

[Chairman: Mr. Bogle]

[2:45 p.m.]

MR. CHAIRMAN: [Not recorded] today to share with us your thoughts on the position we're in relative to the Charter of Rights and our historical patterns in terms of electoral boundaries in the province. Since we've all met, I'd just make one other comment. Because it's a select special committee, the recorders are on, and there will be a copy of *Hansard*, but we've tried very hard to keep our meetings as informal as possible. Once you've finished with your presentation, we'll have a roundtable discussion and, hopefully, have a better appreciation for what you're telling us, and if we have questions or comments, we'll make them.

Valerie and Jim, welcome.

MR. D'ANDREA: Thank you.

We are going to restrict our discussion today strictly to the legal implications of the Charter of Rights concerning the committee's task force here. As a result, I'm sure you can appreciate that we're going to be discussing the decision of Madam Justice McLachlin from the B.C. Supreme Court, now sitting on the Supreme Court of Canada.

I have handed out a summary of issues that we propose to go through. I'll speak to the first three issues, and Valerie will speak to the last. I'd encourage you at any point in time to ask questions so that we can discuss the point at that particular aspect if you wish and get a discussion going on that basis.

The first issue – if everyone is ready, I might as well begin – simply deals with whether or not the Charter applies to the determination of provincial or electoral boundaries. In our opinion, the short answer is yes. You've got to deal with the Charter. Section 32(1)(b) of the Charter provides that all legislation of provincial governments in respect of all matters within their authority come within the purview of the Charter and are governed by it. Furthermore, section 3 is a very important section in the Charter of Rights in that it does not allow for any opting out or the use of the notwithstanding clause, as I'm sure you're familiar with. That's basically applied to section 2 or sections 7 through 15. So you can see that in section 3 the framers of the Charter of Rights have deemed it to be such an important section that they're saying, "Listen, you can't opt out of it." So that's a simple and short answer to the first issue that we've outlined.

The second issue, then, gets into the scope and meaning of section 3 of the Charter of Rights and what that involves. Does it involve simply a procedural right to vote – in other words, to put a ballot in the ballot box – or does it involve something more? When you look at the Charter section itself – I should read it for a moment – it says:

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Now, that in and of itself seems to suggest that you've got a right to vote for your MLA at any point in time. It doesn't appear to contemplate more.

MRS. BLACK: Could you read that just one more time, please?

MR. D'ANDREA: Certainly.

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

However, when you're dealing with the Charter of Rights, you

have to look at how the Charter is interpreted. The courts of this land, including the Supreme Court of Canada, have held that you have to give a liberal and generous interpretation to what the Charter is embodying. As Madam Justice McLachlin indicated in the Dixon decision – I should ask you: you're all familiar with that decision, I take it?

MR. CHAIRMAN: And the Meredith.

MR. D'ANDREA: If I may be permitted just to quote briefly from some sections of the decision which I think are very relevant to the point. She indicates:

The maxim that a full and generous construction must be given to the Charter rights and freedoms precludes a narrow, technical view of the right to vote. More is intended than the bare right to place a ballot in a box. Just as "fundamental justice" in [section] 7 of the Charter has been interpreted as possessing a substantive as well as a procedural content, so too must [section] 3 and its guarantee of the right to vote comprehend substantive rights.

So you're dealing with a situation where the courts have said: "You have to go beyond the literal interpretation of what's there. It's more than just being able to put a ballot in a box."

You're then faced with: what is involved with the right to vote? What do Canadians ordinarily think of if they have a right to vote? In interpreting the Charter, the courts have looked at a number of aspects. There are basically three principles of construction. The first is the general and liberal interpretation, if you will, that I've just discussed, trying to embody all of the rights of the Charter. The second is what Madam Justice McLachlin has called a purposeful approach, where the courts are trying to protect the rights and freedoms enshrined under the Charter. In other words, it wants to make sure that the Charter is protecting those rights that it should. It's almost a circular argument, if you will, but they're trying to say that if you say you have the right to vote, it's more than just putting a ballot in the box. You've got to look at what Canadians commonly perceive, if you will, in the historical context, what it is that the right to vote encompasses. I'll get into that in a bit more. I'm just speaking right now with some of the courts' interpretations of the Charter and how they approach it.

As well, the courts have looked at the purpose of the legislation that's being examined. For example, if it's unconstitutional, it's going to be struck down right away and there won't be any further investigation into it. For example, if the legislation that you are looking at was designed to prevent voting, of course the court's going to say that's directly against the Charter, the purpose of this legislation is against the Charter, and you're going to strike it. Now, if you're dealing with legislation such as the Electoral Boundaries Commission Act, you're dealing with legislation which is constitutional in its purpose. It's designed to try and enhance voting, if you will, and now the court says okay. But then does it achieve that purpose? Does it follow the Charter? There are rights under the Charter, and now you have to look at whether or not that legislation achieves that purpose. In doing that, the courts are going to look at the history of the voting procedures in the country or in the province.

Again, those aspects are just general comments, very general comments, on the approaches courts will take in trying to interpret legislation involved with the Charter of Rights.

So once you get to that point and you say there's more than just a right to put a ballot in a box, you have to then determine what the substantive rights are in voting that are enshrined in section 3. I think if you asked an ordinary Canadian or a Canadian citizen, they would give you a number of those right

away. One is the right to vote by way of secret ballot; one is the right to vote for a number of people – in other words, there's more than one candidate; one is not to be denied a franchise simply based on race, sex, educational qualifications, that type of thing; to have one's vote counted; to have one's vote count for the same as other valid votes cast in the same district; to have the right to sufficient information about public policies to permit an informed decision; the right to be represented by a candidate with at least a plurality of votes in a district; the right to vote in periodic elections; and the right to cast one's vote in an electoral system which has not been gerrymandered, if you will, or deliberately engineered to favour one party over another, such as they have in the Communist regimes where the Communist party is the only party, effectively.

Now, those are a number of the substantive aspects, but the one that is important for today's purpose is basically a 10th, if you will – there were nine of them that I just listed – and that's the one that's discussed by Madam Justice McLachlin. She calls it the right to be represented by population. Essentially what she is trying to say at that point is that that is a very fundamental right in determining what section 3 protects. It's a fundamental democratic guarantee, if you will, so it has to play a predominant role in the establishment of electoral districts.

Having said that, the next question that arises is: does the representation by population aspect provide for an absolute equality of voting power? Now, by an absolute equality of voting power I mean that each electoral district will be made up of the same number of voters so that in the perfect world you would have an equal number of voters in every district you have.

The American position, at least at the federal level, is quite simply that they would like to adhere to that idealistic goal; they want every district to have the same number of voters. There's a decision of the United States Supreme Court in Reynolds and Sims, which came out of Alabama in 1964. If I may quote from that, it says:

But neither history alone, nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation. Citizens, not history or economic interests, cast votes. Considerations of area alone provide an insufficient justification for deviations from the equal-population principle. Again, people, not land or trees or pastures, vote. Modern developments and improvements in transportation and communications make rather hollow, in the mid-1960's, most claims that deviations from population-based representation can validly be based solely on geographical considerations. Arguments for allowing such deviations in order to ensure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing.

So you see, the American approach is that they don't buy the argument in general that because of the geographic space you have between urban centres or that type of thing, that's going to make any difference, because of the developments in transportation and communication.

In Canada, however, we haven't followed that view. Canada has as its cornerstone the right, if you will, that an absolute equality of voting pattern is something that is to be achieved if possible, but that there are other factors and considerations which can be taken into account. The Fathers of Confederation as early as 1872 recognized that fact – and earlier. Sir John A. Macdonald – and this is quoted in the Dixon case – when dealing with the Representation Act of 1872, stated:

In determining the mode of distributing the new seats, the Government took into consideration the principles which have

guided the establishment of the elective system in the Provinces ever since they have been Provinces; and it will be found that, in them all, while the principle of population was considered to a very great extent, other considerations were also held to have weight; so that different interests, classes and localities should be fairly represented, that the principle of number should not be the only one. This was established in 1791 with respect to the Provinces of Upper and Lower Canada, where there were certain proportions of rural constituencies established, and a certain number of counties, so that the agricultural population might be represented and also the manufacturing and commercial and town populations.

So as you can see, even before Confederation Canada developed a policy whereby although you would like to adhere to the absolute equality principle, there were other considerations which came into play. Indeed, the Constitution Act of 1982, I would submit, in dealing with electoral proportionment recognizes regional considerations and provides for proportional representation from the provinces in the House of Commons.

I'd like to refer you to section 42(1) of the Charter. Effectively, that seems to run counter to the idea of absolute equality in voting. Right in the Charter itself, it recognizes that you're going to have certain representation from various provinces.

Now, having stated that in Canada absolute equality of voting is not required, you're then faced with the situation of, "Okay, what is allowed under the Charter?" Madam Justice McLachlin doesn't really help out the Legislature, if you will, in that she says that's not for the courts to decide, that's for the Legislature to decide. She's placed everything back onto the Legislature. But she has indicated, however, that if the Legislature doesn't follow certain legal principles as governed by the Charter, then it's the courts' job to strike it down and basically submit it back to the Legislature to try and fix up.

Now, one – maybe the cornerstone – of the legal principles that must be followed when you are dealing with section 3 of the Charter is that voting power must be equal. That ideal we're talking about has to be the dominant consideration, according to Madam Justice McLachlin. We've already indicated that in Canada that ideal is not necessarily what has to happen, but you have to use that as the base from which to proceed. She indicates in her analysis that there are a couple of reasons for this, and she speaks about the roles of elected representatives in dealing with everyday political life. She attributes a legislative role to the elected representatives as well as the role of an ombudsman, and she goes through a little bit of an analysis dealing with both of them. She finds that if you don't, because of the way our government is structured, the majority of the elected representatives effectively will control and will govern. You don't want a situation where you have that majority of elected representatives elected by a minority of the population, because then it's a minority that governs, if you see what I'm saying. She also deals with the ombudsman role, saying that you shouldn't have one MLA burdened with 50,000 constituents and another MLA with 5,000. It just doesn't seem to allow equal access to your MLA. She's brought that into mind, which I thought were two interesting points coming from the court on that in terms of the reasons for trying to achieve this absolute equality, if you want.

So the courts have basically said: "Okay, fine. There can be some deviation." Now, that deviation can be, for example, plus or minus 25 percent of what the norm is considered to be. I understand that in Alberta there is a 25 percent deviation dealing with the urban community.

If I can summarize, Madam Justice McLachlin simply says that

equality is the norm. Legislatures should set limits within which deviations are acceptable. For example, if you say 25 percent is what you deem to be a reasonable deviation, that can be set by the Legislature. Deviations from the norm must be based on justifiable factors such as geographical or regional concerns which result in better government of the populace as a whole. So she has indicated that that's fine; you can have these deviations. You can have deviations based on geographical factors or regional concerns, but they must be looked at in terms of whether or not you are going to be providing better government for the population as a whole.

