

3:22 p.m.

Tuesday, October 23, 1990

[Chairman: Mr. Bogle]

MR. CHAIRMAN: I've listed on the board the issues we've been discussing and, with concurrence of the committee, would recommend that we now move into our decision mode, beginning with the number of seats that we wish to see in the Legislative Assembly.

Tom?

MR. SIGURDSON: I would move, Mr. Chairman, that the number of seats in the Legislative Assembly remain at 83.

MR. CHAIRMAN: All right. We have a motion on the table.

MS BARRETT: Question.

MR. CHAIRMAN: The question's been called. Are you ready for the vote? All right. All in favour? Opposed? Carried unanimously.

The second factor is the basis by which we count: whether we use the enumeration list or a population list, again, going back to the most recent federal census. Are we ready for a motion?

MS BARRETT: I'll move that we use population statistics for the purposes of deciding numbers of people per riding as opposed to number of electors per riding.

MR. CHAIRMAN: The most recent federal census figures?

MS BARRETT: Yeah.

MR. CHAIRMAN: Okay. And that would be as of the time the commission is struck. Is that correct?

MS BARRETT: Yes.

MR. CHAIRMAN: All right. Everyone clear on the motion? Any further discussion on the motion?

MR. SIGURDSON: I think it's just important to note, Mr. Chairman, that MLAs represent all of the people in their constituency. Whether people vote or not is up to them, but we represent also those people that are not entitled to vote: students, people under the age of 18. We spend a good chunk of our budget on education, and we represent those interests. We represent immigrants, we represent religious groups that choose not to participate in the electoral process, and we represent groups of aboriginal people that consider themselves to be sovereign nations. They fall within constituencies, and we represent those people as well. I don't think it's fair that a particular MLA is penalized because a large block of individuals in their constituency choose not to participate or are not eligible to participate in the election process. So I think it's important that population be the criterion.

MR. CHAIRMAN: And to your credit, Tom, and for anyone who wishes to review *Hansard*, I think you were the first member of our committee to make that case, and you've made it consistently throughout. As we went through the hearing process, we heard more and more evidence from individuals and groups that that was a fairer way to go.

Any further debate on the motion? Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The question's been called. All in favour? Opposed? Carried unanimously.

Number 3, percentage variation formula.

MRS. BLACK: I'd like to make a motion. You had yours up first?

MS BARRETT: Yeah.

MR. CHAIRMAN: Go ahead, Pam.

MS BARRETT: I move that we target to within plus/minus 10 percent of the mean average population for each riding and allow exceptional circumstances to bring that deviation up to 25 percent above or down to 25 percent below the mean average.

MR. CHAIRMAN: All right. Everyone is clear on the motion put forward by Pam? Any discussion on the motion?

MR. DAY: Just for clarification, you're saying target to 10 percent, allow up to 25 percent. Is that correct?

MS BARRETT: Uh huh. Anything between 10 and 25 percent would require a written explanation as to why the 10 percent rule is not observed.

MR. CHAIRMAN: Okay. Any further discussion?

MR. CARDINAL: I think it's a motion that I personally wouldn't agree with, because in listening to Albertans, they've asked us to design a system that's fair for all Albertans, including rural and urban Albertans. Particularly with a motion that restrictive, I believe we wouldn't be doing justice to Albertans. As you're aware, in past discussions I brought up a number of issues why we should allow a greater variance. I'm looking at a comparison with other jurisdictions in other provinces in Canada, including the Canadian formulas used. I think they allow greater flexibilities in variances, and I'd hate at this time to see us tie ourselves so we can't be flexible enough to put a good system in place. I believe that in the long term we have to work at a system that will represent fairly all Albertans. But at this time I think we'd restrict ourselves too much if we went that way, and that's comparing with other jurisdictions in Canada.

MR. CHAIRMAN: Frank.

MR. BRUSEKER: I'd like to speak in support of the motion. In our travels we've managed to travel to British Columbia, Saskatchewan, and Manitoba, and we have seen the legislation in other provinces. I think what prompted it, of course, was the McLachlin decision that came out last year. The McLachlin decision was quite clear talking about the concept of plus or minus 25 percent, and nowhere in her decision do I recall any move beyond plus or minus 25 percent. I believe the idea of having a target, not necessarily a fixed target but a target to which the commission should aim, gives the commission a sufficient guideline that allows for substantial flexibility.

I would disagree with Mike's comments about flexibility. I look at the census information we have right now, and the

average would be 28,500, using the 1986 data: an upper end of 35,000 and a lower end of 21,000. That would be a variation of some 14,000. We have constituencies currently using the 1986 census data that are not even that or that are that size, that are 14,000. Pincher Creek-Crowsnest, Chinook, and Little Bow are right down at that end, where that is the total population. We're saying that the variation should be equivalent to some of those smaller populations. I believe it's a very reasonable sort of approach, and I would support it. I think that a variation of 14,000 persons between the top end and the bottom end is certainly sufficient to meet the concerns that Mike has raised and that we've all heard in rural Alberta about the difficulties of travel, communication, and so on.

So I support the motion. I think it's appropriate in terms of the legislation and in terms of the only legal decision we've had to date in the country regarding this issue, and I think it's appropriate for Alberta.

MR. CHAIRMAN: Thank you. Anyone else?
Stockwell.

MR. DAY: Well, I don't know that as members of this committee we have the luxury of using such niceties as "I believe" or "I feel" or "Wouldn't it be nice if we had such and such a percentage?". I think the only question before us that we can legitimately address is: what is right, as we understand it under the law, as far as the law has evolved to date? We do have precedent, we do have history, and we do have tradition, which are all factored in law, and we do have the McLachlin decision. And I'm somewhat surprised, Frank, that you referred to it so sparingly, because the words in the McLachlin decision are quite overwhelming in terms of pointing to a variance of at least up to 25 percent. When that is already in law in a fairly significant court decision, I don't know that we have this luxury of tossing different percentages around and saying, "Well, let's try 10 percent," or "Let's look at 15 percent."

Just a cursory look at the McLachlin decision, a few brief quotes if you'll allow me. This is from her decision.

Federal ridings in Canada are based on a permitted deviation of plus or minus 25%, although in a few cases, due to extraordinary circumstances, the actual deviation exceeds this limit.

