

[Chairman: Mr. Bogle]

[9:03 a.m.]

MR. CHAIRMAN: We'll officially declare the meeting open. The purpose of today's meeting was to, first of all, review the three points that were identified yesterday, recognizing that they are not written in stone. They can be added to or deleted from either today or when we reconvene in Calgary on the 25th of this month. Our objective today was to focus on the mandate we were given by the Assembly, specifically the seven points, and to keep in mind the factors which were identified, the percentage variance between ridings, the urban/rural split, and the commission structure, while looking at those seven points.

Just to read into the record the seven points we'll be looking at today:

- (1) the appropriateness of the provisions of the Electoral Boundaries Commission Act;
- (2) the implications of the Charter of Rights and Freedoms for electoral boundaries and the distribution of constituencies;
- (3) the composition of the Commission and the process by which it is to carry out its responsibilities;
- (4) any legislation, legal discussions, and historic and current practices of Alberta or other Canadian jurisdictions relating to the distribution of constituencies and their boundaries;
- (5) any geographic, demographic, and other factors that should be considered in the distribution of constituencies and the determination of their boundaries;
- (6) the impact of the determination of the constituency boundaries on the ability of Members of the Legislative Assembly to fully discharge their duties in their constituencies;
- (7) any other factors that the Committee reasonably considers relevant in the discharge of its duties.

Pat had asked yesterday that we add an eighth point to that so that there could be any other factors. There was some question of whether or not number seven encompassed that, but for the purposes of our discussions today and in future, we will ensure that there's the broadest possible opportunity to look at other factors to be considered.

So if we could then go back up to number one and the Electoral Boundaries Commission Act, we had asked Bob to bring back for us this morning copies of the legislation so that we could look at it and begin our discussions, go through them one by one.

MR. SIGURDSON: Good.

MR. CHAIRMAN: All right.

MR. PRITCHARD: Maybe I'll just take a second and hand these out, Bob. Do you want me to hand out the B.C., Saskatchewan, and Manitoba? I've got those as well.

MR. CHAIRMAN: Yes, please.

MR. PRITCHARD: I'm also handing out the British Columbia, Saskatchewan, and Manitoba commission Acts for the respective provinces.

MR. CHAIRMAN: You'll note from the Electoral Boundaries Commission Act of 1980 and the revisions in 1983 and in 1989 that through this piece of legislation the Assembly directs the Electoral Boundaries Commission in a very explicit way in terms of the guidelines it is to use in establishing boundaries between constituencies. In other words, they've gone to the point of identifying the split between urban and rural constituencies. They've even identified the number of constituencies to be

contained in the major centres, right to the point of identifying the number in Calgary, Edmonton, and Lethbridge. They've also identified the smaller cities.

Good morning, Frank. We were just getting into the seven points that were part of our mandate and the eighth point which Pat had asked to be included yesterday. We're reviewing the Electoral Boundaries Commission Act as the first of those points.

Unless someone else had a general comment they wanted to make, I was about to ask the question: are you comfortable in following a similar practice where we would, through legislation, give the Electoral Boundaries Commission some very explicit rules to follow so that their primary task is to draw the lines between constituencies?

Now, to generate some discussion, on the other side of the coin there was the Manitoba approach, where the legislation primarily identified the plus/minus 10 percent variance from a provincial mean and allowed the commission to go out and determine where constituencies should be. You'll recall that one of the results was the loss of two rural seats, one northerly seat and one southern seat, and the creation of two more seats in the city of Winnipeg. You'll recall while we were in Winnipeg it was pointed out to us that that really wasn't necessary under the plus/minus 10 percent rule they were following, but the commission had the flexibility to do that.

Past practice in Alberta has been to be very explicit in the legislation so that the commission's task is primarily to draw the lines between the constituencies, but the Legislature, through the Act, identifies the constituencies.

Go ahead.

MR. SIGURDSON: I've got some varied concerns about having legislation that's as explicit as what the Electoral Boundaries Commission Act of 1980 is and, indeed, the amendments of 1983.

One of the things that I was most bothered by on our public hearings tour was the attitude that came from a lot of folk that it was rural versus urban. I think if we're going to have the kind of provision that says that there will be X number of urban electoral divisions and X number of rural divisions, we're going to continue that kind of split. It may be psychological; it certainly is emotional. I very much worry about having Albertans in some parts of Alberta feeling left out and feeling defensive about a ratio that should or shouldn't be there. I don't know. I would like to see the definition be X number of constituencies, 83 constituencies, and not worry about a rural/urban split. Then you get into the percentage variance; I think that becomes a greater factor. But I'd certainly like to get rid of the rural/urban split.

MR. CHAIRMAN: Yes, Frank.

MR. BRUSEKER: Along the same line, I concur with Tom in that. I think part of the problem that we have is this we/they mentality, and I refer to the British Columbia Act in particular. I recall when we were there looking at it thinking that I very much liked particularly section 9, which is simply entitled "Determining boundaries" in the British Columbia Act, which is Bill 87 of theirs. It doesn't at all say that there shall be urban and rural. It simply says: "recognizing the imperatives imposed by geographical and demographic realities."

I think those are the kinds of things we should talk about. I think we should eliminate particularly – for example, in our 1983 Act it says, "The Commission shall propose," and then it lists

Medicine Hat, St. Albert, Sherwood Park, et cetera. I think that tends to create a lot of problems and has created a lot of difficulty for people, so I think we should get away from that. Now, having said that, I think we can also within our recommendations suggest to the commission – and I think it would have to be a suggestion – that changes which are made be as least dramatic as possible. In other words, let's not just wipe the slate clean and then reshuffle, because that would create some problems.

Now, I'm not sure what the realities of that really are, particularly if we go with the plus or minus 25 percent. If we lose a lot and shift a lot from rural to urban, some of the names clearly would have to change. But I think one of the things we've also heard was that people have been bounced around a lot from constituency to constituency and didn't know whether they belonged here or there or somewhere else, so I think we want to try and avoid a complete reshuffling just for the sake of reshuffling. My recommendation would be: let's try and get away from the rural/urban, but let's not move boundaries more than necessary.

MR. CHAIRMAN: Okay. Anyone else?

MRS. BLACK: Just on that same point, on urban/rural, there certainly was a tremendous amount of sensitivity out in the communities over the term rural/urban. I think sometimes you can react the incorrect way by eliminating that and not have the importance that people felt they were lacking a recognition of the rural component. I think somewhere in our write-up or discussion of how we come to grips with distribution, in some form we have to really stress the importance of the rural settings, because people were feeling that they weren't important. To eliminate the term "rural" entirely may even really enhance that feeling that they aren't important. When you look at Saskatchewan and Manitoba, they both talk about the rural municipalities in their pieces of legislation on electoral boundaries. British Columbia doesn't. I think you can't ignore the feeling that's there, but I don't think you solve it by eliminating it. I think you solve it by enhancing the description of rural and the softness of the term "rural" and the importance of rural within the overall province. I don't think you eliminate it. I think that's something we have to stress, maybe in the preamble to the report, and then use the terms. Because again you're breaking with the tradition they've been used to, and I think that's something they clearly stated: they felt that they didn't want what they'd had to disappear. They were very proud of their rural setting.

MR. CHAIRMAN: Okay.
Mike.

MR. CARDINAL: Yeah. I just have a comment also on the distribution. I think using the 25 percent variance, of course it's no doubt Charter-proof and it seems to work. But I believe, going through the whole process, that we should probably be looking at a larger variance for some of the rural constituencies, taking into consideration the size of the constituencies, the geographic area, and . . .

MR. CHAIRMAN: Excuse me, Mike. You're jumping ahead. Really, we should be focusing now on the question of the legislation, whether or not . . . Well, we're really down to the question: do we follow past practices in Alberta and direct the commission by spelling out givens in the legislation? Then the

commission's responsibility is primarily to go out and draw the lines between the boundaries.

MR. CARDINAL: That's what I'm getting at. I'm getting at possibly having a larger variance, beyond the 25 percent, for rural ridings.

MRS. BLACK: Yeah, Mike, but I think what Bob's getting at is that in some of the legislation . . . Like, ours has been changed, and it's specifically in the amendment, in '83 I think it is. It specifically states in section 12 that "the Commission shall propose," and it goes through – like the example of "the city of Medicine Hat as 1 urban electoral division," and "the city of St. Albert as 1 urban electoral division." Do we want to get into that detail is, I think, what you're talking about. Or do we want to get into more general terms and philosophy – I think that's what we're getting at – and compare that with other jurisdictions, the process that they've gone through? We've got three different jurisdictions that we visited, and we should compare their legislation as to what we've had and based on what we heard. I think that's what we're coming from. I don't know if it's deciding whether it's 25 percent or 20 percent or whatever. How detailed are we going to get into the Act itself? Because that's what we will be presenting. Is that not what we're supposed to be looking at?

MR. CHAIRMAN: Yeah. Sorry, Mike. I didn't mean to derail you from your thoughts. We'll be coming to the specific points you're raising under items (d) and (e), in particular, where we talk about the legislation, legal decisions, historic and other practices of Alberta; the geographic, demographic, and other factors that should be considered in the distribution of constituencies.

MR. CARDINAL: Okay. The way I would put it, then, is yes, I think the legislation of Alberta should be specific on how we'd like to see the system designed in Alberta so that we're fair to all Albertans. If we let the Charter of Rights do it, then what's the use of having elected officials to run a province?

MR. CHAIRMAN: The question I'd like to pose back to Frank and Tom for consideration – we don't need to get into the debate today, but if you'd think about this in preparation for our Calgary meetings – is: if we follow the less restrictive, more philosophical approach that you've suggested, what assurance do we have that we won't have a repeat of what occurred in Manitoba, where a commission, in that case a three-member commission, all of whom were from the city of Winnipeg, eliminated two rural ridings and added two ridings to the city of Winnipeg? They didn't have to; there was enough leeway within the plus/minus 10 percent variance to redistribute the urban ridings and the rural ridings and keep the balance as it was. But for one reason or another they chose to narrow further what had been set out in legislation, the plus/minus 10 percent variance, to bring it down much closer to the mean population figure within the province. What safeguard do we have?

Frank, and then Tom.

MR. BRUSEKER: Well, I think that was what I was sort of talking about in my comments, that we can direct the commission a little bit to change boundaries as little as possible. I think if we are taking a small "c" conservative approach to it, there will be as little change as possible. If we direct the commission to hold firmly to that, we could end up with the map exactly as it

is with only minor changes. Because if you take the current list of urban as defined by our legislation and you find the average, you come slightly under that 23,300 number, and if you take the current list of rural, you come just above the 14,014 number. So you could conceivably within the range just shuffle the boundaries a little bit so that all the rural are exactly 14,100 – no more, no less – and fit within the mandate. But, quite frankly, if we were to do that, I don't think that would satisfy the needs of the Charter of Rights either, and I think that would be challenged in court. I think that would have defeated the purpose, so we have to look at the fact that we're going to have to make some changes and bring them all closer to an average, whether we use electors or whether we use total population. I think we can direct the commission, as I said, to make changes where necessary, but let's not make any frivolous changes.

MR. CHAIRMAN: Now you're saying we should direct the commission. In your earlier comments I believe you said we should encourage or advise.

MR. BRUSEKER: It doesn't really matter about the semantics. What I'm saying is let's get rid of the rural/urban concept, because I think that's created a problem. If we get rid of the labels, I don't think that's going to change what the people feel about rural Alberta or what the people feel about urban Alberta. I don't think that whether the label exists or not is going to change the way they feel. I think we can eliminate the terms, and perhaps then we would eliminate that concern that we heard so many times about "Let's keep 42-41." It's been labeled in the legislation: 42 urban, 41 rural.

If those labels are gone, then I don't think we'll get that kind of animosity or concern or hostility or whatever you want to call it that we had before.

