

[Chairman: Mr. Bogle]

[10:04 a.m.]

MR. BOGLE: I declare the meeting open, and a very special welcome to Associate Chief Justice Tevie Miller, who is with us. As members of the committee know, Justice Miller chaired the Electoral Boundaries Commission in the mid 1970s, and he is here today to share with us some of his thoughts on the process. I've asked him prior to the commencement of the meeting to be very candid with us and tell us the things that worked well, if there were problem areas, any advice that he has for us. He knows the purpose of our committee: that we are not a commission as such, that we are a body that will make recommendations back to the Assembly so that when a commission is struck, certain factors may be given consideration.

Justice Miller is not limited to the hour, as we earlier indicated and understood, so hopefully during our open, candid discussion this morning you can help us in our learning curve in this difficult and challenging task we have been given by the Assembly. I turn it over to you, sir.

DR. MILLER: Thank you, Bob. It's so long ago that I couldn't even find my file on this thing. I'll have to draw on my memory. Let me just background it a little bit for you. As I recollect it, I was quite a new judge at the time, and I was asked to chair this commission. I sort of started from scratch except, as perhaps some of you know, my father was a member of the Legislature, so I got a little of it by osmosis even before I got involved.

The format at that time, of course, was that the Legislature met first and made a determination of how many seats there were going to be in the House in total. Then they made a determination of how many urban and rural ridings there would be, and our starting instructions were in that instance that we had to create four new urban seats, two in Edmonton and two in Calgary, and eliminate one rural seat. Those were our terms of reference to begin with. So with the task of looking where the new ones went and where one was to be eliminated and then to look at the other remaining seats with the population shifts, we were redrawing some boundaries.

I remember the first meeting that we got together, and my recollection, as I say, was I think Dallas Schmidt and Dave King on the government side; Grant Notley and Ray Speaker were opposition members. We had Ivor Strong, who was a former commissioner from Calgary, and Bill MacDonald, who was Clerk of the Legislative Assembly, and myself. I remember at the first meeting we got the maps with the population figures put on them, and I said, "Before we talk about where we should put these new seats" -- well, the new seats were pretty well assured; they had to go to the two large cities -- "where we eliminate the rural seat, I want you all to take the maps home and independently look at them and come back to the next meeting with your recommendation of where we have to eliminate the seat." They all went home and did their homework and came back, and we all came to exactly the same conclusion of where we had to eliminate, which saved us, I'm sure, hours and hours of discussion. It was obvious from the population shifts where the elimination should take place: in the Coronation, Stettler, Oyen area.

We then also had our instructions as to the average for a rural seat and average for an urban seat and the plus or minus factor that you apply. One of the big problems that we foresaw at that time, which came to pass, was that it was the days of the

heady oil boom in Alberta, and we knew pretty well at that point that within the space between our commission and the next commission there was going to be dramatic shift in population, at least a dramatic buildup in population, in the Fort McMurray area and in the St. Albert area. You could see what was happening already with the plants that were going on up there and that sort of thing. We felt quite constrained in this area because we had to deal with those two areas on the basis of the last census figures, which we knew were going to be absolutely out of whack during the six- or eight-year period between our determination of the matter and the next commission.

So one of the things I think we suggested in our final report, if I remember correctly, was that if some of that kind of situation presents itself -- what we did was that they came to us and told us in our hearings up in Fort McMurray that they projected a population of 35,000 people up there, and we had on our figures, I think, 5,000 or 6,000. So you could see how far we were going to be skewed in the population figures when we were dealing with that riding. It was a huge geographical riding, and we could see that whoever was elected in that riding was not only going to have an enormous geographic area to cover, but he was going to have more people in that riding than somebody in Edmonton or Calgary, virtually. I'm not quite sure how you put a handle on it, but that was very obvious. It was almost a lead-pipe certainty that the population in that riding was going to materially change between the time of the last census, which were the figures we were working off, and the next few years during the time that our commission report findings would be in force.

Virtually the same thing happened in the St. Albert area. It burgeoned in population. It was pretty predictable, and the people who were representing that area ended up with a far greater burden than they should have had. But our hands were tied because of the way the legislation was framed. You couldn't project your figures at all; you had to go on the basis of historical figures.

We thought that the process of public hearings around the province was quite important symbolically, although I must say that when we had our hearings, practically nobody showed up. But one case I remember so clearly was when we went down to Medicine Hat. We'd advertised in the local papers that we were going to be there, and the hearing place was in the courthouse. One person showed up. He was an interesting fellow. He had been the returning officer in the prior election, I think for the Cypress Hills riding. His suggestion was that we take a bit of land out of one riding -- I can't remember which one it came out of and which one it went onto -- because there was a river there and for voters to get, like, from here to here, they had to go 30 miles down there to the bridge and come 30 miles back, whereas as the crow flew, it was a few hundred yards, I guess. It looked like a large parcel of area, so I asked the chap if he knew the area well, and he said yes. It looked like about 50 sections of land that we're moving from one area to another; how many voters would be involved? And he said four. I never forgot that. My God, that's a lot of land for that many people.

The biggest area that we thought was significant to go to was the area where we were going to eliminate the seat. We thought that those people would be concerned; some of them were very emotionally upset. They had to have an opportunity to say their piece and vent their spleen and get mad at us if they wanted to, but at least we could point to the population figures to show that it was the only logical place in the province where we had to

amalgamate two ridings and come up with a third one. I was kidding with Bob that I thought they were going to run us out on a rail that night when we landed in Coronation for the public hearing. But after they had their chance to sort of blow off a little steam and heard our reasons for why we thought we had to go in that area compared to any other area in the province, they weren't happy, but at least they understood the logic behind what we were doing, and it eventually, I guess, worked itself out.

