced with the amount of material that has been collected in this process would say: "It is time to get it done. This is enough. Make a decision. Move on. Don't spend more money and time on this issue when you have other important topics to deal with in this society of ours."

10:10

In this particular case I have to support some of the comments made by members of the opposition in that while I believe most constituencies whose boundaries were drawn in this particular Bill, Bill 55, likely gave the committee the information they required to make a decision through the commission process or the committee process, I know that in at least one case, in my constituency, the boundaries that are recommended in this Bill are not at all similar to any boundaries suggested in previous minority maps or commission or committee maps. Mr. Speaker, not one of the boundaries – east, west, north, south – remains consistent. So my constituents, while having reviewed previous commission reports, previous committee suggestions, having in fact written letters to make recommendations, were willing to make compro-

mises and to say to this Assembly: "We don't agree completely with those boundaries. We know that there are decisions that have to be made, and we understand you taking those decisions." But they did not have an opportunity to say a word about these boundaries, which are entirely different from those which the constituency has known and on the basis of which the constituency has operated.

Mr. Speaker, I have to take a minute to speak to the importance of that. I know there are members in this Assembly and others who feel that we have to be careful with boundaries in a rural setting to take in communities and transportation routes and other items of importance, such as natural water flows and others, but see Calgary or Edmonton as monolithic communities where the boundary is not an important issue, where we cross boundaries, as indeed we do, to work in different places, to have our social activities in different places from those in which we live. But I say as an urban member who has represented the people of Calgary-Currie for 14 years that there are issues of equal importance in the cities, not more important but different and equal. There are issues of how the community is held together. There are issues that deal with those transportation routes and where the children cross to go to school or to deal with the community association. There are issues which are every bit as important in an urban riding as they are in a rural.

Mr. Speaker, I think all members in this Assembly now know that I speak from a different perspective than some of my colleagues on this Bill. I have had heartrending difficulty, whether people want to believe that or not, in reaching that conclusion. It's the first time in 14 years that I have felt fundamentally that I have to speak for my constituents, as opposed to reaching that consensus or agreement in my own caucus. I do so, again, because of that one principle: this is the basis of democracy. Here in this Assembly now is the only chance my citizens will have to have input into the basis on which they will select their representatives. On all others they can judge and they can select or not select a member of the Legislature.

So it is not – let me be clear on this – that I want to impute motives to the committee or to say that they did not do a good job. That's the worst possible job anybody could have, trying to draw the boundaries for colleagues in this Assembly. I haven't wanted it, and I'm glad I didn't have it. I admire the hours and the time they spent on it. The committee members themselves cannot be expected to know what moving a boundary in Calgary-Currie, what taking away an end of the riding, one set of communities will do. They can't know that that part of the riding is the engine for the whole rest of the riding, the basis on which it has operated and existed for some 14 years. So it is that in this Assembly at committee stage I will make proposals to try to change those boundaries. That is the time and this is the place where my constituents will have that say through me, since they have not had that opportunity, given the fact that these boundaries are so fundamentally different than any ever suggested in any other report.

Mr. Speaker, I say to the committee again in all sincerity: thank you for the work. But I believe, as the Deputy Premier, minister of intergovernmental affairs, said earlier today, that we should be open to the changes that are needed for our communities when we go into committee stage. I would ask the Liberal caucus and the ND caucus and my fellow members of this caucus to think seriously about that basis of representation when we go into it. I know it's grueling and it's tortuous to listen to me at 10:15 at night or in committee stage to listen to the detail of riding boundaries that there is.

I have circulated the amendment that I will produce, that I will in fact speak to in committee stage for hon. members so they can consider it. Please come and talk to me about it. Please give me any arguments there are against it. They are not perfect boundaries, because they are based on the basic map that was drawn for this Bill, not on the ideal boundaries for Calgary-Currie, so they are a compromise. They do at least deal fairly with the constituency and, I believe and hope, with the constituency next door to ours, which has at least as legitimate a right to do that as do citizens of Calgary-Currie.

Mr. Speaker, I want to as well in this second reading as we speak to the principle of the Bill say to my colleagues that this move is not just a rebellious attempt to do anything but represent truly the constituents that I speak for in this forum. It's certainly not against my caucus, absolutely not against my Premier, whom I consider a friend from years back, long before politics, when we were in the media together. As I've said to him, I'd be happy and proud if he took on my constituency when I left. I don't intend to run again, as I'm sure members of the Assembly know. I ask only that members listen to the logic or lack thereof of the amendments that I will make, because that will be the only chance that these constituents have had to give those opinions to members of this Assembly or in fact to the committee, given the new boundaries that are drawn.

Mr. Speaker, it's difficult to reach a conclusion on second reading for me. I do agree generally with the principle. We have to have new boundaries. We have to have them in time for the next election. I don't agree with opposition suggestions that, you know, MLAs can't draw their own boundaries. Let's face it: whatever happens, whether we've appointed judges or appointed commissions, it comes back to us in this Assembly. I do believe the government took all of the steps that it could to ensure that there was input from Albertans. At least in this instance – and it may be true in others; I can't speak for the constituencies of other members – my constituents did not have the opportunity to comment, and had it been a small change, I believe they would have been happy to compromise, but this is a fundamental change to the nature, the characteristics, the transportation routes, the communities, the boundaries of Calgary-Currie.

Mr. Speaker, I somewhat reluctantly support the concept of the Bill in second reading debate, but I give the information to the House that in terms of committee stage of the Bill I will be proposing amendments, and it would be difficult for me to vote positively further on this Bill if those concerns weren't recognized in the amendment stage.

Thank you.

HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: The question having been called, all those in favour of second reading of Bill 55, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: The motion carries.

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

10:20

[Two minutes having elapsed, the Assembly divided]

For the motion:

Ady	Elzinga	Mirosh
Anderson	Evans	Moore
Betkowski	Fischer	Musgrove
Black	Fjordbotten	Nelson
Bogle	Fowler	Orman
Bradley	Gesell	Payne
Brassard	Gogo	Rostad
Calahasen	Hyland	Sparrow
Clegg	Kowalski	Stewart
Day	Laing, B.	Tannas

Drobot
ElliottLund
McFarlandWeiss
West

Against the motion:

Bruseker	Gagnon	MacDonald
Chivers	Gibeault	McEachern
Dickson	Hawkesworth	Woloshyn
Fox		

Totals:

For – 36

Against – 10

[Motion carried; Bill 55 read a second time]

[At 10:26 p.m. the Assembly adjourned to Tuesday at 2:30 p.m.]