Lastly, any exception to the equality principle must still fall within the acceptable deviation guideline. I think that's a very important point because what Madam Justice McLachlin appears to be saying is that if you set 25 percent as your deviation, you can't then say, "But now we have these geographical and regional considerations, which will put us outside that 25 percent." What she's saying is that if you set 25 percent, those important deviations, if you will, still have to fall within that ceiling. Okay?

Because that is an important point, I'd like to just comment. At page 294 of the B.C. report Her Ladyship states:

These considerations lead me to conclude that the dominant consideration in drawing electoral boundaries must be population. Because equality of voting power is so important, it is appropriate to set limits beyond which it cannot be eroded by giving preference to other factors and considerations, such as the 25% limit applied in Canada to federal electoral districts . . .

To this may be added a second proposition: that only such deviations from the ideal of equal representation as are capable of justification on the basis of some other valid factor may be admitted.

Having said that, she then goes on to say:

The consequence of applying the two principles to which I have alluded is that while an outside limit for deviation from equal representation may be appropriate to ensure that equality of voting power maintains the necessary dominance in the setting of electoral boundaries, it is not alone sufficient, particularly if the outside limit is relatively generous.

So she seems to be saying, "Well, if you decide that you're going to set a 35 percent limit, you can't just rely on having these geographical and regional deviations in there as well to keep it within the Charter of Rights." She's saying that you have to set yourself a reasonable limit, and as well you've got to look at proving that these regional/geographical limits are reasons to depart from the norm. The higher you go, I think, the more the courts are going to investigate what it is you're looking at.

Any questions at this point?

MR. SIGURDSON: Well, I have one at that point.

MR. CHAIRMAN: Go ahead.

MR. SIGURDSON: There have been suggestions that perhaps what we ought to do is look at all of the urban constituencies, take the average, and then set a variance. The same thing, then, with the rural constituencies: find the average and set a variance. Would you suggest that that wouldn't be acceptable?

MR. D'ANDREA: Well, I think you've got some difficulty in getting around what Madam Justice McLachlin says. You should appreciate that this is from British Columbia; it doesn't have any bearing on Alberta. But given the fact that she's been elevated to the Supreme Court of Canada, if it ever did reach the Supreme Court, you can rest assured that there's going to be

one judge out of the nine who's going to be following these lines, and I don't see any reason to vary from that.

So to get to your question, it seems to me that if you've got valid and justifiable reasons for a deviation, then I don't see any reason why you can't depart from the norm. But if you can't justify to the court why you are making that distinction, I think you may run into trouble.

MR. SIGURDSON: To follow up. The decision that came out of – was it Alabama?

MR. D'ANDREA: Yes, that was the United States Supreme Court.

MR. SIGURDSON: Now, that decision said that history of boundaries alone wasn't sufficient to provide a continuation. I take it, if memory serves me correctly, Justice McLachlin quoted that decision in her decision.

MR. D'ANDREA: That's right.

MR. SIGURDSON: So would that particular section, historical consideration, be sufficient in arguing that in Alberta we have had historically, traditionally, a pretty much equal ratio between urban and rural seats?

MR. D'ANDREA: I don't think so, for this reason: on page 295 of the decision she comes back – that was argued by the Attorney General of British Columbia – and this is what she says with respect to that point:

It is impossible to justify many of the inequalities of the current British Columbia electoral map on the basis of other factors. While history probably plays a large part in many of the boundaries, the Attorney General does not assert that history alone justifies anomalous populations within electoral districts; there are better ways of fostering a sense of history among people of different regions than perverting the electoral process.

So she seems to be saying that at least within B.C. and in the context that she's dealing with, the history wasn't enough to say that you could have a difference of – I think it was 15 times the votes from the smallest area to the largest area. So she is saying that history alone is not enough.

Now, it may be an important factor in the Alberta climate where you're not dealing with 15 times. As I understand it, you're dealing with less than four. That may be an approach, but I would suspect that even that by itself is not going to be enough.

MR. SIGURDSON: Maybe, then, just one last question. I think it's only one last question. Have you got the package of information we've sent out to all Albertans interested in this committee's work?

MR. D'ANDREA: I picked up a colour one today, yes.

MR. SIGURDSON: If you could turn to the sheet that contains a listing of constituencies by voter population. If we as a committee were to make recommendations to a commission and the commission thereafter made boundary changes that showed a variance of plus or minus 25 percent – if all of the constituencies that were plus 25 percent were urban and all of those constituencies that were rural at minus 25 percent, but not going outside either end, do you think that would withstand a challenge?

MR. D'ANDREA: What you're saying, if I understand you correctly, is to ensure that all these that are in green and pink come within the 25 percent plus or minus deviation?

MR. SIGURDSON: And that all of the ones that would be at the top end, plus 25 percent, might very well be urban.

MR. D'ANDREA: But still below 25 percent?

MR. SIGURDSON: But still below 25 percent. And then all of the other ones are 25 percent, but not greater than 25 percent, below the average. Would that then withstand a challenge, in your opinion? I guess what I'm trying to get at is: if somebody from urban Alberta were to stand up and say, "Yes, we have a permissible variance of 25 percent plus or minus, but every urban constituency is above the mean and every rural constituency is below the mean," would that withstand a challenge do you think?

MR. D'ANDREA: I think it has a good chance of withstanding it, because as I take it, what you'd be recommending is historically there has been this division, which you're going to have to justify – and I'm not privy to all the reasons why it was done this way – but also the geographical areas. Most of these in the pink represent large geographical areas, and you do have some problems with communications and that type of thing and whether or not you can properly serve the constituents. So there are going to be those types of arguments. I don't mean to downplay those in any respect; I'm just saying that simply in and of themselves, standing alone, they may not be sufficient. But you know, with those types of things, if you can justify that, I think you'd be all right.

MR. SIGURDSON: Okay. Thank you.

MR. CHAIRMAN: Thank you.

MRS. BLACK: Did you find a definition of what "representation" means in any of your research?

MR. D'ANDREA: I'm sorry, I don't quite . . .

MRS. BLACK: What is the definition of "representation"?

MR. D'ANDREA: Well, the way I can tell you: what I anticipated it was or I've been viewing it as is simply having a person – an MLA, I guess – for so many people in the electorate.

MRS. BLACK: Is it defined anywhere that you've been able to establish?

MR. D'ANDREA: Not that I have looked at, no. I mean, representation can have so many different connotations to it in terms of quality and degree.

MRS. BLACK: Well, the reason I ask is that as a Calgary MLA, I not only represent my constituents but have to work in conjunction with two school boards from the Calgary district, a city council, and about five hospital boards. One member of our committee . . . Let's carry it further. I do that along with 18 other "representatives" from Calgary. Mike Cardinal, who's up in Athabasca-Lac La Biche, works with seven or eight municipal

councils, five or six hospital boards, and five or six school boards. He's doing that alone. So I'm wondering, what is "representation"? How do we define that when Mike's riding has one representative and it's about a thousand square miles, my riding has one representative and it's about 30 square miles? I deal with one council; he deals with five or six. Is that a factor of representation or encompassed in the terminology of the definition of representation? Or is it because I have – I'm in the upper limit – 24,000 registered voters in my riding and Mike has something less than that?

MR. D'ANDREA: I think it comes down to this, that you . . . And Valerie, I'll let you respond; sorry.

MRS. BLACK: Do you know where I'm coming from?

MR. D'ANDREA: Yeah, but I think it comes down to this: that you have to start with that theme of representation by population. Then to deviate from that, you get into those types of factors where Mr. Cardinal was dealing with five and six municipal councils or whatever you were indicating and the thousand square miles and the workload involved in trying to get to that. That may very well justify a lower population base for that electoral district because of the work involved for him to represent the constituents. If you made it bigger so that it came within the norm, he wouldn't be able to do it. Now, I see that as being a very valid reason for not having that particular riding or whatever come within the population criteria we've been talking about, but you see, I think you have to approach it first of all from the premise that you've got to deal with representation from population and then look to the deviations.

MRS. BLACK: On that very point, when you talked in 2(a) about "Does [section] 3 provide procedural or substantive rights," you used the term "Every citizen of Canada has the right." Presently our electoral boundaries are divided up based on registered eligible voters, not on population. We have population that you didn't mention in that phraseology, whether they were eligible to vote in an election – i.e., whether they were of majority age – or whether they were landed immigrants who are going to be citizens or whether they had chosen not to participate, as some of the Blood Indian reserves have done, in the enumeration process. I'm wondering, are you suggesting that we should be looking at a count of the full population whether those people choose to be on a voters list or not?

MR. D'ANDREA: My impression is that you have to look at the registered voters list, those people that are eligible to vote. When I say every citizen of Canada, of course they have to have reached the age of majority and be entitled in that respect. It's interesting you brought that up, because Valerie and I were discussing that point yesterday as to the pros and cons of saying you're dealing with a downtown core, which has lots of high-density apartment buildings, versus the suburbs where you have a lot of families with two eligible voters and four kids in one household type of thing, and what do you do?

I think the way Madam Justice McLachlin has dealt with it is simply on the basis of registered eligible voters.

MRS. BLACK: Yet B.C. deals with it on a population basis.

MR. D'ANDREA: A population basis as opposed to . . .

MRS. BLACK: Eligible voters.

UNIDENTIFIED SPEAKER: By constituency.

MR. D'ANDREA: Oh, I'm sorry. I had understood that she was looking at it on the . . .

MRS. BLACK: They have an average of 38,000 population per riding.

MS GINGRAS: What is the average voter?

MR. SIGURDSON: About 29,000, 28,000.

MR. D'ANDREA: Oh, you're looking at the report of Judge Fisher on that, as opposed to what she was dealing with though. I think she was dealing with the voters aspect of it, because when she deals with Atlin, she's talking about 1,500 voters in that area, and I think Atlin here says 5,511.

MRS. BLACK: We had a situation in this last election down in Cardston where the Blood Indian Reserve chose not to participate, yet they're still entitled to representation. Possibly the next election they'll choose to participate. Now, do you include the whole or only those that were eligible at the time of the last election?

MS GINGRAS: They were still eligible. They just chose not to, like anybody.

MRS. BLACK: Well, they wouldn't be recorded.

MR. CHAIRMAN: They chose not to be enumerated; therefore, they don't appear on the list.

MRS. BLACK: So they would not appear. I'm thinking of, say, the Hutterite colonies we have that would not be enumerated. However, they deserve representation . . .

MR. D'ANDREA: True.

MRS. BLACK: . . . as every citizen of Canada. You know, we've talked about the pros and cons of people on the voters list as opposed to population. I feel sometimes we represent children as well as adults as representatives, because 17-year-olds this year will be eligible voters next year but may not be included in this list.

MR. D'ANDREA: This list as it stands right now. But there'll be a new list coming out, I take it.

MRS. BLACK: Well, I believe they only do them at the time of election, do they not?

MR. SIGURDSON: No.

MRS. BLACK: Enumerations?

MR. SIGURDSON: No, it's done every September, except in the year following an election or in the year where there is an Electoral Boundaries Commission established.