The support and assistance we got from the Clerk's office was excellent. They were very co-operative. The government was very co-operative in providing us the use of one of the government airplanes to take us to the meetings, and that helped a great deal in working our schedules out.

One of the things -- I must say I was really impressed with the attitude of the committee itself. I was completely neutral; I had no axe to grind. But I thought there were some real opportunities in some of these areas, especially in the eastern Alberta area where we were eliminating a seat, for one side or the other to play politics, and nobody took that view. Everybody pulled together and said: "There's some logic to this thing. There's a way that you have to approach it, and we're going to approach it on that basis." I was personally pleased as the chairman that I didn't get caught in the middle of that kind of crossfire. I just thought that Grant Notley and Ray Speaker both conducted their approach to the matter 100 percent above board, and there was no effort to play any political games out of the agony that we had to go through in eliminating the riding. I think all of us felt very grateful and were impressed by the approach to the matter that the committee took.

It was very useful to have a nonelected representative or two on the board. They gave a certain amount of balance to the thing. For example, when we had to set in two new ridings in Calgary, it was invaluable to have somebody like Ivor Strong, who knew the city like the back of his hand, to help us draw the lines where the major thoroughfares were that divided the neighbourhoods, the districts, and so forth. So that was very useful to us, to have somebody that familiar with the layout.

We didn't very often walk the ground. Specifically, we dealt from city maps, town maps, municipality maps, and that sort of thing in order to draw our boundaries. In the one I was involved with, we didn't have to change that many boundary lines. In many parts of the province the population had been relatively static, and shifts weren't pronounced. But I do remember, as I say, the eastern area where we had to eliminate one. The new ridings in the cities that we had to create did involve a fair amount of shifting of lines and so forth and so on, and they were just done on a convenience, geographical basis. I don't think we ever looked at which poll was voting which way in the prior elections. It was strictly a matter of geography and access, and if there was, as a tack, a community league or community section, we tried to put that whole area into the riding rather than divide it up. So you had to know a little bit about the dynamics of the communities that you were working in, the natural flow and the centres of interest in the cities: did they revolve around the schools, did they revolve the community league, or what was the pivot of an area that you could build a riding around?

We had by necessity to include, especially in the St. Albert area, ridings that were mixed urban and rural. That posed some problems, but it was more because we knew the balance was going to be completely skewed for the next three or four years because of the burgeoning growth that was going on in the St.

Albert area. That gave us I think perhaps the most difficulty at the time we were looking at it. Now, whether you're looking at that kind of situation again, I don't know. I don't think you could duplicate those days when things were just exploding all over the map, although you might find that some of the areas where pulp mills and things will be, there could be a predictable major shift in the population.

The writing of the report was largely left, I guess, to myself and to the Clerk of the Legislative Assembly, who provided the staff, and all of us participated in the final drafts and the revisions. We were able to, I think, do the whole job as a commission in a matter of a few months. It didn't take a long time. We got together first and decided how many meetings we were going to have throughout the province. You could meet in every riding if you wanted to, but we thought that wasn't totally necessary, especially if there were no changes proposed. Obviously if there were going to be any major changes -- wherever we thought there was going to be any sort of a change of any dramatic nature, we thought it was important that we meet there and give the local people the chance to express their views, but we certainly didn't try to blanket. I think we had five meetings in all throughout the whole province. They were spaced out, and we advertised in the local media fairly heavily that we were coming. As I say, very few people showed up. Perhaps that's apathy, or maybe they were satisfied that they were being reasonably well treated. So the meetings were certainly short and perfunctory except in this one area where we were making the change.

I think it's hard to hold this kind of a meeting in the city, where there are multiple ridings, unless again you can see some dramatic changes coming, because I don't think there's that much interest in an urban setting for a change in a riding that's going to happen on the other side of the city. But we did hold meetings in these places, and we did advertise, and everybody had their chance. Some of them just sent in written briefs and didn't show up personally, which was all right, too, if they preferred to handle it that way. Certainly the end result, a unanimous committee report -- we had no difficulty at all in reaching agreement on where we were going. Some of the changes were just so apparent and obvious.

I would think some of the time we felt a little -- I wouldn't say uneasy -- constrained with the parameters we had to work with. We had the obvious problem that we face in this province of some areas of the province with minimal population and you have to have this huge geographical area to even cover the minimum requirements of the bottom range of the 25 percent below. In order to get enough people crammed into that sort of setting, you had ridings that were enormously broad geographically.

One of the things we really struggled with, I think, at the time also were the known means of transportation in some of those areas. There is a much better, I suspect, road system now than there was in those days, in the northern parts of the province at least. You had to be careful when you were drawing your boundary lines that there was, perhaps, some means of cross-constituency transportation if possible. But there were some areas where we just couldn't manage it. There just weren't enough roadways or whatever it was, and the people involved were going to have to charter airplanes to get around their constituencies. There was no way around it. One of the things we tried to look at was, "Is there an air connection between Peace River and Fort McMurray?" There wasn't at that time. Somebody had to come all the way to Edmonton to get

back to Fort McMurray if they were going to do it by air. So we tried to watch those things very carefully to make sure that for whoever was going to run or represent that riding, there was some reasonable means of communicating without having to go a long way around to pick up the connections that would normally exist. Whether you face that problem now, I don't know. I haven't looked at it since.

Bob, I think that's a fairly general overview of my recollection. Overall it was a very interesting experience for me and a very enjoyable effort because the committee worked very closely together and we got to know each other quite well. As I say, we had no difficulty achieving a unanimous result on that occasion. I think it was the mix of the personalities and that the problem we had to solve wasn't really that major. The answers were pretty obvious once you looked at the figures. It's certainly, I think, a worthwhile mechanism in the sense that everybody gets to feel that they do have an opportunity for input in the situation. Even if they don't take up that opportunity, at least they've had that chance. I think it cuts off a lot of complaining and objections at the time the report comes out. If you had something to say, you had an opportunity to say it; if you didn't say it, don't complain now. So, while it is a relatively expensive process, I think it's worth while.