But in recommending change, if we get rid of saying 42-41, we have to give some direction. I think what we have to do is say to the commission – and let's assume we stick to 83 constituencies – "Well, listen; we've got 83 constituencies; let's bring them to within an average." Again, I don't know whether we can use eligible voters or population, but let's not change any more than we have to. What we can do is suggest a maximum allowable variation; for example, 25 percent. But we can suggest to the commission, for example, that maybe if they strayed as much as 10 percent either way and had quite a number that were 10 percent away, then that would be acceptable. We had some people who suggested zero variance: they should all be exactly 18,600. We know that that's not feasible because that would really change a lot. We've got other people who said, "Change nothing." So we have to find somewhere in between that satisfies both, and that's why I'm suggesting let's make some changes. Clearly, there are some that are too small; clearly there are some that are too large. But the ones that are close to the middle, maybe we can say, "Well, for the most part, guys, we really don't need to do a whole lot of changing." Except, as Pat Ledgerwood talked about, there's going to be that domino effect, and boundaries will have to change simply because of the domino effect. That's what I'm referring to.

MR. CHAIRMAN: Thanks.

MR. SIGURDSON: Just to respond to your question, Mr. Chairman, I think that what we do is make sure the makeup of the commission has that member from the rural community on there that knows full well what effect a change in the boundary would cause in rural Alberta. You mentioned the Manitoba

scenario. Well, in Manitoba, as we well know, there were three urban dwellers that redrew boundaries. Here we're going to have a commission. We're going to propose the makeup of the commission, and I think it's important that there be on that commission representation from a body that's recognized as a rural constituent group.

But it's also interesting. I just went back to the commissions Act, 1980, and we were, I guess, under a bit of a misconception.

MR. CHAIRMAN: What page are you on?

MR. SIGURDSON: Section 11, page 4. When we were going out at our public hearings, I think we had – correct me if I'm wrong – suggested that after the 1983 commission urban electoral divisions for the first time outnumbered the rural electoral divisions. But the fact is that in 1980 . . .

MRS. BLACK: It's reversed.

MR. SIGURDSON: Yes. Well, it's not reversed. The 1980 Act says that there were 43 and 36, the number of constituencies. I guess that's part of the problem. A lot of constituencies have just arbitrarily had their designation changed: Camrose, Drumheller, Grande Prairie, and Wetaskiwin were in 1980 urban constituencies. In 1983 they became rural constituencies.

MR. CHAIRMAN: Yes.

MR. SIGURDSON: I think it's time to get rid of the designation of . . .

MR. BRUSEKER: Pretty arbitrary labels.

MR. SIGURDSON: . . . rural/urban. We have constituencies. We have X number of constituencies, and we're all Albertans living in a constituency. I would prefer to deal with constituencies and drop the designation of rural/urban.

MR. BRUSEKER: Take Fort McMurray as an example. I mean, a large rural area but 90 percent of the population of that constituency is in the urban municipality, or city, of Fort McMurray. So technically we call it a rural constituency, but I would suggest that most of the concerns Norm Weiss deals with are urban concerns.

MR. CHAIRMAN: Yeah. Between 1980 and 1983 the definition of an urban constituency became more meaningful in the sense that constituencies like Drumheller, Grande Prairie, Wetaskiwin had been identified in 1980 as urban constituencies but the people viewed themselves as rural. Remember when we had the hearing in Wetaskiwin. Here's a constituency with two cities, Wetaskiwin and Leduc. The bulk of its population lives in those two cities, yet there wasn't a person in that room, at the meeting, who believed that they were an "urban" riding. They considered themselves rural.

Okay. I hear what you're saying. Is there anyone else on that point, even though we're straying a little bit from this point, about the urban/rural: several members of the committee saying that we really must get away from using those terms because they are divisive?

MRS. BLACK: You have to use some form of definition, I think, in the Act. I think of when we were in B.C., visiting the Legislature there. They showed us the map of the island, which

I'm familiar with, and the city of Nanaimo. I looked at how they had chopped the main street from Nanaimo, called Departure Bay. They had taken one riding from Departure Bay down to Duncan and the north half up to Parksville. The people out there are absolutely furious. I know people that live in one riding and their business is in the other riding, and they have never been split in the middle. So I think B.C.'s legislation was too loose on that point. They did not go through a definition or an explicit explanation of how they thought the province should be sorted out. It's going to cause and is causing quite a backlash and quite a stir in the actual communities themselves.

I agree with you that people had a bad feeling about urban/rural, everybody did, but I do feel that you have to be explicit in how you want this sorted out or you're going to run into problems down the road. I don't think we should put – we were charged with going out and talking to the people, and then we were charged with reporting back. I think we were told that rural wanted to remain rural. That was one of the things that people told us. How we get that across or don't get that across I think is going to be very important in this piece of legislation. The rural people want to have the feeling that they are of equal importance as the urban people, and they haven't had that feeling. So I think it's important that somehow we make sure they have that feeling by the time this piece of legislation hits the House.

MR. CHAIRMAN: Anything else on the legislation? Yes, Frank.

MR. BRUSEKER: Well, just coming back to your point about Nanaimo. I can understand the concern there, but let's face it: in Calgary you and I have the same concern. Probably 90 percent of our constituents live here and work somewhere else. So, you know, that's a reality I think we have to accept. But I do agree with your point, and I think that should be one of the directions we make to the commission: that wherever possible we not split communities. You and I, for example, Pat, share three. You've got a little tiny piece of Varsity, and we've each got half of Dalhousie and half of Edgemont, which I think is silly and creates confusion for the residents of those communities. I think that whenever we write our report, that should be a direction to give too: that we not split communities, whether that community is a rural municipality or town or whether it's a community like Dalhousie in the city of Calgary. It would simplify matters for people. I think we should try to avoid that wherever possible. That could be one of the directions we send to the commission.

MRS. BLACK: Yeah, and I think B.C.'s legislation really didn't deal with that in explicit enough detail. I think Saskatchewan and Manitoba's legislation was a little more explicit as to what they . . .

MR. BRUSEKER: But the process was different, of course.

MRS. BLACK: Well, whether the process was different or not, the frame of reference that was given to the commission within the Act was much more explicit than what B.C. had had; I would say even more so in some ways than what our 1980 Act had. It spelled out that we will have 43 urban and 36 rural, but I think there needs to be a lot of direction given on this one.

MR. CHAIRMAN: Okay. Yes, Tom.

MR. SIGURDSON: But in the Act you can still have the restrictions, as we have, in section 17 of the Act. The argument that I'm making and that Frank is making is that we get rid of title or definition that we see as being divisive. You can still have in place the restrictions that outline what the commission must consider when drawing boundaries.

MRS. BLACK: Well, we are talking – what – section 17?

MR. SIGURDSON: Seventeen.

MRS. BLACK: Well, you're talking about an urban municipality.

MR. SIGURDSON: And 18, so . . .

MRS. BLACK: And a rural electoral division. If you're going to use urban and rural, you're going to have to define those terms.

MR. SIGURDSON: You can still put restrictions in without having to have the definitions "rural" and "urban."

MRS. BLACK: Well, then how do you know what it is if you don't define it? You're talking about a legal document, and all terms of reference are going to have to be defined.

MR. SIGURDSON: If we move over to the 1983 amendment, without having something titled "an urban constituency," you could still say that Calgary and Edmonton could not extend beyond the borders of the city. So there you would have 30-plus constituencies that would be framed inside the boundaries of the city. You wouldn't have to designate them as an urban constituency, but we do.

MRS. BLACK: Well, if you went out to every centre and defined that centre – because you're going to have to look at . . . You've got Medicine Hat, St. Albert, Sherwood Park, Lethbridge, Red Deer, as well as Edmonton, Calgary, Fort McMurray. Are you going to go through each city and isolate that out and define that? You have to define your terms of reference. I think that's important.

MR. CHAIRMAN: I think this is healthy. The purpose of today's discussion is to open the topics, not necessarily to find all the answers. There have been some positions put on the table. There are questions made. We're hearing – which is very, very good in my view – arguments made based on what we heard; i.e., get rid of the urban/rural definition, which tends to divide us. So I think that's a good opening.

Are there any other points that anyone would like to make on the legislation before we move on to the implications of the Charter of Rights and Freedoms?

MR. SIGURDSON: Well, the provisions of the Electoral Boundaries Commission Act also have the commission, and I know that that's under (c), so I don't know where you want to deal with that.

MR. CHAIRMAN: I thought we should deal with it under (c).

MR. SIGURDSON: Sure.

MR. CHAIRMAN: It's a valid point and I recognize it, but I thought if we want to follow the seven points in our mandate, we'll deal with it under (c). All right?

MR. SIGURDSON: Good.

MR. BRUSEKER: Just a quick comment. I'm referring to part 2 of this, which is the redistribution rules. I think clearly we need to have something like that in there again, and in terms of what we have in I guess the 1980 and then the amendments later on, I would like to see us stick with the general format but, as I said, get rid of particular labels. I think in here as much as possible we have to find that balance between setting the guidelines and allowing enough flexibility for the commission to work. So that's just the only comment I wanted to make in there. Perhaps "restrictions" is the wrong term; here in the British Columbia Act they simply entitle it determining boundaries, and maybe "restriction" is one of those negative labels that we should try to avoid.

MR. CHAIRMAN: Okay. Anyone else?

All right. Let's go on, then, to (b), "implications of the Charter of Rights and Freedoms." We know this is the reason our committee was struck, because of the court case in British Columbia which used the Charter of Rights and Freedoms, section 1, I believe, as its foundation. Bob, you've got some material.

MR. PRITCHARD: Yeah, I've got copies of the Dixon, McLachlin, Meredith, and Fisher reports.

MR. CHAIRMAN: If you recall, in the McLachlin decision Justice McLachlin agreed with the variances as proposed in the Fisher commission report for British Columbia, which gave the plus/minus 10 percent variance for their constituencies. During our hearings we heard recommendations that we be anywhere from no variance at all – strictly a one person, one vote concept – to maintaining the status quo exactly as it is today and disregarding percentage variances from a provincial mean.

Any members who would like to make any comments regarding the implication of the Charter of Rights and Freedoms on our ultimate decision?

MR. BRUSEKER: Just a brief comment. Although the decision was rendered in British Columbia, I think that accepting the fact that Chief Justice McLachlin is now on the Supreme Court of Canada suggests that within the legal profession she is very highly regarded by her peers. Therefore, I think because of that this decision has a direct impact on Alberta. Although clearly, as I said, it is a judgment from British Columbia, I think there are implications for us here in Alberta. I think to ignore this decision and leave it as is, as many suggested we do in our hearing process, would be absolutely wrong. I think the decision we have from Justice McLachlin – although I haven't reviewed it during the last 24 hours, I recall her decision process in coming up with the 25 percent variation: that Canada is unique; it's not the United States; we don't have to go with exactly equal urban, rural, or whatever ridings, but we do have to have parity of vote value. So I think that when we look at this, clearly the Charter and the decision that was rendered by Justice McLachlin as a result of the Charter could probably be challenged in Alberta courts. I think this goes back to what we heard from many of the legal representations that we had. We would

probably get a similar type of judgment in Alberta were it to be challenged. I think we should keep that in mind.

MR. CHAIRMAN: Thanks, Frank.
Anyone else?

MR. SIGURDSON: Well, one of the things, having read the McLachlin report some time ago – I just direct your attention to page 19 of the report – was Reynolds versus Sims. A couple of arguments that were used in British Columbia was the case of Alabama. I know there were a good number of people that came forward at our public hearings that argued that we shouldn't change anything at all, that there must be many considerations. Justice McLachlin has said that there's a tolerable variance of plus or minus 25 percent. The arguments we've heard at the public hearings that there have to be other factors are really struck down in the Alabama case. I don't know how far we want to push the McLachlin decision. Does this commission want to go outside the 25 percent? Are we going to take it to a Supreme Court hearing? It's just interesting that the American decision is quoted. It says:

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.