So the word there is very clear. Not only is Her Honour acknowledging there's a deviation of plus or minus 25 percent, but in fact she acknowledges that that actual deviation even exceeds the 25 percent. Now, in acknowledging that, what are her thoughts on it, and what is her opinion of such a situation? Well, she goes on in her decision. She says, and I quote,

It is clear that the American jurisprudence, at least at the congressional level, requires virtually absolute equality of voting power. However, it would be simplistic and wrong to infer, without more, that the Canadian concept of democracy dictates the same result.

She's very clearly saying that our history is not that American history.

On the next page she says that our tradition "even in its more modern phases, accommodates significant deviation from the ideals of equal representation." When Her Honour is making these kinds of observations, where do we take the liberty to say, "Your Honour, I don't care what you're saying about 25 and even sometimes greater; by whim, fancy, or whatever motivation is driving me, I have another figure," and so we trot out 10 percent?

MS BARRETT: Just as they did in Manitoba.

MR. DAY: Well, Manitoba was free to do that, but they didn't do that with any guidance from the McLachlin decision.

She goes on to say that

while the principle of representation by population may be said to lie at the heart of electoral apportionment in Canada, it has from the beginning been tempered by other factors.

All the way through her decision – here she says again:

Absolute equality of voting power, as nearly as practicable, was not recognized as a right in Canada prior to adoption of the Charter. It could be found nowhere in this country.

She goes on to state that it does not offend the Charter.

In coming to some conclusions – and I quote her again – she says:

For these reasons, I reject the petitioner's submission that s.3 of the Charter requires absolute . . .

And now look at this next comment.

. . . or as near as practicable to absolute – equality of numbers . . . within electoral districts.

She says she rejects that, rejects "absolute – or as near as practicable to absolute – equality of numbers . . ."

Now, we've traveled through this wonderful province of ours, and especially in the rural areas we've heard considerable and substantial fear and concern about people sensing that they're losing their empowerment in the rural areas. Here we have a Supreme Court decision out of British Columbia that rejects the submission of requiring "absolute – or as near as practicable to absolute . . ." The formula you're suggesting, 10 percent, which is based on a whim, and I'm sure you have arguments for it, but not based on the Charter, not based on McLachlin . . . You're asking us to go out to rural Alberta and say, "Folks, I know that the Supreme Court ruling of McLachlin substantiates your concern; I know that, and I know that it's been our history and our tradition to allow for deviation, but we're just not going to do it." I don't want to attend those meetings when you folks go to them and have a town hall meeting in some constituency or rural area that's concerned and all they're asking is, "Would you please allow us the elasticity that McLachlin has allowed?" and we are somehow by some invisible fiat going to say, "No, we're not going to allow you that for reasons . . ."

MR. BRUSEKER: I don't think the motion says that.

MS BARRETT: No, it does not say that.

MR. BRUSEKER: The motion doesn't say that.

MR. DAY: Well, you're targeting. You're saying at 10 percent, and I'm reflecting McLachlin. I don't know how much clearer we can make it. She recognizes 25 percent, and even in some cases greater, and then gives all the reasons why she recognizes that. The breakdown of electoral boundaries in British Columbia, as we know, was horrendous in terms of the amount of deviation, and so the McLachlin decision said: you've got to bring it into line. Twenty-five percent was the figure, and allowing in extreme cases some deviation.

Our potential legislation that would come from the types of things that hopefully we'll recommend takes even constituencies in Alberta which showed considerable deviation and brings them into line with McLachlin. What we have here in the McLachlin decision is an opportunity to go to all the people of Alberta – all the people, regardless of where they live – and say, "We are going to, hopefully, see what we can do to adjust some of the inequities that are there and to bring our constituencies into line with the McLachlin decision and with our history and with our tradition." We have the opportunity to do that, and I would

encourage us all as members to take the opportunity to do that, not to pick a number – 10 percent, 8 percent, 12 percent, 22 percent – but in fact go with our history, go with our tradition, but also go with the modern era as reflected in a contemporary ruling by McLachlin and look at what she's suggesting: a variation of 25 percent above or beyond . . .

MS BARRETT: In either direction.

MR. DAY: . . . and in some extreme cases. But to come out with even a suggestion that we require in writing anything over 10 percent – well, these are all niceties, but they're not based on anything except one particular bent. I say let's go with the law as we know it and as we've had it established today.

So on this basis I cannot support that motion.

MR. CHAIRMAN: Mike.

MR. CARDINAL: Today I pulled out some parts of the Constitution Act of 1982, Schedule B, that I'd like to read into the record, because I believe those support the argument that we should not be stuck on a 25 percent variance. I'll just read this out. "Guarantee of Rights and Freedoms" indicates:

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

It does not say anything about variances there.

"Democratic Rights," item 3:

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.

It doesn't say anything about numbers.

Item 15(1) under "Equality Rights":

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

It does not identify anything on variances.

Now, this is the interesting area, and this is part of my argument as to why we need to allow greater variances. Part III of the Constitution Act, "Equalization and Regional Disparities," item 36(1) indicates:

Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

- (a) promoting equal opportunities for the well-being of Canadians;
- (b) furthering economic development to reduce disparity in opportunities; and
- (c) providing essential public services of reasonable quality to all Canadians.

My arguments fall within those guidelines, and I think I'm pretty comfortable to say let's not get stuck on a 25 percent variance because I think the Charter of Rights allows us to go beyond that when there are extraordinary circumstances.

MR. CHAIRMAN: To be clear, the motion before the committee at the moment is that we target to plus or minus 10 percent but that we allow for exceptional considerations up to minus or plus 25 percent.

MS BARRETT: Correct.

MR. CHAIRMAN: Tom.

MR. SIGURDSON: Thanks. Without going through the McLachlin decision page by page, I think what she was doing was reporting upon the Fisher commission, which was tabled in the Legislature and recommended that population deviations not be greater than 25 percent above or below the norm, and then she recommends that to the Legislature.

I don't believe, though, that it was ever the intent of the Fisher commission . . . If we look at the Fisher commission as a whole, there was some attempt to realign boundaries so that not everybody would be at the extreme ends. You wouldn't have a greater number of constituencies at plus 25 percent and a large number of constituencies at minus 25 percent; there was an attempt to equalize the numbers out. It was that report that caused a problem for the government of British Columbia and, ultimately, the decision that came about. That's why she recommended the report to the Legislature. She wasn't looking at extremes as being the norm. And that's the problem here. I think we have a problem with language. If we're going to accept the norm as being the extreme, I think we have a major problem. The extreme means that few constituencies should be at either end, the majority of constituencies moving, gravitating somehow, somewhat, toward the middle.