MR. CHAIRMAN: Thank you very much.

Tom, did you have your hand up?

MR. SIGURDSON: Yeah. The drawing of boundaries is always difficult, and I guess it's even made more difficult when you have to eliminate a constituency. It was Henry Kroeger's constituency that was eliminated, Sedgewick-Coronation, in 1979.

DR. MILLER: That's right. And they all forgave me.

MR. SIGURDSON: That's probably why he was on the committee in 1983.

I know that Justice Dixon will be coming to the committee to tell us his recollections. My recollection is that while the 1983 committee was unanimous in its final report, there was difficulty in achieving that unanimous support going along the way. In that there is an opportunity for everybody to have input, at least those people that want to have input, at public meetings later on after an interim report is released to the public, I'm wondering about the advisability, in that we have to make some kind of recommendation to the Legislative Assembly, of members of the Legislature drawing boundaries. I just wonder if we could have your opinion about . . .

DR. MILLER: At what point in the process?

MR. SIGURDSON: Yeah, at what point in the process. Obviously members of the Legislature -- I'd be surprised if Henry Kroeger or his constituency president wasn't involved in participation at the public meeting that you held in Coronation. I know that if there were changes to any ridings, I would expect members of the Legislature to come before a public committee. But I just wonder about your opinion of politicians' drawing the boundaries and then being involved in the process later on down the road.

DR. MILLER: I'm not sure I follow you, Tom. You think

you'd ask the politician to suggest how he sees the boundary?

MR. SIGURDSON: No. I'm sorry. I'm wondering whether or not it would be beneficial for there to be a committee independent of politicians to draw the boundaries and then have the politicians' input at the public meetings.

DR. MILLER: Well, again, I guess I could repeat what I said earlier. I was more than satisfied that the political people on my commission approached it in a very fair-minded and objective way, trying to relate population, geographical features, accessibility, and so forth as the prime considerations. When we did have to go into the Hanna-Oyen thing -- Bob reminded me before the meeting started -- one the things we, I think, did do astutely was we dropped the names of both the constituencies that we amalgamated and came up with a brand-new name. That I think at least skirted some of the problems as to which name would survive.

I just have to say that the experience I was involved in was a very positive one. I didn't get the sense of that kind of concern. I found political people on the committee had their own experiences and their own feeling for the situation, which I thought was valuable. Furthermore, I think there was enough of a -- in fact it was a neutral judge chairing it and at least one citizen-at-large. I don't know how the Clerk of the Legislative Assembly might be perceived by the public as being a neutral person, but I think they might. I didn't get the sense that there was any pressure or any concern or any doubt about the process or that sort of thing when I did it. Now, I guess I talked to Russ Dixon after he finished his, but not in very much detail, so I'm not aware of what kinds of things he experienced. I didn't get the feeling at all that we were hampered or hindered in any way by the composition of our committee.

MS BARRETT: Well, I'm not sure about asking another judge a question about another judicial decision in another jurisdiction, but have you any assessment of the two electoral boundaries decisions that were made recently in British Columbia and the implications for this committee, and whether or not it's appropriate for us to consider the potential for a Charter challenge?

DR. MILLER: I've read the newspaper accounts, but I must embarrassingly admit I haven't read the judgments themselves. I hope I'm not getting off base here. Obviously, you can never dismiss the possibility of a challenge. Every day in our court system somebody's getting up and waving the Charter in our face over something or other, and I think we're going to live with that for another 25 years until it all settles down.

There's no question the pure theory of it is that a rural vote should be as good or as bad or as powerful or as weak as an urban vote. A citizen is a citizen is a citizen. I don't think anybody would quarrel with that kind of a proposition. But when you sit down and actually plot some of these areas, especially in the sparsely populated areas of Alberta, you have some very, very serious difficulties trying to equalize everything. It really doesn't work out. I mean, you'd get some ridings so vast in geography and so difficult for the member to communicate easily with his people that really, you know, there are some real trade-offs involved.

How it would be resolved in a court challenge in Alberta, I don't know. The rule of law, as you are perhaps aware, is that a decision from the court in B.C. is interesting but not binding.

It's instructive but not the last word on the subject, and I have no way of predicting what the result would be in Alberta if somebody took a run at our approach to the matter. They might come to the conclusion that the B.C. approach is all wet and it's not practical. We can go the other way, and then we have to wait for the Supreme Court of Canada to get a chance to review the conflicting decisions from the two provinces and decide which one is correct. That's a process that would take anywhere up to five years, I'm sure, if it were started tomorrow. So I don't know. If you feel that what we've done in the past bears some logic and is a practical way to approach it, I don't know that you can plot the whole scenario because the courts in B.C. came out with some general principles. Again, I don't challenge the general principle. Let me say that to carry it out to its extreme letter of a principle you will find would make some very, very strange-looking results in Alberta.

MS BARRETT: Let me just ask, then, given that you conducted a commission on the matter, are you of the view that plus or minus 25 percent is appropriate? Or given the nature of the decisions, would you think that pursuing something a little closer to proportional representation would be appropriate under the circumstances? I'm operating on the assumption that there will be future Charter challenges.

MR. CHAIRMAN: Just for clarification before Justice Miller answers, do you mean on the current process of urban/rural, or are you talking plus or minus 25 percent across the province?

MS BARRETT: Across the province.

MR. CHAIRMAN: Okay; which is unlike our current setup.

MS BARRETT: Uh huh.

MR. CHAIRMAN: All right.