MR. D'ANDREA: That's not an easy question to answer in

that you're possibly looking at just the people who are actually registered and eligible to vote. You're looking at people, such as the Hutterites, who do not wish to be enumerated yet can be eligible. They're over 18; they're citizens of Canada. They have the right to vote if they wish to exercise that. So you can say that what we can do in category 2 is include everyone who is eligible, everyone who is over 18, and go from there, or you can say we're dealing with the entire population, and at that point you've got to deal with every person in Alberta whether eligible or not.

MR. CHAIRMAN: Frank.

MR. BRUSEKER: Well, I want to piggyback on that same thought a little bit. If we chose to use the census to come up with our electoral boundaries as opposed to voter population, do you think that . . . And I don't know if this is the case because, quite honestly, we haven't seen the numbers; we don't know what effect it might have in comparison to this. I think what would be useful for us to have would be a census list comparable to this. But let's suppose, for argument's sake, that we have a constituency like Stony Plain, and let's suppose we used the census data instead and it put the constituency of Stony Plain over the 25 percent maximum. Would that possibly, then, be a Charter challenge? Because as I understand it, those people don't have the right to vote – and that's the term you used, "the right to vote" – and therefore perhaps should not be considered. Am I hearing you say that we should be using voters lists instead of census? I guess it's two questions. Could there be a Charter challenge if we used census, and which do you think would be better to use?

MR. D'ANDREA: It seems to me that when you're looking back at section 3 of the Charter, it says, "Every citizen of Canada has the right to vote." It seems to me that implies that you have to be of a certain age. Of course, it says you have to be a citizen of Canada. So you may very well knock it out at the starting blocks, because the courts may very well look at it and say, "Well, we're not dealing with children who are under the age of 18 because they don't have a right to vote until they hit 18." So you're not taking away or infringing upon.

MRS. BLACK: But that's a flaw in the Charter, isn't it? Because it says that every Canadian citizen has the right to vote. My six-year-old child, according to that, has the right to vote. Even though there is the Canada Elections Act, the Charter is flawed. Without being specific, it says that every Canadian citizen has the right to vote.

MS GINGRAS: Except that section 1 provides that if there are reasonable limits provided by law, you can infringe something in the Charter. So that's age discrimination . . .

MR. D'ANDREA: Then the Canada Elections Act . . .

MRS. BLACK: Clearly, the Canada Elections Act covers that.

MR. D'ANDREA: Right.

MRS. BLACK: But it is a broad statement.

MR. CHAIRMAN: Back to Frank.

MR. BRUSEKER: Getting back to my question, do you think we should be using eligible voters lists as opposed to census lists?

MR. D'ANDREA: I think you run less risk of having a Charter challenge if you use eligible voters lists than if you use a strict census.

I don't know what your thoughts are on that, Valerie.

MS GINGRAS: I would agree with that. I think that because you're wanting to comply with the norm of representation by population within the context of voting rights, the voters are the ones that would be counted versus the census as a whole. You're quite right; there could be plenty of people in a given district that have no right to vote, although yes, they do have a right to representation. One would presume that representation comes through their parents or other avenues.

MRS. BLACK: I guess that gets back to the definition of what is representation.

MS GINGRAS: Right. I think your first question went to the quality of representation. How can the Member of the Legislative Assembly for Athabasca-Lac La Biche be expected to provide the quality of representation that perhaps somebody with fewer responsibilities within his district can? But I think the basic issue you're dealing with now has more to do with the basic right that everybody should have an equal vote and that problems the Member for Athabasca-Lac La Biche or other members may have perhaps can be dealt with through an infrastructure under the MLA.

I think the Fisher commission recommends that there are some ways the burdens created by geography can be dealt with versus having a rural vote or the vote in Athabasca-Lac La Biche be worth 15 times – or whatever it is, five times – what one Calgary citizen's vote is worth.

MR. D'ANDREA: But you're quite right. The Fisher report seems to be governed on the basis of census, and yet Madam Justice McLachlin seems to be dealing in her judgment on the basis of the number of voters – you know, the one paragraph where she talks about there being 2,420 voters in Atlin while Coquitlam-Moody has 36,318. Then she talks about the number of people involved in Atlin, where she says that the fewest votes had 1,587 votes in Atlin, and that was the winner, and she says in Surrey the loser had 34,245 votes. She was using that comparison, based on the number of votes. It certainly isn't an easy question to answer in that respect.

MR. CHAIRMAN: Okay. If there are no other questions, Jim, I think we can proceed. Do you have anything further, or are we ready to go to Valerie?

MR. D'ANDREA: All right. Just let me check to see where I am.

Basically, I'll just deal briefly with item 3, then, that we've talked about. If the legislation is found to offend section 3 of the Charter, as Valerie has already alluded to, you can look to section 1 to determine whether or not it's a reasonable limit and can be justified in a free and democratic society under that clause. So even if the court says that we find this particular piece of legislation violates section 3, it still may be a reasonable limitation put on it under section 1 and you still may be able to

proceed with it.

Now, an inquiry under section 1 involves two steps. First, it must be shown that the objective underlying the enactment of the legislation relates to a concern which is "pressing and substantial" in a free and democratic society." I don't think there's any doubt that this type of thing, the right to vote, given that it's such a fundamental right in democracy, is a pressing and substantial matter and the first step to be followed. The next test you must follow in terms of the section 1 application is that it must be shown that the means chosen to reach the valid objective of the legislation is the least intrusive means possible. That's to say that the means must be proportionate and appropriate to the ends that are trying to be achieved. You can't have something way out of whack, in other words: trying to achieve one particular aspect and blowing everything way out of proportion.

Now, I should state that the courts do not require that the scheme that's involved in the legislation be the optimal scheme. It just has to be one that is reasonable. All right? It's got to be objectively justifiable as contributing to a better government. In the Dixon decision the court there held that the legislation could not be justified under section 1 of the Charter. The disparity in population from one electoral district to another was not logically linked to regional or geographic concerns in that particular instance in front of the court. Again, we talked earlier about the fact that Madam Justice McLachlin was very taken by or impressed with the fact that there was a 15 times differential in voters' rights in B.C. at that point.

So, briefly, by way of summary then, in Canada basically the fundamental principle is representation by population. But having said that, it's not an absolute equality of voting rights that must be adhered to in Canada. You can have some deviations, but those deviations have to be justifiable and should take into consideration all other factors. You must be below that deviation when you are considering all those other factors. Then again, the history and the fact that you have some sparsely populated districts and the geographical circumstances in and of themselves will not be enough to substantiate a deviation, unless you get into types of things, I would suggest, like the workload on an MLA and having to represent all these municipal councils or deal with them, plus the travel time dealing with that.

MR. CHAIRMAN: Well, Justice McLachlin makes reference to it, although she doesn't elaborate on how or what the criteria should be.

MR. D'ANDREA: That's right.

MR. CHAIRMAN: She does allude to a case being made for constituencies going beyond the variance, the 25 percent.

MR. D'ANDREA: Well, I don't think she says "beyond the variance."

MR. CHAIRMAN: I think she does.

MRS. BLACK: Yeah, I think she does. Because in the B.C. legislation, she even refers to . . .

MR. CHAIRMAN: She makes reference to – is it "extraordinary circumstances" where you could go beyond the 25 percent?

MR. D'ANDREA: But that's only in terms of coming under the

reasonable justification in section 1. For example, she does say "minor population fluctuation."

MR. CHAIRMAN: For a constituency.

MR. D'ANDREA: Right.

MR. CHAIRMAN: The federal government very clearly . . . You know, if that were not the case, someone would be challenging our federal elections Act now. Because we have two seats in the Northwest Territories and one in the Yukon, and they certainly don't fall within a plus/minus 25 percent range for federal House seats.

MR. D'ANDREA: Okay. But what I indicated earlier was that I think she's saying in her decision that 25 percent is seen as the top and the deviations must fall within that range. There are certain exceptions that she's indicated will fall under section 1 of the Charter which will say, "Well, that is a reasonable matter." She mentioned specifically on one of the pages a minor population fluctuation. She says:

Other considerations may dictate divergence from the standards required by [section] 3 of the Charter. For example, electoral boundaries cannot practically be changed with every minor population fluctuation.

So there are those types of things, but I would suggest that's something . . .

MR. CHAIRMAN: She makes another reference – and I didn't bring my copy – to extraordinary circumstances or . . . I thought she was referring in that case to a very sparsely populated, large geographic area such as the Northwest Territories and the Yukon. Now, she wasn't referring to Canada obviously; she was looking at British Columbia. But that was the way . . .

MR. SIGURDSON: Perhaps, Mr. Chairman, you could cite the Saskatchewan example where they have all their constituencies below, I think, the 53rd parallel falling within the range of plus or minus 25 percent, other than the two constituencies north of the 53rd parallel which fall within the range of minus 50 percent. In that it's half the province, they decided to quarter the province. That would be a justification?

MR. D'ANDREA: Well, I would suspect their argument would be that because of the geographic space and the travel involved and the workload on an MLA, they couldn't do it any other way. To make it all one electoral boundary, it would just be impossible for one person to properly serve the constituents. I would suspect that's the argument that's got to be made there, and I would suspect that's why they've done it in that instance.

MR. CHAIRMAN: Okay. Anything else? All right, Valerie.

MS GINGRAS: Just to address what Mrs. Black was bringing up about the current Bill proposed by the select committee in B.C., prior to the court's decision on Dixon, the B.C. government had put the Fisher commission into place in order to go about and see what a proper way to allocate the boundaries was. The Fisher commission came back and tabled their report March 29, 1989. In their report they say, among other things: this plus or minus 25 percent range represents the limit within which all other factors must be accommodated; if we are to maintain fairness, there can be no exceptions beyond these bounds.

Now, Madam Justice McLachlin in her decision specifically endorses the report, and clearly the Fisher commission did not anticipate that there would be any expansion beyond those bounds. We believe our interpretation of Madam Justice McLachlin's decision is that she did not anticipate there could be any deviations beyond the 25 percent bounds. That's why we're a little astounded to see in the report of the select committee that they included that additional clause that they could go beyond the 25 percent in special circumstances, because our interpretation of the case is that even within the 25 percent plus or minus range – if you're going to deviate from the norm, which is equal representation, first of all you can't deviate beyond 25 percent either way. Even if you're going to deviate within that range, you still have to justify it on geographical and regional bounds. You can't just arbitrarily say that any individual constituency could have plus or minus 25 percent and you would be okay. You'd still have to find some additional grounds for making a deviation from equal representation.

MRS. BLACK: Say for 10 percent: you'd have to justify a 10 percent deviation?

MS GINGRAS: It's possible, but I guess somebody would have to be quite vexatious to want to be challenging it on those kinds of grounds. But when you get beyond the 25 percent or up to the 25 percent range, there does have to be some justification.

MR. BRUSEKER: Valerie, what I'm hearing you say is that there probably isn't any real justification there for going beyond the 25 percent, that given the geography of the province of Alberta, we should really be able to find all constituencies created in such a manner as to fall within the plus/minus 25 percent. Is that what I'm hearing you say?

