

[Chairman: Mr. Chalmers]

[9:25 a.m.]

MR. CHAIRMAN: As Chairman of our Select Standing Committee on Labour, Justice and Intergovernmental Relations, I'd like to extend our warm welcome to all of you for coming today. We're supposed to have a member from the other side joining us today, and I'm sure he'll be along any moment. His name is Gordon Hanson and he's filling in for Moe Sihota, who not only sits on the committee but also on the subcommittee we formed to deal with a lot of the setting up of the various meetings we had with respect to our recommendations on the boundary changes.

I have a lot to learn about what you people are doing and your process. I wasn't quite sure about the process you were going through. In our particular case . . . Maybe we'll just move on to the report of the process that we went through.

After the last general election a commitment was made by the Premier to abolish dual-member ridings. We have a number of them throughout the province at present. I think it was getting to the point where it was unique to British Columbia and Prince Edward Island. They are the only two jurisdictions in the country I'm aware of that still have multiple-member ridings. In my own case, I represent the riding of Okanagan South, which is the centre of the Okanagan Valley. I'm sure most of you are familiar with Kelowna. I have the pleasure of representing that area. It's a dual-member riding. Many years ago it was a three-member riding. Then it reverted to a single-member riding, and on the last go-round it became one of the many dual-member ridings.

There are many arguments for and against dual-member ridings – depending, I guess, on which side you happen to sit on at the time. Many people felt that it was not fair representation, because the bulk of the people in one half of a constituency might carry the day for both members in one way or another. For whatever reasons for changing them – and there are many – a decision was made to abolish the dual-member ridings.

Cabinet then appointed Judge Fisher – and you all have a copy of his report with you. First, he was asked to go out and take a look at the possibility of simply splitting the various dual-member ridings. He ran into a lot of difficulty in attempting to do that, because making those types of changes would have to have some effect on adjoining constituencies. So he came back and asked to have his mandate expanded to take a look at the boundaries of all the ridings, which he was allowed to do.

He continued on and came up with a preliminary report. I forget the time . . . Do you remember, Craig, when that preliminary report was brought in?

MR. JAMES: That was almost two years ago.

MR. CHAIRMAN: And then he filed his final report in December 1988. He recommended going to 75 constituencies, whereas we now have 69.

Into all this mix came the added complication that we had been challenged in court. One of our constituencies, Atlin, a geographically large one in the northwest corner of the province, has a population of somewhere around 6,000. We have others in the lower mainland that are as high as 85,000 or 90,000. We were challenged in court that our boundaries were not constitutional, because of the disparities in population. The judge at the time agreed with that, saying that our boundaries were not constitutional and that we should get on with changing them. So

that was thrown into the mix, as well as the review that Judge Fisher was doing.

It was the Civil Liberties Association that took us to court. They went back to court and asked that a time-limit be put on as to when we had to change them. It was a different judge at this point because the first judge had been elevated to the Supreme Court, and he said that was a matter for politicians to deal with – that it should be done, but it was up to the politicians to get on with that job.

So Judge Fisher completed his report. Needless to say, many people were very happy with it and many people were not very happy with it. When it comes down to boundaries and politicians, I don't have to tell you people that that's very close to where we live. Many people were not really very happy. It was decided to refer it to a select standing committee of the Legislature. In fact, an earlier committee had been struck. I guess it was a special committee.

MR. JAMES: Yes, the Special Committee on Electoral Boundaries. It was chaired by Jim Rabbitt.

MR. CHAIRMAN: They agreed not to agree and successfully dumped it onto the shoulders of our committee, the Select Standing Committee on Labour, Justice and Intergovernmental Relations. By that time, I guess, there was more of a will on the part of the government members in particular to see this come to some sort of conclusion.

Up to that time we'd had our changes made by a committee of government members, who would make recommendations to cabinet as to how the boundaries should be changed. Of course, the government of the day was always accused of gerrymandering in many areas. Whether that's right or not, the government of the day has to carry that burden.

I have always been one member who felt that it should be an automatic and independent review. I'm sure that almost every other jurisdiction in Canada has gone that route now, and the Canadian government the same way. I don't feel there's that much difference in the long run, because I can't imagine any cases, with the exception of one or two in British Columbia, where people could consistently point and say that in their opinion there had been gerrymandering. At any rate, we wanted to get it out of the political arena. So our committee made the recommendation that we go to an automatic and independent review after every second election.

The legislation which resulted from that – I think it's on all of your desks as well; I'll make sure everyone here gets one before we . . . What we recommended, and what was finally passed in the legislation, Bill 87, was that a three-member boundary commission be established. One member is to be a judge or retired judge of the Supreme Court or the Court of Appeal, nominated by the Lieutenant-Governor-in-Council – so that's a cabinet appointment. The second person, not a Member of the Legislative Assembly or an employee of the government, is nominated by the Speaker of the Legislative Assembly after consultation with the Premier and the Leader of the Opposition of the day. The third one is the chief electoral officer, whoever he or she may be at that particular time. That commission will be struck, and will go about and review the boundaries after every second election.

Then we wanted to ensure that there would be provisions made whereby the MLAs had one last kick at the can before the final report. A preliminary report would be brought in, and the MLAs of the day would have the opportunity to make comments

on that to the commission, basically to try and ensure that communities of interests are protected. So that provision is in. I'm told that is now in a few jurisdictions in Canada.

In our case, in British Columbia, that comes into effect in January of next year. So if an election is called after the end of January 1990, it will be on the new boundaries.

In the end we finished up with the boundaries as recommended by Judge Fisher. We did allow for a provision for MLAs to come before the committee and talk about some minor changes, taking into account communities of interest. But the mandate that our committee was given by the Legislature was that any changes had to be unanimous. We were not able to agree on any of those changes, and so finally we went with the report - with one exception. I guess we had a provision that if there were ones we thought should be looked at but weren't able to agree on, we could send them back to the judge. The judge was kind enough to accept that responsibility to take one more look at those. They were refused, so the bottom line was that we ended up with the report as submitted by Judge Fisher, as far as the boundaries were concerned. So as of the end of January, any elections called will be fought on these boundaries.

We also put a provision in the act - I don't know if it will ever be used - that when the new commission is dealing with these matters, they can consider going beyond the plus or minus 25 percent rule if there are special circumstances in any of the constituencies.

MR. BRUSEKER: So the net effect, I take it, Larry, was that some of the boundaries changed rather substantially.

MR. CHAIRMAN: Yes, that's right.

MR. BRUSEKER: The map that's in here shows the new boundaries. Is there one that shows the old boundaries as well - just for comparison's sake?

MR. JAMES: Not there, no.

MR. CHAIRMAN: I'll get one for you.

MR. CARDINAL: Larry, I have a question about your special select committee that agreed not to agree. What happened to that committee? What was their function in the whole process?

MR. CHAIRMAN: Well, I didn't sit on that committee so I don't remember the exact details. Craig, were you involved at that time?

MR. JAMES: Yes. I was going to speak about that a little later.

MR. CARDINAL: Okay. Leave it if you're going to speak about it later, and we'll catch it then.

MR. BRUSEKER: What is the population of the entire province?

MR. CHAIRMAN: Three million.

MR. BRUSEKER: What is your provincial average, then, per MLA?

MR. CHAIRMAN: I'm not sure what the provincial average

is at the moment, but I think the average they were striving for here was between 40,000 and 45,000.

MR. BRUSEKER: Would that be by census or electors?

MR. JAMES: I think it's voters.

MR. CHAIRMAN: I believe it's voters, but I don't know.

MR. BRUSEKER: I think it's population.

MR. CHAIRMAN: Sorry, yes, it would be population.

MR. BRUSEKER: The average is 38,523.

MR. CHAIRMAN: On the map it shows the various ridings and the population as of 1986.

You see, the demographics have changed dramatically in British Columbia because we've experienced unprecedented growth in a couple of major areas: the lower mainland, the Vancouver area, and also the Okanagan.

MR. BRUSEKER: A lot of Albertans are moving to the Okanagan.

MR. CHAIRMAN: And we love it.

MR. JAMES: For the convenience of your committee, as well as for the convenience of members of our committee, *Hansard* is recording today's sessions. If you could identify yourself before speaking, it would facilitate the transcription, which we will send off to you as soon as it's transcribed.

MR. DAY: Larry, do you have more to present, and then we'll do questions?

MR. CHAIRMAN: No, I just wanted to encapsulate it as much as possible, and I thought it would be better if we got into a discussion. That way we'll find out what you really want to know rather than what I want to tell you. If you have some questions or comments, go ahead.

MR. DAY: I'm Stockwell Day, MLA for Red Deer North. Under the new guidelines the constituency of 6,000 you talked about will be up around 38,000. That's a substantial growth in size for an already large constituency. Is that correct?

MR. CHAIRMAN: Geographically that's correct. The riding of Atlin, as it was known, is abolished. It's now known as Bulkley Valley-Stikine. If you look at your map, it's a very large part of the northwest and north-central part of the province; it comes right down into the heart of the province.

It's very frustrating for many of the members. I happen to have been involved for about a year and a half, through ministry-of-state work, in the north of the province, although I represent an interior riding that is quite populated and fairly compact by comparison. For somebody who has to travel in those northern ridings it's . . .

MR. BRUSEKER: And your riding is now called . . .

MR. CHAIRMAN: My riding is now Okanagan East and Okanagan West. You have to look at one of the small maps on

the side for that.

MR. DAY: Larry, you mentioned that special circumstances could alter the 25 percent. Were those circumstances identified?

MR. CHAIRMAN: No, that was left for the commission. It was to try and protect communities of interest – and looking at the fact that it is such a large province with various sparsely populated areas.

MR. DAY: Were concerns brought forward, for instance, from the Bulkley Valley-Stikine constituency in terms of the new size they would be facing as constituents?

MR. CHAIRMAN: Parts of it, yes. The old Atlin riding included the community of Stewart. I know many people in Stewart were very concerned about what was happening with them. They're getting lumped in with an area they didn't feel they had a great deal in common with.

Some of you might be familiar with the community of Revelstoke if you've driven out to the Okanagan from Alberta. It is now placed in with the Columbia River area, with communities like Golden, Fairmont Hot Springs and so on, and they've got a range of mountains in between.

The community of Mackenzie, north of Prince George, is now tied in with the community of Dawson Creek across the Rockies. It's an impossible task for anybody to draw boundaries that will make everybody happy.

MR. DAY: How many constituencies would there be in the Vancouver metropolitan area?

MR. JAMES: There appear to be 13 – if you include Richmond.

MR. CHAIRMAN: Richmond went from a dual-member riding to three ridings. I think the Surrey-White Rock area also ended up with an additional riding.

MR. DAY: If an election were to be called before January, could that be done without concern about being subjected to another constitutional challenge?

MR. CHAIRMAN: No, I don't think so. That possibility would certainly exist, because we would be with the boundaries we have today and they were certainly subject to challenge. We would run the risk that the whole election could be overturned as a result of that.