The second point I want to raise is that, yes, we did hear, in a number of locations around the province, representations by mayors, reeves, and town councillors. We also heard from the mayors of both Edmonton and Calgary. I guess what's a bit ironic is that, of course, because we have a number of municipalities – thousands; I don't know what the number is – we heard more frequently from people about not changing the system. But in terms of the number of people they represent, again a greater number of folk that were represented came from only two presentations. If we take just the population of the cities of Edmonton and Calgary, we have over 50 percent of the total Alberta population. Their representation, if it's to carry any weight – and maybe it doesn't – lessens, I believe, the impact of the number of presentations that we heard from people that represent a lesser number of Albertans.

So that's why I support the motion that's before us.

MR. CHAIRMAN: Any further discussion on the motion? Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called. All in favour? Opposed?

MS BARRETT: That makes my vote count twice. I am a rural Albertan, and my vote counts twice, Mr. Chairman.

MR. CHAIRMAN: Let the record show it's a tie vote. Therefore the chairman is required to vote, and I'll vote against the motion.

Do you wish the vote recorded?

MS BARRETT: Please.

MR. CHAIRMAN: All right; let the record show that Pam, who was the sponsor of the motion, supported by Tom and Frank, voted for the motion and that Stockwell, Mike, and Pat voted against the motion and that I cast the deciding, tiebreaker vote. Are there any other motions to be put forward?

MRS. BLACK: Mr. Chairman, I'd like to make a motion. It's a long motion. I've taken the liberty of having it copied so people can follow through, and I'll just hand it out.

I'd like to move that the percentage variation formula between ridings be plus or minus 25 percent, with extreme criteria allowed to a variance of up to 50 percent, and further that there be single-municipality constituencies defined wherein the entire constituency is within one municipality, and that there be multimunicipality constituencies defined wherein the constituencies would include two or more municipalities.

Furthermore, I'd like to define what single-municipality constituencies are. Those would be the constituencies of Calgary, and there would be 19 in Calgary; the constituencies within Edmonton, and there would be 17; the constituencies in Lethbridge, and there would be two; the constituency of Medicine Hat would have one; the constituency of Red Deer would have one; the constituency of St. Albert would be one; the constituency of Sherwood Park would be one; and the municipality of Fort McMurray would be one; for a total of 43 single-municipality constituencies.

Multimunicipality constituencies are to include part of the city of Red Deer, part of the city of Medicine Hat, part of the city of St. Albert, Grande Prairie is to be split, and other cities and smaller centres, for a total of 40 multimunicipality constituencies.

Furthermore, at least 95 percent of the 83 ridings are to meet the plus or minus 25 percent variance criterion. Up to 5 percent of the 83 constituencies may be considered special-consideration constituencies, with a variance of up to 50 percent. The criteria for special consideration constituencies is to be the following. One, the total area of the constituency should be considered; as an example, over 20,000 square kilometres. Two, the total settled area; as an example, over 15,000 square kilometres. Three, communication and transportation, and that would be at least 1,000 kilometres of roads. Four, community and diversity of interests. Five, distance from the capital at least 150 kilometres. Six, no population centre over 4,000. Seven, a dramatic loss of population due to economic factors.

Constituencies must meet four out of the seven criteria listed above to be considered as special consideration constituencies.

MR. CHAIRMAN: All right. Is everyone clear on the intent of the motion? Just for clarification, if I may ask two questions. Under your multimunicipal constituency category under "other cities and smaller centres," could that include parts of Edmonton and Calgary?

MRS. BLACK: Definitely.

MR. CHAIRMAN: Thank you.

Secondly, under item 3 under your special criteria, where you've got "communication and transportation" and 1,000 kilometres of roads, are you referring to primary and secondary roads?

MRS. BLACK: Definitely. Yes.

Mr. Chairman, I make this motion based on the 39 public hearings that we experienced as a committee and the concerns that were expressed in those hearings throughout Alberta. I would be remiss if I said I could ignore those concerns, and hence the motion is structured in this fashion.

I would further say that I would be pleased to say that we move from the urban/rural split that we have experienced in the past to the single municipality and multimunicipality situation. I think that would be a benefit to all of Alberta.

MR. CHAIRMAN: Thank you.

Discussion on the motion? Frank and then Tom.

MR. BRUSEKER: Just a couple of questions, if I may. First of all, going back to your multimunicipal constituencies, you have Grande Prairie to be split. Are you talking about Grande Prairie city there or Grande Prairie constituency as it currently exists on the political map?

MRS. BLACK: The city would be split.

MR. BRUSEKER: Okay. Do you have any concept or idea as to how many ways to split? Two, three?

MRS. BLACK: No, I don't at this point. I think it would have to be probably at least two ways.

MR. BRUSEKER: Okay. Going back to "other cities and smaller centres," if I could just follow up on the chairman's question there. I fail to understand how Calgary and Edmonton can be listed as single-municipality constituencies in the top part, listed in the total of 43, and then also be included in the "other cities," with a total of 40, down at the bottom.

MR. CHAIRMAN: Clarification. We have Medicine Hat, Red Deer, St. Albert all listed in both categories because the intent of the motion, and this is based on our earlier discussions in the committee, was that in the case of Medicine Hat, where you have a greater population than can be accommodated in a single riding and yet not enough people for two stand-alone ridings, you'd have one riding that would be under the single-municipality constituency definition and parts of the city would in all likelihood be added to one or two of the neighbouring multimunicipality constituencies.

MR. BRUSEKER: I understand that with Red Deer, Medicine Hat, and St. Albert. My question deals specifically with Calgary and Edmonton, wherein they're listed specifically at the top as being single-municipality constituencies and are listed as being part of the total of 43 proposed there. How can they therefore also fall into the total of 40? Those are two mutually exclusive categories.

MR. CHAIRMAN: Well, I asked the question for clarification. Would you like to propose an amendment to the motion that would clarify that this could include parts of Edmonton and Calgary?

MR. BRUSEKER: I'm trying to ascertain: are you intending that "other cities" includes Calgary and Edmonton, because I can't see how . . .