MS GINGRAS: That's the legal position. That's our interpretation of the case. Whether that's possible given the geographic facts in Alberta, I don't know. I can't comment on that, but I think that . . .

MR. DAY: That's your interpretation is what you're saying.

MS GINGRAS: Madam Justice McLachlin's decision, definitely, that the 25 percent margin or whatever cap a particular government decides to put on, but it seems like the norm is 25 percent. If you go beyond that, it's going to be hard to show that there's any justification for it, because voting rights are so fundamental that they were put in section 3 of the Charter, specifically enumerated and they can't be overridden by the provinces.

MR. CHAIRMAN: Well, on that point, then, do you believe the federal legislation is open to challenge?

MS GINGRAS: I believe it is. I know that the Saskatchewan government has recently enacted some legislation, and they used to have 15 percent as their variation. Now they've increased it to 25 percent, but they don't allow for special circumstances. In no case will it deviate beyond 25 percent.

MR. BRUSEKER: But there are the two northern constituencies.

MS GINGRAS: Correct.

MR. CHAIRMAN: There are the two in the north that can deviate up to 50 percent.

MS GINGRAS: Up to 50 percent, the two in the north, correct. But when they look at all the urban and rural districts in the south, they say they can't deviate more than 25 percent.

MR. CHAIRMAN: Yeah. But they have made the exception for two large, sparsely populated constituencies.

MS GINGRAS: Correct.

MR. DAY: Do you believe those would be up to challenge?

MS GINGRAS: I don't know enough about the Saskatchewan situation to comment on the 50 percent one, but I think that at least they've given some pretty good rationale for the way they've divided it versus just urban and rural as being the distinctions. I don't think that in this day and age urban and rural are valid distinctions per se. You know, I think there has to be something more there that justifies why this rural riding is particularly difficult to manage, such as Athabasca-Lac La Biche.

MR. CHAIRMAN: All right. Anyone else?

May I ask a question? Maybe it would be easier if we looked at the map. Do you see from a legal perspective any difference between a riding like Chinook, which is not as large geographically as, let's say, Dunvegan, but when you're looking at the settled part of the constituency . . . In other words, in the Chinook constituency all the land has been surveyed; there are small communities; there are farms and ranches scattered throughout the entire riding – okay? – versus Dunvegan, which has very little population. There are no isolated communities in the northern half of the riding. Almost all the development is in the southern half of the riding, which would make it comparable to Chinook in size. Another factor that is common to both ridings is that neither of them have any really large towns. I guess, Tom, your experience would be basically Fairview.

MR. SIGURDSON: Fairview would be the largest.

MR. CHAIRMAN: It would be the largest town, with a population of what?

MR. SIGURDSON: Three thousand, 3,500.

MR. CHAIRMAN: And Hanna's the largest town in Chinook, with about 2,500. Do you see any difference in looking at variations on settled land vis-à-vis total landmass? What I'm saying is that it's much easier for me as a rural MLA serving a small, concise constituency with two major towns – one of 6,400, one of 5,000 – than it is for Shirley McClellan who serves Chinook or for Glen Clegg who serves Dunvegan, because of the size of their constituencies, because of the number of very small communities that have to be serviced. Each has its own unique needs. What I'm asking is: do you see any difference in what I've called the settled areas or the organized areas versus total landmass from a legal perspective?

MR. D'ANDREA: What you're saying is that in the one district, the northern half, there's really no one there to represent?

MR. CHAIRMAN: That's right. That's what I'm saying.

MS GINGRAS: So you don't have to go there.

MR. CHAIRMAN: That's right.

MS GINGRAS: It's just logistical.

MR. CHAIRMAN: That's correct.

MR. D'ANDREA: Well, then I think you're looking at equal workloads in the two, Chinook and Dunvegan.

MR. CHAIRMAN: That's right. Yet if you look at a map of Alberta – and it's too bad, in a sense, that we don't have the map together. It's on the small map. A quick glance at the map would suggest that, you know, Dunvegan is almost twice the size of Chinook, whereas I guess I'm trying to make the case that from my point of view the workload would be similar in both. Does that make sense, or can that argument be made in a legal sense?

MR. D'ANDREA: Well, I think that in that point you'd be basically saying that geographic circumstances – just because Dunvegan is twice as large doesn't mean that there's twice the amount of work. So from that point I think you can make that argument that the representation for this particular district and Chinook is similar, fairly close. So I don't see from a legal point of view why that would make a big difference.

MS GINGRAS: It's more of a government decision as to how much support staff and that sort of thing an MLA can [inaudible].

MR. CHAIRMAN: The difficulty with that, Valerie, is that, as was mentioned earlier by Jim, part of the comparison is that of an ombudsman. Your constituents like to see you; they don't like to see someone who works with you.

MS GINGRAS: Someone in your place.

MR. CHAIRMAN: Yeah, or hear someone on the telephone. The personal contact is very important. I remember when we were in – was it Grande Prairie or Peace River? – the MLA for Dunvegan was asked how he spends his time, and he indicated about a third of it with individual constituents, about a third with organized governments, whether hospital boards, school boards, town councils, and a third of it traveling.

Okay, anyone else?

MR. D'ANDREA: I think that's something to be considered in the deviation aspect you're talking about. I mean, you have to look at each of these ridings with those particular circumstances and deal with it on that basis.

MR. CHAIRMAN: Good.

Any other questions, comments? Yes, Pat.

MRS. BLACK: I was going to ask you: you mentioned the McLachlin case was not necessarily binding to Alberta.

MR. D'ANDREA: No. It's a decision of the Supreme Court of British Columbia. The only reason I suggest that we pay



some attention to it is that now Her Ladyship is sitting on the Supreme Court of Canada.

MRS. BLACK: But she's one of nine, right?

MR. D'ANDREA: That's right.

MS GINGRAS: It's also, I think, a well-reasoned decision; she's not off the wall in any particular respect. So in that way, even though it's not binding, it's very persuasive for an Alberta court.

MRS. BLACK: But you also suggested that we could determine, with justification, our own variance.

MR. D'ANDREA: Yes. The courts are not going to do that.

MRS. BLACK: Because the makeup of Alberta and B.C. are substantially different.

MR. D'ANDREA: Very much so.

MRS. BLACK: We're probably more likened to Saskatchewan or Manitoba as opposed to B.C., because in B.C. the majority of their population is in the greater Vancouver area, in one corner of their province, where we are spread throughout the province. So there would be an opportunity constitutionally, you feel, that we could establish our own formula for distribution as long as it was justified.

MR. D'ANDREA: Very much so, and Madam Justice McLachlin said that that's not for the courts to decide; that's for the Legislature. She's not going to tell you how to do it. She's just going to say that if you're going to do it, you've got to follow certain legal principles.

MS GINGRAS: There comes a point and there comes a time when the court's going to draw a line and say that this is no longer acceptable.

MR. DAY: Well, is it a matter, Valerie, of the court drawing the line or the court saying, "Go ahead and do whatever you like, but somebody might bring it to us to draw a line"?

MS GINGRAS: Oh, exactly. Sorry.

MR. D'ANDREA: Yeah, the courts won't come in. I mean, you can say that the variance can be 100 percent, but a court's certainly not going to have it until it's challenged.

MS GINGRAS: Unless an Albertan comes forward, and it seems to be a very topical thing to challenge the voting rights lately, on the basis of absentee voting or prisoners.

MR. CHAIRMAN: Sure.  
Anyone else? Yes, Tom.

MR. SIGURDSON: Just for clarification. We can do anything we want providing that the first and paramount concern is equal representation: is that what you're saying?

MS GINGRAS: Yeah, that's where you start from.

MR. SIGURDSON: That's the starting point; that's the genesis.

MR. D'ANDREA: That's the building block, if you will, and then you go from there. It's just like if you look at the Charter, you can have something which is against the Charter yet still save it by going to section 1. So, similarly, when you're looking at what you have to do in terms of your task, you have to look at that fundamental principle, representation by population, and then look to the deviations, if you will. Use that as a starting block. And you can appreciate that in Canada we don't go to the American system of absolute equality. We say there are other things that can be taken into consideration and basically you've got to just justify those.

MR. BRUSEKER: And what would have to be entrenched in whatever legislation we create is that those justifications would have to be in the legislation. If we go with 25 percent, we say, "Here's why we're going with 25 percent."

MR. DAY: No, in legislation you don't have to justify.

MR. D'ANDREA: I don't know that you have to justify it that way, but there have to be some reasons behind it in terms of if the courts start looking at it.

MR. DAY: In anticipation of a court . . .

MR. D'ANDREA: Yeah. They're going to want to know why and if you can justify it.

MR. DAY: When we say the speed limit shall be 100 kilometres an hour, we don't have to give 22 reasons to justify it. We just declare it. It might be found in the debates getting us there, but we don't have to declare it in the legislation. But we should anticipate being able to back it up at a challenge.

MR. D'ANDREA: Very much so.

MRS. BLACK: So we could in theory, if we could justify it, have a formula for urban and a formula for rural.

MR. D'ANDREA: In theory.

MRS. BLACK: In theory.

MR. SIGURDSON: But again, isn't that predicated on population being the first criterion?

MRS. BLACK: Yes. Population is the mean for both.

MS GINGRAS: The same mean for both.

MRS. BLACK: But you could have a weighted average formula factored in.

MR. DAY: Well, Pat, I think Justice McLachlin said it so well. She very clearly declined to enter the legislative arena, and we could go with any kind of weighted formula we can dream up, anything. But because of her court ruling it can be subject to challenge based on these first principles. So weighted formulas, whatever, but we need to be aware that some principles have been laid out that we can be challenged on.

MR. D'ANDREA: And the fundamental premise that you start on again is of representation by population.

MRS. BLACK: By eligible voter.

MS GINGRAS: In our humble opinion.

MR. D'ANDREA: That's the answer: in our humble opinion that may be, but the courts might say it's population.

MR. DAY: We might say it's population.

MS GINGRAS: Exactly. And there may be a lot of good – I mean, that was sort of . . .

MR. D'ANDREA: That's something I don't think has really come up.

MR. DAY: I mean, we could say anybody with eyeglasses. We could say anything, but the court challenge is what we have to . . .

MR. CHAIRMAN: Any other questions relative to the McLachlin decision? I wanted to ask a question about Meredith, but first make sure we're finished with McLachlin. Frank? Stock? Pat?

Did you have an opportunity to do any work on the Meredith decision?

MS GINGRAS: Just a quick look at it, because we thought it sort of went beyond the bounds of what this committee was concerned with.

MR. CHAIRMAN: Well, in the sense of the time line. The essence of it is . . . Well, why don't you sum it up for us, the Meredith decision as you saw it?

MS GINGRAS: I believe all they did was uphold what Madam Justice McLachlin has said, that the Legislature should have the time and in their own good time will re-evaluate these boundaries, and that in the meantime there wasn't going to be some sort of chaos that would result because of the . . .

MR. CHAIRMAN: Yeah. As I read it as a layperson, the petition that went back to the courts was to force the government to move instantly.