So that's an important area that's contained in the McLachlin decision that we have to be aware of, unless it's the decision of the committee to seek further clarification on the Charter at the Supreme Court level.

MR. BRUSEKER: I just found the point I was really trying to find here. On page 16 of her decision she lists nine points that deal with the legal framework of elections in Canada. At the bottom is a 10th. She says:

I would add to this list a tenth precept. It cannot be denied that equality of voting power is fundamental to the Canadian concept of democracy.

I think that's really the essence of what she talks about. On the next page there's a couple of places that on my copy at least are underlined. She again, in the top paragraph on page 17, talks about:

The notion of equality of voting power is fundamental to representation by population. The essence of democracy is that the people rule.

I think that clearly is what she's talking about.

Then further on she talks about that because we're not in the United States, we can have perhaps a greater variation. Also, as was brought up before by a great number of representations, we don't have an Alberta Senate. We have a federal, but we don't have an Alberta Senate, so clearly that allows for more variation. We have to kind of marry the two concepts together of strict rep by pop and also representation by region a little bit, which is what we, I think, have tried to do in the past in Alberta, but we've strayed, and the variation is now, I believe, too great.

MR. CHAIRMAN: Okay. Anyone else?

MRS. BLACK: Back on this page 16 that Frank was referring to, the legal framework of elections in Canada, I gather this is section 3 of the Charter. Is that correct?

MR. BRUSEKER: Uh huh. She refers to that, yes.

MRS. BLACK: It doesn't say in points 1 to 9 rep by pop. It says you have:

1. The right not to be denied the franchise . . .
2. The right to be presented with a choice of candidates . . .
3. The right to a secret ballot;
4. The right to have one's vote counted;
5. The right to have one's vote count for the same as other valid votes cast in a district;
6. The right to sufficient information . . .
7. The right to be represented by a candidate . . .
8. The right to vote in periodic elections; and
9. The right to cast one's vote in an electoral system which [is not] "gerrymandered."

MR. BRUSEKER: But then read the last paragraph.

MRS. BLACK: Well, then she adds the claimer on there which isn't really in the Constitution. She adds an interpretation of intent.

MR. BRUSEKER: Yeah, but I think if you look back at point 5 that you just listed there, Pat . . .

MRS. BLACK: "The right to have one's vote count for the same as other valid votes cast in a district."

MR. BRUSEKER: Question: what is a district?

MRS. BLACK: Well, there again: what is a district?

MR. BRUSEKER: Are we talking an electoral boundary or are we talking the province of Alberta?

MRS. BLACK: Or are we talking the Dominion of Canada?

MR. BRUSEKER: Well, we don't represent the Dominion of Canada; you and I represent in the province of Alberta. So what I'm saying, then . . .

MRS. BLACK: What is a district?

MR. BRUSEKER: That's exactly the question. Now, I would argue that a district means the district for which we are representatives. I mean, you are elected for Calgary-Foothills and I for Calgary-North West and so on, but we represent Albertans. I think the electoral district we are referring to here is the province of Alberta, not simply the constituency of Whitecourt or Calgary-Currie or whatever but the entire district, and I think in there what it says in point 5 . . .

MRS. BLACK: Well, we define an electoral division somewhere else, do we not? Are a division and a district the same?

MR. BRUSEKER: If this is in the Charter of Rights, don't forget that the definitions will probably be different. So I would argue that point 5 is the point from which she has taken the 10th precept, which talks about equality of voter representation. My interpretation would be that "district" would not be an electoral district, as we very arbitrarily change it, but . . .

MRS. BLACK: I think that's where we get into philosophical terms. What is a district? I'm not arguing that she's added this on, but that's not in the Charter.

MR. SIGURDSON: Might I just point out, though, that none of these nine points is in the Charter. What this is . . .

MRS. BLACK: Is this not out of section 3 of the Charter?

MR. SIGURDSON: No. What this is is that the Attorney General in arguing the case is relying on Boyer's book, *Political Rights and the Legal Framework of Elections in Canada*. These are Boyer's arguments.

MRS. BLACK: But doesn't this say section 3 guarantees . . .

MR. SIGURDSON: "The following core values or rights form part of the s.3 guarantee." These nine points form part . . . Section 3 doesn't list them.

MR. BRUSEKER: Section 3 doesn't list these nine points.

MRS. BLACK: Do we have a copy of the Charter?

MR. SIGURDSON: She's added the 10th one. So probably her addition as a judgment is more important than the nine that weren't contained in any other previous judgment. This is just an argument that's being made by . . .

MRS. BLACK: I think we should have a copy of the Charter, quite frankly. We've heard all along that the Charter of Rights and Freedoms is probably going to mean the ruination of the country because it's not so much what's in it; it's what's been left out of it. Therefore, the courts have been making decisions and it's been very loose. Now, I think, Mr. Chairman, we should definitely get a copy of the Charter in here to see specifically what's in the thing.

MR. CHAIRMAN: We'll have that for our next meeting. All right. Anyone else?

MR. SIGURDSON: Page 10 has section 3 of the Charter.

MRS. BLACK: That's it?

MR. SIGURDSON: It's a simple section.

MRS. BLACK:

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, how did he get from that to the nine points over here? Is that someone else's interpretation?

MR. SIGURDSON: No, this is . . . I imagine Boyer is probably a political scientist.

MRS. BLACK: So is that his interpretation of that?

MR. SIGURDSON: This is core values for a right to vote.

MRS. BLACK: But is this Boyer's interpretation of that little . . .

MR. SIGURDSON: One of the Attorney General at least, yeah.

MR. BRUSEKER: No. It's "the Attorney General, relying on Boyer." So it's the Attorney General, presumably federally.

MR. SIGURDSON: No; provincial.

MRS. BLACK: It'd be provincial.

MR. BRUSEKER: B.C.

MRS. BLACK: Well, I think we should get a copy of the Charter and have a look at it.

MR. SIGURDSON: Oh, indeed. Surely.

MR. CHAIRMAN: We will.

MRS. BLACK: Because we've had different opinions as to what the interpretations mean and what they are. I think it's important that we all have a clear understanding as to what exactly that Charter says before we go off. We can all interpret it one way or another. You know, if you get three lawyers in a room, you get five opinions, so I think it's important that we have it clear in our own mind as to what the thing says. I don't like somebody else's . . . I mean, I don't know Boyer as a political scientist. I mean, who's he?

MR. BRUSEKER: If we get the copy of the Charter and if, in fact, this reference on page 10 is the sum total of what section 3 says . . .

MR. CARDINAL: Pretty broad, isn't it?

MR. BRUSEKER: . . . and clearly, since we have no lawyers in this room, we are going to have to rely upon the interpretations of lawyers and judges. Because if this is the whole thing, this doesn't tell you a whole heck of a lot.

MR. CARDINAL: No, it doesn't.

MRS. BLACK: No. You could drive a mack truck through that definition.

MR. BRUSEKER: That's right. So what I'm saying is perhaps if that's all it says – and I believe that is it – we're going to have to rely upon the McLachlin decision and her rationale, including this section from page 16 to which we referred earlier, those nine points and even the 10th that she's added on. If those nine are not in the Charter and her 10th is not in the Charter, then the 10th, I would suggest, has a pretty strong weight also.

MRS. BLACK: Well, keep in mind that this was an unappealed ruling that came down, so you don't know whether under an appeal process it would have been defeated. So I think that before we put all our cards on the table . . .

MR. BRUSEKER: Or upheld.

MRS. BLACK: Or upheld. It may have been upheld as well; that's very true. But I think before we go out and fashion our Act and our regulations on something, we'd better be darned sure of what we're looking at. That's all I'm saying. I think we should have the Charter sitting in front of us and go through it.

MR. BRUSEKER: I agree we should be as sure as we can be, but I think the only way we would be absolutely sure is if somebody, preferably in British Columbia or, if it were to occur, in Alberta, had taken this through all of the appeal processes and ultimately gone to the Supreme Court of Canada and the Supreme Court of Canada had then come down with a judgment and said, "The provinces shall," and then laid it out. Until that happens, we'll never be absolutely sure, and even then there will be people who will disagree with the judgment. No matter what judgment comes down, there will be people who'll say it's the wrong judgment. So we're going to have to reach a point where we say that, well, it's not really great and it doesn't spell out exactly step-by-step – here's a Meccano set, and you've got to do A and then B and then C and then D – but if this is all we've got to work with, we're going to have to make a decision to go with it.

MRS. BLACK: Well, all I'm saying is that I think we need more pieces to the puzzle and make darn sure we have a clear understanding of what's in that Charter before we accept what somebody named Boyer has listed off as nine points and that little loose statement.

MR. BRUSEKER: Fair enough.

MRS. BLACK: We heard responses from people that they didn't care about the Charter. We're going to have to justify what the Charter says if we're going to base our facts on a Charter ruling and make sure that our decision is Charter-proof. There's nothing to say that this decision in B.C. is Charter-proof because it never did go to the Supreme Court of Canada and it was never appealed. You're quite right; it may have been overturned or it may have been upheld. We don't know that. We're second-guessing that.

MR. CARDINAL: I think the positive side of this section 3, though, is that it allows each province, like Alberta, to design a system for itself. As long as we can justify the design of the province, the constituencies' taking into consideration possibly geographic area, distance from the capital city, economics, that type, it may stand up in court. If we can argue the point . . .

MR. SIGURDSON: If we can justify it.

MR. CARDINAL: Yeah. That's the point, I think. If we can't do it, then of course it wouldn't stand up in court. If you challenge some, some would go through; probably some wouldn't.

MRS. BLACK: That's why I think it's important. We talked about section 1 of the Charter of Rights a few minutes ago, and now we're onto section 3, and we really don't know for sure if that's the entire section 3. There may have been a qualifier that followed after that or even something in more detail in section 1. I think it's important that we have that, Mr. Chairman.

MR. CHAIRMAN: Okay.

MR. SIGURDSON: Can we get as soon as possible a letter off to the Attorney General of the province of British Columbia asking why they didn't appeal? What opinion did they have that suggested they ought not appeal to the Supreme Court?

MR. CHAIRMAN: Was not that question asked when we were in British Columbia?

MRS. BLACK: Yes, when we met with . . .

MR. SIGURDSON: I wasn't in British Columbia, and I can't recall seeing that the transcripts . . .

MR. CHAIRMAN: It seems to me that that was one of the . . .

MR. BRUSEKER: We would have a *Hansard* from there. We could probably check that back.

MR. CHAIRMAN: Let us check. If we can't find the answer, I think from a protocol point of view our request should go through our Attorney General. But we'll follow up.

I wanted to go back and build on something Mike said when he indicated that he felt the wording of the Charter gives each

jurisdiction the right to develop its own legislation and that there then could be some variations from jurisdiction to jurisdiction. When you look at the current legislation of the federal government and the four western provinces – and I'm restricting it to the four western provinces because they're the provinces that we are most familiar with – we see a great variation. We see Manitoba with the most restrictive approach, where the variance from the mean population is plus/minus 10 percent and there's no consideration given or allowance made for more sparsely populated rural ridings. Moving to Saskatchewan, we see plus/minus 25 percent with a specific reference to two northern ridings where the variance can be up to minus 50 percent. In British Columbia we see the plus/minus 25 percent and again variance for, I believe, two sparsely populated ridings. The federal legislation gives special consideration to both the Northwest Territories and Yukon. If you were looking strictly at the populations of those territories, they certainly wouldn't justify three seats based on the average population for a federal constituency in Canada.

So I think Mike's point is very valid in that there is room to develop a made-in-Alberta solution and encompass that in our legislation, being mindful, as we've been directed to do by the Assembly, of the implications of the Charter of Rights and Freedoms.

MR. BRUSEKER: You have to look at page 14 of this document. It's a completely different judgment, but there's an interesting reference there. The indented part says:

It follows that, while a liberal and not an overly legalistic approach should be taken to constitutional interpretation, which is what we're dealing with, of course, the Charter should not be regarded as an empty vessel to be filled with whatever meaning we might choose to give it from time to time.