MRS. BLACK: Yes, I definitely am, Frank. I feel that when you look at the makeup of Calgary and Edmonton, there's a natural fit for some of the acreages that are in the boundaries of Calgary that would belong better in the outlying areas. So I have included Calgary and Edmonton in that, as is the same as what the Chairman has just said about the city of Red Deer and, again, Medicine Hat and St. Albert.

MR. BRUSEKER: Well, as I read the motion, this motion doesn't say that. Where it may be your intent, I fail to see how, unless you are going to create more . . . For example, with the city of Calgary, if what you're saying is that those 19 consti-

cies you are proposing here do not actually take up all of the current Calgary city limits, then I can't see where there's going to be anything left to fit in the multimunicipal constituencies.

MR. CHAIRMAN: Frank, using the existing 1983 legislation, the legislation specifically instructed the commission to treat Edmonton and Calgary as municipalities and that all of the constituencies must be within the municipal boundaries. The legislation was silent on how the commission could treat other parts of the province. In fact, we've specifically stated in the case of Red Deer that it should go outside. So I think the more important thing was to ascertain the intent of the motion. If you or anyone else at the table feels an amendment is in order to ensure that there's no misunderstanding at all of the intent, then the Chair would entertain that.

MR. BRUSEKER: Well, I guess, Mr. Chairman, my concern is that where the intent may be there, I'm not sure it's worded that way, appropriately anyway.

Speaking to the motion, I would speak against it. I have a number of concerns with this motion as it's written. Dealing with the point we were just on – for example, Calgary and Edmonton having a portion of rural Alberta joining with those cities – while there are obviously links between these acreage areas that are immediately on the borders of those cities as being linked to the cities of Edmonton and Calgary, the question becomes where do you draw the line, which of course ultimately is the job of the commission. I think down the road – down the road meaning, quite literally, as you go away from the cities – if you remove those population pockets from the fringe areas and add them to the cities or remove the city and add it to the fringe areas, however you wish to word it, ultimately as you get farther away from those cities, it will result in constituencies that will become even larger. I'm not sure that that is the intent. I think the intent – what we heard from rural Albertans was "Let's not make constituencies any larger." We heard that on a number of occasions. I believe that a concept such as this will, in fact, make some constituencies substantially larger.

With respect to the very first line, "plus or minus 25 percent," had the motion stopped at plus or minus 25 percent, I could have supported at least that portion of the motion, but "with extreme criteria to minus 50 percent" I don't believe is necessary. I want to go back to the McLachlin decision, to which we've referred numerous times, and we see it in a majority of other jurisdictions. In fact, they've gone to plus or minus 25 percent, and I've earlier alluded to the fact that that would give us a 14,000 person variation using the 1986 census data. The McLachlin decision does not support 50 percent; she does not mention specifically that number. That is a whim, to use a term used earlier, that is taken from out of the air. Extreme criteria to minus 50 percent: why not go to minus 100 percent or minus 200 percent? I mean, the question is: where do we draw the line? I think the judicial decisions we have before us, the legislation we have before us support plus or minus 25 percent. The McLachlin decision uses plus or minus 25 percent and makes some other references. Given the McLachlin decision, I think minus 50 percent is too far, and therefore I can't support that concept of it.

Regarding this distribution as we see it before us, I believe what will happen if we accept this motion is that the end result will be more or less just a shuffling of boundaries and a very minute change from the current 42-41 to 43-40, which is a shift of one. It appears from this and the number-crunching we've

done in the past that the end result would be a large number of seats at or near the minus 25 percent and a large number of seats at or near the plus 25 percent and a smaller number distributed across the balance in between plus and minus 25 percent. I don't feel that that type of distribution is acceptable, certainly not to satisfy the McLachlin decision. It would certainly not be acceptable to the Liberal caucus, and I don't believe it's acceptable to Albertans.

Another part of the reason why I have a concern with that is that if we shuffle using the 1986 population data – and we did agree to use those figures; they would probably be the most recent data that this next commission will have to work with – the result will be that a number of constituencies will be very close to the plus or minus 25 percent. We have seen where actual populations of those constituencies are not close any longer to what we had in 1986. We know that populations change, we know that people move around, and although we could stick to the 1986 census data and apply that to constituencies, I don't think, when it actually comes to being implemented for the next election, that those figures would be realistic.

As a case in point, I've done a little research in my own constituency, with which, of course, I am the most familiar. I phoned up all the developers regarding all the areas which are still incurring growth with new homes being built. I know Pat is familiar with the area and knows of the rapid rate of growth. I have five communities within my constituency that are undergoing growth: Hawkwood, Edgemont, The Hamptons, Scenic Acres, and Arbour Lake. If I look at the 1986 census data for Calgary-North West, it was listed at 42,625. If I add to that – first of all, the information that I've obtained from the city of Calgary from the 1986 census is actually up at 50,000. If I add on there the projected growth, assuming the next election is two and a half years away, then the total population under the current boundaries for Calgary-North West would be some 65,000 persons. That's assuming that growth occurs at that rate, which arguably may or may not occur. But if we look at those kinds of projections and are tied into the kind of distribution that this motion suggests we should stick to, I would contend that by the time the next election actually rolls around, the actual number of bodies will not be appropriate and would, in fact, exceed the minus 25 percent. This motion doesn't deal with anything over plus 25 percent; it deals with minus 25 percent. So then technically my constituency, assuming I'm lucky enough to win it the next time around, would actually be over the plus 25 percent and therefore would fall outside the bounds of the legislation that we're proposing here.

So I would suggest, Mr. Chairman, that plus/minus 25 percent with extreme criteria to minus 50 percent is too great. It is not supported in judicial decisions. I think that what it would result in here would be a bimodal type of distribution with a great number at minus 25, a great number at plus 25. I would not support this motion as it's presented.

MR. CHAIRMAN: Anyone else?

MRS. BLACK: Can I respond?

MR. CHAIRMAN: Go ahead.

MRS. BLACK: Frank, how can you say that plus or minus 25 percent is not supported in legislation when you pick up the legislation of jurisdiction after jurisdiction that talks about plus/minus 25 percent?

MR. BRUSEKER: With extreme criteria to minus 50 percent is not supported. The plus/minus 25 percent is supported both in legislation and in the McLachlin decision.

MRS. BLACK: But keep in mind that in almost every piece of legislation we have looked at, there have been exceptions to the rule. In Ontario there are 15 seats that fall outside their range.