MS GINGRAS: Yeah. To remove the stay.

MR. CHAIRMAN: And Meredith upheld the conclusions, and McLachlin had said that it's not up to the courts to tell the province when they have to do this. They've got to be given reasonable time, and they are – the fact that they're working on it. In fact, their new boundaries will be in place on January 1 of next year. I just wonder if you had anything further.

MS GINGRAS: Oh, very quickly.

MR. DAY: January 30.

MR. CHAIRMAN: What'd I say?

MR. DAY: I think it's January 30, isn't it, Bob?

MR. CHAIRMAN: Oh, is it the 30th? All right. Well, it's January.

MR. DAY: They're doing it anyway.

MR. BRUSEKER: And soon.

MR. CHAIRMAN: Have you got anything else on Meredith?

MR. DAY: Except that nobody that we've heard from seems to really like to delve into Meredith in terms of legal opinion.

MR. CHAIRMAN: No. Well, the focus has been McLachlin. That's the exciting one.

MS GINGRAS: Right. Well, I mean, you haven't had a challenge yet, so I guess you don't have to worry about it either.

MR. D'ANDREA: Yeah. The situation is that the courts certainly aren't going to try and force the Legislature's hand. They don't want to do that. They don't want to get involved in all that type of thing, because that basically gets them in the political arena a little bit more than they want to.

MS GINGRAS: I suspect the application was just more publicity for Mr. Dixon's case.

MR. CHAIRMAN: All right.

Any closing remarks by any panel members? On behalf of the committee a very special thank you, Jim and Valerie, for coming and sharing with us your considered professional opinion today.

MR. D'ANDREA: Thanks very much. It was a pleasure.

MR. CHAIRMAN: I'll now turn the Chair over to Stock so I can proceed to another meeting.

[Mr. Day in the Chair]

MR. VICE-CHAIRMAN: Okay. Thank you, Mr. Chairman. Coral MacDonald. Is it Carol?

MRS. MacDONALD: Coral. I've had this problem all my life, so I just changed it. It's Coral.

MR. VICE-CHAIRMAN: Listen, I get it with my name all the time, so you don't have to worry about it. I know how you feel. I get 'Mr. Stockwell' all the time.

MRS. MacDONALD: Oh, do you? Well, I can see that. Well, you know, at school it was always 'Carol,' and I learned just to ignore people when they did that and I . . .

MR. VICE-CHAIRMAN: In school I had the teacher saying, "Tell us your name, just your first name so we can get to know each other." I'd say, "Stockwell," and she'd say, "No, no, no; your first name."

MR. SIGURDSON: And she'd always say, "Have a good day," too, and you'd never listen to that either.

MR. VICE-CHAIRMAN: We'll just wait for half a second. We'll wait for Pat to get back.

MRS. MacDONALD: I should tell you that my last name was Sahara, like the Sahara desert. Now, how would you like to

have a name like that? The Coral sea and the Sahara desert was pretty bad, almost as bad as yours.

MR. VICE-CHAIRMAN: Yeah. That's a lot to contend with.

MR. SIGURDSON: Almost as bad.

MR. VICE-CHAIRMAN: Okay, you cut that out.

MRS. MacDONALD: So am I your last?

MR. VICE-CHAIRMAN: No, actually. We have somebody coming at 4:30 also.

MR. BRUSEKER: John Bronius.

MRS. MacDONALD: Oh. From Highwood?

MR. BRUSEKER: Calgary-McCall.

MRS. MacDONALD: Oh.

MR. VICE-CHAIRMAN: Coral, we want to thank you for coming today. Are you basically familiar with what is happening? Sometimes what we do is a review of what got us here. Are you familiar with . . .

MRS. MacDONALD: No, I'd like to . . .

MR. VICE-CHAIRMAN: Okay. Let me cover a few things, and then maybe Frank can just go over some specific details and numbers. I don't know if our . . .

MR. BRUSEKER: I can probably handle that. I'm an old school teacher. I'm used to overhead projectors.

MR. VICE-CHAIRMAN: Basically, what we're faced with in Alberta - as in most provinces there are regular times to do electoral boundary reviews. In Alberta those times have been after every second election. One of the things that is giving some extra weight to this review this time is a Supreme Court ruling in British Columbia recently, now known as the McLachlin case, named after Justice McLachlin who's now in the Supreme Court. It stemmed from a Professor Dixon challenging on constitutional grounds the electoral setup in British Columbia. To use an example, they pointed at one constituency that had 6,000 members and another that had, I guess, in the eighty thousands of members. Just in rough terms, there was a feeling there that that is not representation by population. In fact, one MLA with 6,000 voters could cancel out in the Legislature a vote of another MLA with 80,000 voters. That's an extreme example, but their entire electoral system was challenged on those grounds. Justice McLachlin, in looking at the whole situation and weighing everything out, said that you should have representation by population, but in an absolute way we don't follow the American model of that; our evolution is different. In certain cases, with justification, you can move away from an exact number of electors in each constituency, and what she suggested in a ruling was that you could allow a maximum of a 25 percent variance above a provincial average.

So we take all the constituencies in the province, divide by the number of electors, and that gives you an average. Let's say it was 20,000. Then what her ruling was saying was that you could

have a constituency with as much as 24,000 people in it or as little as 16,000. But that was what she was suggesting would be the limits of the variance. We have a number of constituencies presently in Alberta which are either greater or lower than that 25 percent.

MRS. MacDONALD: Are these the stars on that?

MR. VICE-CHAIRMAN: Yeah. Frank will point this out to you.

If you could just run through those numbers for us, Frank. It'll give you a snapshot, Coral.

MRS. BLACK: Do you want me to do the overhead?

MR. BRUSEKER: Sure.

MR. VICE-CHAIRMAN: You can follow this on the overhead, Coral. Do you have this?

MR. BRUSEKER: You have this package.

MRS. MacDONALD: The ones I have are not coloured.

MR. VICE-CHAIRMAN: Here, take a coloured one. It gives you a quicker look, and Frank will walk you through these.

MR. BRUSEKER: Yeah. I think the sequence in this booklet is probably the same as on the overhead. I'll just go through it really quickly.

The first overhead that's up there is the first page that you're looking at there, Coral. Basically, it's simply a list of the 83 constituencies by alphabetical sequence, and it lists all 83.

The second page is similar to the second page that you have in your package. This one is not coloured, so let's jump right away to the coloured one and we'll talk about what the colouring is meant to imply. The coloured one is the same as the sheet you have, Coral. The ones which are coloured green represent those constituencies that are greater than the provincial average. Now, the provincial average has been determined . . . Sorry, I'm jumping around a bit here, I guess.

MRS. BLACK: Yeah. I'm not qualified for this.

MR. BRUSEKER: If you added up all those numbers that were on the first list, you'd come up with 1.55 million, et cetera. If you take that 1.55 million and divide that by the 83, because we have 83 constituencies, you'll get an average figure of 18,000 and some electors per constituency. Now, if you take 25 percent of 18,000 and add it to 18,000, you get a maximum upper range of 23,000. If you take 25 percent of 18,000, subtract it from that, you'll get a bottom end of 14,000. So the plus or minus 25 percent means, in numbers that are a little more meaningful, a range from a high of 23,000 to a low of 14,000.

The coloured ones. All of the ones that are green are above the 23,000; it's 23,000 and a little bit. You'll notice Sherwood Park doesn't quite make the cut-off. It's not in a coloured region. All of the ones that are in pink on that page are below the 14,000, so they're below the 25 percent. If you add all those up, I think there are 43 constituencies there. The ones that are white, that are not coloured, fall within the acceptable range of plus or minus 25 percent. So the potential for change . . .

MRS. MacDONALD: So where . . . Oh, yeah, we're in there. We're in the white.

MR. BRUSEKER: Yeah, I believe that Highwood is in the white, 16,485, a little below the average but within the acceptable range.

The next page you have is the one that's up on the overhead right now. It's coloured pink, and all the constituencies there that are coloured pink are the ones that were listed before. This is just a graphic representation of the ones that were listed in pink. All the constituencies, without exception, that fall below that 25 percent, below the 14,000, are rural constituencies; they're all shown on the map. You can see that it goes from almost the very northern part of the province right to the very south and right from east to west across the province. So it's actually quite widespread across the province.

The next slide, which is the next page in your booklet, is the city of Calgary. You'll notice that there are some that are coloured green on this particular page. The next page is Edmonton, and again there are some coloured green. All those constituencies that are on those two pages, the ones that are coloured green, and all the constituencies that are coloured green are well above the 25 percent; in other words, higher than 23,000. All of those green ones are urban. So the ones that are lower are rural; all the ones that are higher are urban constituencies.

This next one is Medicine Hat, another constituency. This is one constituency, again green, again well above the provincial average.

MRS. MacDONALD: On to Lethbridge.

MR. BRUSEKER: Then we've got Lethbridge, which is not coloured.

MRS. BLACK: No, we don't.

MR. BRUSEKER: Well, somewhere in that package we have Lethbridge. There we go. Lethbridge is not coloured; it falls within the acceptable plus or minus 25 percent. Do you have Red Deer there, Pat?

MRS. BLACK: Yes.

MR. BRUSEKER: This one is St. Albert. That is St. Albert, isn't it?

MRS. BLACK: No, that's Medicine Hat.

MR. BRUSEKER: Okay, but St. Albert is another one that's above by 25 percent.

Red Deer is a little bit of an anomaly, not because Stockwell represents it but because it's set up in a little bit of an unusual fashion. You'll notice there is a reddish-brown coloured line on there. The reddish-brown coloured line shows the current Red Deer city limits, but you'll notice outside of that there is another black line, which represents the provincial constituency. Red Deer-North and Red Deer-South are two constituencies which are a little unusual in that the bulk of the population is in the urban area, but then they also contain a piece of the rural countryside around them. So they are kind of an urban and rural mixed constituency. They are the only two in the province set up in quite this fashion.

I think what you have is a pretty purple one with green dots on. We did a little more analysis just trying to find out how small was small when we were looking at those constituencies which were below the provincial average. The ones that are purple are 35 percent away from the provincial average, so there are very few of those. The green dots that you see on there represent our locations, but I'm kind of skipping around a little bit here, Pat. The next page you'll notice . . .

MRS. MacDONALD: The green dots, when you say represent your location . . .

MR. BRUSEKER: The green dots represent where this committee will be traveling . . .

MRS. MacDONALD: Oh, I see. Okay.

MR. BRUSEKER: . . . around the province to hear from concerned individuals. You'll notice that many of the green dots fall in or near the areas that are coloured purple on there because we felt that we would probably get quite a concern expressed by groups of people in those areas, because those are the areas which have the greatest potential for change in their electoral boundaries.

Then the very last page has a few that are coloured yellow in the southern part of the province. There are five constituencies that are coloured yellow. Those five constituencies are more than 50 percent away from the average, so they are less than 10,000 electors per constituency. So these are the ones that, populationwise at least, are very small. Geographically they are not. Populationwise they are very small.