Clearly there are restrictions implied in that, so although I think we can come up with a made-in-Alberta solution, we can't just go off willy-nilly and do whatever we wish either.

MRS. BLACK: Yeah, but read it a little further.

The interpretation of the Charter, as of all constitutional documents, is constrained by the language, structure and history of the constitutional text, by constitutional tradition, and by the history, traditions and underlying philosophies of our society, which I think is exactly what Mike is talking about. We have to look at a made-in-Alberta that deals with our "history, traditions and underlying philosophies" of our society. Certainly we have to look at the Charter, and that's why I think it's important that we have it. I think Frank's request yesterday, to have what all 10 jurisdictions across the country are doing to look at this issue, is important, not just the four western provinces.

MR. CHAIRMAN: All right. Anything else on the implications of the Charter of Rights and Freedoms? I think we've had a good opening round on that.

MR. BRUSEKER: Just one comment. If you'd look on page 30, also of the McLachlin decision, in the very last paragraph. She's sort of coming to her concluding comments here, and there's more underlined on the next page. But the first sentence of the last paragraph says:

These considerations lead me to conclude that the dominant . . . It doesn't say the only, but the dominant.

. . . consideration in drawing electoral boundaries must be population.

Then she goes on to some more rationale.

MR. CHAIRMAN: All right. Number (c), or item 3, "the composition of the Commission and the process by which it is to carry out its responsibilities." We heard a lot from the participants in our 39 hearings across the province on the makeup of the commission. We know the structure used in the other provinces. Manitoba had a three-member commission; Saskatchewan had a three-member commission; British Columbia had a one-member commission. In the past Alberta has had a commission, unlike the other three jurisdictions, that was made up in part of sitting members of the Assembly, the majority of whom were government; there was also an opposition member. I'm not sure how specific anyone wishes to become today on the composition of the commission, but we certainly did hear from individuals and received their thoughts on that matter.

Yes, Tom.

MR. SIGURDSON: Well, I may as well get real specific.

MRS. BLACK: Are you volunteering for the job?

MR. SIGURDSON: No. I'm not volunteering for the job. I would propose that there not be active members of the Legislature on the Electoral Boundaries Commission. What I would like to do is see a commission established that's made up of . . . Going back to the Electoral Boundaries Commission Act, Part 1, section 2, I'd like to keep (a), "a judge or retired judge." But I would hope, though, that we could have the chief justice of the Court of Queen's Bench or his designate and subsection (b) in its entirety –

one person (not a member of the Legislative Assembly or an employee of the Government) nominated by the Speaker of the Legislative Assembly after consultation with the President of the Executive Council and the Leader of Her Majesty's loyal opposition.

Eliminate (c), eliminate (d), and then include (e). I would amend subsection (b) to include consultation with the president of the Executive Council and leader of Her Majesty's Loyal Opposition and the leader of the Liberal Party or the leader of any other party recognized in the Legislature: have a three-person commission. I think that the Chief Justice or his designate would be an appropriate individual to have on the commission. Obviously they need the Chief Electoral Officer's expertise and input, and I think a nomination by the Speaker, after consultation again, hopefully would ensure that rural input. I'm in favour of a very small commission.

MR. CHAIRMAN: Yes, Frank.

MR. BRUSEKER: Thank you, Mr. Chairman. I agree in part with what Tom is saying, and I don't agree in other parts. I agree with Tom's comments that there should be no current MLAs on the commission. If someone who is a past MLA is selected as a member at large or for whatever reason is selected as a member of the commission, I think that would be appropriate. But I don't think anyone who is actively, currently serving as a member of the Legislature should be on the commission.

I personally believe, however, that three is too small a commission. I say that from the point of view that in comparing this province to, first of all, Saskatchewan and Manitoba, we have more population than those two provinces combined and therefore that in itself justifies a little larger commission. Actually I just reviewed it, and I believe all three of the other

western provinces have three-person commissions. Given we've now traveled the province . . .

MR. CHAIRMAN: Excuse me. Wasn't British Columbia's Judge Fisher alone?

MRS. BLACK: Yeah, he was all by himself.

MR. BRUSEKER: But I think if you'd look at the legislation they now have . . .

MR. CHAIRMAN: What they will do in the future.

MR. BRUSEKER: Yes, that's it. Looking at British Columbia now, they say a judge or retired judge, a person who is not a Member of the Legislative Assembly or the government, and the Chief Electoral Officer.

MR. CHAIRMAN: Well, Frank, the same is true in Manitoba. We were reassured by members of all three political parties that they will not repeat the mistake of the past and have a three-member commission all of whom are from the city of Winnipeg.

MR. BRUSEKER: But my personal belief is that a three-person commission is too small. If you refer back to the presentation made by Gary Dickson, who is the president of the Alberta Liberal Party, I believe he proposed a seven-person commission. In chatting with Pat Ledgerwood about that, he felt that was pretty large. So maybe the optimum is five. He said an odd number is nice to have because then you can break a deadlock. But when we actually get down to start talking specifics, I would like to go back in particular to that submission because in there – and I forget the exact individuals; the Chief Electoral Officer obviously is one and a retired judge or current judge – we also made particular reference to making sure we had some rural representation that would address, I believe, some of the concerns we've had. I think we've suggested the president of Unifarm or his designate as an example. Anyway, we ended up in that presentation with a seven-member commission, which could be a little unyielding. We have a seven-person committee here, and there were times when we couldn't all be there. And the more people you have, the more things can go wrong.

So from that point of view, I think I would prefer going to a five-person committee. The reason I say five is because then you can get the Chief Electoral Officer and a retired judge, both of whom will probably be in the city of Edmonton or perhaps Edmonton and Calgary, but that would leave only one other representative to cover all the rest of the province, which presumably would then have to be a rural representative. I think if you have two more slots that can be filled by other individuals, you can get a little more breadth of view than you can with just a three-person commission.

So my recommendations are twofold: one, no active, current MLAs; and two, I would lean toward a five-person rather than a three-person commission.

MR. CHAIRMAN: Okay. Anyone else?

MR. BRUSEKER: If I may, Mr. Chairman, terms of the establishment – you know, the rules in terms of writing a report and having the year and so on – I think much of that can probably remain in place with just modifications. In terms of

the rest of that current part one on electoral boundary commissions, I think much of it can probably remain as is.

MR. SIGURDSON: May I ask a question . . .

MR. CHAIRMAN: Sure.

MR. SIGURDSON: . . . for clarification? You've named two people. How would you see the appointment of the other three people on the commission?

MR. BRUSEKER: When I looked back at the . . . I'm just going from memory here, Tom, but I think one of the things we talked about was the Chief Electoral Officer, a judge, the Unifarm person. I think one of the representatives we suggested was a person appointed by the city councils of Edmonton and Calgary. Again, that's just given the realities of the percentage of population that they hold. We had a seventh person in there. We'd have to pull it out at our next meeting.

MR. CHAIRMAN: If you're not sure, bring that forward at our next meeting.

MR. BRUSEKER: I'm not sure on the details. I believe that was all spelled out in the presentation Gary Dickson made. But we ended up with, I think, two or three rural representatives and either four or five urban representatives.

MR. CHAIRMAN: Okay. Anyone else?

MRS. BLACK: I sort of agree with both in that I don't . . .

MR. SIGURDSON: You're going to settle on four.

MRS. BLACK: No. I don't think you want an even-numbered commission at all. And I think three really is too small. I believe one of the jurisdictions had three and someone was ill.

MR. SIGURDSON: That was in Manitoba.

MRS. BLACK: I don't feel there were enough people on the commission to really do the job adequately, and they had to struggle. With five or seven, then you do have backup people to carry on the task. These people are going to be going flat out, so I think that's important.

I don't feel that elected members of the Legislature should participate in the commission. I don't think that's appropriate.

MR. BRUSEKER: It looks too much like gerrymandering.

MRS. BLACK: I think it's imperative that the commission be viewed by the public as being totally objective, and that does not include having people – gerrymandering, as you said – elected from various parties participating on this commission. I don't have a problem with, say, each of the leaders of the parties putting forward a name to sit on the thing, but I think it's imperative, as Frank has clearly said, that there be people who represent rural Alberta. Now, I don't know whether Unifarm is the body to use . . .

MR. BRUSEKER: It was a suggestion.

MRS. BLACK: . . . or whether the municipal associations body from rural Alberta may be the way to go.

MR. BRUSEKER: The MDs and Cs was the other one we had. And AUMA.

MRS. BLACK: I'm not too sure which body, but I think it's very clear that there must be very strong rural as well as urban representation on this commission, and I don't think they should all be constitutional lawyers. I think to keep it objective you've got to have normal citizens involved in this. I'm not against lawyers entirely, but I do feel they get caught up in the legal things and don't look at the concerns of the people. So I think it's very important that we have rural and urban representation, and definitely I feel three is not large enough.

MR. CHAIRMAN: Okay. Thank you.
Mike.

MR. CARDINAL: I agree also that we should target possibly a five-member commission. I don't believe we should have any elected members from the Legislature. Because of the number of presentations we heard from both urban municipalities and the rural municipalities, I think we should target to have representatives on there from the MDs and Cs, for an example, and possibly a member from urban municipalities and possibly someone from the farm group. Unifarm was mentioned. I don't know if Unifarm is the group that represents most farmers or not.

MR. BRUSEKER: They're pretty big.

MR. CARDINAL: They're fairly big, I understand. Yeah. That's my feeling generally.

MR. CHAIRMAN: Good. Again, a healthy discussion. We've gone around. We know the arguments that are used in other jurisdictions.

I might just comment going back to item one, the Act itself. Depending on how we deal with the Act, whether we're very restrictive in terms of giving direction to the commission or whether we're quite broad, that also has an implication on this matter: the makeup of the commission regarding sitting members of the Assembly, whether or not you have a sitting member.

I just wanted to make one other comment. You'll recall that when we were in Saskatchewan we sat down for dinner with that delightful retired judge who had chaired the boundaries commission in Saskatchewan. Do you recall he had served as a Liberal MLA in the 1940s, I believe, and had never forgotten what it was like to be a member and the duties and the responsibilities which in a sense tie into item (f)? There again, there's certainly value in trying to identify someone who once sat as an MLA. If we wanted to address those concerns that we heard in so many of the hearings about distance and geography, you could find someone who had served as a rural MLA at one point. I'm not as concerned about the political persuasion. I think the gentleman in Saskatchewan who had served some 50 years ago was not bringing any political bias to the table. He was bringing the reality of what it is like to be an MLA serving a large and scanty constituency.

MR. SIGURDSON: In that you said that, I'm just wondering. I'll just throw it out. There seems to be some consensus, presently anyway, for a five-person commission. I had asked Frank about the appointment process.

MR. BRUSEKER: The other two, Tom – Mike reminded me – were the MDs and Cs and the AUMA, I think.

MR. SIGURDSON: Yeah. Just going back to the Act, I had suggested that we maintain sections (a), (b), and (e). That would be a three-person. I'm just wondering. Using that system of appointment that's outlined in those three subsections, I would suggest that if we move to five, the Premier appoint one additional person and the Leader of the Opposition, after consultation with the leaders of other parties in the Assembly, appoint a commission member. That would produce the five. That's how I would . . .

MR. CHAIRMAN: Yeah. It's important to recognize that two of our members aren't here. We don't know how they feel either on the numbers or on the composition, but this is certainly a good starting point for our discussions in Calgary on the 25th.

MR. SIGURDSON: Yeah.

MR. CHAIRMAN: I thought what we might do on the 25th is again ask Bob to use these flow charts and rather than putting the author of each proposal up, just put the ideas down in point form. It'll help the two members of the committee who aren't here today to come up to speed. It'll also give us a starting point and we'll go on from there. All right?