MR. BRUSEKER: Which was created before the last . . .

MRS. BLACK: Hold it. You've just had an election in Ontario, and there's been no problem. You've got other jurisdictions that have also gone out and been specific and made exceptions due to certain criteria not unlike, almost identical to, the criteria that I have listed in my motion.

The reality of the situation, as Judge McLachlin clearly said, is that you have to take historical, cultural, and traditional factors into your decisions.

MR. BRUSEKER: Which I would argue can be covered with a plus or minus 25 percent.

MRS. BLACK: You have to be practical and you have to be logical in how you do this. Every other jurisdiction, almost without fail, has made an exception to the plus/minus 25 percent, and that's reality. Whether you or I like it is irrelevant; that's reality. I think it would be wrong for us not to accept that. We've looked at jurisdictions from one end of this country to the other, and we have seen that every time we've looked at some there are exceptions to the rule, even when we went to B.C., in their Bill. They went through their plus or minus, and their final statement was: except under special circumstances.

Now, I wanted to define our special circumstances, which I did. I defined that we had to have 95 percent of our ridings, of 83 ridings, fall within that 25 percent variance. I only allowed for 5 percent to fall outside of it. That's a lot less than other jurisdictions have allowed for, but I wanted to be specific, to show that we were in a position where we were trying to move to where we had everybody within that legislated, court-challenged, proven range. That's why there was a 5 percent variance allowed above and beyond the 25 percent.

MR. CHAIRMAN: Tom.

MR. SIGURDSON: Well, this motion is tantamount to a massage, and I think it will be used as a chiropractic treatment. I think later on we're going to end up with an orthopedic surgeon coming in with a scalpel and carving up the cadaver.

I've got a couple of questions, and they come out rather blunt, I guess. When I look at this little massaging effort here, we've got a change from 42-41. I very much appreciate the single-municipality constituency from the urban - I guess that would be where that was derived from - and the multimunicipality constituency from the rural. I wish that were in the form of a separate motion, quite frankly, because that's something I would support. But what we've done is we've had a light massage here to get 43-40 instead of 42-41; that pretty much sums up the changes there.

But I've got to ask the mover of the motion if it's clearly the intent to take 51 percent of the population, which is Calgary and Edmonton, and give them 43 percent of the seats.

MRS. BLACK: My intent, Tom, as I said earlier, came from practicality, from common sense. I feel, as I've told you in many

cases, that I have grave difficulty with the size of government increasing. It's an added burden to everyone. When I looked at Calgary, we could in fact abide by the precedent set in B.C. by adding one riding to Calgary. I feel that that is sufficient representation in Calgary. We have 18 MLAs now; I think they represent Calgary very well in the Legislature, and I think one more will be a benefit. But I feel that that is sufficient representation for one municipality. I guess when I get down to the practicality of it, I would have to say that in real terms, in reality, I don't know how you would actually fit more ridings into the square kilometre space of the city of Calgary. I just don't see that at all.

I don't see it in Edmonton either. I think Edmonton is well represented in the Legislature. I mean, you just have to look at the benefits and amenities that are in the two major centres as opposed to the 41 other areas that don't have those same benefits within their centres.

MR. SIGURDSON: But it comes back to the question though, the first question, because I think it's important that the commission clearly understand the instruction of the committee: is it the intent that this motion . . . I think this motion says that you will give two cities 43 percent of the representation regardless of the fact that contained within their boundaries is 51 percent of the population of the province.

MS BARRETT: And remember, that's a better profile than if you were just counting voters, I think.

MRS. BLACK: Well, I think the intent is to provide adequate representation to the cities keeping in mind the legislated, proven test case in British Columbia. You have right now ridings in Calgary that are extremely below the mean and ridings that are extremely above the mean, so you already have that range of variance in existence. This motion addresses bringing those into sync by adding a seat in Calgary. That still leaves Calgary just above the mean, about 17 percent above. And if there's a further movement on the outskirts, that would bring Calgary to a lower percentage variance. I guess what I'm saying to you is that I don't have a problem with that.

MR. SIGURDSON: See, with the other single-municipal constituencies that are defined in this proposal, if we add in all of their population, which I had done earlier, we get approximately 60 percent of the population residing within those areas as they are outlined. Given the 43 constituencies, they have 52 percent - again, globally - of the representation. So you've got a difference of 8 percent: 60 percent of the population equaling 52 percent of the representation in the Legislature. As I said earlier, with Calgary and Edmonton added together, you've got 51 percent of the population with 43 percent of the representation. So all of the areas - Lethbridge, Medicine Hat, Red Deer, St. Albert, Sherwood Park, Fort McMurray - are going to seemingly have the representation required. The discrepancy is in Calgary and Edmonton, where you have that 8 percent gap, and that carries over if you take it up to the total. I guess that's where I find the degree of discomfort that I do.

MRS. BLACK: Well, I guess I'd have to ask you the question, "How many MLAs do you think it requires to represent one municipality?" when you consider that in Calgary - I'm not too sure on the numbers in Edmonton - you have a population that is represented by a councilmen total of 14. We presently have 18 MLAs representing those people's interests in Edmonton;

we're adding one more. By adding one more riding to Calgary, as I've listed here, it brings Edmonton and Calgary to the almost identical variation. I think that's a good step forward because it reflects the growth pattern that Calgary has experienced but Edmonton has not.

MR. SIGURDSON: Yeah, but what I do, and I guess it's just a different way of looking at it, is represent people; I don't represent the municipality of Edmonton. I expect that the municipality of Edmonton is well served by its mayor and its councillors when it goes after its funding requests or its requests for legislative change to the various levels of the province. I would suggest the same thing is true with Wetaskiwin or Bassano, that the mayor goes to the ministries and through the channels to make their requests known. I happen to represent constituents, and that's how I look at it. I represent a total number of people, not just a municipality. So I do have a great degree of difficulty with that.

Just one final question though. One of the things we've talked about a great deal is projection, trying to project development patterns, growth patterns. You've set the limits at 19 and 17 for Calgary and Edmonton respectively. If there's projected growth, which sets the average, by the way, for Edmonton at 33,702 and Calgary at 33,446, which is pretty close to the upper end, if there's a projection for growth and development, do you see any room in that 19 and 17 to move to 20 and 18? Or is this a definite instruction to the commission to not go beyond . . . I'm worried about projected growth, Mr. Chairman.