Then the very last page that you have lists where our hearings will be, and we are in location 6, on our second day in Calgary. You can see we're traveling basically southward: Vulcan, Medicine Hat. We go back to Red Deer and eventually get back up to Fort McMurray. We're trying to cover the entire province.

So that in a nutshell is the current situation and what our committee is trying to do.

MRS. MacDONALD: So now when you have all of these hearings, who do you make the recommendations to? You know, after you've gone all around here, then what is the next step?

MR. BRUSEKER: The next step will be that once we've had input from concerned individuals around the province, this committee of seven individuals will be going back to Edmonton and will sit around the table and be writing a report, making our recommendations, and that is to be tabled during the next session of the Legislature, which will presumably occur in the springtime, probably starting mid to late February and going through till summertime. Our mandate is that this committee must make our recommendations for whatever changes and whatever guidelines we see fit by the springtime, and then the Legislature must deal with them. Once the legislation, the Electoral Boundaries Commission Act, has been amended, then a commission will be struck, and the commission will then go around the province with maps and pencils in hand and start drawing new lines, presumably, and making corrections.

MRS. MacDONALD: Like they did the last time.

MR. BRUSEKER: I think the last time that process occurred was '83, was it?

MR. VICE-CHAIRMAN: In '85 I think.

MRS. MacDONALD: Yeah, I think so, because I know we had ours. We took a little bit more into our area.

MR. BRUSEKER: Or was it '84?

MR. SIGURDSON: No, it was '83.

MR. VICE-CHAIRMAN: Remember, they came into place . . .

MR. SIGURDSON: In the election of '86.

MR. BRUSEKER: Yeah, they came into place for the election of '86, but I believe the commission actually did their work in 1983. So about six years.

MRS. MacDONALD: So it was like about a two-year period before they . . .

MR. VICE-CHAIRMAN: But it wouldn't kick in until the actual election. The existing ones would have to stay in place.

MRS. MacDONALD: Yeah. Well, I'm just saying this because I know we had to redraw all the maps and that.

MR. VICE-CHAIRMAN: So, Coral, that's the basic background, what we're looking at and some of the numbers, and we'd be most interested to hear your presentation and what thoughts you might have . . .

MRS. MacDONALD: You're why I'm here.

MR. VICE-CHAIRMAN: . . . and to hear whatever comments you have to make.

MRS. MacDONALD: Well, I'm the president for Highwood constituency, and so of course I'm here to talk about the rural areas. While possibly our particular area won't be affected as greatly as the surrounding ones are, we just want to make sure that you're not going to be taking representation away from the people in the larger areas. For example, you showed that the southern part of the province has large areas but few people living there, and in the farming communities probably the 25 percent, either up or down, will not include some of them. Now, in a rural area, of course, we feel that the MLA is far more important in those areas than they are in the city, and this is because they have to travel a great deal of distance to visit these people. They also – I'm not so sure that I should say they sit on boards, but they do make representation to all of the boards in those rural communities. Some maybe only have five boards, some maybe have as high as 25 that the rural MLA has to go to, and I am really not aware of whether or not the urban MLA does this in his capacity. Usually in the city they have board members that are qualified to look after that particular area, but not out in the rural areas.

The MLA there is a very integral part of the community. He is usually very well known. He is called on to participate in everything from funerals to decisions about whether they should present a brief to the government for new schools, hospitals, et

cetera. We don't want to see that particular part of their role taken away, and we're not just sure how, if you reduce the number of MLAs in these lower populated areas, they are going to get that representation. I think everybody is entitled to one-on-one representation, and I know you have said that they should have one vote for one person. That's fine in the city, but perhaps one has to look at two systems, one for the rural MLA and one for the urban.

I think also you have to consider that the MLA in the country has to depend on his own resource material. He can't just pick up the phone and say, you know, "Could you have your librarian look up this, this, and this." He pretty well has to do his own footwork, and this, in a busy area, really takes up a lot of his or her time. Plus in the city – I am city born, although I came from B.C. – I think the average person doesn't know their MLA to the same degree that the rural people do. The only time they get to know them is when there's an election and the MLA or the candidates would like to get to know the constituents better. Then they go around and have a little door-knocking campaign. In the rural areas, unless they are someone who has just moved in in recent times, they are pretty well known. So, there again, I think there's quite a difference between what is expected of your rural MLA and the urban MLA. It's only if they want a new school, like Calgary-North West for example, who have really waged quite a war to get their school, and of course they have more votes.

If we get into this one on one, then I would say the larger centres will sort of swallow up the rural areas. I think that Highwood probably will be all right because we are having an overflow from the city of Calgary, and not only in the working class but also in the retirement-age group. But they all have a vote. And we're at, like . . . What are we, 14,000 or 16,000?

MRS. BLACK: Sixteen four.

MRS. MacDONALD: Sixteen thousand. In a few years it'll be higher than that, so perhaps we may even be considered more like the urban MLA, but we really are concerned about the farming areas, about the people who live out there, about the vast areas that have to be traveled in order to keep in contact with these people. But that's their right also, to have equal representation out there.

We are asking that when you make this revision or whatever suggestions you're going to come up with, you would consider the role of the rural MLA as a separate entity to the urban MLA. And that's probably about it.

MR. VICE-CHAIRMAN: Okay. Coral, we appreciate your thoughts. You've obviously thought this thing through.

MRS. MacDONALD: Would you like your . . .

MR. VICE-CHAIRMAN: You can keep that, yeah.

MRS. MacDONALD: I think I have one at home, but I'll keep it.

MR. VICE-CHAIRMAN: Yeah, you keep that. We appreciate the time you've taken – you've been very careful about how you approached this – and also the time you've taken just to come here and present to us today.

We like to allow a time where the committee members can plumb the depths of some of your thoughts . . .

MRS. MacDONALD: Oh, sure.

MR. VICE-CHAIRMAN: . . . and maybe get some suggestions from you. I'd ask if there are any questions at this point. Tom? Tom Sigurdson is an MLA from Edmonton.

MR. SIGURDSON: Perhaps I could just ask . . . I know how important it is to have face-to-face contact with members of the Legislature. In my constituency I'm sort of in that white area as well. I've got 22,000. Sometimes I'm overbooked, because I've got a number of constituents that I try to share a bit of time with as well, so I know how important it is for a rural member to get out there. I know how important it is for some urban members to try and rush meetings sometimes to serve all of their constituents.

Let me just put this one to you. Maybe what we should do in order to maintain the kind of face-to-face representation that we have, say, in Cypress-Redcliff or Bow Valley . . . In the American system, where they have their primaries, the delegates go to a convention and a chairperson stands up as the delegate from the state and says, "The great state of Mississippi is going to cast its 34 ballots for so-and-so." What would you think if MLAs had to stand up and declare their number and then they had a weighted ballot in the Legislature so that Frank, who has 31,000 constituents, would maybe have 31,000 things to cast, and I with 22,000 would have 22,000, and Don with 14,000 or 15,000 would have 15,000? The weighted ballot would then be on the representative.

MRS. MacDONALD: That's right, but the Americans are well known for their lobbying, and they have paid lobbyists. I lived in the States for some years, and I know how that system works. If Canada or Alberta were to entertain that idea, then it'll be a whole new, different ball game. It won't just be trying to give them equal representation. We'll be down to buying votes; we'll be down to having paid lobbyists. Do we want to go that way?

MR. SIGURDSON: In one way or another, we're going to weight a ballot. Right? We're either going to weight a ballot through having smaller voting populations in some constituencies, or we're going to weight a ballot by giving a member of the Legislature one and half, two, three votes in the Legislature. So at some point there's a weight, and that's why the decision that Justice McLachlin gave in British Columbia said that we have to have equal representation based on people, not based on land and not based on the distance that one travels.

MRS. MacDONALD: Don't you feel that in farming communities it's almost a penalty, then, to live in those areas where you have all this land but you maybe only have, say, four people on one farm and yet you have, you know, maybe thousands of acres?

MR. SIGURDSON: Does the MLA represent those people, or does he represent the thousands of acres?

MRS. MacDONALD: I think probably it is two-way. He represents the individual, but because of the type of work and their employment, he also must represent that land too. Because if we don't have those farms, then we're just going to have cities, and so we may as well just have all urban MLAs. I don't really feel that people should be penalized by where they live . . .

MR. SIGURDSON: Nor do I.

MRS. MacDONALD: . . . or their land holdings. Let's put it that way; not where they live. On the other hand, if you made that much larger, then that MLA is going to have to travel a great deal farther. Already I'm sure the time involved in doing that gets to be pretty heavy as compared to the urban MLA, who can just walk down the street or drive a few blocks. I realize it's very difficult to be fair about it.

MR. SIGURDSON: Yeah, that's the problem we're trying to deal with: how do we be fair about it?

MRS. MacDONALD: That's right. But if you don't have the farming community, then you're going to have to find some other way to eat.

MR. SIGURDSON: Uh huh.

MRS. MacDONALD: So we can get into hydroponics or whatever you'd like to do. But we really feel that if you take an MLA away from an area that is not well populated, then you in turn are penalizing them for the type of work they're in.

MR. SIGURDSON: But then should you have three people who work a production line at Gainers or Fletcher's being penalized because they live in close proximity, so the three of them, their vote equals one vote on the farm? I'm looking for a way to be fair.

MRS. MacDONALD: Well, this is true. I'm sure that we could just go round and round the bush here on this.

MR. SIGURDSON: Sure we can.

MRS. MacDONALD: But I really think our concern is that you are going to take MLA seats away and in turn you will give them to the urban areas. We feel that the urban MLA does not have the same concern for his constituents as does the rural.

MR. SIGURDSON: As an urban MLA I'm certainly going to have to challenge your comment on that.

MRS. MacDONALD: That's right, and I'm just going to see what you do.

MR. SIGURDSON: No, I would certainly challenge your comment on that.

MRS. MacDONALD: Well, that's right. And we should maybe not lump all MLAs into one, but I know many who just have that one little group they work with all the time, and the rest of the people are over here.

MR. VICE-CHAIRMAN: Coral, if I can just . . . As we go through the process, we ask, out of genuine concern and interest, what people think of different things that have come to the table. Just going back, I appreciate your response in general terms to Tom's question. On the specific question of MLAs having a certain number of points, as it were – and you just threw that out as a suggestion. Right now if a standing vote is taken in the Legislature, as you're familiar, the Speaker counts: okay, 59 PCs voted this way; eight Liberals and 16 NDs voted

this way. Count them all up and of course the greatest number of votes wins the vote. What Tom was saying was what about the idea of when you stand up, you don't count number one, but the Speaker looks and says that that fellow's coming from a constituency of 10,000 people, so he has 10,000 votes voting yes. The lady beside him comes from a constituency with 30,000 people, so she has 30,000 votes or points. So far it's 40,000. You know, he adds up the points rather than one vote, one vote, one vote. On that specific, as something that was thrown out from Tom as a question of interest, what would your constituents' feelings be – Don Tannas, I guess, would be your MLA, and Highwood having 16,000-odd members . . . Not odd members, odd numbers.