MR. BRUSEKER: Just one comment, Mr. Chairman. Our current legislation, section 5, says, "A new Commission shall be appointed during the first session of the Legislature following every 2nd general election . . ." Saskatchewan has similar and B.C. has gone to similar. I can't find it in the Manitoba Act, but I believe it was every 10 years in Manitoba. In reviewing that, I can see where that creates some problems, and just a quick comment would be that I'd like to see us retain our section which says after "every 2nd general election." I think that is probably more accurately representing changes and will more rapidly represent changes than every 10 years will.

MR. CHAIRMAN: Yeah. Make sure that that point is made, Bob, under item (a) of the boundaries commission Act. That's one of the things we have to deal with.

MR. BRUSEKER: Well, I was bringing it up under point (c) because it says "the process by which it is to carry out its responsibilities." I don't know if this is the right place, but I just wanted to make that comment.

MR. CHAIRMAN: Well, we need to consider it, yes.
Yes, Tom.

MR. SIGURDSON: Another point, and that's with respect to the report. The commission in current legislation, section 6, has 12 months. I think we could probably reduce that somewhat. Twelve months may have been necessary when there were four members of the Assembly on the commission, but if we're going to have a commission that hasn't got members of the Legislature with legislative responsibilities such as spring sessions and fall sessions to deal with, then I would hope a commission would be able to clear off blocks of time to travel and have input and then write a report. They shouldn't have to worry about the outside responsibilities of the Assembly and constituency work. So I

would certainly like to see the reduction in time from 12 months down to six or eight months.

MR. CHAIRMAN: Let's raise that when we meet in Calgary. Pat Ledgerwood will be with us, and he'll have a feel for the time lines.

MR. CARDINAL: Bob, on that particular one, because it looks like we may be appointing people from the public and people from the public also have responsibilities, maybe even greater than MLAs', we have to consider their other commitments. We can't expect to appoint five people and they're going to spend 100 percent of their time doing this report. It's not possible. It would be an unrealistic request for members to drop everything completely and go on the commission.

MR. CHAIRMAN: You do have another point.

MR. CARDINAL: One year is not a long time. It says within one year.

MR. CHAIRMAN: We should keep in mind the workload we give the commission.

MR. CARDINAL: Exactly.

MR. CHAIRMAN: The more philosophical we are in the Act, the more load we put on the commission's shoulders. The more specific we are in our legislation, then the more specific are their tasks.

MR. BRUSEKER: I have a question. Tom, if you look at section 8, then, it talks about six months more for amendments. Do you have any thoughts on that? Section 8 says that after the report has been submitted,

the Commission may . . . within 6 months of the date it submits its report, submit to the Speaker any amendments to its report it considers advisable.

This presumably is after a hearings process, which is referred to in section 7. You know, under this the total maximum time frame is 18 months.

MR. SIGURDSON: That's right. That's part of the concern, that we're stretching it.

MR. BRUSEKER: Yes, I know.

MR. SIGURDSON: We've had a committee; that's a year. We could have a commission that . . . We'll have this committee, which will almost be 18 months by the time we get into the fall session.

MR. BRUSEKER: We're at 14 already.

MR. SIGURDSON: No. Well, we're pushing. We could have another 18 months. You know, that's three years.

MR. CHAIRMAN: Well, let's raise it with the Chief Electoral Officer, ask him to identify for us the minimum time lines required. Let's keep in mind that we've already verbally shown sympathy to a number of individuals who came to the hearings who requested a set of hearings prior to the commission preparing its interim report, which would add to the normal workload of the commission. I think, in fairness, we've sug-

gested that if that were to take place, the number of hearings would be limited, but it would give groups an opportunity to have input before lines are drawn or decisions are made and an interim report is presented.

MRS. BLACK: A question I have: how many constituencies did we actually get into?

MR. CHAIRMAN: Well, we had nine hearings in Edmonton and Calgary and two each in Red Deer and Hanna.

MRS. BLACK: Roughly 30?

MR. PRITCHARD: I think it was 28.

MRS. BLACK: Well, let's use roughly 30 ridings that we appeared in as a committee. Frank has just alluded that we spent 14 months as a committee. You take the four months off that we were in session, that's 10 months. Take another month off for Christmas; that's nine months. In nine months we only made it to 30 ridings. I know from experience from the federal redistribution that the commission is probably going to have to go to a few more than less than half, because as soon as you start changing the lines, you've got, you know, Martha who lives across the street from Betty and they've always gone to the same polling station and they want to talk about it.

It gets a little more detailed when you're drawing lines in jurisdictions, particularly not just the rural but very definitely in the urban settings. We didn't see as much input, say, from the urban as we did from the rural. I would caution you against thinking that they can rush this through in a matter of months, because I don't think that's the case. Federally, when we looked at this, we were only dealing with going from 21 ridings to 26 ridings, and it was a very complex and detailed process. In some cases there was more than one hearing per riding.

MR. SIGURDSON: There's no doubt that the hearings will take time.

MRS. BLACK: Even after that, I know federally there were appeals made because all of a sudden a boundary ending in the middle of an alleyway had to be adjusted. So I think the idea is let's make sure we do it right. Let's not hamper a commission.

MR. SIGURDSON: Well, this could take us to almost June of 1992 as it's written right now.

MRS. BLACK: It could. The operative word is "could."

MR. SIGURDSON: That's right.

MRS. BLACK: There's a lot of factors that build up to the "could."

MR. SIGURDSON: This could take us to June of 1992. If we're going to have enumerations on new boundaries, according to what Pat Ledgerwood told us, that would give us an enumeration, then, on the new boundaries for September of 1993 if this were stretched out to June of 1992.

MRS. BLACK: Well, that brings me to another philosophical question. In British Columbia each person has a voter ID card, and they don't do enumerations. They go . . .

MR. SIGURDSON: They didn't do enumerations for a long period of time. They had perpetual lists.

MRS. BLACK: They have a permanent voters list. If you move in British Columbia, the onus is on the individual, where the responsibility probably should rest, to go and register their move with the electoral officer. Maybe enumeration is something we have to look at as well.

MR. SIGURDSON: Well, we may very well have to, but given the legislation as it currently exists, we could not have an enumeration on new boundaries until September of 1993.

MRS. BLACK: That's "could." That's a big "could." Okay?

MR. SIGURDSON: Sure, that's a big "could," but that's going on current legislation. That's why I'm very concerned about the time line that is allowed in section 16.

MR. CHAIRMAN: That's why we'll have a report from the Chief Electoral Officer. Bob, would you alert Pat to that effect?

MR. PRITCHARD: I made a note.

MR. CHAIRMAN: Anything else on the composition of the commission or the process?

Okay. I'd like to suggest we take a short 10-minute coffee break.

[The committee recessed from 10:26 a.m. to 10:35 a.m.]

MR. CHAIRMAN: Okay. Are we ready to move on to item (d)?

- d) Any legislation, legal decisions, and historic and current practices of Alberta or other Canadian jurisdictions relating to the distribution of constituencies and their boundaries.

So: legislation, legal decisions, historic and current practices.

MR. BRUSEKER: And here we come down to this item; this is the nuts and bolts of the whole issue. I think as I said . . . Since I've leapt in here, I'll make a few comments.

I'd really like to get the legislation made on the 10; you know, the other nine as well, not just the three we have but what's happening in all the other provinces.

MR. CHAIRMAN: We have a flow chart on that, Bob.

MR. BRUSEKER: Yeah. If we could have that little flow chart that talks about those three main points that we've got up on the wall, I think that would be ideal.

MRS. BLACK: Could we add the federal jurisdiction to that as well, Frank?

MR. BRUSEKER: Okay, federally as well.

MR. CHAIRMAN: Sure.

MR. BRUSEKER: Make it 11 jurisdictions in total.

The essence here, as I see it, is which has the greater weight: legislation and legal decisions on one hand, and on the other hand the historic and current practices. I think as much as we'd - and we certainly heard many pleas to stick with the historic and current practices. I don't believe we can do that; I don't

believe we can stay with the 83 as we have. So clearly we have to move more to the legislation and legal decisions side of the scale. Having said that, however, I do agree with Justice McLachlin, and I would not want to see in Alberta a strict adherence to an average where we say . . . Again, let's assume we're going with electors. I wouldn't want to say that every one must be 18,600 with a variation of 18,800 at the top and 18,400 at the bottom. I don't think we want to have that close an adherence, because that flies in the face of historic and current practices so far that many people would be offended, I think both in urban and rural Alberta. We want to allow some variation there. So I think we have to move towards the legislation and legal decisions. I guess all I'm saying at this point is that I heard all those people who said keep it as it is, but respectfully I don't think we can do that. I don't think we can even consider that.

MRS. BLACK: I'd just like to bring you back to what our mandate was. It was clearly that the Electoral Boundaries Committee "will consider." We have to consider and respond to the legislation and legal decisions and historic and current practices. So we have to make a response to all four whether we like it or not, because that's our mandate as a committee. So whether we do it as a grouping or on an individual basis is something I think we have to decide on our format of our report. I think it's very clear that we have to respond to all four requests in item (d). I don't think . . .

MR. BRUSEKER: I'm not saying . . .

MRS. BLACK: I think each has to be responded to adequately, and I think that's where in like under "historic and current practices" a lot of the input from the oral presentations will be documented.

MR. BRUSEKER: I agree with you that it needs to be responded to. I guess what I'm saying is that ultimately what we have to do is write a report. I guess maybe I'm leaping ahead and saying that when we write our report I think our report has to lean towards the legislation and legal decision side. Because according to what we've seen in the McLachlin decision, according to what we've heard from the presentations from lawyers and so on, the historic and current practices we have right now would not stand up to a Charter challenge.

MRS. BLACK: Well, I think that's one thing we're going to have to look at: again, what is in the Charter and what it allows for and what it doesn't allow for. But I do feel very strongly that we have to respond to the historic and current practices because it's part of the mandate we were given as a committee. I don't think we can lean towards two of the four and not deal with all four on an equal basis.

MR. BRUSEKER: I'm saying we have to respond to all of them. What I'm saying is that after we've responded to them - we've said, "Okay, here's what we've got" - then we would write our report, and I think our report is going to be bent more towards the legislation legal decision side.

MR. CHAIRMAN: Okay. Others?

MR. SIGURDSON: Well, I tend to agree with Frank. I think you can take these four points and prioritize them so that you do contain a brief comment or even a lengthy comment on

current practices and the history leading to the current practices, and then look at the legal decision that may give cause for change.

MRS. BLACK: But our historical background is not the same as British Columbia's.

MR. SIGURDSON: Indeed it's not.

MRS. BLACK: I think the McLachlin case is certainly something that cannot be ignored. I'm not suggesting that. But I do think again it's a made-in-Alberta process that we have to go through based on the historical makeup of our province, which is unique to every other province. We have to consider the historical background of this province; I think that's absolutely vital. Why would we have been given that as part of our mandate if that had not been considered to be an important part of the process?

MR. SIGURDSON: Well, it's something that you contain in there, but clearly – maybe it's not so clear; I ask you. I think there has to be a priority to one of the four factors.

MRS. BLACK: I disagree with you on that. I think they all carry the same priority weighting and they all have to be looked at equally.

MR. CHAIRMAN: Okay. Mike.

MR. CARDINAL: Just a comment. I think that section there gives us greater flexibility to design a made-in-Alberta system, because we can look at other jurisdictions and look at historically what works there and what doesn't work, and let's not make the same mistake. It opens the doors. Let's design a made-in-Alberta system. What rationale is: what doesn't work in Manitoba – you know.

MR. CHAIRMAN: Well, we're certainly hearing in item (d) a divergence of opinion in the committee in terms of weighting, but that's healthy for our opening discussion.

Anything else on the fourth point? Are you ready for number 5 on the "geographic, demographic, and other factors that should be considered in the distribution of constituencies"?