DR. MILLER: I don't know that I have any firm view one way or the other. Let me say this: I think the closer you get to some sort of equality situation, the less risk you're at that a Charter challenge would succeed. Having said that, again before I'd say 20 or 10 or 15 or five percent was a better figure, I think somebody would want to do a little homework and see what it would do to some of these ridings geographically, how it would affect them. The other side of the argument, of course, I think could be argued that, well, if you made it equal, it would in effect end up penalizing some of these sparsely populated rural ridings because they would be so far removed from their member, or their member so far removed from them, that chances of ever getting together and communicating well are removed. It's a system that has been criticized in Alberta by saying that a rural vote's worth more than an urban vote. But some of the alternatives are equally difficult and pose equally difficult questions.

So you're right, Pam. Probably there will somebody who will take the Charter on. I wouldn't be completely spooked by the B.C. decision. It just hasn't had enough exposure to the judicial system across the country to be tested there.

MS BARRETT: Thanks.

MR. CHAIRMAN: Pat.

MRS. BLACK: Thank you, Mr. Chairman. Mr. Miller, keeping in mind that the object of an MLA is to represent the people, I was wondering: has there ever been, that you're aware of, a study done or work done on, say, coming up with some form of a mathematical equation that would factor in -- I'm looking at the northern part of the riding -- miles, population, demographic things such as a river or a large lake that has to be crossed, et cetera, with factors built in to an actual equation and then with a variance analysis allowed at the other end that could really . . .

DR. MILLER: Well, certainly in the mid-70s nobody brought any such equation to our attention. Whether there's been anything developed since, I haven't been that close to the picture since I [inaudible].

MRS. BLACK: We had a list at the previous committee meeting yesterday of a lot of the considerations they used in their study -- I think all very good considerations -- and I'm wondering if there's ever been a formula per se. I know Pam talked about the B.C. case, and I'm familiar with what happens out in B.C., particularly on the island, when you have all those little Gulf Islands and the only way to get to them is by boat. You maybe have 20 people on this island and 15 people on that island, and the distance for a representative is phenomenal to try and get to all these little islands; the enumeration is even worse. But they have to be represented, and I know they've struggled a lot with trying to figure out sort of a factoring or an equation. I'm wondering if it's ever been done before.

DR. MILLER: I don't know. Nobody ever presented that kind of a study or equation or anything to us.

MRS. BLACK: Do you think the formation of an equation as such would be a feasible way to go?

DR. MILLER: How would you see it working? Can you give me a little more . . .

MRS. BLACK: Well, I think you'd have to take the square miles involved in a riding, particularly in the rural ridings; the demographics of the riding as far as natural boundaries, lakes and mountain ranges, et cetera; road systems, again, is another; you mentioned earlier population -- and have those all on a weighted scale or something. I haven't come up with the equation yet, but I've been watching the presentation yesterday and today, and I'm wondering if there's some kind of a formula you could actually lay out for, say, rural ridings and a formula you would lay out for urban ridings.

DR. MILLER: Maybe in these days of computers you can do such a thing. I'm not aware of any study that's been done to that effect or how you'd structure it. Certainly we didn't have anything like that available to us when we did our work.

That doesn't answer your question. In theory, I think you could probably come up with something if you could agree on the basic assumptions. How useful it would be, I don't know. Again I think you have to relate it to the territory you're working with.

MR. BRUSEKER: When you look at the past in terms of total numbers -- we recently went from 79 MLAs to 83 and worked to, I guess, draft legislation suggesting a new distribution -- I'm

wondering: in the past was there ever any consideration to looking to other jurisdictions outside of Alberta, looking at what is the population and what is the total representation being provided for them? For example, this summer I was meeting with a fellow in the Public Accounts Committee, and he represents a total constituency that has 198 voters. To my way of thinking, although it may be a large geographic area, that seems to me to be an absurd ratio, to have one MLA for 198 voters, considering the total number of dollars required to put an MLA into office. So I'm wondering: did you ever look in the past -- and, Bob, maybe this is something we need to look at, too, in terms of consideration anyway -- at what is the total population of the province and how many MLAs we have in total, and what do, say, British Columbia, Saskatchewan, and Ontario have, and maybe even some of the state Legislatures? I'm not sure. Was that ever a consideration in the past?

DR. MILLER: Again focusing on the commission itself's duty, that was handed to us. The Legislature made that determination, so we didn't even have to explore that area. We were told that an urban riding had a mean average of 16,000 plus or minus, and a rural was 7,000 plus or minus -- go to work. It was not the mandate of the commission itself to explore that. That was the mandate of the Legislature, to fix those parameters.

MR. BRUSEKER: And presumably, then, this committee.

DR. MILLER: Yes.

MR. CHAIRMAN: Okay. Mike.

MR. CARDINAL: Just a quick comment. I would hope that we won't get off the track, that we are here for a purpose. That, to me, is to provide a system that will give effective and reasonably equal representation for all Albertans.

In order to determine how effective it is now, I think it's necessary for us maybe to review the urban and rural ridings as to what an urban MLA goes through and how much time is necessary to provide a service to the constituents, and also rural MLAs, as an example, to give us an idea what the workload is and how effectively our constituents are being represented. It may not necessarily be population only, because we may find that an urban MLA spends a whole pile of time in completely different areas than a rural MLA would. For me, I'm curious about what areas an urban MLA gets involved in. I'm not really sure. On the other hand, I'm sure urban MLAs don't know what the rural MLAs have to put up with. I feel that if we review the issues that I deal with, for an example, compared to, say, Pat's issues, we may find that Pat has a hell of a lot more work than I do, or vice versa.

Also, existing representation: you may find that urban MLAs have MPs already overlapping a lot more than rural MLAs. We may find that they have more aldermen that they work with, the school boards, and a bunch of other representatives that we may not have in a rural area. On the other hand, I also have, for example, Indian reserves and two Metis settlements in my riding. I have seven municipalities, I believe, and about 25 summer villages. Now, if we could figure out a system as to how we may review the workload right now -- but that may be hard to do.