MR. BRUSEKER: Looking at the map of the Fraser Valley and the map of Vancouver city, I get the impression – doing a rough count – that approximately 30 MLAs represent the lower mainland. Is that about right? Out of a total of 69, Vancouver and the lower mainland area really have the bulk of the representation.

MR. JAMES: That would be out of 75.

MR. CHAIRMAN: Yes, with the new one we increased to 75.

MR. BRUSEKER: I want to ask you a question, Larry, about the main map of British Columbia. As an Albertan, I guess I'm a little puzzled as to how the lines were drawn. For instance, I

look at Skeena as a constituency . . .

MR. CHAIRMAN: As a British Columbian I'm puzzled, so I can appreciate that.

MR. BRUSEKER: For example, if I look at Skeena and North Coast, Skeena seems to jut right into the middle of the North Coast constituency, almost dividing it in half into two distinct pieces – certainly in terms of the mainland it does. I see a lot of wavy lines. Do these represent the peaks of mountains?

MR. CHAIRMAN: In some cases, yes. I don't know if you've had an opportunity to fly over that part of the country, but for the most part it's pretty rugged.

MR. BRUSEKER: No, I must confess I haven't flown over there.

MR. CHAIRMAN: It's miles and miles of mountaintops.

MR. BRUSEKER: So when the commission sat down with maps and pencils in hand, their task was basically to stick as close as possible to the 25 percent rule, and that's why you have some rather wavy boundaries.

MR. CHAIRMAN: Most of that is topography. When you get into those northern ones as far as wavy boundaries are concerned, it's more to do, as you say, with mountain peaks and that kind of thing. That's a question we might raise again with the people from the chief electoral officer's office.

MR. BRUSEKER: I have one more question, Larry, regarding some of the northern constituencies. I guess Peace River North and Bulkley-Valley Stikine are probably your two largest areas geographically.

MR. CHAIRMAN: Yes.

MR. BRUSEKER: Is there any special compensation or special allowance for the MLA? Bulkley Valley-Stikine looks like a tremendously long area geographically. I don't know the area very well, but I would hazard a guess that there aren't a lot of roads in pieces of it.

MR. CHAIRMAN: We do have some differential treatment for members from rural . . . I'll have to get the exact classifications. We have rural and urban, and then there is a sort of semi-rural riding. Our transportation allowance and that sort of thing is different for the rural areas as a result of that.

MR. BRUSEKER: For the rural areas – and I'm thinking in particular of the northern ones . . .

MR. CHAIRMAN: It's not adequate yet. In fact, our committee made a recommendation. This was dealt with, of course, by the Speaker's office. We now have what we call the Board of Internal Economy, I believe it's called, which deals with those types of matters. It is made up of members from both sides, and it deals with matters relating to compensation for MLAs and benefits and that sort of thing. We recommended that they would perhaps be the appropriate body to take a closer look at that.

As I started to say earlier, from one who has travelled a great

deal in the north country, for an MLA coming from the little community of Atlin to go home from Victoria for a one-hour meeting, it takes three days of his life – it takes a day to get there and a day to get back.

A member in the Golden area flies to his constituency from Victoria via Calgary. A lot of the people in the lower mainland and on Vancouver Island tend to forget the sheer time needed to cover these areas.

MR. BRUSEKER: Is there an air allowance for chartering aircraft for those northern constituencies?

MR. CHAIRMAN: There is a travel allowance, but again it's not adequate in my opinion and in the opinion of many people on the committee. We recommended that the board have a second look at that.

MR. BRUSEKER: One more question, and then I'll let somebody else have a turn here. I looked at the map and I noticed Kelowna is divided into Kelowna East and Kelowna West. I'm a little bit curious about that. I believe it's important to attempt to keep communities together as much as possible. I don't know the population of Kelowna offhand, but I'm wondering if it could have been a constituency on its own. I wonder about that decision to split Kelowna into two halves. Was it a consideration in your committee or in the commission to attempt to keep communities together?

MR. CHAIRMAN: Yes, but at the end of the day we had great difficulty . . . It was impossible to get a unanimous decision on making some of those minor changes. The only thing we did agree on as a committee was . . . A number of MLAs came forward with recommended changes in names of constituencies, one of which was Kelowna East and Kelowna West. My local running-mate and I asked that it be changed to Okanagan East and Okanagan West, and I think there were eight changes of that type – just in the names.

To get to your point, as far as splitting Kelowna was concerned, the actual old city of Kelowna together with the community of Westbank is one constituency, and most of the rural area – it's almost a horseshoe and, again, the split doesn't make a great deal of sense from many points of view – is known as Okanagan East and goes up and includes Winfield in the north.

MR. BOGLE: If you take a look at Prince George, you see three ridings that appear to come right into the city, so they are a combination of urban-rural settings.

MR. DAY: For population reasons alone you can't avoid splitting up a city, whether it's Calgary, Edmonton, Red Deer North and South, Lethbridge East and West, or whatever.

MR. CHAIRMAN: In the case of Kelowna, we're getting to the point where it is becoming a large enough city that some are predicting it will be the second-largest city in the province one day soon. It's growing so rapidly that it has to be somewhat fluid. It will change. I'm sure that when our turn comes again two elections from now, we'll be looking at further redistribution in that area just because of the growth we're experiencing.

Excuse my ignorance about Alberta. How do you determine the boundaries?

MR. BOGLE: When we last had redistribution five or six years ago, a variance was placed at plus or minus 25 percent on the 42 urban ridings. There was no mean figure used for the 41 rural ridings. We're now looking at some dramatic growth that has occurred in some of the urban ridings. Frank represents a riding with approximately 30,000 electors. The smallest ridings have fewer than 10,000 electors; some, fewer than 9,000. So there's quite a spread between the two.

MR. CHAIRMAN: So you have some with fewer than 9,000.

MR. BOGLE: We have several less than that – on electors.

MR. CHAIRMAN: Was there a commission struck last time?

MR. BOGLE: Yes, chaired by a judge. There were four members of the Legislative Assembly. At that time the opposition was very small, so there were three government members and one opposition, the chief electoral officer and one citizen at large. One of the issues we're looking at is whether there should be any elected members on the commission. We've looked at that on various occasions. We note that under your new format there is no one from the assembly. So obviously your committee feels that it should try to remove it that step.

Also, while I've got the floor, I note that in your recommendations you would give the ability to go beyond the 25 percent deviation – although that's not done in the Fisher report.

MR. CHAIRMAN: No, that's right. It was the committee's decision to go that route, to make that recommendation. And again, I suppose that could be open to challenge.

MR. BOGLE: If the legislators felt – I'm assuming there's support from both sides of the House – that there might be some exceptions made beyond the 25 percent rule, why didn't you go back and amend the Fisher recommendations and do that now? In other words, if I read it correctly, you've adopted the Fisher report but you're also giving future commissions the opportunity to go beyond that. Well, why didn't the same legislators who believe there should be an opportunity to go beyond the 25 percent variation do so with the Fisher recommendation? Why didn't you just go back and say: "We can't live with some of these huge ridings. The same principle must be built in now"?

MR. CHAIRMAN: I guess partly because we would probably be starting all over again, virtually, and I think the political dynamics of the day said it should be dealt with. There are many people both in and out of the Legislature who are not all that pleased with the boundaries, but I've come to believe during the process that no matter how you redraw those boundaries, there will always be some people who are not that happy with them. That's why we felt that it was important to get it out of the political arena.

MR. JAMES: I'll leave you with a copy of a document published last year and entitled *Electoral History of British Columbia 1871-1986*. It's a massive volume that was put together by the Legislative Library as well as by Harry Goldberg's office – the chief electoral officer. It's a wealth of statistical and historical information related to electoral reform, tracing the electoral history of British Columbia, as well as a list of the various committees and commissions that have dealt with the issue over

the years, a history of statutory election law in B.C. and even electoral highlights going back to the very first parliament through to 1986.

I'll leave this with Bob, and you're welcome to take this with you and go through it at your leisure. There's a lot of interesting information in there that might answer some of your questions after you get back.

MR. DAY: Larry, these boundaries were the ones originally recommended in the Fisher report.

MR. CHAIRMAN: That's correct.

MR. DAY: Then when your commission was appointed under the Electoral Boundaries Commission Act . . .

MR. CHAIRMAN: That's for future changes, so that no later than two elections past this next election, it will be reviewed again. There won't necessarily be any changes made, but at least the commission will be struck and it will be reviewed. Presumably it will tour around the province, as did Judge Fisher, and talk to the folks.

MR. DAY: You probably said it and I just missed it: who was it following . . . There was Fisher, then the McLachlin ruling, then the Meredith - then a commission was struck after that?

MR. CHAIRMAN: No. There was a special committee first and then the select standing committee to look at the Fisher report and make recommendations to the Legislature based on that.

MR. DAY: And that committee basically said: "Let's go with what Fisher said in terms of boundaries."

MR. CHAIRMAN: Bottom line, yes.

MR. DAY: That was the beginning. Was there any deviation from that point in time to the original Fisher recommendations, or are these all intact?

MR. CHAIRMAN: All intact. The only changes were name changes, as far as this map is concerned.

First of all, we made our preliminary report to the Legislature saying we would recommend that the basic principles of the Fisher report be adopted, and then we would deal with the final changes to the map. That's when we allowed MLAs to come forward if they wanted to make changes based on communities of interest. The reason we did that was that we were coming very close to the end of the last session and we felt it important that we deal with it in the last session, because the chief electoral officer needed, I believe, about six months to do the mechanics of all the changes. So if it had been left to next spring, we could be looking at next fall, and politically we weren't prepared to live with that. So that's why we did it the way we did. We finished our final report within the last few weeks. That final report was submitted to the Clerk of the Legislature just recently.

MR. DAY: And the public hearings were the ones that took place during the compilation of the Fisher report. Were there public hearings this summer in relation to this committee saying: "Let's go with Fisher"?

MR. CHAIRMAN: No, only the MLAs had the opportunity to come forward. We had contemplated the idea of our committee, the select standing committee, going out and holding some hearings; but it was decided that we would not do that, that we would simply allow the MLAs to come before us.

MR. DAY: Was that because you basically felt the hearings had already taken place?

MR. CHAIRMAN: This had been going on for some time. To be blunt about it, I guess there was a great deal of cynicism because it was felt that, as government members, we were really attempting to thwart the whole process and were really not serious about getting on with electoral reform.

MR. DAY: That answers the question I had, because when I was out in the Okanagan this summer for a few days I thought I caught on the news that the whole process was basically done, and I thought: "How could they have done it that quickly?"

MR. CHAIRMAN: Indeed, it had been going on for some time.

MR. DAY: Right. So basically you referred it back to this.

MR. CHAIRMAN: That's right.

MRS. BLACK: Larry, I'm interested in section 9(a) of Bill 87, where it talks about determining the boundaries. I was wondering if you could sort of explain briefly, in general terms, what your terms of reference were. You say: ". . . the principle of representation by population be achieved, recognizing the imperatives imposed by geographical and demographic realities, the legacy of our history and the need to balance the community interests of the people of the province." There are really four distinct areas there.