MRS. MacDONALD: We probably are odd – this is true – so you're probably quite right.

MR. VICE-CHAIRMAN: When he would stand up in the Legislature, his vote would then count for 16,000 points as opposed to one vote equal to everybody else's. Do you understand?

MRS. MacDONALD: Uh huh.

MR. VICE-CHAIRMAN: Any thoughts on that? I know you weren't prepared for it, but just as a specific question which Tom threw out, do you have any thoughts on that?

MRS. MacDONALD: Well, I think it would be much easier to count 83 votes than it would be to count 999,000 votes. I would be inclined to think that it would be a gimmick, vote-getting, whatever the question would be. If you could go out and say, okay, we had 60,000 people vote for that, as opposed to, you know, 20 people, 20 representatives voting, I think those types of numbers get very baffling to the average person. Like, they can understand one on one, certainly. But they know their own area – and I'm speaking rurally – they know the area that their MLA represents, and they have a pretty good idea of how many people are in there. You know.

MR. VICE-CHAIRMAN: Yup.

MRS. MacDONALD: And they would trust their MLA to make that decision. This other way, it's almost getting sort of like casting an individual ballot, if you're going to say: yes, we have 20,000 here and 30,000 there.

MR. VICE-CHAIRMAN: Okay. I appreciate the response.

MRS. MacDONALD: Well, I'm not sure, but it sounds . . .

MR. VICE-CHAIRMAN: There are so many different things being considered that as individual members we like to hear what people's responses are to different ideas. So we appreciate your response to that.

MRS. MacDONALD: I'm very suspicious about these kinds of things, but just because I've been involved for so many years in this, and I, too, like to be fair. But I also like people to really have the best representation that they can have, and we don't want to jeopardize any chance that in any way could numbers sway a vote.

MR. VICE-CHAIRMAN: Sure. Okay. Thanks, Coral.

Pat had a question?

MRS. BLACK: Coral, first of all, thank you very much for coming. I'm very interested in the concept of a rural guideline and an urban guideline because I think we've heard from a number of presenters that feel there are distinguishing factors between the rural and the urban setting. Earlier today we had some legal people in who were concerned that it might not stand up under a Charter of Rights challenge, but they didn't say it wouldn't.

MRS. MacDONALD: Until it's tested.

MRS. BLACK: . . . until it's tested. The McLachlin case deals with British Columbia, which is a different geographical layout than what Alberta is. I guess you'd have to find a way of defining rural and urban, and it would have to be a very tight definition, I think, to consider.

MRS. MacDONALD: Well, I think that's true.

MRS. BLACK: I'm an urban riding, and I have approximately 30 square miles. I have one of the higher populations within my riding, so I'm at the upper end. My colleague Mike Cardinal is from Athabasca, and he probably has 1,000 square miles at the lower end of the population. For me to get around, you're quite right; I can literally drive from one end of my riding to the other side in 15 or 20 minutes if the traffic lights are great. For Mike, that's an impossibility. But I think it would be difficult, unless there were some really tight, definitive differences between urban and rural, to justify a two-tiered system.

MRS. MacDONALD: I have to agree.

MRS. BLACK: I have to say I'm not opposed to it, because I think there are definite differences, one of the major ones, of course, being geographical.

The other thing I was going to ask you was: right now our distribution has been based on enumerated voters. As you know – you've been involved in this for a long time; I know you have . . .

MRS. MacDONALD: Right.

MRS. BLACK: . . . there are a lot of people who choose not to participate in enumeration, and if you were truly looking at representation by population then I think you would have to, in the broader sense, particularly in the rural areas, look at the Indian reservations and Hutterite communities: the full population that is entitled to vote but from their own choosing, choose not to. They could demand representation, and I'm wondering: do you feel it should be eligible voters or full population to determine the distribution?

MRS. MacDONALD: You mean, for example, the Hutterites, with their religious . . .

MRS. BLACK: Uh huh. You see, like down in the south there's the largest Blood Indian reservation that this time chose not to participate.

MRS. MacDONALD: Sometimes they do.

MRS. BLACK: But next time they may choose to participate.

MRS. MacDONALD: Yeah, that's right.

MRS. BLACK: We show on our sheets that clearly Cardston is one of the ridings that is way below, but if you factored in roughly – we don't know – 1,800, it would bring that riding up. It may be more. There may be more people on that reservation who are eligible to vote, but we think at least a minimum of 1,800. So I think you could see that riding increase.

MRS. MacDONALD: But I think there again you would have to divide that, because the Hutterites, by their religious beliefs, choose not to vote, and the Indian people choose not to vote if they don't feel like it that day. We have the Eden reserve out there, and if it is an issue they feel will have some bearing on their livelihood, for example, then the ruling family, as you well know, makes the decision, and they will bus those people in to vote. So they are pretty iffy. However, they are entitled to have a vote. So are the Hutterites, but they choose not to. So you know they're not going to vote.

MRS. BLACK: But they could.

MRS. MacDONALD: Well, yes, if they change their religious beliefs.

MRS. BLACK: I forget the reservation you talked about.

MRS. MacDONALD: Eden Valley.

MRS. BLACK: Eden Valley. They could.

MRS. MacDONALD: Which is just on the border there of Kananaskis.

MRS. BLACK: They could, right?

MRS. MacDONALD: And they do sometimes.

MRS. BLACK: So should they be factored into the population of your riding?

MRS. MacDONALD: I think we should have the . . . I would exclude the Hutterites unless they indicated they wanted to change their religious belief and participate by voting.

MR. SIGURDSON: Well, just for clarification.

MR. VICE-CHAIRMAN: Yeah.

MR. SIGURDSON: Maybe I can just take it away from Hutterites and Indians.

MRS. MacDONALD: Yeah, but we just got into this.

MR. SIGURDSON: What we're talking about is the enumeration process: isn't that what determines boundaries. But there's a whole bunch of people out there: Hutterites, Indians, and children under the age of 18. Now, they're a large part of the population, and I guess the question Mrs. Black is trying to put to you is whether or not boundaries should be drawn based on the total population of the province, including children who do

not have the right to vote. You know, we spend \$2.3 billion of our budget on children's education every year, so there is some concern that we have about children. Should those numbers be factored into boundary redistribution: the total population as opposed to just voters? You know, whether a person chooses to vote or not is a side issue, but the total number versus just the eligible voter number, that's the question.

MRS. MacDONALD: But I think that if you did that you would be in the same position you are in now, that the urban areas would have far more children, et cetera, to swell the population as opposed to the rural areas. I don't see an infusion of people into the rural areas, other than in the areas surrounding the cities.

MR. SIGURDSON: Sure. I appreciate that.

MRS. MacDONALD: You know, because then you're going to get that overflow. Personally, I wouldn't think that would be the answer.

MR. VICE-CHAIRMAN: Tom, do you have any more questions?

MR. SIGURDSON: No. That's fine. Thank you.

MR. VICE-CHAIRMAN: Pat?

MRS. BLACK: No.

MR. VICE-CHAIRMAN: Coral, thank you very much. Your thoughts have been documented and will weigh into our considerations. We appreciate, again, the time you've taken, the distance you've traveled. We appreciate your input.

MRS. MacDONALD: Well, thank you very much. I was pleased to have an opportunity to come. And Tom, guess what? I'm just going to check and see what you do in your area, so that when you challenge me I'll be able to say: "Guess what? I went around and I found out and there we are." Is that fair to you?

MR. SIGURDSON: Sure.

MRS. MacDONALD: Okay. Thank you very much.

MR. VICE-CHAIRMAN: Mr. Chairman, I'll return the gavel back to your position at the table.

[Mr. Bogle in the Chair]

MR. CHAIRMAN: John, you came in after I left.

MR. DAY: John has just sat down, and he's not presented yet.

MR. CHAIRMAN: Oh, you just sat down and you're ready to present. Maybe we'll just take a break for a moment until Pat comes back, and then we'll reconvene.

[The committee recessed from 4:34 p.m. to 4:40 p.m.]

MR. CHAIRMAN: Let's reconvene.  
John, welcome to the committee.



MR. BRONIUS: Thank you, Mr. Chairman. Ladies and gentlemen, my name is John Bronius. I'm president of the Calgary-McCall PC constituency. After receiving the letter from the chairman of this committee we had some concerns with what was going on, and I was asked to make a small presentation to you for your consideration.

The constituency of Calgary-McCall has been one of the largest urban constituencies both in area and population for many years. The boundary change that took place in 1986 did not completely address this disparity with our new constituency to the east, Calgary-Montrose. Presently Calgary-McCall constituency has a population of about 48,000 people: some 13,000-plus families and 14,500-plus homes. By comparison, Calgary-Montrose has a population of 33,000 made up of some 9,000 families and 9,900 households approximately. These statistics were taken from the Alberta Bureau of Statistics from our last elections.

MR. DAY: John, I'm sorry. Calgary-McCall has how many families and how many households?

MR. BRONIUS: Forty-eight thousand people: 13,000-plus families and 14,500 households.

MR. DAY: Thank you.

MR. BRONIUS: Of course, you must realize that Calgary-McCall, because of its size, has a large commercial base, which is on the west side of 36th, which is all industrial and commercial. That's why we're so large. But it's not as bad as it looks. We looked at what happened the last time and took into consideration both the growth patterns for Calgary-McCall and for Calgary-Montrose if there were to be some boundary changes.

If I might just take a moment of your time just to show you on the map. The boundary between Calgary-McCall and Calgary-Montrose right now is 52nd Street up to McKnight Boulevard. This population here does not give access to a good parity of constituents. So our proposal to this commission would be to have the boundary extended from up along 52nd Street and McKnight Boulevard and along Falconridge Boulevard, I believe it's called - that's what it's called now; we were always thinking of 52nd, and we thought it would extend, but it's called Falconridge Boulevard - which in turn curves out here and goes right up to the city limits. In this area up here there is Falconridge and Taradale, two communities that have some growth potential, and a little new bit in here, Foxdale. We in our constituency have Martindale, which has a very high potential for further growth and, if the city does grow further north, we can both be equal in population.

The most recent event we had is that the people up in that area felt that some of them should be with their friends, and as the communities grew up and kept going, they were chopped off. They looked at us and said, "Well, what happened?" So we've been talking with some of the people out there, and they figure that's a pretty good splice right up that natural quarter. So that was our suggestion, and it's our submission to you, if you do consider that, that we would ask you to take that natural quarter. We have given you some small presentation. We didn't have much time to prepare; unfortunately, I have been busy personally.

I thank you for this opportunity. Does anyone wish to ask me questions?

MR. CHAIRMAN: Thanks very much, John. As you're probably aware, our committee is not actually drawing boundaries. However, we normally have with us the Chief Electoral Officer, Pat Ledgerwood, who was with us this morning but had to go back to Edmonton this afternoon. So unfortunately he's not here. In all likelihood, Mr. Ledgerwood will be part of the actual boundaries commission which will be drawing lines. We've given a commitment to anyone who's come forward with specific recommendations that two things would occur: one, their remarks would be passed on by our committee; two, we urge you when the boundaries commission is struck to come back and make the same presentation to them.