DR. MILLER: I do recall that when we had the hearings in the

Coronation-Oyen area, that was a point that was being made very clearly by the people: how much time, for example, a rural MLA in a riding like that spends in his car just driving from one constituency to another, whereas, you know, we have blocks of people in the city. You can call on 50 constituents in half an hour going down the street, whereas in a rural riding it would take three hours knocking on the doors of 50 constituents because they're strung out so far, especially in that area. My goodness, you could spend eight hours in the car and maybe only talk to a few dozen people. So there is no doubt we were convinced that there is a difference in the kinds of contact you can achieve, the kinds of service. If you have a constituency office in a huge riding, it's got to be located somewhere in this huge space, and some of your constituents are going to suffer in that way.

MR. CARDINAL: Or two, in some cases.

DR. MILLER: Or two, yes. You may as well be in Timbuktu as far as accessibility is concerned. For me, I can't even get over there without going two or three hundred miles in a round-about way to get to the office. On the other hand, I think we are getting far more into teleconferencing and new means of telecommunications that we didn't have 15, 16 years ago, and I think that's got to bring us kicking and screaming into the 20th century in some of these areas under the old ways of communicating. I suspect I'm not going to be around to use that much in the next decade or two. We'll have satellites and closed-circuit televisions and all kinds of things. In my involvement with the university, I'm astounded at how fast we are getting into distance learning education. It's a whole new ball game. It's something I think a committee like this should be addressing part of its mind to. Let's not be bound to the old ways of doing things. There are some new techniques and new possibilities that technology is presenting to us that may make a difference to some of our basic assumptions that we've always lived with in the past.

MR. CHAIRMAN: Yesterday we met with the Chief Electoral Officer. In the presentation given by Mr. Ledgerwood, comment was made that possibly some consideration should be given to an urban/rural category. We now have the urban and we have the rural. I think the comment was made primarily in light of the growth areas on the edge of a city. Your earlier comments about growth areas in the heavy oil parts of the province brought back Pat Ledgerwood's comments yesterday, and I'm wondering if you have any thoughts on that idea of a third category, urban/rural, so that you could try to foresee where there is going to be large growth. I think, Tom, your riding, for instance, has grown quite dramatically since redistribution, and we are now on a fast track. Most jurisdictions have redistribution about every 10 years. We amended our legislation, I think, just prior to your commission, sir, to call for it after every two general elections. So we are doing it much more frequently than many jurisdictions. But even with that, we are finding some vast anomalies because of areas that grow very rapidly vis-à-vis a more stable constituency. Do you have any thoughts on that, the possibility of a third category?

DR. MILLER: Well, I think I alluded to it earlier, but it just seemed to us completely irrelevant to base some of our boundaries on old statistics when we knew they were going to be out

of date. It was just as plain as could be. So, if it's a third category or some flexibility built into the system so that the boundaries commission can say, "Well, we're 99 percent certain between now and the next commission that that area's going to dramatically change character and population and so forth," let's take that into account and do a little forecasting instead of just always looking backwards over your shoulder. I'm not sure a third category is the way to approach it, but I would strongly be in favour of some kind of mechanism or flexibility that could reflect situations that are readily apparent, and people are just going to be badly represented if you don't take it into account.

MR. CHAIRMAN: Yeah. You did mention that forecasting is a possibility.

Other questions?

MR. SIGURDSON: Just in terms of representation, I know that as a part of the job MLAs go out to meet with their constituents to seek input. When a problem occurs with a constituent, the onus is on the constituent to contact the MLA to try and get the problem resolved. So I wonder where the representation comes in and if there would be any difference in consideration? In representing constituents, do we represent their input and then go out and try and collect it? Or is it that we try and represent their concerns when they've got a specific concern? I'm wondering about accessibility. Is it more important for a constituent to have access to us, or us to have access to constituents? Both are important, but I wonder which is . . . Are they equally important I suppose is the question, because that's a consideration. If a constituent has to drive two hours to meet with the MLA, is that reasonable? If Mike is in Lac La Biche at his office, how far should a constituent be expected to drive to get to Lac La Biche? Whether or not Mike has to go out to the far northeast corner -- do you have Wandering River?

MR. CARDINAL: Conklin; that's [inaudible] Wandering River.

MR. SIGURDSON: You know, that's another question. That's obviously his responsibility, to get out there at some time. But if there is a problem that a constituent is having with the government, is the onus on the constituent to get to the MLA or is the onus on the MLA to get to the constituent? Is that a reasonable concern?

DR. MILLER: I think it is. I guess that would be one of the reasons why I got on my little horse and said that perhaps the days of having to eyeball each other 200 miles away is something that may be becoming obsolete. Nowadays you can have somebody in Conklin and you in Lac La Biche and the government man in Edmonton hooked up on a conference call and get the matter aired. Maybe that's the kind of approach we should be looking at rather than straining ourselves to get no more than 50 miles away from your representative. I don't know the answer to it, except I have a feeling that it's going to be hard to change some of the old patterns. But I suspect we're going to have to get into that area fairly quickly.

I think of our own court experience. In my court half our judges live in Edmonton, half in Calgary, and whenever we have committee meetings, we were either flying half the committee to Edmonton or the other half of the committee to Calgary until we found out about this closed-circuit television

studio that AGT has. We don't fly back and forth anymore; we have our meetings in the two studios in Edmonton and Calgary. We see each other on the screen and get all the nuances and the body English and everything as if they were sitting in front of us. It saved us an enormous amount of time and dollars. I think these are the kinds of things that may change this whole approach to these matters. There are other ways now of communicating that can be equally as effective as going and eyeballing each other and shaking hands. It's going to take a while to train people to use them and feel comfortable with them, but maybe that's a direction we should be looking at.