MR. CHAIRMAN: Well, what we were attempting to do in the recommendation was to take into consideration a lot of the things that we felt, as politicians, were important, such as communities of interest. These are all things we're asking the commission to do here that we couldn't agree on - the very things that . . . We had a number of MLAs come forward pleading for some of these changes. And again, my riding was one of those. The small community of Peachland - in the same regional district as Kelowna, with the same school board; they go to Kelowna to do their banking, for their hospital, doctors, day-to-day living - is now being cut off and added to Summerland and Penticton, and they are very distressed about that. There are a number of examples of that. As a dual-party committee, we were unable to come to grips with that; but we are asking the commission to come to grips with it and to take those things into consideration.

MRS. BLACK: In keeping with that, if you go down to 9(c), it says "the commission would be permitted to exceed the 25 percent deviation principle where it considers that very special circumstances exist." Where there are traditions, etc., possibly with Indian bands and reservations, would they be allowed to deviate far enough from that 25 percent rule to take into account, say, a reservation, and have that all go into one riding as opposed to splitting it in half?

MR. CHAIRMAN: That might be a good example of what we were trying to anticipate here. But again, I guess, any of that could be left open to challenge if it deviated too far from the 25 percent rule.

MRS. BLACK: Did you find there was much comparison, shall we say, between rural and urban settings? An urban MLA deals with one city council, one school board – I believe there is one school board out here; we have separate and public in Alberta – and one hospital district, as opposed to a rural MLA who may deal with ten municipal districts, five school boards and so on. Was there much discussion on that, and did that have any weight as far as determining boundaries was concerned? Or was it strictly the 25 percent?

MR. CHAIRMAN: Well, that was presumably argued in each of the areas at the time Judge Fisher went around the province with his dog-and-pony show. Those types of arguments were made there, not so much to us. They were made to this committee through the MLAs. But as I said earlier, we didn't go out, so we weren't hearing those arguments as a committee – other than through the MLAs.

MRS. BLACK: Do you know if there was any attempt made to look . . . My group is going to laugh. I have a theory that if you take all these factors that seem to be common to the distinctions between an urban and a rural setting and build a weighted-average formula based on those distinguishing factors, and build in a variance of 25 percent as one of the factors of the formula, we would be able to adjust ridings automatically as populations and districts changed, through a formula that sort of sits there from now until forever and adjusts automatically, instead of having to go back and look at actual boundaries. Did you look at any kind of weighted averaging within the makeup of the demographics or geography of areas?

MR. JAMES: Judge Fisher might be an important contact for you at some point. His commission retained not only legal counsel but geographers, demographers, historians and, I believe, numerous researchers. He had quite a large staff. As I understand it, he basically did the bulk of the work that contributed to his preliminary report, which was initially referred to the Special Committee on Electoral Boundaries of the Legislative Assembly; also his final report, which is the one you have in front of you.

Judge Fisher not only went to practically every community in British Columbia, as I understand it, he also travelled extensively across the country – to Edmonton and other places, speaking to your elections folks there, and others, and to certain MLAs, if I'm not mistaken.

The result of his work is now housed over at the archives, and I believe there are boxes and boxes of material that he has collected and his staff have gone through, analyzed and advised him on in terms of preparing his report. It's all indexed. And as I understand from my last conversations with him, it's readily accessible, whatever subject matter you might be interested in.

So maybe at some point, if you wish to pursue it further, there may be some advantage in having somebody plough through it, or having somebody plough through it on your behalf. I just wish to point out that about 90 percent of the work on electoral reform was really done by the commission. The report itself was given to two committees: initially the preliminary report to the special committee; and the final report to the Select

Standing Committee on Labour, Justice and Intergovernmental Relations.

Again, I stand to be corrected, but as I understand it, both committees felt that it might be most prudent not to recanvass all the issues and all the subject matter that Judge Fisher had gone into, but merely to have a look at the report and see how best they could fit in in a context of electoral reform in British Columbia; and they dealt with it in that way.

As for the technical questions you're asking, I'm very confident in saying that I'm sure they've been answered, and I'm sure they've been looked at very closely by the research staff that Judge Fisher retained. He had Oxford graduates and some very high-powered folks working with him for two years and a bit, if I'm not mistaken.

That doesn't answer your specific question. I merely want to point out the fact that I'm sure that question has arisen, and that he's considered it. But if you wish to pursue it further, I can certainly arrange for other contact people to be in touch with you. Also, Judge Fisher may even be willing to discuss the matter further, either over the telephone, in a report or in a meeting – whatever you prefer. Again, I hold myself out as someone you may wish to contact in order to make those arrangements out of province for you.

MR. BRUSEKER: Perhaps I'm a little bit of a slow learner, but point 9(c) says: ". . . permitted to exceed the 25 percent deviation . . ." Larry, I guess what I'm hearing you say is that under the Fisher report the special circumstances would have to be extremely unusual to allow anything to occur outside the 25 percent.

MR. CHAIRMAN: You're probably right. We as a committee, though, didn't want to tie the hands of the commission, saying: "Thou shalt stay within the 25 percent plus or minus rule." I can only speak for myself, but I can tell you that part of the reason is an unwillingness to allow the courts to decide how we're going to run the bloody province. It's as simple as that with me. And I'm sure there may be other people on the committee who shared that view. But it's still subject to challenge, I guess.

MR. BOGLE: Well, I would suspect that two general elections from now, when your new boundaries commission is in place, there may well be some strong representations coming from MLAs from northern and more sparsely populated areas, arguing that you must get back to utilizing the provision placed in your act to allow the commission to go beyond the 25 percent variance.

We're much more fortunate in that Edmonton is located close to the geographical centre of the province. Victoria is on the extreme southwest corner of your province. So the problem of your members travelling from the far north and northeast is even greater.

MR. CHAIRMAN: That's right – plus we're on an island.

MR. BOGLE: I remember that that same provision is in the Saskatchewan legislation, in terms of going beyond 25 percent. But you've got to make a case; there has to be a reason.

MR. BRUSEKER: I guess I'm sort of wondering what the case might be. Given a 25 percent variation, if your provincial average is 38,000, 25 percent plus or minus will take you from

32,000 to 42,000.

MR. CHAIRMAN: A pretty big spread.

MR. BRUSEKER: It's a pretty big spread. In Alberta, if we followed ours, plus or minus, I think it would give us about a 9,000 spread, using our voter . . . I think it would be pretty tough to be able to come forward and say we can't fit within a spread of 9,000 or 10,000. It's quite a variation, I think.

MR. DAY: We're using electors; they're using population. Don't forget that.

MR. BRUSEKER: True.

MR. DAY: Theirs are probably not too far off, in averages, if you look at electors. If they've got an average population of 45,000 and we've got an average of electors of 18,000, it's probably not far off. What do you think, Patrick?

MR. LEDGERWOOD: As a rule of thumb, about two-thirds of the population are electors.

MR. BRUSEKER: So on a census ours would be about 27,000, then, and yours 38,000.

MR. DAY: Population.

MR. BRUSEKER: Yes.

MR. DAY: If you take a third off that, it brings it down to 23,000, and add a third . . . They're pretty close. Ours might even be a little more.

MR. CHAIRMAN: How many constituencies do you have?

MR. BOGLE: Eighty-three.

MR. CHAIRMAN: And your population is two million?

MR. BOGLE: Two-point-four.

MR. BRUSEKER: One of the questions I've had, Larry - and I don't know if you've addressed it; we've sort of batted it around a little bit and haven't come up with any answers - is: was there any consideration or discussion at all in terms of what an optimum number of constituents to an MLA is? Should it be 40,000 to one, 20,000 to one, 10,000 to one? We've also been to Saskatchewan and Manitoba. Manitoba, for example, has a House of 57 members and a population of around one million, so you can imagine that the constituents-to-MLA ratio is substantially lower there than it is here.

MR. CHAIRMAN: And they have 60 percent of their population in one city.

MR. BRUSEKER: Most of it's right in Winnipeg, yes. Winnipeg has the majority of MLAs right within it.

MR. DAY: And they go with a 10 percent variance.

MR. CHAIRMAN: That was talked about a bit, but I'm sure it was canvassed at length by Judge Fisher. I don't know what

the answer to that is, but I can tell you that it's a lot easier for somebody who has a basically urban riding and can probably get around the boundaries on a bicycle in one afternoon than for somebody like the member who will be serving Bulkley Valley-Stikine. As I said earlier, it takes three days out of your life to go from Victoria to Atlin. I don't know what the optimum number is. I think it really depends a great deal on the geographical layout of the constituency.

MR. JAMES: And in British Columbia there are practical limitations as well. There are only so many members you can put in our House, as you will see later on today. Right now it's fairly crowded, and with 75, they're even wondering how much more crowded that's going to become. In a few years, if they add a few more members, where do you put them?

MR. DAY: Put in bleachers.

MR. CHAIRMAN: That's what I was going to say: we may have to go to bleachers. There was a change made a number of years ago. I remember there used to be a press gallery in the area immediately behind the Speaker's chair. That was removed in the last go-around; they now sit up in the Speaker's gallery, in the first row.

MR. DAY: In the present long and narrow configuration of your House you can't even heckle properly if you're the fellow way down at the end.

MR. BRUSEKER: This coming from our chief heckler, by the way.

MR. CARDINAL: I believe you have Indian reserves in your province. Are they included in your averages? Do they vote? Are they enumerated?

MR. CHAIRMAN: To all those questions, I think the answer is yes.

MR. JAMES: Harry Goldberg, who will be showing up shortly, will be able to confirm that.

MR. CARDINAL: What is your Indian population on reserves? Off reserves would be hard to determine.

MR. CHAIRMAN: Well, I should know the answer to that because I heard those statistics in the last couple of weeks. There are about 65,000 to 70,000, I believe. Over 50 percent of them live in Vancouver. I would suggest that at least 50 percent of them are off the reserve, if not more.

MR. JAMES: I notice you're looking at the seating plan for the House. There was a cabinet shuffle a few weeks back, and the seating plan hasn't been reprinted. It would obviously want to reflect the change in the executive council.

MRS. BLACK: I was interested in the seating location of your Premier. Our Premier sits in the middle of the front row.

MR. JAMES: Just a little talk about the preliminary report of Judge Fisher, which was referred to a special committee of the House almost two years ago. Judge Fisher came out with his preliminary report on electoral boundaries in British Columbia,

which was subsequently tabled in the House and immediately referred to the special committee. The special committee began work – I think it was December 1987, if I'm not mistaken – on the preliminary report in the following year.

It was handicapped in some respects because Judge Fisher was working on the final report. Therein lies the conundrum that the committee felt it was facing, among other things: that it would be reporting to the Legislature on a report which would have been superseded by revelations contained in the final report – the one before you now. In essence, the special committee reported unanimously that it felt it was of little value to everyone involved to make too many comments on the preliminary report, given the fact that the concerns raised in the committee may have already been addressed in the final report.

When the final report was tabled in the House, it was immediately referred to the Select Standing Committee on Labour, Justice and Intergovernmental Relations, of which Larry Chalmers is the Chairman. The committee already had two issues before it. This year it dealt with judges' salaries in the province, and it is also currently dealing with the Builders Lien Act, which Alberta has wrestled with in the past as well.