Having said that, Stock, I think you had a remark or a question.

MR. DAY: Just to add to that, John, I too appreciate you taking the time to come in, and these remarks will be passed on to the commission. I think it might be encouraging for you to know that at a past Electoral Boundaries Commission meeting, one individual in one constituency came out and asked for a particular boundary change. It wasn't contested, and in fact it resulted in a boundary change. So one person like yourself carries some weight when a suggestion like this is made. We appreciate you taking the time to make it, and it will be passed on.

MR. SIGURDSON: Mr. Chairman?

MR. CHAIRMAN: Yes, Tom.

MR. SIGURDSON: I have one question. I, too, want to thank you for coming out today.

When you talk about taking, almost on a natural boundary, Calgary-Montrose north into Calgary-McCall so that you're going to lessen the severity of the difference between a 29,000 voting population in Calgary-McCall and a 21,000 voting population in Calgary-Montrose, it may measure out that they're a little more equitable. That's part of this committee's responsibility. We were established to look at equity of population in constituencies because of a report that was handed down in British Columbia and Justice McLachlin's decision that substantially, dramatically changed the boundaries in many provinces.

In that you've made a presentation that says, "Yes, let's share our population between Calgary-McCall and Calgary-Montrose," I'm wondering if you have any thoughts about equity of population between urban constituencies and rural constituencies?

MR. BRONIUS: My thoughts on that are that we don't have that much rural. We have all the people close to the boundaries as it is. There are a few spillovers, and it takes into account that Drumheller is right beside us. People who live close to us have said, "Well, one day you'll come out - within 10 years - and we'll be in Calgary." They understand the fact that the less the population, the bigger the area. I sometimes wonder how MLAs and/or whatever representatives get around. I can understand that. I sat and listened to some of our friends who do not live within the constituency but live in the Drumheller constituency. They don't have a problem. All they're worried about is that they're entitled to vote and that they have the services from their representative.

Myself, I would like to see more representatives out there. I'm sorry, but the more people being represented within a combined distance - now Drumheller's area is quite big, and it's

because of the landmass. I would like to see a shrinking in or maybe adding one or two to it. But is that good for the population? Is it that good for the money we spend? You know, it's very hard for me to say.

MR. SIGURDSON: So you think the size of the constituency is of paramount importance?

MR. BRONIUS: The size of the constituency? Yes, it is. With ours it is. We feel that we would like to share and make it equitable for everybody, because we have such a large base. In 1982 we were some 70,000-odd. We were the largest constituency anywhere. It was very unmanageable, and nobody knew what was going on. I mean, if it's a little closer together, it's better serviced. That's one of the things we're looking at: is a person who is elected serving the people he represents?

So I'd like to see a few more constituencies, but I don't think you have the population base to do it. I'm going to be reasonable. It's going to cost money to represent 2,000; it's going to cost you the same money to represent 5,000 over twice the distance. Maybe I'm old-fashioned, but, hey, there's a telephone and you can phone. I'm sorry, I shouldn't make light of that. But my thought is this: given the population and the distance, you've got to look at how much it's going to cost you to service that area. To be honest, we're looking at you people spending our money that we pay for taxes and services. I'd be the first one to yell and scream if you're not doing it right or if you're not giving me my money's worth. So yes, I do have some concerns, but I don't know how to fix that. I really don't.

MR. CHAIRMAN: Frank, anything?

MR. BRUSEKER: No.

MR. CHAIRMAN: Stock?

MR. DAY: No, that's great.

MR. CHAIRMAN: Pat?

MRS. BLACK: I was just going to ask you – you mentioned that before this distribution you had 70,000?

MR. BRONIUS: Yes, ma'am.

MRS. BLACK: We created Calgary-Montrose and what else?

MR. BRONIUS: Took 30,000 away.

MRS. BLACK: Well, who'd we give it to?

MR. BRONIUS: Calgary-Montrose.

MRS. BLACK: Yeah, but that's only – you're only at 29,000 now.

MR. BRONIUS: Well, voting.

MRS. BLACK: Oh, you were talking full population.

MR. BRONIUS: Full population; I'm sorry.

MRS. BLACK: Okay.

MR. BRONIUS: What happened was that the boundaries commission split Calgary-McCall into a new constituency called Calgary-Montrose, and that's how that ended up.

MRS. BLACK: Yes. I was wondering if some of it had shifted over to McKnight at all.

MR. BRONIUS: No. Because there is such an area; mostly from 36th all the way up to the city limits is the population area, and the boundary of Deerfoot, which is . . .

MRS. BLACK: What's up here, John?

MR. BRONIUS: Okay, this all industrial, from – this is 36th right along here.

MRS. BLACK: So from there over, and that was industrial.

MR. BRONIUS: Yeah. The airport is up here. This is all commercial/industrial. Okay? There are several – that's the Deerfoot. Calgary-Montrose was split on 52nd up to McKnight Boulevard. It didn't make sense at the time.

MRS. BLACK: How much of the population is down here as opposed to that area?

MR. BRONIUS: I forget the population. This is all rural.

MRS. BLACK: So that's pretty high.

MR. BRONIUS: That's pretty high. Like I say, the natural border is Memorial Drive, and this whole area is just like a strip. From 36th to 52nd is one long strip. This one here, they can ride right into here. It's the Martindale/Taradale area. It's for growth. There'll be Foxdale here. There'll be a small one here.

MRS. BLACK: So there's lots of room.

MR. BRONIUS: Yeah, if we get this part here. The only way they can do it now is to grow this way, which is into Drumheller – this part here, which is, I think, Blackberry Hill.

MRS. BLACK: Well, do you think people right in this area would have a problem going to Three Hills?

MR. BRONIUS: I would think so.

MRS. BLACK: But they would prefer to stay in the urban setting.

MR. BRONIUS: They would prefer to stay in the urban setting because we're now definitely expanding and expanding. The problem you're facing with this is that once the new city limits are set – they're already here; they're being [inaudible]. If you don't shift these people, like half of those, that's kind of a bit of a disparity, because these people have been doing all their stuff with us.

MRS. BLACK: Well, I think it's logical to go right up to Falconridge there.

MR. BRONIUS: Yeah.

MRS. BLACK: Thank you very much.

MR. CHAIRMAN: Any other questions for John?

Well, thanks very much, John, for taking time to come out and be with us.

MR. BRONIUS: Thank you for allowing me to speak, and I would certainly like to hear the results of this commission.

MR. CHAIRMAN: We do have your name and address, I believe. Our obligation is to table the report in the Legislature, and once it's been tabled, we will send copies to those who have participated and have given us an address for mailing purposes. We'll be pleased to do that.

MR. BRONIUS: May I ask you a question?

MR. CHAIRMAN: Go ahead.

MR. BRONIUS: How has the committee been? Have there been many presenters?

MR. CHAIRMAN: Well, we started in the far northern part of the province – High Level, Peace River, and Grande Prairie – and they only had a few days notice before our letters went out. Bob and his staff have been working long hours to get the letters out. We have about 6,000 letters out to date, Bob? Or is it more now?

MR. PRITCHARD: Yeah, 6,000.

MR. CHAIRMAN: About 6,000. And how many to go?

MR. PRITCHARD: About another 3,000 are going out.

MR. CHAIRMAN: Three thousand are going out now?

MR. PRITCHARD: In the next few days.

MR. CHAIRMAN: So we had two out and we were in High Level – the mayor and the town manager. We had three out in Peace River – an alderman for the town, a returning officer for a neighbouring community, and an MLA – and about 20 out in Grande Prairie the next day, including representatives from the chamber, the three political parties, three MLAs. When we were in Edson a week and a half ago we had about six presentations made and there were about 10 people present, I think, in terms of the community. We had the chairmen of the two school boards, the mayor of the town, the head of the local union and several citizens. In Edmonton and Calgary we've been averaging three and four. It hasn't been heavy in the cities. We expect that as we move into the country and as people have a better opportunity to prepare briefs our workload will pick up. We're sure when we go out to Hanna, for instance, that we'll have a lot of people because they still have the painful experiences of losing a constituency about 12 years ago. So that's just an overview. I don't know if other members want to supplement that or comment further. And we've had recommendations all the way from reducing the number of seats to 70 to increasing the size of the House to about 93 to 95. We've had some people say don't do a thing, leave boundaries as they are, and others who have said you must go to a straight one-person, one-vote concept. So we've been getting a lot of advice.

MR. SIGURDSON: And we'll continue to get more.

MR. CHAIRMAN: We'll get more.

MR. BRUSEKER: And whatever we decide won't please everybody.

MR. CHAIRMAN: No, but we must keep in mind the mandate we've been given by the Assembly, our responsibility to report back so that the Assembly in turn may draft, present, and finally approve the legislation which will be the framework or the parameters for the boundaries commission, so that they in turn may do their work. In many ways we're fortunate in that our last redistribution occurred 1983-84. In British Columbia we learned while we were there last week that their last general redistribution occurred in 1970. They've tinkered with it in years between '70 and now by splitting some ridings, going to some extra dual seats, but my understanding was that . . .

MR. SIGURDSON: Gracie's finger was created after '75.

MR. CHAIRMAN: Was that a general redistribution?

MR. SIGURDSON: Yeah.

MR. CHAIRMAN: It was?

MR. SIGURDSON: Yeah.

MR. CHAIRMAN: Well, I'd better check my source. I think it was . . . I was told '70, but I could be wrong. Your fair point in terms of when . . .

MRS. BLACK: It's a long time anyway.

MR. SIGURDSON: Everything else – you're absolutely right. Other constituencies – they've stayed within the boundaries of constituencies and either have made them dual-member constituencies or . . . A strange series of quasi-redistribution practice.

MR. CHAIRMAN: It's a different historical background, and going to one-person commissions, not having the Chief Electoral Officer or citizens, just a judge. A different approach.

We also looked at Saskatchewan and Manitoba to see how they've handled redistribution, to try to learn from their experience to see what they've done well and where we can improve, and I think that's been helpful.

So that's the end of our road trip in terms of outside of the province. Between now and the middle of February, it's in Alberta, primarily rural Alberta. Right, Tom? And Frank?

MR. BRUSEKER: Right.

MR. CHAIRMAN: Good.

MR. BRONIUS: Well, I'm glad you are going out. There was one comment I do wish to make, gentlemen. Your advertisement in the paper did come through. I've had several calls from among our people and they were concerned, very concerned as to what it was.

MR. CHAIRMAN: Well, I'm delighted to hear that, because

some people have expressed the concern that they didn't see the ad or they didn't see it early enough. So I'm pleased that you did, in fact, see yours. Do you remember where you saw it?

MR. BRONIUS: The *Calgary Herald*.

MR. CHAIRMAN: The *Herald*.

MR. BRONIUS: It's the only paper we get.

MR. CHAIRMAN: All right. Thanks very much, John.

MR. BRUSEKER: Thanks, John.

MR. SIGURDSON: Thank you kindly.

[The committee adjourned at 5 p.m.]