MR. CARDINAL: They definitely do work, and it may mean in the future looking at the budget system that's in place for rural, remote MLAs. Because you're right. I have a fax machine at Athabasca, for example. A constituent can drop a letter of concern there. It can be faxed to me in my office in Edmonton. If the Legislature is sitting, a page could bring it to me within three minutes. I could send it to a minister, and if the minister is there, it could be back to my desk and back in Athabasca probably within 20 minutes with an answer.

MS BARRETT: Don't advertise that, Mike. I've learned to [inaudible]

MR. CARDINAL: That was not possible 10 years ago. Those systems are there; no doubt.

MR. CHAIRMAN: Anyone else?

DR. MILLER: I hope I've answered your question. I think it's more important that the constituent has an opportunity to access his member than the other way around except at election time. I'm sure they want to see you in person around election time.

MR. SIGURDSON: Then you get the comment that you only come around at election time, so what the hell. You get that comment. I had that comment, just as a side story, from a woman, and gosh, when I went back in my records, I had knocked on her door twice in between campaign periods. I knocked on her door during the election, and then she says, "I only see you during election time." I had seen her twice. Regardless, it's just a concern that I have, because I know that when I worked with Grant Notley, when he set up his pre- and post-session tours of the constituency, there was travel. An incredible amount of hours were involved and committed just to travel. The meeting times are the same. He had to go into the communities inside his constituency; I've got probably an equal number of communities and senior citizen homes that I visit. So my meeting time is the same, but the travel is always a consideration.

But I am concerned about constituents having access to their member probably more than I am about members having access to their constituents. I think that we can take time as members to go out and be involved in community events and set that time aside, but it's not always the same way for a constituent. If they've got a problem that needs to be addressed, I don't want to see constituents have to drive or spend hours committed to travel to get to their MLA.

MR. CHAIRMAN: It's also the amount of time you spend with local governments. I find, and I think most rural members find,

that each community wants to meet with its MLA once, twice, sometimes three and four times a year, depending on what activities they're working on and the department of government. If you're dealing with twinning of a highway and whether it bypasses the community or goes through, you can find that you're spending an inordinate amount of time with the local government dealing with their issues, which are quite apart from dealing with a constituent on an individual matter. Now, I know the complexity of urban members is equally great. You're doing it in a different way with city council and so on, but there's so much more to fulfilling the function of a member, more than just representing individuals. We're working with all those local forms of government, all of which have legitimate needs and want to ensure that the MLA's plugged in.

DR. MILLER: I'll just tell you one other experience of mine about these new methods of accomplishing the same ends. In our court system a fair amount of our time is taken up by what we call motions. These are procedural matters. The lawyers come into court in their gowns, they present their affidavits, and we say yes or no. It's not a question of credibility or anything involved. Shortly after I was appointed as a judge and about the time, I guess, I was involved in this, I was the junior judge, so they sent me up to Fort McMurray to sit. I was astounded that the lawyers up there, because Edmonton was the judicial office for Fort McMurray, had to either fly into Edmonton for this five-minute application or hire a lawyer to do it. I remember coming back and saying to the chief judge of the day, John Decore: "We're in the 20th century. Why can't they do this by telephone? We're not arguing about who's telling the truth or not. We'd better set up a committee to investigate this." Before the committee could get started, somebody had subscribed to the *London Times* in the courthouse, and there was a big article: English judges accept telephone applications. If the English judges can do it, it must be okay. So that's how we got telephone applications into Alberta. Now it's such an accepted part of the procedure that nobody even questions it anymore, but it was a big issue a few years ago.

So I commend some of these approaches to this committee. I think you can do some remarkable things for the whole province if you push us in some of these directions, and I think many people will come kicking and screaming into the 20th century. It's all there, the technology is there to do it, and some of us aren't taking full advantage of it.

MR. BRUSEKER: So are you suggesting, maybe, that as part of the mandate of our committee what we could potentially recommend in looking at the Fort McMurray constituency, for example, is that maybe in Fort Chip we establish a little TV studio, perhaps, to talk about . . . Maybe in some of these very, very large rural areas that we recommend there be these TV studio type things where we could have the kind of conferencing as you're suggesting, where the MLA who might be in Fort McMurray could then speak face-to-face, sort of, with a constituent in Fort Chip, for example. Is that something, perhaps, that you're recommending we should be considering, especially for some of the geographically large constituencies?

DR. MILLER: Well, I think there are some possible answers to some of those questions in that area.

MR. BRUSEKER: Because that would alleviate, I think, many

of the concerns that Tom was mentioning of just getting the people together -- whichever way you look at it, getting the MLA together with the constituent. Maybe it doesn't need to be face-to-face in the same room; maybe face-to-face in two different cities or towns.

DR. MILLER: I just throw it out for your consideration, because I think some of the technology is there and we're not making use of it. We're not taking full advantage because it's not the traditional approach; it's not the usual way of looking at these things. It's hard to sell to people sometimes. They cling to some pretty comfortable established habits. But it seemed to me, as I was thinking about appearing before you, that maybe that's an area this committee could explore a little bit, because it might provide some of the answers to your problems.

MR. BRUSEKER: It would also provide effective representation without having to face the hassle of the distances involved.

MR. SIGURDSON: Politicians are a tactile group though. They like that touch and feel.

MR. BRUSEKER: Well, yeah.