The work on the Fisher report was more or less put on the front burner, as I understand it, and dealt with while the House was sitting this spring and throughout the summer. As late as several weeks ago, the second report on Fisher's final report was deposited with the Clerk of the House. A new vehicle that we introduced procedurally for legislative committees is to allow them the opportunity to make their reports public during a lengthy period of adjournment by depositing the original copy with the Clerk of the House.

Arguably the report has no effect, since it hasn't been presented to the House and hasn't followed the normal procedural course that a legislative committee report would follow. When the House next sits, Larry Chalmers will present that report to the House, and the House will then presumably debate it and adopt it or do whatever they feel comfortable with. Both the special committee and this committee were instructed by the House to be unanimous in their decisions and their recommendations in the preparation of their report. That's basically where they stand now. Whether the committee will be dealing further with Fisher's final report, my understanding is that it's all but completed.

Unless the Chairman were to consider other comments that would require addressing . . .

MR. DAY: Larry, you have four members who have left caucus but are still members. They are not independent, is that right?

MR. CHAIRMAN: The term they are using is "independent Secreds." They are still members of the party but not members of caucus.

MR. DAY: How will they show up on a new configuration – as blue?

MR. CHAIRMAN: I give up. I don't know.

MR. JAMES: Joining us now is Mr. Harry Goldberg, the chief electoral officer for the province of British Columbia. He is in the midst of a by-election for the Oak Bay-Gordon Head constituency now. He is quite willing and eager to answer or comment on any questions you may wish to toss his way.

MR. CHAIRMAN: Welcome, Harry.

MR. GOLDBERG: Thank you. Nice to be here.

MR. CHAIRMAN: We'll just open it up, then, if anybody has any questions of Mr. Goldberg.

MR. DAY: This particular by-election coming up is under the old boundaries?

MR. GOLDBERG: Correct.

MR. DAY: And you don't anticipate a constitutional challenge on that?

MR. GOLDBERG: No. From what I can determine through Bill 87, there would be absolutely no grounds for a constitutional challenge. As you have probably been informed, the part of my changes to the electoral boundaries – that is, the new maps and boundary descriptions and so on – will be to the committee on January 15, and then on January 31, through regulation, the Lieutenant-Governor-in-Council will do the regulation. At the next dissolution of the Legislature the boundaries will in fact become effective. There is very unlikely to be any constitutional challenge.

MR. CHAIRMAN: I didn't touch on that. These boundaries will stay in effect until the day the writ is dropped for the next election. That is when the new boundaries will legally take effect.

MR. DAY: As long as that's after the end of January?

MR. CHAIRMAN: Yes, that's right. The way the act is written is for any election called after that time. The day the writ is dropped is the day there cease to be dual-member ridings, in the case of dual-member ridings, and the new boundaries take . . . This map then kicks in.

MR. DAY: If the Premier were to call an election before the end of January, the writ also would kick in the new boundaries?

MR. CHAIRMAN: Before the end of January?

MR. DAY: Yes.

MR. GOLDBERG: No, we'd go on the current boundaries.

MR. DAY: There's no way he could adjust that. There's no way he could bring it down in such a way and say: "And it shall be with the new boundaries."

MR. GOLDBERG: I'm not sure that there is, but under the way it's presently written, there is no way.

MR. BRUSEKER: So a commission, then, will be restruct . . . Let's assume for argument's sake that an election is called in June 1990. You have an election in the summer of 1990, and there will be another election in, say, June 1994. Would a commission then be restruct again following that election of June 1994?

MR. CHAIRMAN: It's after every second election.

MR. BRUSEKER: So we're looking at about six to eight years on average.

MR. CHAIRMAN: Yes. It would be not more than ten years. Our mandate is five years.

MR. BRUSEKER: A maximum of five years, okay.

MR. DAY: Was the question considered in terms of how often boundaries are redistributed . . . If you go by an election basis - every two elections, a minority government, a couple of elections within four years - was that question bandied around at all?

MR. GOLDBERG: That's one I can't answer, because I wasn't present at the time the legislation was discussed. It's a very astute question, because you're quite right: if general elections were very frequent, then of course boundary commissions would kick in very frequently as well, so you could have not quite back to back, but very frequent, commissions.

MR. CHAIRMAN: So presumably they could come back and recommend that it be left intact the way it was at that moment. There would be no need for change. But yes, that was the purpose of the legislation: that it would automatic and independent. Those were the two driving principles here.

MR. BRUSEKER: When these boundaries were proposed by Justice Fisher, was there a hue and cry from the people in many of the rural constituencies that suddenly changed radically? Was there a tremendous outcry either to the committee or the commission or your office of: "Gee, we were happy where we were"?

MR. CHAIRMAN: Yes. In fact, as late as this morning at 8 o'clock I got a call from a clerk from one of the municipalities reminding me once again of what a poor job was done in the case of their community.

MRS. BLACK: How are you dealing with that, Larry?

MR. CHAIRMAN: Well, I don't know how well I'm dealing with it, but I can only deal with it based on the fact that the deal is done and remind them of the process we went through and the opportunities that were there. It's like anything else, I guess. When the hearings were actually being held, when Judge Fisher was travelling around the province, I don't think there were great numbers of people who came forward. Once they see the map and they see that it's actually happened, they think: "Oh, this is terrible." But they didn't necessarily turn out during the process to voice their concerns.

MR. BRUSEKER: A familiar tale.

MR. CHAIRMAN: Yes. I'm sure that's not unique to British Columbia.

MR. BRUSEKER: No.

MR. GOLDBERG: With respect to my part of that question, I can tell you that my office, too, of course, has been getting a great number of calls, and I have very wisely been sending them on to the Chairman.

MR. DAY: Was the actual vote in the House unanimous this summer to go with the Fisher process?

MR. CHAIRMAN: No, I don't believe it was unanimous. I'm trying to remember now; we could look that up. There was one member, who has been sitting for quite a while as an independent member, from the riding called Omineca at the moment - Kempf. At one point in the process I remember him voting against it, but I can't tell you whether he was there the day Bill 87 was passed.

MR. DAY: I guess I meant: were all the government members unanimous?

MR. CHAIRMAN: Yes. Some might have been holding their nose at the time. [laughter]

MR. DAY: Let's just say they all independently came to the conclusion that . . .

MR. CHAIRMAN: Suffice it to say, there were people on both sides who were not really all that happy with it, and there were many members of government who felt that the dual-member ridings should not have been abolished. In my own case . . . I guess we all as MLAs think our own riding is unique, and they are in many ways. But in our particular case, we have one major municipality - Kelowna - one regional district, one school board, one hospital board; the list is endless. It's very compact, and it worked very well as a dual-member riding, because even when we split the riding, if the mayor of the city of Kelowna wants to talk to the MLAs about provincial matters, he will still sit down with both members; same with the hospital board or the school board. So nothing changes, from that standpoint.

MR. DAY: Did you not have a government and an NDP MLA in there, as dual?

MR. CHAIRMAN: Not in Okanagan South. We have that situation in Boundary-Similkameen, in Penticton, to the south. That also was the case at one time in Vancouver-Point Grey, and it's now both opposition members there as a result of a by-election.

MRS. BLACK: I was looking at Nanaimo. I know Nanaimo quite well, and I was quite interested in how you've split Nanaimo and moved half of it up with Parksville-Qualicum - going along Hammond Bay. There must have been quite a hue and cry out of there.

MR. CHAIRMAN: Again, a very strong representation was made by one of the MLAs from Cowichan-Malahat riding for parts of that area. As far as Nanaimo was concerned, I'm not sure of the response when Judge Fisher was there, because that's when it would have been felt. We didn't have representation from MLAs asking us to change Nanaimo.

MRS. BLACK: You probably will from the people once an election is called and they realize that that's where the . . .

MR. CHAIRMAN: Well, I'm sure that many people will . . .

MRS. BLACK: . . . be shocked.

MR. CHAIRMAN: Yes, when they see where the boundaries actually run.

MRS. BLACK: Up in that area, there are a lot of little wee Gulf Islands. One of the things I noticed from the federal campaign up in that area, getting to those little islands, not only to have them enumerated but to also keep in touch with them, you're quite often going by motorboat. Were factors such as that not a major concern of your standing committee – how you get to these little Gulf Islands?

MR. CHAIRMAN: Yes. Again, I'm sure that that was addressed at the time in the hearings with Judge Fisher. One of the government members representing what's now called Powell River-Sunshine Coast . . . Take a look at that on the map; at the present time it's known as Mackenzie. It goes further north than what it shows here, taking in the communities of Bella Bella, Bella Coola and Ocean Falls, right up to pretty well the southern tip of the proposed Skeena riding. You can see all that coast, the little communities dotted all along the coast there – it's virtually impossible for the average person to reach all of those. In his case he has a floatplane and flies up and down. He can do it, by comparison, quite easily. But for the average person who would represent a riding like that, it's almost impossible to visit all of the communities in your constituency even during your mandate, let alone during the year.

MR. DAY: He flies his own floatplane?

MR. CHAIRMAN: He flies his own floatplane, and that's how he gets around.

MR. BRUSEKER: Does he get an allowance to pay for the fuel for his plane?

MR. CHAIRMAN: He gets the allowance that any of us get, and how he uses it is up to him. But that's how he has to get around.

MR. BRUSEKER: So you just get a . . . For example, we don't have the problems you have with the coastal region. We get a mileage allowance for just how much mileage you put on your car.

MR. JAMES: I believe that's how Harold is reimbursed for his air travel. He just logs in the mileage and they pay him.

MR. CHAIRMAN: Is that what happens now?

MR. JAMES: Yes, simply because it's such a unique situation.

MR. CHAIRMAN: One thing we could perhaps do, Craig, is get a copy for them of the package that we have for it. That question was raised when you were out of the room about the travel allowances and that sort of thing that are made available to MLAs that the Board of Internal Economy deals with.

MR. DAY: Is there a gas credit card for MLAs also?

MR. CHAIRMAN: No.

MR. JAMES: Members have the use of the En Route credit card, which was originally intended for interparliamentary visits

and relations. It seems to have extended beyond that into practically every area of being a member. They use that generally for travel and whatever a company would accept an En Route card for.

MR. CHAIRMAN: Gee, you learn something every day. The only time I've used En Route is for the number of trips we're allowed now. They've increased the number: how many are we allowed to and from the constituency?

MR. JAMES: Fifty-two.

MR. CHAIRMAN: Fifty-two a year we're allowed, and that's the only time I use my En Route card. If I travel as a parliamentary secretary, I do that separately, on my own and submit a statement for it.

MR. BRUSEKER: I tried using the En Route card for taxi fares in Edmonton and got my hand slapped for that one. I thought it seemed like a perfectly reasonable thing to do. We get reimbursed for taxi fares, they give us an En Route card . . .

MR. CHAIRMAN: I wish somebody would write a book on that, because you never know until it's too late whether you've done it incorrectly.