MR. CHAIRMAN: Well, in response to you, Tom, it seems to me that's one of the reasons we discussed the possibility of allowing parts of Edmonton and Calgary to be included in the multiconstituency category, looking at acreage areas, looking at areas that are outside the cities' development today. That was one of many factors we discussed earlier.

MR. SIGURDSON: Okay.

MR. CHAIRMAN: I suggest a three-minute break. Pat is just reviewing some statistics.

[The committee adjourned from 4:13 p.m. to 4:30 p.m.]

MR. CHAIRMAN: We're back in the regular meeting. We have had discussion on two possible amendments. Some research needs to be done on the proper wording of the amendments. Therefore, the motion will be put to a vote today. If it's defeated, then, of course, that's the end of it. If it's passed, the matter might be brought back tomorrow for one or two amendments.

MS BARRETT: Sure. Considerations. No problem.
Are we ready for the question?

MR. CHAIRMAN: All right. Any further discussion on the . . .

MRS. BLACK: Well, Mr. Chairman, just before we vote, just as clarification on the discussion we had earlier, I've been given some statistics that I think are really quite interesting in supporting the move and the method of this motion, to back up this motion. I'd just like to clarify them on the record. If you look at Calgary and Edmonton and go back in time in our history, if you look at Calgary back in 1955, we had six MLAs.

That was 10 percent of the number of MLAs in the Legislature and our population was 14 percent of the population of the province.

MR. CHAIRMAN: Are you speaking of the two cities or one city?

MRS. BLACK: This is just Calgary. Edmonton for that same period had seven MLAs, which was 11 percent of the MLAs, and yet had 17 percent of the population. In 1971 we had a move where we had 13 MLAs from Calgary. That translated to 17 percent of the number of MLAs with a 25 percent population base in Calgary. Edmonton had 16 MLAs, which was 21 percent of the number of MLAs in the Legislature, and they had a population base of 27 percent. In 1986 we made another move. In Calgary we had 18 MLAs, and that represented 22 percent of the MLAs in the Legislature and our population was 27 percent. Edmonton had 17, which translated to 20 percent of the number of MLAs with a population of 24 percent. Even more interesting, in 1955 Edmonton and Calgary combined had 21 percent of the MLAs to 31 percent of the population for the province, which gave a difference of 10 percent. In 1971 we had 38 percent of the MLAs with 52 percent of the population of the province between Edmonton and Calgary. In 1986 we had 42 percent of the MLAs with the population still at 51 percent. Population base has not really changed since 1971 as a percentage. Calgary and Edmonton combined had 52 percent of the population in 1971 with 38 percent of the MLAs, in 1986 51 percent of the population with 42 percent of the MLAs, a movement of a difference of 14 percent to 9 percent. What this proposes is 43 percent of the MLAs with, again, 51 percent of the population, another move to bring it down to a difference of 8 percent. So clearly since '71, with the same population percentage between Edmonton and Calgary we've increased our representation by 6 percent.

MR. DAY: Well, I think those statistics support what I said earlier, that this legislation we're looking at, or this report and following legislation for the commission, is continually reflecting the evolving modern pattern in Canada as reflected and supported by McLachlin. I'm really surprised when I hear Tom say that all we're doing is some massaging when we should be doing radical surgery.

MR. SIGURDSON: No. No, I didn't say radical surgery.

MR. DAY: Well, if you want to review *Hansard* at the appropriate time, you talked about carving up a cadaver and radical surgery. If in fact massaging is all that is required . . .

MR. SIGURDSON: Let me just correct that, if I might. There was an intervening step there, Stock.

MS BARRETT: That's right.

MR. SIGURDSON: I don't think it was intentionally left out, but for the sake of the record let me just repeat it. I said that this was a massage and what was needed was a chiropractic treatment, and what's going to end up happening, I think, is that eventually we'll have an orthopedic surgeon coming in with a scalpel to carve up the cadaver.

MR. DAY: Okay. However you want to take your shift. And thank you for talking about chiropractors; I support their

profession also. But a good chiropractor will tell you that if all that is needed to heal the ailing joint is some massage, you don't want to get into a spinal adjustment, which is what chiropractors do. In fact what we have here is this continual molding and shaping of the Alberta electoral landscape that we're doing in conjunction with and as required by McLachlin.

I'm glad Pat has put this thing of Edmonton and Calgary in perspective, because their percentage continues to grow in terms of representation, but we hear a lot about an 8 percent variation now – 8 percent. What that is reflecting is: the cumulative effect over the whole province of allowing up to 25 percent variation means for the cities an 8 percent variation. I think that's a very minor variation, especially when you consider what representation is all about.

Somebody – I think it was you, Tom – mentioned a mayor going to the province for funding. Well, if you folks represent and work with your mayor as I represent my mayor, when I meet with my mayor I'm there to represent his concerns and the concerns of the citizens of Red Deer. When the mayor of Edmonton has some concerns, I would hope and I know that all the MLAs want to know about that and represent those concerns if possible. In Calgary the same thing happens: the mayor will get together with all those MLAs. And what would you have under this new suggestion here? We would have 19 MLAs – 19 of them – lobbying a particular minister or perhaps the entire Assembly on behalf of some funding requests for Calgary. I repeat: 19 of them. Now, what about the MLA from Smoky River when the town of Valleyview or the town of Sexsmith has a funding request? Or what about the folks out in Little Smoky or Teepee Creek? Now, we might chuckle and think, "Who are they?" Well, they're important people, and they have a funding request. Who do they call on? Their one MLA representing a number of municipalities. One lone MLA approaches the Legislature or approaches the Treasurer or approaches a particular minister to lobby for his mayor and his town council. You don't have 18 other MLAs rallying to support him. They're too busy with their own constituencies.

So let's please put this thing about representation in perspective: 19 MLAs speaking to an issue in Calgary, only two in Red Deer, and one up in Smoky River or wherever else you might want to be. Let's keep that in perspective when we're talking about representation.

MR. CHAIRMAN: Yes, Tom.

MR. SIGURDSON: One is that it's not 8 percent off the variance. What I'm suggesting is that the 8 percent figure you used is 8 percent difference between population and the representation; it's not 8 percent off the variance. In fact, if you look at what that will do, it will put most of the constituencies at 17 and 18 percent – 17 percent for Edmonton. If we take the average, the mean, at 28,505 and divide 17 constituencies into the population of Edmonton, you end up with the average, being 17 percent over. For Calgary it'll be 18 percent over. So the 8 percent figure is incorrect. It's just 8 percent less representation than its population base.