MR. CHAIRMAN: I've always found it amazing. I can go into a community, and I'll use Taber as an example, and spend three out of 10 days in pre-session meetings where I'm at the administration building. I meet people on an appointment basis. If I go down to the local IGA or Safeway store, have a grocery cart, and I'm going to pick up a few items for Liesl, invariably someone will stop me and say, "Oh, I've been meaning to ask you . . ." Sometimes it's a minor matter, but on at least one occasion I can remember it was a very important matter: a senior who wasn't receiving a pension supplement she was entitled to for a number of months. I can remember realizing as soon as the individual showed me -- she was carrying it with her -- that she was entitled to something she wasn't receiving. I said, "Why didn't you call me, or why didn't you come down to the town hall?" "Oh, Mr. Bogle, I didn't want to bother you." People like that one-on-one, face-to-face contact. Once they've made it, once you've had that initial contact, it's easier for them to pick up the phone or to write a letter or whatever. But that initial contact needs to be on a personal basis.

MR. BRUSEKER: Yeah. Then they know you're a real person.

MRS. BLACK: I think that's a valid point, Bob. I've noticed in my riding that people now expect me to be at the Co-op between 2 and 5, and it takes me about . . . The frozen food section is the worst place, because it takes me about two and a half hours to get groceries, exactly what you're saying. I often think back, and I never realized it until I got into this business, but one of the greatest representatives in this country was old Tommy Douglas. To this day you could . . . Well, out in Nanaimo Tommy would sit in the shopping centre, just on the bench, and he had been retired for years. People would come to him. They wanted to see him and they wanted to shake his hand and have a little talk with him about a concern even years after he had retired. But it was that eye-to-eye contact, being able to reach out and touch the person. I think that's important. People expect you to be there to represent them, but they also expect to



see you, and they don't like a big screen. I think there have been studies out on the new bank machines where in some branches, particularly in the urban centres, they're cutting out the teller entirely. You have the machine, and the people don't like it.

MS BARRETT: But they use them.

MRS. BLACK: They use them, but they don't like them. Now, my generation, I couldn't live without the darn thing. But my mother's generation still does not like that machine. She wants to see someone over that counter, with her little chequing book and savings book being handled right there. She does not like that machine.

MS BARRETT: On the other hand, there's the new toy in France, and that's the video monitored phone call.

MRS. BLACK: It's in the States too.

MS BARRETT: Yeah.

MR. SIGURDSON: There's also the other side of this though. You know, when you look around -- you said yesterday that you'd used the airbus five times; six times now.

MRS. BLACK: Not in a day.

MR. SIGURDSON: No, no, not in a day. Otherwise, you'd just be going up and down. But perhaps so that we could be in close contact with our constituents, this committee might be able to convene a meeting by use of having some electronic devices so that when we adjourn early today -- you know, Bob, you'd be back with your constituents; Mike would be in Athabasca. So it would facilitate meetings for, perhaps, politicians so that we can stay in our constituencies when the Legislature . . . It doesn't mean that our constituents have to utilize some kind of foreign system, but there's no reason why we couldn't have some facility in Edmonton, some facility in Calgary, and then in those remote rural constituencies. We could have cameras in rural offices allowing us to hook up so that we can see one another and appreciate the body English. So the onus is on us to become comfortable with the electronic gadgets and maybe slowly absorb our constituents into using that practice. But at least then you'd be home at night. And maybe that's the way to view it, in its initial stages at least.

DR. MILLER: I'm scared to death of a computer. My kids are in the middle, but my grandchildren talk to each other by modems all the time.

MS BARRETT: Me too. Love 'em. They're great.

DR. MILLER: I think you're right. Our generation is probably fighting and resisting some of these things, but if you're talking about five and 10 and 15 years down the road . . .

MRS. BLACK: It will be a way of life. Even some grocery stores, you just key from a modem into the store and the groceries are delivered.

MS BARRETT: I can hardly wait.

MRS. BLACK: I can hardly wait too. But, you know, there are screen telephones that are available for visually impaired people, and hearing handicapped people have them. I mean, those things are available. I know they're very costly, which is a factor as well. So in a lot of the remote areas these things could be very, very costly to establish, but in time -- it's something for the future.

DR. MILLER: I think that's off the subject a little bit.

MR. CHAIRMAN: No, that's exciting. We're looking at the future and how we can address the distance factor.

Any other questions members have for Justice Miller? Well, on behalf of the committee a very special thank you for taking time from what I know is a very hectic schedule. It started this morning on a very positive and pleasant personal matter. And meeting with us and sharing some ideas, we really appreciate that. As I indicated to you prior to the commencement of the meeting, we're on a learning curve now as a committee, and we want to ensure that whatever recommendations we make back to the Assembly as a whole are going to assist in the very delicate process of electoral distribution that must come through an actual commission yet to be struck.

DR. MILLER: My pleasure. I wish you well. I know it can be emotional at times.

[The committee recessed from 11:08 a.m. to 11:17 a.m.]

MR. CHAIRMAN: One of the things I wanted to run by the committee to make sure there is concurrence: we spoke yesterday of possibly making two visits out of province, one to Saskatchewan and Manitoba and the second to British Columbia, so that we can meet with those directly involved in electoral redistribution and the questions relating to it in those three provinces. With the concurrence of the committee, I would ask Bob Pritchard to see if he can line something up for us in the month of November for those visits. Is that satisfactory?

AN HON. MEMBER: Will this be using the meeting dates that are . . .

MR. CHAIRMAN: Using the dates that we have already blocked out. So, for instance, if we were heading off to Regina and Winnipeg, we might leave late afternoon or evening on a Wednesday, spend the morning and early afternoon in Regina, fly late afternoon to Winnipeg, again have a morning session in Winnipeg, and then fly home on the Friday afternoon. All right? Okay, we'll try that.

The second thing I wanted to raise. There was some discussion yesterday about legal opinions, and we'll certainly invite Michael Clegg to come in and make a presentation to us. I ask that we go back to our respective caucuses to determine if there are others you feel should be invited in to make a presentation. We are going to get varying points of view, and I think that our task is hard enough. We're going to strive for consensus, but let's ensure that we're not listening to one point of view only. We all need to have input into the process as to who's coming forward and giving us their input and advice.