MR. JAMES: We have now joining us Cliff Watt, who is the chief legislative counsel, who, as I understand it, drafted the legislation and is quite eager to entertain any questions and comments you might want to throw his way as well.

MRS. BLACK: I have one that would probably fit in . . . I don't know where it fits in, I guess. The question I'm continually asked is: what is the definition of a representative? Keeping in mind distances and all of these things, how do you define an elected representative? Is that someone who represents the concerns, the issues, who is the voice of the people? How do you define that? Before you start looking at how many representatives you might have in the Legislature, how do you define what a representative is? It got all the way back in one of the discussions to the definition, and then moving forward. Can anybody define a representative?

MR. WATT: That's a political science question.

MRS. BLACK: That's where it came from, actually – from my university group.

MR. WATT: The legal concept is simply that you have an individual whose job it is to provide representation in the Legislature for the geographical area that they represent. That's what they are in law under our Constitution Act in B.C. But given that geographical area, what that representative is supposed to do in order to represent it is the political science question.

MRS. BLACK: But even then, in representing that geographical area, one geographical area can be 200 square miles and another one can be five. So are we looking at comparing apples and oranges, or are we looking strictly at population within a geographical location?

MR. DAY: I think that's Senate reform.

MR. WATT: I think that what this bill doesn't do very well – in some ways it gives directions – is take into account those various things, because we don't have a political entity, such as a province, in which the population is equally spread throughout – as you might have, for example, in a large metropolitan area, where there might be some much closer attempt at the areas being similar. Where you get into real difficulty is with remote areas such as we have in British Columbia – and you do as well – where you then have to start looking at compromises.

When you get to the plus or minus 25 percent approach, which is the one that's considered appropriate when you're into a somewhat more densely populated area, the thing becomes perverse. When you've got one person representing half the geographical area of the province, at that point you start making compromises. In fact, this legislation recognizes that this independent commission in very special circumstances, of which there may be one or two in this province, is able to say that, given this particular area of the province with this particular configuration of population centres and the like, the plus or minus 25 percent maybe just isn't going to do it, because you'll end up with something that looks weird, makes travel impossible and representation . . .

I'm sure that one of the things that not only this group but also the new commission that gets set up will consider is, more than maps, transportation patterns. Clearly, I think, the ability to go out and represent an area is going to be based a lot upon the ease of being able to get around it. That's certainly dictated by things other than drawing lines on a map, because in the midst of those lines you have things like mountains and suchlike.

MRS. BLACK: And maybe no bridge.

So you didn't really have a definition of "representative," other than just someone who represents a geographical area.

MR. WATT: That's right. And with the factors in section 9 of this bill, which are for a variety of reasons looser than they might be when it comes to defining things like the . . .

MRS. BLACK: I was interested particularly in "the legacy of our history." I still don't really understand what we mean by that. And I guess I came up with the example earlier of, say, an Indian reservation because I don't think it would be appropriate to split it in half – I don't know. I was wondering what made up the requirements in (a).

MR. WATT: I'm not sure. That was certainly picked out of the report. There must have been several situations where it was felt that the design of one of the existing electoral areas was based in part on historical considerations, and that to the extent that those considerations were relevant today, there ought to be the ability to perpetuate them.

MR. DAY: I have a question for Mr. Goldberg. In the setup of the Electoral Boundaries Commission, where there's the judge, yourself and a person appointed by the mutual consent of the Premier and Leader of the Opposition, in your deliberations, when you came to various decision points, were you unanimous? Or if not, how did you settle those?

MR. GOLDBERG: I can't address that, because I was not involved in the establishment of the commission. I'm merely a member.

MR. WATT: I can, I suppose; I was involved. This legislation, for those who were involved in preparing it, was prepared with a degree of haste to meet the circumstances that existed at the time it was done. What was attempted was a review, within the principle of there being independence for this body, of the various alternatives that existed in terms of appointing these people. That particular provision was intended for . . . With the judge, appointed by the Lieutenant-Governor-in-Council, you've got a potential built-in "so it's the government doing it." But we're talking about someone who's retired from the Supreme Court or Court of Appeal, by virtue of whose position one would expect independence.

With the chief electoral officer . . . I don't think he's on all of these types of commissions. But the thinking there was that the expertise that comes from that office makes it absolutely essential he be a full-fledged member.

That left us with someone from the assembly, so that the assembly had some say – obviously not a current member. So there were two things we then had to consider. The first was: who would appoint? The second was the process that would precede it – again, to ensure independence. Looking at it cynically, one could say that the odds are that the Speaker, the person who actually does the nominating, is certainly more likely to be more closely connected with the government than with the opposition. It was felt quite clearly that if the Speaker were to ignore consultation with the two leaders, the Premier and the Leader of the Opposition, and in particular the Leader of the Opposition, and appoint someone they did not both agree to, the political ramifications of doing that in the context of this process would be very large indeed. So I think it's safe to say that that member is going to be someone formally appointed by the Speaker but with the agreement of the two major parties in the House. That's how that was arrived at.

MR. DAY: What's the provision, as they sit down one day to work as a commission . . . Do the decisions of these three people among themselves have to be unanimous?

MR. WATT: I would think not. Again, keeping in mind that what comes out of them is a report that gets acted on later, I would think that a two-to-one is a decision. If there is a dissenting view, presumably that dissenting view will carry on into the hearing process and indeed into the political process itself when the final report is being considered by the assembly.

MR. JAMES: Maybe, for the benefit of our committee, the Chairman or another member could review your terms of reference, and how your process is unfolding – deadlines or timetables that you're imposing upon yourselves or that the House has imposed upon the committee. I think it would be of great benefit to our committee.

MR. BOGLE: I'd be happy to do that. But Mike Cardinal has to catch an early flight back, and before he leaves he'd like to make a comment.

MR. CARDINAL: I'd just like to thank you for giving me the opportunity to come and visit here. I really appreciate the information and the time you have taken to help us. Thank you very much.

MR. CHAIRMAN: Well, thank you, Mike. I'm pleased you were able to attend. I'm sorry you have to leave so soon, but I

understand that. Have a safe trip home.

MR. BOGLE: Under current Alberta legislation we are required to go through a general redistribution of our electoral ridings after every two general elections. We had our last redistribution in 1983-84. We had a general election in 1986, followed by a general election earlier this year. Therefore under normal circumstances we would have appointed an electoral boundaries commission this past spring during our spring and summer session.

Our commissions have traditionally been chaired by a judge, the chief electoral officer has been a member, and we've had a number of MLAs. When our last commission was struck in 1983, because the House was very lopsided at that time - there were, I believe, four opposition members - we had three government members and one opposition member. In addition to the chief electoral officer and the judge and the four MLAs, one citizen-at-large was selected by the Speaker in consultation with the Leader of the Opposition and the Premier.

Because of the court challenge here in British Columbia and the subsequent decision by Justice McLachlin, our three political parties . . . We have the Liberal Party, and Frank Bruseker is one of the eight members of the Liberal caucus in our assembly; the official opposition, with 16 members, is the New Democratic Party; and the government party is the Progressive Conservatives. The three House Leaders got together. I know the matter was discussed in the caucuses of the opposition parties and it certainly was by our caucus, and a decision was made that before moving on to an electoral boundaries commission, we needed some further clarification.

I should have mentioned that it goes without saying that we're missing two members today, both NDP members, and that's unfortunate. I think it's in part because of their upcoming leadership convention. So Pam Barrett, who is the House Leader for the New Democratic Party and a member from Edmonton, and Tom Sigurdson, another Edmonton member, who had planned to be here but due to illness in the family cancelled out at the last moment - for a very good reason, of course . . . Therefore the members of the committee today are Frank from the Liberals and ourselves. Stockwell Day is the government Whip. He represents Red Deer North. Pat Black is one of the new members of our team, and she represents Calgary-Foothills. Mike Cardinal, who had to leave - the mayor of the largest community in his constituency, a very close personal friend, died suddenly last night of a heart attack. Mike is going back to be with the family. I represent the riding of Taber-Warner.

So the three parties selected their members to sit on the committee, and we passed an amendment to our legislation so that we could sit down and review where we are in Alberta and what we're going to do. Our chief electoral officer, when the committee was struck, knew that he was going to be very busy with our Senate selection legislation. So while Pat Ledgerwood is not an official member of the committee, we welcomed him as an ex officio member, and he is certainly adding a lot of credence to what we're doing.

The terms of reference of the committee are pretty straightforward. We are to look at the historical factors in Alberta, the reason for the current makeup. Our Legislature is currently split into 42 urban and 41 rural members. When the last boundaries commission met, the numbers were in the legislation, and the deviation from the mean population of an urban constituency could be plus or minus 25 percent; there was no such figure used

for rural ridings.

Today, because of rapid growth in some of the urban areas . . . I used Frank as an example. Frank represents Calgary North West, which is one of the largest constituencies in the province. We use an elector population rather than total population; in other words, we use the voters. Frank represents about 30,000 electors. Our smallest constituency - and there is an anomaly with it - is Cardston, which is now 8,100. The largest Indian reserve in Canada, that of the Blood Indian band, with over 5,000 members, has chosen not to be enumerated. So there are about 1,800 eligible voters who are not on the list. From a statistical point of view, our numbers are bad enough in reality; but when you take another 1,800 electors off the smallest riding, it compounds the problem that much more.

Obviously we're looking at whether we're right in staying with electors or whether we should be going to total population. As is often said by members, I don't ask someone who approaches me for help whether they're an elector or not. They're in your constituency and you try to do what you can.

We're holding hearings across the province. We have 17 communities we're visiting. We're in the larger centres more than once. We're trying to ensure that we get around to visit the various areas. Over the past 14 years we've had one rural riding disappear. It was a very painful experience in that part of the province - south-central Alberta. Most of the province has not experienced the loss of a member or the loss of a constituency. We've taken the easy way out by adding to the size of our assembly. Fourteen years ago we had 75 members. We now have 83. So we're up against it today.

As a committee we have to decide, based on the input we've received, which ranges from constitutional experts who give evidence to us . . . We visited both Regina and Winnipeg to see how they're dealing with circumstances, and now we're here. We intend to wrap up our work by mid-February so that once the House is back in session we can write our report. We're really up against a difficult time-line, but our mandate requires that we report during the spring sitting. Hopefully we will be able to make recommendations on the parameters that should be put in the legislation for our electoral boundaries commission, which presumably will be struck sometime during the spring sitting.

Would anybody like to add to what I've said? I should also mention that Bob Pritchard, our senior administrator, has been doing all the coordinating for the hearings across the province. We found that in some areas we had . . . Well, for our first hearing, which was in High Level, a community near the Northwest Territories border, we had two people out. We've had as many as 21 or 22 in places like Grande Prairie. There obviously seems to be more interest in the rural areas than there is in Calgary and Edmonton. The interest is generated in those areas that think they have something to lose.

We'll be going into Calgary for hearings early next week. We've had hearings in Edmonton already. We're also pleased that we're getting representation, in addition to citizens at large and professors and political science people, from the political parties themselves. We've had people representing all three political parties, as well as towns, school boards, hospital boards and other interest groups. Bob has been mailing out copies of the letter. Did we bring the letters with us, Bob?