MR. BRUSEKER: I think the comment Pat made earlier about Nanaimo being split and also the comments I made – I think something we should be talking about in there, a point I would like to see in our report, is that wherever possible communities not be split. Whether that's an urban community or whether that's the town of Whitecourt, for example: not divide a line right down the middle and put half the town of Whitecourt in one constituency and half in another, because I think that creates disunity within a region. If I could refer back again to a number of the hearings we had, I think one of the things is that in many places – and I can't pinpoint one – people said, "Consider trading areas." If people shop in one area – I know we heard it in the St. Paul area. I forget the exact details, but people said, gee, it's really silly that people on one side are in the Bonnyville constituency, I believe, and yet they travel to St. Paul. Everybody goes to St. Paul to do their grocery shopping, to buy their gas, to buy their clothes. That's their area where they meet socially as well. So for those people to be in the constituency of Bonnyville and yet on the other side of the coin

to be socially, at least, and economically linked to St. Paul didn't seem to make a whole lot of sense.

MR. CHAIRMAN: You know, one of the things that at least as a rural member I'd be interested in knowing from those of you who represent urban constituencies: take a community league that's entirely within your constituency, where do the people now vote? In other words, do they all vote at the community league centre or are they all over the place? What would happen if they did vote at the community league? Would that be helpful or more difficult for them because of distances?

MRS. BLACK: In Frank's riding, which is adjacent to my riding, we share three communities, which has caused tremendous confusion. The problem is that the community centre, like in Dalhousie, of which I have half the population, is on Frank's side of the street. Now, in my own riding, where community centres are centred strictly in my riding, the community centres are not large enough to accommodate the number of polls that are necessary, so you have people going to schools, to community centres, et cetera. One of the fatal errors that occurred up in the Edgemont area in the federal election was that there wasn't a community centre, there wasn't a school, there wasn't a main centre other than a little racket club, and they had polling stations in the back: a garage off an alleyway. I think that ticked people off in the area more than anything else, when they had to drive down a back alleyway to go into somebody's garage for a polling station. Plus the split communities.

And I think those directions that Frank was talking about of keeping communities together is really important.

MR. CHAIRMAN: I'm sympathetic to it. I was trying to get a better feel for how we could make it work. That's why I used the example of a community league that's entirely within the constituency, because if we were to make this as a recommendation, we're adding to the workload of the commission in that the commission then will have to look at community league boundaries in determining constituency boundaries.

MRS. BLACK: Well, won't that come out in the public process that they go through?

MR. SIGURDSON: The last time the commission sat, the commission attempted to keep communities wholly together and not divided between constituencies. They used rivers, railways, major arteries as dividing lines. Now, I don't know what happened, if those are new communities that you are in.

MRS. BLACK: No. Definitely not. I don't think there was much thought, quite frankly, given to northwest Calgary, because I have the same problem on the other side of the riding. It's ridiculous.

MR. BRUSEKER: The growth was so explosive.

MRS. BLACK: But, Frank, even down in the lower area where there was no growth pattern involved, the dip I have into North Haven which encompasses Calgary-North Hill and Calgary-McKnight – and I have a little jog like this – is absolutely absurd because, you know, there are three MLAs dealing with one community. Part of it is in Calgary-North Hill and part of it's in Calgary-McKnight. It's a ridiculous situation.

MR. CHAIRMAN: Clearly it's an issue we want some further information on, and there's sympathy for it.

Mike.

MR. CARDINAL: Just a quick comment on the concerns that are being brought forward. I think if we put it to the urban municipalities and the MDs and Cs, they are very sensitive to issues like this and we're going to go a long way in solving that particular concern or problem. They know what you're talking about here.

One of the areas as far as the design of the constituencies: if we could look at a system somewhere down the road - I'm not saying it has to be this time - to make sure that they're designed so MLAs can move, for example, north and south to the capital city rather than right across the province. If you look at it, I drive through the next riding, for an example, to get to Edmonton all the time. If I lived in Lac La Biche, I'd drive through somebody else's constituency. To service my constituency fairly, I have to run across back and forth, east and west. It would make more sense if constituencies were designed north and south, especially the north half of the province - it may be that the south are the same; I don't know - towards the capital.

MR. CHAIRMAN: What you're really talking about is taking into account major roadways.

MR. CARDINAL: Roads and maybe migration patterns of movement of people historically, and that type of . . .

MRS. BLACK: I think that's important. We asked for a report on the major and secondary roads, because accessibility is very important. I think it's Dunvegan where they go into British Columbia to get to access the polling station.

MR. CHAIRMAN: I'm going to be the devil's advocate for just a moment. Keep in mind that the more change we recommend - i.e., following community league boundaries, following roads, following municipal boundaries - then the greater deviation from our current map and the longer it might take to complete the task. Now, I'm not saying I'm objecting to any of the points raised; I'm just saying it's logical that the more change we require, the greater the time line to complete the task.

MR. BRUSEKER: I just want to get back a little bit to your talking about communities, because I think it's a related topic. In the community of Ranchlands, for example, which is wholly within my constituency, everybody votes at either one of the two elementary schools. There's a public and a separate elementary school, and there's no confusion as to where people vote. In the community of Edgemont that Pat and I share, there is no school. It's under construction. Some of those people for the half that I have will go to one or two schools, and the half that Pat has will go to one or two schools. So the people from the community of Edgemont I believe go to four or five different polling stations, and it's very unclear.

I think what we need to be recommending is that wherever possible - and this is coming back to my earlier comment about trading boundaries - to make the constituency and the polls within the constituency as rational and as logical to the people who live in that area - I mean, it doesn't matter to you or I what we think about . . . I look at St. Paul and wonder why it's a sort of funny L-shaped constituency; that doesn't seem to make a whole lot of sense. If it made sense to the people out there, I'd say fine. But I think one of the recommendations we should

make should be that wherever possible the polling stations and the entire constituency itself should make sense to those people in that area. I look at some of those constituencies and I'm not sure why they're shaped that way other than just simply for expediency's sake at the time. I guess I'm coming back to Mike's comment. If you had a constituency that went north/south between Edmonton and Calgary, boy, you could sure get a real concentration of people in a small area and you'd have some pretty big rural polls on either side, and I'm not sure that is the best route to go. So maybe north/south works fine for the north half of the province, but particularly in that corridor between Edmonton and Calgary, I don't think it . . .

MR. CARDINAL: It may not.

MR. BRUSEKER: Yeah, I don't think it would work in that area.

MR. SIGURDSON: I guess the Edmonton experience is a little different with respect to community leagues. In my constituency we didn't use a single community league. We used the schools. Some communities would have . . .

MRS. BLACK: They have schools.

MR. SIGURDSON: Yeah. I'm just thinking of . . .

MR. BRUSEKER: We use schools too.

MR. SIGURDSON: Yeah. In Kilkenny we would have had the Kilkenny community which is 16 blocks from east to west and approximately nine blocks north to south. There would have been four or five schools used. People want to go where it's closest.

MR. BRUSEKER: But they want it convenient, and they want it also to make sense. Many of the frustrations that I heard at the last election - people would call up and say: "Where do I vote? Last time I voted here, and now I'm supposed to go there. Is that right?" There was a lot of confusion amongst the electorate: where do I go to vote?

MRS. BLACK: And in some cases the actual polling station was not a logical choice.

MR. BRUSEKER: Yeah. Those people who live just a few miles north of St. Paul may in fact have a long drive to get up to their polling station somewhere in the Bonnyville constituency, and it may just be a hop, skip, and a jump into St. Paul. It would've made more sense for them to be with the St. Paul constituency.

MR. CHAIRMAN: Yeah. Okay.

Moving on then:

- f) the impact of the determination of the constituency boundaries on the ability of Members of the Legislative Assembly to fully discharge their duties in their constituencies.

Again we heard a number of suggestions on what we could do to enhance the ability of members to communicate, to get around, to meet with, to serve their constituents.

Frank?

MR. BRUSEKER: Thank you, Mr. Chairman. I have a question on that, because I'm not quite sure how it would work.

Since you're the chairman also of the Members' Services Committee, what we're really talking about . . .

MR. CHAIRMAN: No, vice-chairman. The Speaker of the Assembly is the chairman.

MR. BRUSEKER: Oh, okay. Thanks for that correction. But since you're knowledgeable about that, I guess really my question is: can we in our report that we write make requests or demands that those changes . . . We each have a constituency allowance, and I'm wondering: can we and our committee make another recommendation to another committee which would then . . . How would that work? What would be the mechanism, because I'm not clear on it?

MR. CHAIRMAN: Just for the record, of the seven of us on this committee, three are on Members' Services: Pam, Pat, and I.

MR. BRUSEKER: I'm aware of that.

MR. CHAIRMAN: We would certainly have the opportunity – in fact, we have the responsibility, because it's one of the seven points given to us for our consideration – to make recommendations in the body of the report. That recommendation would be to the Members' Services Committee, through the Legislature back to the Members' Services Committee.

MRS. BLACK: For their review.

MR. BRUSEKER: I think this is a key issue, and I think there's no doubt Mike has made the plea most eloquently and many others have as well. Mike has got a huge constituency. Quite frankly, I think that Mike's transportation budget should be substantially larger than mine, and it should include for him and others in many of those northern constituencies much more access to private chartered aircraft. I can see Mike just wearing a car out in a couple of years.

MR. CHAIRMAN: There are two quick variances that come to mind that Members' Services have approved over the years. One favours an urban riding and the other favours a rural riding. The one which favours an urban riding is the postage allowance and the promotion allowance, where you use the voter population as the basis. The factor which favours the rural riding is the gasoline/mileage charge for the use of your automobile.

MRS. BLACK: In some cases the use of aircraft.

MR. CHAIRMAN: Yes, in several northern ridings, the use of chartered aircraft. I think the committee has been sensitive over time to meeting those needs. I recall when we were in British Columbia, we heard the story of the member who uses a seaplane because it's the only access, and what he's able to apply is his automobile gasoline charge and that's it. I'm glad we're more enlightened than that here.

MR. BRUSEKER: I guess what I was getting at here, Mr. Chairman, is: I'm wondering if it would not be worth while for us to also have a copy of the current members' services that are available so we could review that so that when we address point (f) in particular, we can make recommendations. Now, we will be making recommendations, theoretically, with a blank Alberta map, I guess, to a certain extent, and we won't be able to, say,

name constituencies because the Athabasca-Lac La Biche area may still continue but the name may be changed, for example. But I'm wondering if in there we should have a look at the current members' services that are available.

One of the things I would be interested in perhaps getting prices on so that we can deal with numbers a little bit is what it would cost to put a toll-free line into each rural constituency. I'm using the word "rural" with some hesitation because I've recommended we eliminate that term, but that's a consideration that I would like to have put in there, because many people have said it's tough to get hold of the MLA. They say, "Well, it's going to cost me two bucks or five bucks, and if his secretary puts me on hold, then I'm spending money and not getting anything for my dollar."

The other thing I would like to investigate is fax machines for the MLAs. I think that in this day and age, a fax machine – and you can get them fairly economically; I have one in my constituency office and I know Pat's got one in hers because I've sent stuff over to her. I think a good number of people do, but I'm not sure if Mike has one yet. Do you?

MR. CARDINAL: We've got one, yeah. We can't afford it, but we do.

MRS. BLACK: Well, of course, you have a constituency allowance to buy things like that with.

I think it's the communication and the accessibility factor. A lot of people you would be dealing with, say, in rural Alberta wouldn't have a fax machine on their farm.

MR. BRUSEKER: No, but that too is changing.

MRS. BLACK: What I'm saying is that I think we have to look at the whole package of accessibility. I think that bringing in our current regulations from Members' Services is a valid point, because there's an awful lot in there that is very good and addresses a lot of these problems.