Secondly, if you look at needs by constituencies, I guess I can use some examples as well. In the northeast end of the city we have the constituency of Edmonton-Beverly, and I think its population is in the high 40s. My constituency is in the 30s; Edmonton-Glengarry is in the 30s as well. The reason I picked those three constituencies is that if you combined that population, you've got over 100,000 people. I guess the example I'll use

is that there you've got three MLAs, or you've got 17 MLAs representing Edmonton. When we have flooding problems – because of our separation from the centre of the city by railway line, we were cut off during a couple of floods and especially during the tornado. We had to have people flown by helicopter from the Evergreen trailer park and Alberta Hospital Edmonton to the General hospital downtown and the Royal Alex. Now, I would argue that any other municipality in the city with 100,000 population would have its hospital. I don't think that representation of those three or those 17 members of the Legislature was wholly a factor. It's just that when you look at the global need, it's not there; we have more beds for population than perhaps what's necessary. The fact is that we have certain needs in certain parts of the city as well that aren't being met. So the representation factor is still an important consideration. I guess that's why I come down to representation by population and trying to find more movement toward the middle.

MS BARRETT: Have you still got me down, Bob?

MR. CHAIRMAN: I'm sorry, Pam. Go ahead.

MS BARRETT: I'd just like to point out that this committee was struck 14 months ago. I think we could have come to a decision-making mode long before we did. I abhor and resent the fact that there were what I believe to be politically motivated delays in this process. I'm very unhappy that one of the members of this committee, name of Stockwell, absolutely insisted that we continue with public hearings, that we not miss the House or even use any of the Easter holidays to finalize those hearings, and didn't even have the good grace to attend any of the public hearings that were conducted this summer.

I believe that the motion in front of us is something Jim Horsman could have drafted in about 10 minutes out on the balcony on the date he first approached me to say that he thought an electoral boundaries committee should be struck to review the entire process. I feel that 14 months of my time has been wasted. Had I known that the political manipulation that has occurred would occur, I would have declined to waste my valuable time on this process. What we have in front of us, dear friends, is a motion that will make almost no change whatsoever to the serious imbalance between voters who live in nonmajor centres or even outside smaller centres in the province and will not redress the problem that imbalance poses.

I realize that a number of the discussions that have gone on on this matter have been done in camera and therefore the public will not know every ounce of debate that has occurred. On the other hand, much discussion has been done on the record and is already available to *Hansard* readers. They can construe, I think, from those debates and considerations, including the questions that we posed to submitters during our public hearings, from which perspective a person on this committee was speaking. I'm not happy about the thought of going through every single one of those considerations again. I would call the question.

MR. CHAIRMAN: Well, there were two other hands up before you spoke: Stockwell, and then Pat.

MR. DAY: Well, I have to say, Mr. Chairman, I'm really disappointed and shocked . . .

MS BARRETT: And appalled.

MR. DAY: . . . at this sudden turn of mood by Pam here. What has happened is that we've presented some very clear arguments based on McLachlin, based on the Charter, based on precedents . . .

MS BARRETT: You're repeating yourself, Stockwell.

MR. DAY: . . . based on history, based on the present situation in the majority of jurisdictions in Canada. Pam, having lost the day, has convulsed into a fit of petulant foot stomping. I am totally amazed at this sudden shift.

MS BARRETT: I'm not at all angry. I'm very calm. I'm saying: I call the question.

MR. DAY: Well, Pam, I let you speak. Would you please give me the respect I gave you while I sat through your inanities?

MR. CHAIRMAN: Okay.

MR. DAY: Thank you. Now, I was . . .

MS BARRETT: Just hang on a minute.

MR. CHAIRMAN: Just a second.

MR. DAY: No, I have the floor.

MS BARRETT: No, you don't, not when you're making silly little insults like that.

MR. DAY: I'll defer to the chairman.

MS BARRETT: In the second place . . .

MR. CHAIRMAN: Pam.

MS BARRETT: . . . I only took about three minutes and I'm not repeating my arguments.

MR. DAY: I think you should acknowledge the chairman.

MS BARRETT: You're repeating your arguments. Get to the point.

MR. CHAIRMAN: Pam.

MR. DAY: Would you defer to the chairman, please? I have the floor.

MR. CHAIRMAN: Pam.

MS BARRETT: No. No, I will not when you play silly games like that.

MR. CHAIRMAN: All right, Pam. Stockwell has the floor, followed by Pat. Pam, if you'd like to get back in after that, you may.

MS BARRETT: Well, tell him to stop repeating himself.

MR. DAY: If you can't stand basic logic and you can't contain your emotions, maybe, Mr. Chairman, we could have a five-minute break. I would certainly have no problem with that.

MS BARRETT: This is not emotional at all.

MR. DAY: What we have here, as has been clearly evidenced, is a fairly dramatic shift in the way our constituencies are presently designed. We are going to be seeing some very major changes in the electoral map in this province. The last time that happened and even one constituency was lost, it was very traumatic to all the people involved in that particular constituency. We are now about to embark on a course of major electoral overhaul. A good number of constituencies in Edmonton and Calgary which have been either dangerously close to or dangerously over the 25 percent limit have now, even according to Tom's figures, averaged out at 17 percent above the median. And here we have McLachlin – and you force me to repeat it – again and again . . .

MS BARRETT: Call me when he's finished.

MR. DAY: . . . through her judgment talking about the allowance of 25 and even more extreme. Now we have brought it to 17 percent.

I feel that as we continue to move and evolve and work with all Albertans, we continue to develop a better and better system, and that, in fact, is what we have today. I am very disappointed that things would disintegrate to the point of petulance. I think we've made great strides and great progress. I represent an urban riding which does not necessarily stand to gain from a purely selfish perspective, but I think all Albertans are going to gain by the direction and by the gains we've made going through this process.

When I'm on a committee – and I'm on many, as all of us here are – and a thing doesn't go our way, I don't think it serves the democratic process to figuratively stamp our feet and walk out of the meeting in anger. I don't think that serves anything. I think we've got to continue to strive to work together for all Albertans.

MR. CHAIRMAN: Okay. Pat.