MR. PRITCHARD: I think I have one in my briefcase.

MR. BOGLE: Possibly you could get that letter out and we could give it to Larry. We've mailed out about 6,000 letters to

date, and there are another 5,000 to go. We're mailing them to anyone and everyone we think might be interested in the process – all municipal councils, hospital boards, school boards and health units.

We've made a presentation to our municipal districts and counties, to the full convention. Next week we'll be making one to the school trustees. We've also presented it to the executives of the Alberta Urban Municipalities Association and the Hospital Association. We've also presented it to the improvement districts, which are somewhat more sparsely populated areas.

Anything else, members?

MR. CHAIRMAN: It's not a contentious issue in the province at the moment, though, is it?

MR. BOGLE: With the public? I don't think so, although – and Frank may want to comment further on this – I think a number of people are watching very carefully what we do.

MR. DAY: It's emerging.

MR. BOGLE: Well, there's interest by people who fear a loss of representation. There's also an interest by people who believe, based on the Charter, that there must be a change made in the representation patterns in the province.

MR. CHAIRMAN: So it's driven to a certain extent then by the court case that we had here.

MR. BOGLE: Yes, to a large extent. I'm certain, had there not been a challenge here, we would have been into an electoral boundaries process now. I'm not sure what changes may have been made to the parameters; that's academic. But we would have been into that process at this time in normal circumstances.

MR. BRUSEKER: I think a number of people are watching very closely, as Bob said, what our committee is going to recommend in terms of changes to the legislation. Because of the Charter challenge in British Columbia, the feeling I get from some people in the legal profession is the implication that much of what occurred here in B.C. presses upon the Alberta standards, and we will have to follow something that is at least comparable. It doesn't necessarily need to be identical, but it needs to be comparable to what's happening.

I have a bit of a question, if I could just back up a little bit, on what's happened here. I don't know who would best answer the question. You increased six members, as I understand. You had 69, or you currently have 69, and after the next election you will have 75. The question I have is: how was the decision to increase by six reached? What was the rationale to increase by six members?

MR. CHAIRMAN: The decision, of course, was made by Judge Fisher to make that recommendation. In discussion with him after the fact, I think it was a sincere attempt to try and recognize the fact that the northern part, the more sparsely populated areas, should not be losing direct representation to the Legislature; that, coupled with the fact that the lower mainland was growing so rapidly. He tried to balance that off, saying that because of the population expansion in the lower mainland, we're going to have to add bodies – or would have to shift it, really. So he's adding bodies to make sure that those

northern and central areas are as well represented as possible. That's what he was attempting to do by going to 75.

MR. BRUSEKER: But the new Bulkley Valley-Stikine: is it geographically larger than the old Atlin constituency?

MR. CHAIRMAN: I'd have to look at the map, but I would say it probably is.

MR. BRUSEKER: Ballpark it's basically the same.

MR. GOLDBERG: There isn't too much difference; nothing too substantial.

MR. CHAIRMAN: You see, what they did with Bulkley Valley-Stikine was that by coming down into the centre, they picked up the community of Smithers, which I believe has a population of about 15,000 or 16,000 people. That was needed to try and balance the population, because Atlin, I think . . . Harry, was it 5,500?

MR. GOLDBERG: In that area.

MR. BRUSEKER: The reason I ask the question is that, as Bob pointed out, we've had a number of representations from rural constituencies in particular: "Please don't make them any larger, and please don't reduce our representation in the Legislature." So we face a very similar problem in Alberta in that if we want to move to an equal representation based on population, and we don't reduce the rural number of seats from 41, it will mean a growth in our House of perhaps ten to 12 members, and all of that growth would occur in the two main urban areas of Edmonton and Calgary primarily. So our House conceivably could expand to 93 or 95 members, which at least in western Canada . . . It's already the largest House; it could make it even that much larger. So it's a tough question, and that's why I was wondering how the decision was reached to add six members here.

MR. CHAIRMAN: That was basically it, I think – an attempt to try and balance them.

MRS. BLACK: Have you had much backlash of, say, combining what was called an urban seat with a rural seat, where you've gone inside the boundaries of a city, taken the north part of it and pushed it out into a rural setting?

MR. CHAIRMAN: No, I can't think in that instance where we've had any major repercussions. I can't think of any area . . .

MR. DAY: Larry, was it ever contemplated – or maybe to the legal counsel – to appeal the McLachlin decision?

MR. CHAIRMAN: Presumably it was contemplated. The Attorney-General's department . . . Maybe you should answer that, Cliff.

MR. WATT: The ministry, it being the important case that it was, reviewed it and made a decision that no appeal would be taken.

MR. DAY: Was that based on their feeling that it wouldn't be successful?

MR. WATT: You could read that into it. I'm sure that there are a variety of things you could read into it, but that would certainly be one implication.

MR. BOGLE: Larry, the Meredith case – I can't recall the time sequence. Were the results of that case known before the ministry made its recommendation re appealing? Because that certainly lessened the urgency to move.

MR. WATT: I'm not sure, but I think so. I can't answer that definitively.

MR. CHAIRMAN: I don't know the answer to that either.

MR. DAY: What prompted the Meredith case?

MR. WATT: Wasn't that the civil libertarians, who said: "Not only do you have to make the change, but you must do it now"?

MR. DAY: Was that the essence of . . .

MR. CHAIRMAN: Yes, that was it. Because Justice McLachlin just said, "You must change," but she didn't say when.

MR. WATT: Or how.

MR. CHAIRMAN: That's right. And they were trying to . . . I forget the time-limit they were after; was it six months or something? Or less?

MR. WATT: Yes, it was pretty quick. The implication being that . . . The courts, as it turned out, were very reluctant to order the Legislature to do anything because of the separation of powers and the like. On the other hand, the law was pretty clear. So what was given was a pretty clear direction, and the implications of that are clearly political: that if the government, having the power at least to introduce the bill and the House to pass it, didn't do anything, then the political heat behind that ought to be considerable. I think the court, quite properly, was very reluctant to get into the proposition that "if they don't, we will."

MR. CHAIRMAN: I should hope so.

MR. BOGLE: I wonder if I might ask a question of Cliff relative to any understanding or anything you can share with us relative to the McLachlin case and the fact that there was some . . . She left the door ajar, as I recall, for ridings that would deviate beyond the 25 percent range but didn't define what she meant. She said that if there were extenuating circumstances or some such thing . . . Can you help us further with that?

MR. WATT: I think she probably had in mind the very thing that I mentioned earlier, that there would be the exceptional one or two cases that in order to make any sense at all would have to go beyond the 25 percent. Recognizing that what we're talking about is what the courts would do with section 1 of the Charter in terms of anything that doesn't meet it, are the limitations that are an exception to it reasonable enough?

What we did with that, of course, was try to enshrine it in 9(c): "The commission would be permitted to exceed 25 percent

deviation principle where it considers that very special circumstances exist." Those two lines of thought were going in the same direction, and in a country like Canada, where you have this sort of thing, I think that will be upheld. What would be looked at, if anyone were to challenge the work of the commission and indeed the ultimate legislation that results from it, would be a very careful look at what the special circumstances are. One could bring a court challenge if 25 percent were exceeded and it was shown that the special circumstances weren't very special at all, putting us back in the same situation of: "Well, you'd better do something about that."

I would suspect that the commission and the Legislature would in fact only deviate where those special circumstances were pretty clearly defined, knowing what the Charter implications would be if they weren't.

MR. BOGLE: One of the questions that we constantly put to any constitutional experts who meet us is: do you expect the federal legislation to be challenged? Because they have a deviation of plus or minus 25 percent, but then they go on to make exceptions for the two ridings in the Northwest Territories and the one riding in the Yukon. No one has yet advised our committee that they expect anyone to bring a challenge to the federal legislation re those three ridings.

MR. WATT: I'm not aware of that. I'm also not a constitutional expert.

MR. BOGLE: I guess that would fall more on the legal side, but thus far the constitutional experts have all been lawyers. They define themselves as having a special interest in the constitution.

MR. WATT: Yes, but I think that with legislation in place – again, the 25 percent principle, and those ones being exceptions – it may very well be that Madam Justice McLachlin would be, I suspect, cognizant not only of provincial implications but others in the back of her mind; she may have had those in mind in talking about the exceptions, too.

MR. BOGLE: Yes.

MR. DAY: Sorry, Larry, I know you probably want to draw this to a conclusion. Did I count this correctly? Presently 50, moving to 75?

MR. CHAIRMAN: Presently 69, moving to 75 – that's six new ones.

MR. BRUSEKER: Some of them are dual-member ridings.

MR. GOLDBERG: Seventeen of them are dual-member ridings.

MR. CHAIRMAN: Currently, but they will be abolished as of the next . . .

MR. BRUSEKER: So for the riding you currently represent – you represent a dual-member riding – are the boundaries of the two new ridings very similar to the old single constituency? Is it pretty much just drawing a line through the middle of Kelowna?

MR. CHAIRMAN: There are a couple of exceptions. If you're familiar with the area at all, Peachland to the south was cut off and added to Summerland and Penticton. In the north, the community of Winfield and the smaller community of Oyama were taken from Okanagan North, the Vernon area, and added to what now will become Okanagan East. So it's basically become a rural riding by comparison to Okanagan West, but not that rural compared to many of the other ridings in the province.

MR. BRUSEKER: So the names on here are not corrected?

MR. CHAIRMAN: Yes, it's changed from Kelowna East and West to Okanagan East and West. That was mainly because we thought there were a number of communities within the constituency other than Kelowna, and we wanted to be more representative of all of the Okanagan. Historically the riding has been known as Okanagan South. The name Okanagan was in it historically, so we wanted to keep that.

Any other discussion or questions? We had originally planned to take a break in the middle, but I hope everybody will take the opportunity to take coffee when you want. We have planned a lunch at the Causeway Restaurant at around 12 o'clock.

Are there any other questions of Cliff and Harry while they're here, or have we pretty well talked it out?

MR. BRUSEKER: Were your previous commissions represented by MLAs that were sitting? Is this move to a non-partisan commission fairly new?

MR. GOLDBERG: The most recent commission, referred to as the McAdam commission, had the Clerk of the House as well as myself. Those were the three members of that particular commission. Prior to that there was a one-person commission, was there not, Mr. Chalmers?

MR. CHAIRMAN: Derril Warren at one time, yes.

MR. GOLDBERG: The Warren commission, exactly. So this is a departure, in a sense.

MR. BRUSEKER: So historically your electoral boundary commissions have not had political members on the commission.

MR. GOLDBERG: In recent times, that's correct.

MR. CHAIRMAN: The recommendations were dealt with, I think it's safe to say, by government as opposed to a select standing committee, as it was in this case, too. Hence the fact that we were accused of gerrymandering from time to time.

MRS. BLACK: I'm sitting here thinking of that, and I sometimes think that we define a "representative" as someone representing the people; then we assign the duties to someone else. It's sort of a contradiction of terms in some ways, isn't it? Even though we may have an accusation of conflict or whatever, an elected person is an elected person and is there to represent. I guess I get back to my original question of definition of representation.