MR. BRUSEKER: Mr. Chairman, if I could just finish off. I had one other concept that I thought I'd throw on the table because I don't think anyone has mentioned it. I believe that either already or very shortly all constituency offices might have an IBM computer and they will all have a modem hooked up, and I'm wondering if we should not also pursue the possibility of having that modem as a 1-800 line, because there are a good number of people on farms even in rural Alberta that are getting computers. Farms are becoming much more technologically advanced, and people could then communicate via computer. While they may not have a fax machine, it's entirely possible. So that might be at least an avenue to investigate to promote communication.

MR. CHAIRMAN: And by next year we'll have the individual line service complete so that all farms, all rural residents, will have private lines. Without the private lines you couldn't use the telephone.

MR. BRUSEKER: Exactly. It all ties together.

MR. CHAIRMAN: So it all ties in, yes.

MR. BRUSEKER: Just further to that, I'm wondering if we shouldn't maybe do a survey of the current members and say: how many miles do you travel, do you travel, do you travel? Are

the current allowances adequate? For me 25,000 kilometres plus the trips back and forth to Edmonton are probably sufficient, but I would doubt that 40,000 for Mike is enough.

MR. CHAIRMAN: We can pull all that information if we use the last fiscal year, because Leg. Assembly has it, based on what they paid out to each member.

MR. BRUSEKER: Okay. But only to the maximum.

MR. CHAIRMAN: To the maximum, yes.

MR. BRUSEKER: Mike may have actually driven 60,000 kilometres.

MR. CARDINAL: I have over 60,000.

MR. BRUSEKER: But he got paid for 40,000. Now, the Leg. Assembly will pay him his gas, but he just donated, in essence, 20,000 kilometres of wear and tear on his vehicle.

MRS. BLACK: I put 25,000 kilometres on my car in four months.

MR. BRUSEKER: Yeah, I've put on a lot of kilometres too.

MR. CHAIRMAN: All right. That's good. Anything else on 6? Yes, Tom.

MR. SIGURDSON: I know that the Members' Services Committee has now approved charter flights for some northern constituencies. I think it ought to, quite frankly, be extended to constituencies that have sparse populations, such as Chinook. To get to some of those spots in that constituency is a tough bit of driving, and it might be a lot easier on Shirley to access a charter flight to go from Hanna to somewhere else in the Chinook constituency. Certainly I think that that should be extended to other constituencies.

The other area that I would like to see Members' Services consider is that in large constituencies I think it's important that members have more than one office.

MR. BRUSEKER: Good point.

MR. SIGURDSON: Why not have an office in Athabasca and another office in Lac La Biche? You can take your staff and divide your staff time. It gives you a presence in those communities. I know that when I worked for Grant, his office was in Fairview and we didn't have a presence in Spirit River. We could have very easily had a second office in Spirit River. People didn't want to drive 20 minutes. Pardon me; it was about 40 minutes, I guess. They wouldn't drive the 40 minutes to come into Fairview.

MRS. BLACK: Can I play the devil's advocate here for a moment?

MR. CHAIRMAN: Well, as soon as Tom finishes.

MRS. BLACK: Okay.

MR. SIGURDSON: I'm pretty much finished. I think it's important to have extra offices. You can divide up your staff time.

MR. BRUSEKER: Perhaps that could be determined by some kind of formula – the number of offices based upon the geographic area – if you're going to go that route.

MRS. BLACK: Well, I think it's wonderful to have a wish list, but it also costs money. Last year when we looked at it in Members' Services, as you remembered correctly, we increased the constituency allowance. We had a group that reported on the number of people that had more than one office. Then there were factors that entered into it. The cost of rental space in a large urban, based on how close you were to the central core, was substantially more expensive than in two or three rural settings. So you're getting into a whole lot of things that could be a can of worms to try and sort out down the road. How you relate it, I think, is probably better from caucus representation as to what their members are doing as opposed to us getting down to the specifics of increasing the allowance for this, this, this, and this.

If we're looking at this item (f), I think we can make broad suggestions, but to get down to specifics of where rural ridings could have an increase in their allowance, for flights or for charter aircraft or for additional offices or something, may get too specific and cannot then be dealt with on a recommendation to Members' Services. Members' Services is also governed by budget processes, et cetera, and has dealt with many of these things from the various representations from the caucus members that are on Members' Services.

So I don't know that we should get into specifics in that area. I think we can make suggestions of areas that could be looked at, but I don't think we should get into looking at the number of offices that may be needed in a rural riding as opposed to an urban riding. There are a lot of factors that enter into the cost. Sheldon's office in Calgary-Buffalo, in the centre of downtown Calgary, probably rents at about \$18 to \$20 a square foot. When you get up into Calgary-Millican, they may get it for \$4 a square foot. You know, you've got a lot of factors there, so I wouldn't get too specific.

MR. CHAIRMAN: Okay.
Yes.

MR. CARDINAL: Just a quick comment. I agree with the comments that there should possibly be some provisions for extra moneys provided to run the offices and staffing. In relation to the charter service, I think that's something we should look at very closely. Specifically, when the House is sitting, it's almost impossible for a rural member that has quite a distance to travel to get out to the constituency. I'm here five days a week. I just cannot get out to see my constituents. If a charter service was provided during that period of time, it would help. That's the worst time.

MRS. BLACK: Mike, a Calgary member can only get out on a Wednesday night because the last airbus leaves before we're out of the House. So unless you break from the House early to catch a plane, a Calgary, Lethbridge, or Medicine Hat member, an urban member, has the same problem. It's a universal problem.

MR. CARDINAL: You do have time off that you can get out. I can't drive out even on my evening off; it's impossible.

MR. CHAIRMAN: I think Frank brought up a very good suggestion when he asked that we have the current list of services provided through Members' Services for members, and

we've had a good discussion on additions and cautions to that list.

We're ready, then, to move on to "any other factors that the committee reasonably considers relevant in the discharge of its duties."

I don't know where we're going to address the question of the fact that we have a unicameral House. The federal government has a bicameral House. We're currently engaged in Triple E Senate discussions. That was brought up time and time again. A number of the presenters said that if there's any kind of consistency, then if on one hand we as Albertans are arguing for an equal Senate, there must be some equity at the provincial level. I think there were only a couple of people who suggested an upper House in Alberta. The vast majority shied away from that concept. But at some place in this list we've got to talk about how much easier our job would be if we had a bicameral Legislature. Then you could clearly go the American route: rep by pop in your lower House because your upper House would be there to protect regional interests. We don't have that, so we have to wrestle with how we have the balance.

MR. SIGURDSON: I don't know how you'd address it, quite frankly. The argument with Triple E is that every political jurisdiction in the country has an equal number of Senators for the second Chamber. If we were to divide Alberta into political jurisdictions and use the Triple E concept, then you would have Cardston having the same representation in the second Alberta Chamber as would Calgary. I don't think it's feasible.

MRS. BLACK: Yeah, but Triple E, Tom, deals on regional representation.

MR. SIGURDSON: I know it does.

MRS. BLACK: That's something Albertans historically have believed in.

MR. SIGURDSON: It deals on regional representation, but each political jurisdiction would have the same number of representatives. Alberta would have the same as Prince Edward Island, as would Ontario.

MRS. BLACK: That's right.

MR. SIGURDSON: So we see that as a political jurisdiction, not as a region. Right now we've got . . .

MR. BRUSEKER: Twenty-four.

MR. SIGURDSON: That's right. We've got regional representation with equity. If Ontario were called something other than Ontario and Quebec were called something other than Quebec, perhaps if there were another province added to that . . .

MR. CHAIRMAN: Yeah, but with the exception of Atlantic Canada. When Newfoundland joined Confederation, six additional seats were created. They didn't take away from New Brunswick, Nova Scotia, and Prince Edward Island. So they have 30 seats in Atlantic Canada. The two central provinces each have 24, and the west, 24. Do we have one in each of the two territories?

MR. BRUSEKER: I think that's correct. Yeah. It's a 104 total, isn't it?

MR. CHAIRMAN: Whatever, 102 or 104.

MR. BRUSEKER: I agree. I really don't think we need to add a Senate to the province of Alberta, and if we do, I'd suggest that it be literally the upper House. The Senate would be restricted to the number of people that would fit on the very top cupola on the dome of the Legislature.

MR. CARDINAL: Could have had a job for Nick.

MR. BRUSEKER: No. I don't think we need a Senate at all. But you see, I think . . .

MR. CARDINAL: Nick would disagree with you.

MR. BRUSEKER: We're really tying back, to a certain extent, to point (d), which talks about the "legislation, legal decisions, and historic and current practices . . . relating to the distribution." I think that's where Justice McLachlin talked about we need to have an average, but we don't adhere strictly to that average.

MR. CHAIRMAN: The reason I raise that point, though, is if the federal government, with an upper House which even in its current makeup is based on equality of the regions – not the provinces but the regions – and in their lower House they have a variance of plus/minus 25 percent, and, in addition to that, they have special consideration for Prince Edward Island because of its four Senators, so there are four members of the House of Commons serving a population of just over a hundred thousand and three members of the House of Commons in the two northern territories . . . So if that is constitutionally sound – and I'm not aware of any challenges to the federal government – where you have an upper and a lower House, and in the lower House a plus/minus 25 percent, plus additional variances, then maybe we're not bound to the plus/minus 25 percent. Maybe it is further, as some have suggested, with a single Chamber, because we don't have that upper House protecting regional interests.

MR. BRUSEKER: If I may, Mr. Chairman, on that point. We don't have an upper House in Alberta, and I don't believe we need one. I think in part it's because . . . In a sense we're comparing apples and oranges, from the standpoint of view that Alberta – I'm not sure what it represents in terms of the total landmass of the country, but even the MLA from Taber-Warner will be more knowledgeable about what happens at the other end of the province than, for example, a fellow who might represent Nanaimo as to what's happening in St. John's. You will be more familiar, for example, with what's happening in all of Alberta. The range in terms of sheer physical distance is not as great; therefore the need for a Senate, for an upper House, is not as great.

MR. CHAIRMAN: What has that got to do with the principle that I was dealing with: if the federal system will withstand a court challenge – no one's challenged it – where the lower House has plus/minus 25 percent and goes beyond that for your territories and P.E.I. in addition to an upper Chamber with equal regional representation? Or at least that was the original concept. We are dealing with a single House, so my point was that it may be that we can go beyond the plus/minus 25 percent; we can go to a greater variance and still be safe, using the federal system as an example. If in a bicameral House the

plus/minus 25 percent is valid, then in a unicameral House maybe it can be greater.

MR. SIGURDSON: I think we have to look at the other provinces then as well.

MR. CHAIRMAN: Sure; fair enough.

MRS. BLACK: Just a comment on that, Mr. Chairman. When you consider the history of Canada and how that came into being, I think that's where we get back to item (d) again, on historical considerations that were in place when those decisions were made; i.e., the constitutional guarantee for Prince Edward Island that guaranteed four Senate seats and an equal number of Members of Parliament. Those are historical by nature, and I think that's where we get into this historic, back in item (d), that is so critical, because that governed the country. In our jurisdiction there are as many historical factors that are as relevant to our decision as they are to the overall country, that are even guaranteed in the Constitution with Prince Edward Island, with a hundred thousand people, being guaranteed four seats. We have a hundred thousand people in Calgary-North with one Member of Parliament. There's no rationale to it. So that's why I think we have to really look at that.

I think Triple E is something that comes in here, keeping in mind that we are the only province that has - British Columbia is in the process of it - a Senatorial Selection Act that dealt with the demands and needs of this province. So we supported that concept. We have legislation, which, again, is "any legislation" in item (d). I think we also have to look at that.

MR. CHAIRMAN: Okay. Anyone else?

Well, the last point, that was added to the list at Pat's request, was "other." Are there any other factors which we wish have placed on the table at this time?

MRS. BLACK: You see, I would have put Triple E concept into "other." I don't know that it fits into (g), but I would have put that in there. I would have put in the "other" the perceived necessity that was expressed in particularly the rural settings of the daily need for various elected and appointed bodies within the communities to have their MLA work directly with them, one to one, which is again something that is a little unique. Now, whether it fits into an actual boundary distribution - I think it became very apparent that they stressed that they needed that contact, and that went for everything from a hospital board to an elected school board to council.