MR. CARDINAL: I just have a quick comment. When you're talking about trips out of the province to meet with other or-



ganizations, I notice from November 13 to 17 the Alberta Association of Municipal Districts and Counties are meeting in Edmonton. Normally, a lot of rural councillors, in particular, and maybe urban too -- I'm not sure -- that come in would like to meet with their MLAs. If we're planning a trip to save time, it may be possible that I'd rather stay and meet with the councillors from my region. I have about seven councillors I have to consider.

MR. CHAIRMAN: Mike, the convention is Monday through . . .

MR. CARDINAL: The 13th to 17th I have. I'm not sure what days that involves.

MR. CHAIRMAN: But I'm wondering if, because we didn't book out until Wednesday at 4 p.m., there is still enough time on the Monday, Tuesday, and Wednesday mornings for us to meet our councils, because many of us will have new councils because of the election, or at least some changes. But if we can accommodate that and still arrange to leave . . .

MR. SIGURDSON: Given that Justice Miller provided us with some new thought today, I'm just wondering if we couldn't have a representative from AGT come in and tell what us what technology is available and costs associated with the technology.

MR. CHAIRMAN: Excellent. You know, we might want to arrange a meeting where some of us are in Calgary and some in Edmonton, and we try it out.

MRS. BLACK: Works great.

MR. SIGURDSON: Works great? You've used it?

MRS. BLACK: Uh huh.

MR. CHAIRMAN: Frank and Pat and I could be in the Calgary studio.

MR. SIGURDSON: And we three could be in . . .

MR. CHAIRMAN: And Stockwell can make up his mind.

AN HON. MEMBER: He's got to make a decision.

MR. SIGURDSON: He'll have to borrow the Porsche. We'll put him on the cellular phone.

MR. CHAIRMAN: Okay. Good point.

MS BARRETT: When do we sort of target for holding our public hearings?

MR. CHAIRMAN: Tomorrow morning we hope to have a draft letter. At the same time, we'll meet the gentleman from Public Affairs, John Edmunds, so we can get our ads out and get the letters out, because we've got to get into that process. It's critical that we advertise a series of locations for meetings and begin that process as soon as we can. Depending on interest, we may need to add some additional locations. But I'm with you. We

know the time frame that we're under, and we also want to ensure that we're going to some of the more outlying spots before the weather turns.

MS BARRETT: That's right. That's coming up fast though.

MR. CHAIRMAN: I know. I think we can go into a little more detail tomorrow morning, Pam. We can talk about the advertising, and if we're able to set some locations right away, we can target some areas. I think, Mike, we'd want to do several northern communities fairly soon so we can keep that Edmonton/Red Deer/Calgary corridor for February. Mind you, we're coming down to Calgary for a couple of meetings in November.

MR. BRUSEKER: Will we be trying to hold a meeting in every constituency? Because that would be . . .

MS BARRETT: That would be impossible.

MR. BRUSEKER: I'm just wondering how many. For example, are we going to, say, go to Grande Prairie and cover half a dozen in a shot there?

MR. CHAIRMAN: Frank, the unknown factor is the requests by groups to come and meet with us. We have to anticipate that if we hold a meeting in Grande Prairie, representation could come in from Smoky River and Dunvegan and possibly Peace River. Then we might want to move over to Slave Lake. But what we have to be sensitive to is that if there's a rush of requests from an area, particularly an area that realizes because of its lower population . . .

MR. BRUSEKER: And the southeast corner.

MR. CHAIRMAN: Well, that's right. You look at the Chinook, Wainwright, Stettler, Bow Valley, Cypress-Redcliff, Little Bow areas. There could be a lot of requests, with people saying, "We want input before you make your recommendations back to the Legislature." So that might necessitate a second or third meeting in a region, something we hadn't initially planned on. I think the worst charge that could come to us is: "You didn't listen. You didn't take the time to hear what we had to say." But in the meantime we have to get our process under way or we'll run out of time.

MR. CARDINAL: You know, there are other processes, too, that may be -- like a fellow here mentioned, written submissions are quite effective. The other vehicle that is available across the north is the Northern Alberta Development Council, which holds public hearings and accepts submissions.

MR. CHAIRMAN: I had a personal experience where written submissions were given by people in an area who wanted to be moved from one constituency to another, and it didn't occur. In the next round in addition to written submissions people went in and made a verbal presentation, and lo and behold, the change was made. I think the written submissions are very important, but you can't discount the impact of that face-to-face. The example that Justice Miller gave: the individual came into the Medicine Hat meeting and sat down and showed that while on the map it might look like a succinct boundary and a logical one, in practice, because of the location of a bridge on a river, it was

very difficult for a few electors to vote. Sometimes you can't say that as clearly in a letter or a submission as you can face-to-face.

Okay. Anything else today? So we're meeting at 10 tomorrow morning.

MR. PRITCHARD: Right.

MR. CHAIRMAN: We're starting off with John, and once we go through that, we'll deal with some administrative matters -- i.e., the draft -- and hopefully get that part of the process under way. Do we have our letterhead yet?

MR. PRITCHARD: No, it'll be here on Tuesday.

MR. CHAIRMAN: Okay. Can you describe . . .

MR. PRITCHARD: Yeah, I can describe the letterhead. I can bring a sample of what it's going to look like. I'll bring that

tomorrow. I don't think John will be here for more than an hour.

MR. CHAIRMAN: All right. Anyone else? So we won't have lunch tomorrow, because we'll probably conclude around noon.

MR. PRITCHARD: I would think so.

MR. CHAIRMAN: All right. Motion to adjourn?

MR. PRITCHARD: I tried to change John to today, but unfortunately he was in Vancouver.

MS BARRETT: So I heard. Thanks for trying.

MR. CHAIRMAN: Pam has moved.

[The committee adjourned at 11:29 a.m.]