MR. CHAIRMAN: But then those recommendations that come from the commission are dealt with by the elected people at the end, as to whether it's accepted or not. It has been in the past.

MRS. BLACK: I'm wondering whether it's the people we should be hearing more from and taking their concerns more into consideration.

MR. CHAIRMAN: Hopefully the commission will. I'm sure that's the idea of them travelling around to hear the folks. For the most part it's a pretty ho-hum topic, with the exception of some areas – particularly the rural ones, I think, that are much more conscious of losing their representation or having it tinkered with.

MR. LEDGERWOOD: Larry, has there been much publicity of this? Has the government put out ads saying: "Okay, fine, effective the next election we're going to go from 69 seats to 75 seats and there are going to be significant changes"? Have they published the maps and let the general public know exactly what's happening?

MR. CHAIRMAN: Again, it was talked about a great deal. It was a very contentious issue – just the fact that it mainly centred around the idea that we were as a government trying to continue to hold onto dual-member ridings and continue to hold very closely the opportunity to make the changes ourselves. It was well publicized from that standpoint. But again, we're still running into people who are just discovering the map and just discovering what's happening to them. I'm sure it will be the next election before a lot of them will realize exactly where the boundaries are going to be.

MR. LEDGERWOOD: I'm thinking back to when we did the federal redistribution. We actually had an insert – a flyer type – that contained the maps and detail on the new boundaries. In the case of Alberta we distributed almost a million copies of that. It went into every household.

MR. CHAIRMAN: I don't think we've gone to that extent. I don't know how many of these were in print – the Fisher report – but it's out of print. In fact, what you have now are collector's items because they are no longer in print.

When will the new maps be ready, Harry?

MR. GOLDBERG: The maps for your committee will be prepared and ready on January 15, so that sometime probably in February or March . . . On the tail end of that, Mr. Chalmers, I think it certainly will be appropriate that you and I sit to discuss how we're going to publish the new maps and inform the electorate as to what has happened. Where we're going to do that, we'll be contacting you.

MR. CHAIRMAN: And that's when the mail will start again and the phone calls will resume, I'm sure.

MR. GOLDBERG: Exactly.

MR. DAY: I guess that never stops. In Red Deer there was a redistribution in 1985. We've gone through two elections and even in this last election there were still people saying, "Why are we in Red Deer North?" or, "Why are we in Red Deer South?" That's two elections after the fact, and they're still surprised that they're in one of the two.

MR. BRUSEKER: Larry, I'm most curious about the Fisher report here on page 13. It talks about serving the new con-

tituencies. Some of the things in here are questions we have asked in Alberta as well. The concern we hear so often is the problem of an MLA getting to his constituencies and the problem of constituents having access to their MLAs. The Fisher report makes a number of specific recommendations - things like free long-distance calling to an MLA's office within the constituency and a number of offices for the large areas as opposed to just one office, and so on.

The other one I'm most curious about is the in-constituency travel, perhaps extra allowance for those people who represent large geographic areas. I'm wondering: do you have a members' services committee or whatever it may be called here that deals with these kinds of concerns? I guess my question really is: Justice Fisher has made some recommendations here; have they been implemented or will they be implemented when the new boundaries come in place? What's happening with those kinds of things?

MR. CHAIRMAN: Again, we felt that that was better dealt with by the Board of Internal Economy, which is made up of members from both sides. It deals with items outlined, for example, in that book that Craig passed around. We, as a committee, had recommended that they take a second look at that.

MR. BRUSEKER: And it has not yet happened?

MR. CHAIRMAN: It has not yet happened.

MR. BOGLE: B.C.'s Board of Internal Economy is like our members' services committee.

MR. BRUSEKER: Okay. I was just wondering if anything had yet happened or if it's in the works.

MR. CHAIRMAN: Well, I'm not sure. I don't sit on that board, so I don't know. They may be doing more on it than I'm aware of. We felt it was better addressed by that group than ours. But it needs addressing.

MR. BRUSEKER: Yes, certainly it does, and that's sort of my question.

MR. CHAIRMAN: It's woefully inadequate, as far as I'm concerned - not so much in my case but for many of the members who represent the more remote areas. It's very difficult for them to get around and keep in contact.

Of course, we in B.C., as members, have the right to access to telephone. That's covered for any calls we make like that. But the reverse is not true.

MR. BRUSEKER: You as an MLA.

MR. CHAIRMAN: Yes. But the reverse is not true, so we run into that situation where people feel somewhat cut off. Even to carry it further, it's true even for other government services, where they're not able to contact Victoria - maybe a ministry - without great cost to themselves in the remote areas.

But we have had vast improvements just in the short term that I've been an MLA. I was first elected in October '86, and there have been vast improvements made since that time by the Board of Internal Economy.

Did you not have some changes recently in Alberta on

compensation and benefits?

MR. BRUSEKER: Yes, Bob should probably address that one; he was the chairman of that committee as well.

MR. BOGLE: We transferred the authority from the assembly to the members' services committee to set remuneration. We have had for about three years the ability to set the expense allowance portion, but not the indemnity portion. Once that was transferred over, it was dealt with by the committee. There was criticism that it wasn't referred to an outside, independent committee. In the past that had been done, and then referred back to the full Legislature.

MR. CHAIRMAN: Anything else?

If there are no other matters you wish to discuss, we could draw this part to a close.

[The committee recessed from 11:19 a.m. to 1:48 p.m.]

MR. CHAIRMAN: We'll reconvene, and I'd like to welcome Mr. Don Duffy, surveyor-general of the province. Maybe, Don, you could spend a minute or two giving our visitors a bit of an idea of the process that you're going through in getting ready after our redistribution.

MR. DUFFY: Sure, I could do that. I have a few notes here.

I could perhaps say a word or two, first of all, about the office of surveyor-general in British Columbia, since it is somewhat different from the system in Alberta. Then maybe a word or two just on the concept of boundaries here, which are, I believe, a little bit different from the boundaries that are usually used in Alberta. I might say that I'm a native Albertan myself. I grew up on a farm there and I'm pretty familiar with the survey system. Actually, I qualified as a land surveyor in Alberta prior to coming to British Columbia quite a few years ago.

MR. BRUSEKER: So you can lend a little wisdom to the British Columbia scene.

MR. DUFFY: That's right.

The office of surveyor-general has a long history in British Columbia. It's one of our really great titles, as they say. It was one of the earliest positions established in the colonial government of Vancouver Island and of the united colony when it was formed. The office has been responsible in a general way for surveys, mapping and Crown land records since the 1860s. Ontario and British Columbia are the only provinces which have surveyors-general. One or two of the Maritime provinces did in colonial days, but they dispensed with the office quite early on.

As surveyor-general of British Columbia, I am the director of the surveyor-general branch of the Ministry of Crown Lands. Our branch has a total staff of 115, and we are responsible for regulating the legal survey system of the province for the legal survey mapping program and for maintenance of the Crown land registry, which is a large computer-based land information system. We have a very active Crown land tenure here, perhaps more so than in Alberta.

Because of the long experience of our branch in dealing with boundaries, mapping and related matters, one of our duties is to prepare the legal descriptions of the boundaries of the electoral areas. This work is performed as a technical service for the chief electoral officer and Elections British Columbia.

At this point I could maybe say a little about the contrasts, as I see them, between boundaries in general here and those in the prairie provinces. In the Prairies, settlement followed the survey system. You are all no doubt familiar with the township system. The general practice was to survey the land first in advance of settlement. So settlement tended to conform with the survey system – and, to a lesser extent, with the construction of the railways. Anyone who grew up in Alberta as I did is oriented to straight lines and cardinal directions and so on.

People here in Victoria sometimes say to me they can recognize an Albertan because if he talks about where he is going, he says: "Well, I was driving north up Douglas Street." Few Victorians would know whether Douglas Street goes north or not, because hardly anything goes in a cardinal direction here. So the concept of north and south, east and west is very much more something that we are aware of in the Prairies than we are in British Columbia.

With some important exceptions here in B.C., settlement took place ahead of the survey system. The exceptions are the Peace River block and the Fraser Valley, or part of it, and along the main line of the CPR – which, as you probably remember, was 30 miles along the main line where it became the railway belt, and part of the land went to the CPR in return for railway construction.

The original surveys followed the settlement. The constraints were mountain ranges and communication routes. As a result, our early settlements are unrelated to any survey system, and our administrative boundaries, including electoral areas, tend to be much more related to topography than is the case on the Prairies.

Because we had electoral areas in British Columbia long before we had anything like a complete legal survey or topographic mapping system, we've always relied on metes-and-bounds descriptions. Although maps are helpful, they are really only needed for purposes of clarification. Our boundaries should be capable of standing alone without maps and should be recognizable by most citizens without any technical help. Good boundaries for most administrative purposes are limits of drainage basins, water courses and road centre lines.

An example of an excellent descriptive boundary, which is well known to all of us, is the Rocky Mountain portion of the boundary between Alberta and British Columbia. This boundary is unmarked, except in a few well-travelled passes, but it is completely adequate for its purpose. In most areas it is quite easily identified, although not down to the nearest few metres. In areas where there is active resource development, as near the Crownsnest Pass, it is sometimes necessary to define it accurately, and we have a mechanism under the Boundary Act of our provinces to do that when it is required.

The first involvement of our branch in the definition of the new electoral boundaries was in consulting with the staff of the Fisher commission while the report was being prepared. The question arose as to whether our branch should prepare full metes-and-bounds descriptions of the proposed new electoral areas for inclusion in the Fisher report. The alternative to this was for the commission staff themselves to prepare brief descriptions, which would not be in legally final form, but which would be adequate to convey the intent of the commission to the Legislature.

On previous occasions where electoral boundary revisions had been proposed, it was customary to prepare the full legal descriptions prior to submission for legislative consideration. On

those occasions, of course, any amendments required by the Legislature would result in major revisions to the completed descriptions. On the one hand it was important that the descriptions contain no significant errors or ambiguities, that they clearly indicate the intent, but on the other hand we were desirous to avoid unreasonably expending time or resources on what might be a preliminary stage.

The decision the commission made, in accordance with our suggestion, was that the surveyor-general branch would undertake a detailed critique of their preliminary descriptions, and that we would then confirm the descriptions, amended as necessary, as adequate for presentation to the Legislature. That is what we did, and I think the whole process worked well. Of course, the intent was to avoid having to do things twice, if we could avoid it.

The problem in doing that was that the use of interim descriptions in the Fisher report meant that when the select committee and the Legislature made the decision, the work had then to be done on a tight time schedule. Since Elections B.C. had a large task, and the surveyor-general branch a comparatively small but critical one, it was essential that the combined work schedules be arranged such that Elections B.C. not be held up at any time waiting for completion of the boundary descriptions. Elections B.C. had the lead role in preparation of this schedule, and I am happy to report that they were able to provide within it the time we thought necessary for our task, and that we, in turn, were able to meet the schedule that was set, so that in fact the total time constraint was that required by Elections B.C., and there wasn't any waiting for anything that we had to do.