MR. CHAIRMAN: Let's move the Triple E Senate matter into item 8, because I wasn't aware that Pat intended to raise it under that. You're saying it more logically fits, and that may well be.

MR. CARDINAL: I have just one concern under "other" that we also should be aware of: the recent movement of the aboriginal requests for self-government.

MR. CHAIRMAN: Good point.

MR. CARDINAL: They are a federal responsibility. How do we handle that in the future, or how do they want us to handle it?

MR. CHAIRMAN: All right. Anything else under "other?"

MRS. BLACK: Well, I think in "other" you can look at the comments that we heard about. Again, it gets down to a decision, I guess, that we would be making on whether we deal with rep by pop, use population as a whole or enumeration lists, people that make that decision not to become involved in exercising their franchise. I think that should come under "other."

MR. CHAIRMAN: We haven't identified that under any of the previous seven points, yet it was something we've discussed at length and had considerable input on.

MR. BRUSEKER: Well, actually I think to be honest, it almost talks about point (a), "the appropriateness of the provisions of the Electoral Boundaries Commission Act," which now says . . . Then it defines voter population.

MR. CHAIRMAN: But we haven't raised it today, Frank, is what I meant.

MR. BRUSEKER: Right.

MR. CHAIRMAN: I didn't mean that it can't be . . . Most of what we've discussed will come under (a), the Act. It's ensuring that it's been identified and that it can be placed on one of the charts that Bob will have for us.

MR. PRITCHARD: Sure.

MRS. BLACK: You're going to be a busy boy.

MR. BRUSEKER: You know that holiday you were planning? Forget it.

MRS. BLACK: Take your computer.

MR. PRITCHARD: Now it's going to be even longer. I might just disappear.

MR. CHAIRMAN: Okay. Anything else? I think we've had a good discussion today, a good opening. Are we ready for a motion of adjournment?

MR. SIGURDSON: I think so.

MR. BRUSEKER: No.

MR. CHAIRMAN: All right; I guess not.

MR. BRUSEKER: I have a couple of questions.

MR. CHAIRMAN: Go ahead.

MR. BRUSEKER: We've had a good discussion yesterday and today. Two members are away. Are they going to be given copies of *Hansard* before our next meeting so that they are aware of the discussion that's occurred?

MR. CHAIRMAN: Yes. In addition to that, at our next meeting we will identify under each of these headings the key points made.

MR. BRUSEKER: Okay. Good.

MR. CHAIRMAN: So we can use that as a basis, a takeoff point for our next discussion.

MR. BRUSEKER: Yesterday we asked Bob to get us a whole list of things. That will all be with us in Calgary?

MR. CHAIRMAN: Well, as much as he can.

MR. BRUSEKER: As much as possible.

MR. PRITCHARD: I'll bring it to Calgary. Yes, as much as I can. I have to get stuff from other departments and that. So everything I can get I'll bring to Calgary.

MR. BRUSEKER: Okay. I'm just wondering a little bit about the next set of meetings, on the 25th, 26th, and 28th I believe they are. I'm wondering a little bit about the agenda planned for that day. I understand after our meeting on the 28th the purpose is to go back to our respective caucuses to discuss with them, and I'm wondering if we can set as a goal by the end of the 28th to perhaps have new draft legislation written.

MR. CHAIRMAN: With respect, it's not our responsibility to draft the legislation.

MR. BRUSEKER: Well, okay, a draft of the report then.

MR. CHAIRMAN: No, not a draft of the report either. We agreed yesterday, Frank, that by the 28th we want to ensure that we've covered all of the points so that we can go back to our respective caucuses. There are no hidden agenda items. We won't have made any decisions, but we will have a good feel for where individuals on the committee are coming from and where collectively we seem to be going.

MR. SIGURDSON: Perhaps we could have draft recommendations. That doesn't mean that we have to have draft legislation; it doesn't mean that we have to have a draft report.

MR. CHAIRMAN: Well, hey, if there's something we agree to in principle, fine. I don't see any problem with that. You raised a point earlier about a five-member commission. When our other two members join us on the 25th, we may find that that's an issue which has been dealt with, and it's one of the three identified by Pam as, you know, really key. I'm not precluding that happening. My only concern is that we not get so far down the road by the 28th . . . I mean, the whole purpose of this exercise is to get ourselves in a position where we can go back to our respective caucuses, share with them the mood of the discussions and the kinds of ideas that are coming forward – we know what we're dealing with; Pam very articulately identified them yesterday for us – get feedback from our caucuses so that when we sit down on October 9, we're all in a decision-making mode. Is that fair enough?

MR. BRUSEKER: I guess the reason I raise the question is I'm wondering a little bit if we don't have anything written or completed by the end of the 28th, what it is we're going to go back to our caucuses with other than sort of tossing five days' worth of *Hansards* on the table and saying, "Here you go; here are the discussions we've had."

MR. CHAIRMAN: I think it will become apparent to you as we move through that process in Calgary. I think by the end of the 28th we'll have a lot, and we will have it in note form.

MR. SIGURDSON: I think we'll be able to sign a good number of things off and then go back to our caucuses. Once Stockwell and Pam are here then we can start, you know, pretty much agreeing and perhaps even having some motions and taking that back to the caucuses. You can then say, "Well, this is where we've got agreement; this is where we've got bones of contention." It's almost like a negotiation process.

MR. BRUSEKER: I guess what I'm saying is that by the end of the 28th I want to make sure we're all going back to our caucuses and saying the same thing. If we're all just working off our own set of notes, that may create a problem, whereas even if we just have minutes – maybe Bob, as the fellow who writes the minutes, can say, "Here are the issues that have been discussed; here are the issues that have been resolved, issues that are unresolved." If we go with that kind of a list . . .

MR. CHAIRMAN: Let that be the first matter we discuss when we meet in Calgary. I am reluctant to go that far when two members of our committee are not present today. I think we need to have everyone at the table, and on the 25th the first thing we should discuss is the way in which we report to our respective caucuses on the 28th.

MR. BRUSEKER: I think that's something that's a concern.

MR. CHAIRMAN: Fair enough.

MR. BRUSEKER: We want to facilitate the process. We've already booked all the way to the 22nd, and we have a fall sitting, as we've talked about before. We want to get something before the Legislature. Given printing constraints . . . Writing a report with a committee of seven is like trying to design a horse, and that's how we got a camel. I mean, let's face it; we're going to have a difficult time writing any report as it is anyhow. That's where I'm just saying, "Let's try to set a goal at least to have something ready to go to our caucuses with on the 28th." I'm not sure what the mechanism is, whether it's a draft legislation or a draft report or simply a list of points, but I think we need to have something so that we're all talking to our respective groups so that when we break from here, we're all saying the same kind of thing and saying, "Here's where we're at."

MR. CHAIRMAN: Well, Frank, you kick the discussion off on the 25th in Calgary. That will be our first agenda item.

MR. BRUSEKER: All right.

MRS. BLACK: But just on a point Frank made earlier. We're not going to be taking the *Hansards* out of here. We put an embargo on those yesterday that we agreed to.

MR. BRUSEKER: We can't put a total embargo on them because two of our members aren't here and they need to get *Hansards*.

MRS. BLACK: No, the members. The members. But outside of our committee we put an embargo on those until we're finished.

MR. CHAIRMAN: I think that if you read our Standing Orders of the Legislative Assembly, there is an embargo placed on us as a committee in terms of our work. Until the report is completed, printed, and handed to the Speaker for distribution

first to members of the Assembly and then secondly to the public and others, everything stays within. Now, we're bending that rule a little bit – that's why I'm reluctant as to how formal we become in that process – to go back to the other members of the Assembly who are not on this committee and report progress to them and receive input and feedback. You may come back with a slightly different point of view on matters on the 9th than where you were on the 28th.

MR. SIGURDSON: Entirely possible. But you see, we were touching on that issue of privilege. We technically shouldn't be discussing it with anyone, yet we're saying we need to discuss it with our other caucus members. So we're treading a fine line.

MR. CHAIRMAN: We're treading a fine line. That's right.

MR. PRITCHARD: I am glad you raised that about *Hansard*. I must have missed that yesterday. Richard Helm, who was here, asked for a copy of the *Hansard* from yesterday. Do you think there's any problem with that particular one from yesterday afternoon? He attended half.

MRS. BLACK: Well, I think the problem is that we made the decision that there wouldn't be one, so I would say we stick with that decision all the way through, that we don't bend that.

MR. SIGURDSON: Well, that was for subsequent. I mean, we made the decision following. That was pretty much the last item of business. If Richard had been here, he would have probably heard us make that decision.

MRS. BLACK: Yeah. So I would explain to him that we had made the decision and not give it to him.

MR. SIGURDSON: I would do the opposite. I would say, "Here's the *Hansard*; read the arguments why you're not going to get anymore."

MR. BRUSEKER: I would agree with Tom.

MR. SIGURDSON: I'd give him the *Hansard*.

MR. BRUSEKER: He was here for much of the meeting anyway.

MR. SIGURDSON: I'd give him yesterday's *Hansard*. It's these discussions, today and subsequent.

MR. CARDINAL: His article's in the paper today already.

MR. SIGURDSON: Was it?

MR. CARDINAL: A small one.

MR. CHAIRMAN: It's clearly understood that today's discussion, today's *Hansard*, is under embargo, as will others be until we complete our process and the report is made public.

MR. PRITCHARD: So yesterday's is okay to make public, but the rest are all . . .

MRS. BLACK: Well, I think some of this came out in yesterday's *Hansard*.

MR. SIGURDSON: Well, those points were certainly set out.

MRS. BLACK: I think we agreed that we weren't going to focus in, outside of this room, on what we were zeroing in on or discussing in our committee. I'm sorry; I just feel that we made that decision and we should stick to that decision. The fellow that was here has already written his article, so I don't think there's a need for him to have the *Hansard*.

MR. PRITCHARD: It's easy, whatever it is. I'll just simply advise *Hansard* that they're not public; we're not distributing effective with yesterday's issue. Or I could say, "Hand out yesterday's but nothing beyond today's." Whichever.

MR. CHAIRMAN: I think Pat's brought up a valid point. I was remiss in not recognizing the discussion that we did go into and Pam's points and other matters that were placed on the table. For the sake of consistency, why don't we include yesterday's *Hansard* in the embargo?

MR. SIGURDSON: Well, I don't think there was anything yesterday. Setting out the agenda and noting the framework for a report: I don't think that's at all contentious.

MR. BRUSEKER: They're in the frames of references.

MR. SIGURDSON: Yeah.

MR. CHAIRMAN: Okay. Well, let's put it this way. We made a decision yesterday based on consensus that there be an embargo. We're now down to the question again on consensus.

MRS. BLACK: Which date does it apply to?

MR. CHAIRMAN: Whether it applies to yesterday's or today's.

MRS. BLACK: To me it would apply for the whole process.

MR. CHAIRMAN: All right. Okay, we know Pat's position and Tom's. Frank?

MR. BRUSEKER: I have no problem with him having yesterday's, but including today on, no.

MR. CHAIRMAN: Okay. Mike?

MR. CARDINAL: I think we should include yesterday's to be consistent.

MR. CHAIRMAN: All right. Well, I'll concur, then, in including yesterday's. So then we do have a consensus that we hold it. I don't think that it's going to have an effect, as the story has already been written by the reporter.

MR. BRUSEKER: It probably won't have an effect, but I just figured since he was here for much of the meeting anyway . . .

MR. CHAIRMAN: Anything else before we adjourn today? Ready for a motion?

MRS. BLACK: So moved.

MR. CHAIRMAN: Agreed? Opposed? Carried.

[The committee adjourned at 11:30 a.m.]