Our task, in summary, was to redraft the Fisher descriptions to remove any ambiguities or uncertainties which might in future contribute to confusion or be the source of legal challenge.

The skills required to prepare descriptions of boundaries such as these, which run from dense urban areas through suburbs and rural districts to the limits of unsurveyed watersheds, are not easily found. Many lawyers, paralegals and surveyors can read and understand more or less routine land descriptions, but few have a real depth of experience in the varieties of boundaries that delineate the electoral areas of British Columbia. Most of the expertise is within government and is acquired through early training in surveying and cartography, combined with long experience. And as we move into the world of digital mapping, which we are heavily involved in now, we tend to lose these skills, so there will probably not be a lot of it around in another ten years or so.

Immediately upon being advised by the chief electoral officer in late July that the project should proceed immediately, we established a team in the branch to carry it out. Most of the work was in the hands of two experienced technicians, diverted from other duties to this task on a full-time basis. In addition, several supervisors spent part of their time dealing with difficult areas. One retired technician was persuaded to return to help for about three weeks. Although I don't recommend the final descriptions for light reading, anyone who cares to compare them with the original abbreviated Fisher descriptions will find the final descriptions are much longer, primarily because they must stand alone and are not dependent upon existing administrative boundaries.

The Fisher staff, quite properly, made extensive use of reference to existing local government boundaries. In other words, in describing a new electoral area boundary, they would say "thence following the easterly limit of the municipality of Coquitlam," or some such thing, and that's not acceptable for a

legal description, which must stand on its own. Municipal boundaries may change and there is no mechanism for reflecting those kinds of changes in our legislation, so they have to stand alone, and they also have to remove all ambiguities. This is a time-consuming and very detailed task involving a lot of study of maps of various scales.

Although some other branch activities had to be allowed to slip a little, the task was completed and the new descriptions were delivered to Elections B.C. a few days ahead of our target of October 31. Cooperation between the cartographic staff at Elections B.C. and our own technicians was excellent, and our people found it both challenging and gratifying to be part of this important undertaking.

The total effort by the branch to October 31 was 521 hours by technicians, 95 hours for technical supervisors and 25 hours for the section manager, who reviewed each description personally.

That's the end of my presentation, Mr. Chairman.

MR. CHAIRMAN: Thank you very much, Mr. Duffy. Does anybody have any questions?

MR. BRUSEKER: I just have one. Pardon my ignorance here, but a couple of times you used the term "metes and bounds." Could you clarify that? I don't understand it.

MR. DUFFY: Yes. That is the technical term for a description in words. It passes between recognized objects, like roads or rivers or something you can describe, and it may include measurement. So "metes" means that it may have measurements in it, and "bounds" means that it is bounded by. It is just a technical term for a description in words rather than a picture.

MR. DAY: You referred to digital mapping replacing what has been. Are you basically talking about computer-based line drawing?

MR. DUFFY: Well, I would say it would be the whole subject. My vision of it would be that as we move to a digital database for the province, which we are working toward, we will, of course, change our mapping systems so that our electoral mapping will be done by drawing on the digital base. And around that time I think we will probably be able to change our historic method of using descriptions for the actual legal definition to using a map instead. It would mean changing legislation. And it's not only electoral areas, but many other areas. So we would have them actually defined by the digital model rather than by words in an act. I think we'll see this happen within the next ten years.

MR. DAY: Is there a possibility that would compromise the principle you talk about, in terms of easily recognizable boundary lines? When you're out in, say, open terrain that is largely unpopulated, could that be a problem?

MR. DUFFY: I guess I would say that our digital limit would trace one of those easily recognizable lines. But we'd probably use the digital limit instead of the words as a definition. It would simplify a lot of legislation, I guess. As long as you defined the same line, in a different way, you would still have your boundary. But it is a problem you'd have to look at, and you wouldn't want to do it unless you had perfect mapping, let's say. As long as the mapping's a little on the weak side, we're better off with the descriptions.

MR. DAY: On a technical area, who told you where to draw the lines?

MR. DUFFY: In this particular instance we went straight from the Fisher report.

MR. BRUSEKER: In some of your mapping I noticed some quite wavy lines. Did you use topographical maps in some of your mapping, since you don't have the nice, neat township system we have in Alberta?

MR. DUFFY: Oh yes. Most of the areas in unorganized territory or in the hinterland would be those kinds of lines. Sometimes the depiction on the map, depending on how good it is, may not be exactly where it really is - it's our best interpretation of a map. But the description will tell you that it's the height of land, or whatever. So if you actually go there on the ground, even if the map is wrong, you'll still see where the top of the hill is.

MR. CHAIRMAN: And the grizzly bears really don't mind.

MR. DUFFY: Yes, that's right. Fortunately those areas are areas where you would rarely have . . . You could have somebody's house sitting on one of those hills, and it could be an issue. But fortunately it very rarely is.

MR. BRUSEKER: And he or she probably doesn't get out to vote all that often anyway.

But conceivably, if you had a two-bedroom home there, you could have a husband on one side and wife on the other side - different constituencies.

MR. DAY: The time question is one of some concern. You already had the Fisher boundaries to work from. Where did Fisher get them? Was it through your department, Mr. Duffy?

MR. DUFFY: They were worked out by the Fisher commission on the basis of quite a few map sources. They had to use maps from municipalities in some cases and from our ministry in some cases, just depending on where they were. But there were quite a few sources. And the work they did extended over quite a period of time. So the hard, time-consuming work was really done by them.

MR. DAY: Do you have any idea what time-span that would have been?

MR. DUFFY: I'm afraid I don't. Perhaps the Chairman does.

MR. CHAIRMAN: I really don't know that. But the first bit of work was done trying to split the existing dual-member ridings. Then they went back with the new mandate to look at them all. They had a preliminary report that was changed quite a bit, actually; I think the final report was quite different from the preliminary one that Fisher had prepared. So it's hard to tell how much work was being done on the final one.

MR. DUFFY: They had a staff of at least two geographers, who did a lot of assembly of the mapping. And they engaged a private contractor to do some compiling, I guess you could call it, from the various scales they had. But because of the way our mapping is organized in British Columbia, it's quite a chore to

do the work they did.

MR. DAY: From your experience, Mr. Duffy, is our mapping system in Alberta the same as B.C.'s? Are we better based for a quicker electoral drawing? What do you feel – or can you answer that?

MR. DUFFY: I think I can off the cuff. I'm fairly familiar with the Alberta system because, of course, we speak back and forth to the Edmonton people. I would say that Alberta has a more easily reactive system, something you can deal with quicker, partly because of the difference in the situation as regards boundaries . . .

MR. CHAIRMAN: You can stand at one end of the riding and see the other end.

MR. DUFFY: . . . and partly because until recently more money has probably been spent on mapping programs there than here in British Columbia.

MR. BOGLE: It's very comprehensive – and there are added challenges here, of course, as you've indicated, because of the nature of the land.

MR. DAY: The technical end of it really adds to the time, if you're under some kind of compulsion to do it. It's really got to be factored in there, doesn't it?

MR. BOGLE: I think our chief electoral officers in the past have looked at natural boundaries and road allowances. It's been a lot easier than your task over here.

MR. CHAIRMAN: Thank you very much for taking the time to come and put your report together. I appreciate that.

I guess that brings to a conclusion the prepared part that Craig had put together, but if there are any other items that you want to cover before we end the formal part of the session, we can do that.

MR. BRUSEKER: I don't have any more questions.

MR. DAY: It's been really informative. I sure appreciate the

time that's been taken by yourselves to get the various reports ready. It gives us a clearer perspective on a lot of different areas.

MR. CHAIRMAN: We can thank our Clerk of Committees, Craig James, for that.

MR. BRUSEKER: You did really an excellent job. I feel we got a pretty good handle on it, and I think it's going to be a real assistance for us when we sit down in Alberta to look at what we have to tackle. I think it will be a real asset, a real benefit. Thank you very much.

MR. CHAIRMAN: When do your hearings begin?

MR. BOGLE: We have started that part of our process. We're running up until, I think, the 13th of December.

MR. BRUSKER: We have Fort McMurray yet to go; we've saved that one for February.

MR. BOGLE: We have a break and then we're back at it fairly heavily the first two weeks of February so that we can conclude the hearing portion to coincide with . . . We assume the Legislature will go in session sometime in late February, early March. Then we'll begin writing our recommendations.

MR. PRITCHARD: I just want to add thanks, especially to Craig. I know it's a lot of work to arrange.

MR. JAMES: You're very welcome.

MR. BOGLE: I'll sum up then by echoing what all others have said: a very special thanks to you, Larry, first of all, for taking time out of what I know is a very busy schedule; and to you, Craig, for all the assistance in bringing people together and providing us with material. It doesn't make our job easier, but it helps us understand the background to the decisions that were made here and the process you were involved in.

[The committee adjourned at 2:10 p.m.]

Appendix 3*

Good afternoon, Mr. Chairman, members of the Select Special Committee on Electoral Boundaries, ladies and gentlemen.

This brief is being presented on behalf of the Municipal District of Pincher Creek #9.

As a rural government we stand opposed to significant changes in the existing structure for electoral boundaries. In your deliberations please give serious consideration to the following.

The people of Alberta have made manifest the fact that they believe in the Triple E concept. Our existing provincial electoral boundaries structure lends itself to this concept. Consider each facet.

Elected – As a democratic government, the people are allowed to vote for the representatives of their choice. Would a true democratic government ever consider, say, APPOINTING people to positions of power? So elected is a given in Alberta.

Effective – It would be very difficult if not impossible for a rural M.L.A. to be effective in his job if he were required to represent an increased number of councils, boards and jurisdictions.

Equal – Representation by population is NOT synonymous with equal representation. We as Albertans and Canadians from the west have long realized this. Equality must be measured by a factor of what is fair for all of the people. The economy of Alberta is based on agriculture, oil and gas with a future emphasis potentially on recreation and forestry related enterprises. All of these are rural based and it is FAIR that rural representation be equal to urban population-density representation.

We fully realize that concerns with the British Columbia Supreme Court ruling with regard to their electoral boundaries has presented concerns over the legality of Alberta's existing format. Courts deal with what is FAIR and hopefully changes will not be necessary. BUT, in the event that new electoral boundaries must be formed and in realizing that it is always easy to oppose things without proposing alternatives, please be sure to look at these potential solutions.

1. Look at and limit the number of jurisdictions to whom any one M.L.A. must be responsible. Jurisdictions meaning local councils, school boards, hospital boards and any other major commitments the M.L.A. may encounter in a riding.
2. Rather than looking at the number of persons represented by a riding, look at a minimum number of persons per square mile that any one M.L.A. might represent. Using our local area as an example, with an area of approximately 4,000 square miles and a population of approximately 10,000 people, we have a density of 2.5 persons per square mile. This density combined with the number of jurisdictions determined from point 1 above, could be used in a formula to determine an effective riding size.

Thank you for permitting this opportunity to express our thoughts.

Respectfully,
Roger McAdam, councillor
Municipal District of Pincher Creek #9

* see page 469