Would you ask Pam to come back, please?

MRS. BLACK: Thank you, Mr. Chairman. My motion, I believe, in all good conscience, and I added my background, I guess . . .

MR. CHAIRMAN: Excuse me. Are these concluding remarks?

MRS. BLACK: Yes.

MR. CHAIRMAN: Is the committee agreed? No? All right. We'll not complete the concluding remarks. We have two others that would like to get on the list.

MRS. BLACK: All right. Then I will wait until the conclusion.

MR. CHAIRMAN: All right. Thank you.
Frank, and then Tom.

MR. BRUSEKER: Thank you, Mr. Chairman. I just want to thank Pat for taking us on that little trip down memory lane, talking about now moving to an 8 percent difference between the number of MLAs versus the city's population and how that has been the historical case in Alberta. I presume from that she's making the point – and it was one of the criteria in our first seven points – that we should look at the historical perspec-

tive within the province. Historically, women did not have the right to vote, and I would certainly not advocate that we go back to that. Simply because it has happened historically does not mean it is right and does not mean it should be preserved.

I beg to differ with Stockwell that great strides are made. I think Neil Armstrong said it very well: "That's one small step for a man." I think that was the important part of the quote that applies here. I don't think this is a "giant leap" at all. I think what we're seeing here is a very small "c" conservative change. I don't think it addresses the intent of McLachlin.

I want to talk specifically about what Tom has said, where Edmonton and Calgary will be approximately 17 or 18 percent above the mean of 28,505. That would mean that the populations will be ballpark, say, around 33,500 or approximately 2,000 below the upper end using the 1986 data. Well, Mr. Chairman, I would argue that if we in fact do that – this list of concerns we see down at the bottom, the seven points, are strongly antiurban, and I take great exception to them, in particular point 7, which says: dramatic loss of population due to economic factors. While that supports rural Alberta, it is clearly discriminatory against urban Alberta. If I look at the 19 constituencies that are proposed, averaging in Calgary at 33,500 or thereabouts – and we know there's going to be some variation – there is no mention in this motion regarding growth of urban constituencies.

I would argue, Mr. Chairman – in fact, I'm absolutely certain – that the constituency of Calgary-North West, as probably the constituency of Calgary-Foothills, will exceed the plus 25 percent guideline that is being suggested for future legislation based upon this motion. So the motion itself, by being so restrictive in describing 43 constituencies and then listing them, as the motion does – I think that by the time the next election rolls around, if we are indeed in a mode where we're going to be going closer to the full mandate of five years, many of those constituencies that are proposed, particularly in Edmonton and Calgary, will exceed the plus 25 percent guideline. In which case do we then, in a scramble before the next election, restrike another commission to redo the boundaries? Well, we simply wouldn't have time for it. So I think this motion as I see it is clearly discriminatory against urban residents and particularly in those 43 single-municipality constituencies which are listed in the motion.

I guess that sums up my comments.

MR. SIGURDSON: Just briefly, Mr. Chairman. When I look back at the Dear Albertan letter and the motion that was presented in the Legislature, section (b) instructed us to consider "the implications of the Charter of Rights and Freedoms for electoral boundaries and the distribution of constituencies." I know that some are satisfied that 51 percent of the Alberta population get 43 percent of the representation in the Legislature. I think that in itself is not going to withstand a Charter challenge, and I'm sure there'll be one coming if this motion is carried through. I can't endorse it. Therefore, whenever the report comes out and we're asked to put our signatures to it, I would not put my signature to the report given that I don't believe we've met the criteria. I think the instructions are blatantly biased in favour of rural Albertans. I respect that it's a choice that some people have made. I think they discriminate against the urban voter, and I feel badly about that. I've heard all of the reasons, all of the logic, and so, too, have you, and we choose now to differ. So I regret that we've come down to a point where our differences are as great as what they are, but it leaves me in a position of not being able to endorse it.

MR. DAY: Just a reflection on Frank's remarks. I think he raised a good concern in relation to what do you do about projected growth. I don't have an answer. I think the answer is that there's no answer to that other than using the census as they come out. Sometimes we project growth correctly; other times there is a shift. As you know, there was at one point fairly massive immigration here to the province from Ontario, and then almost overnight it reverses and starts going. I think we just have to leave it at the fact that democracy is an awkward process, and as awkward as this process is, we have to accept that between census and electoral boundary revisions there may be fluctuations here and there. I don't think there is a way to address that.

Tom, your remarks saying that you don't think you can sign the report: I think that's a position that you obviously have to weigh out. I can accept the fact that you don't accept our logic or my logic, and obviously I don't accept yours.

Pam, I wasn't trying to reflect negatively on your reaction to any decisions made here, so forgive me for any reflection there that may have upset you.

MS BARRETT: Losing control? You're losing control? Sure, I forgive you.

MR. DAY: I didn't say losing control. I'm talking about my reflection on your remarks.

I think we've got a very difficult process. Each of you has agonized over it. I know that I and members of this committee have agonized over it. If I am erring, I know I am erring on the side of my view of the McLachlin decision, my view of the Charter of Rights, and my view of the rights of all Albertans being the most properly mitigated. As we said, democracy is an awkward process. Churchill said that it just happens to be better than all the alternatives. I think we've got a good alternative here.

MR. CHAIRMAN: Are we ready for concluding remarks by Pat?

MS BARRETT: Yes, please.

MR. CHAIRMAN: All right. Pat, would you sum up, please?

MRS. BLACK: Thank you, Mr. Chairman. As I started off, I made this motion in all good conscience. Some of the difficulties that other members have been having with the motion: I thought a lot of those out before I went along with and agreed on the motion and presented it forward.

I've always had the belief that Alberta has to be represented entirely. I looked at the hearings and at the information that the people talked to us about. They talked about distances; they talked about the number of municipalities, school boards: all those things we've heard. They also talked about the concept of Senate reform. It sounds like a broken record, I know. I think we could say that we heard that at every hearing. We in the west have complained for decades – I don't remember us not complaining – about not feeling we had representation in Ontario because of numbers. As a result of that, Senate reform, the Triple E Senate, was proposed about eight years ago as a remedy. We fought, we argued, we did everything we could and even brought in our own Senatorial Selection Act to try and remedy that discrimination that we were feeling as Albertans. We heard from people in the hearings that the Triple E Senate

concept was something that we all endorsed, yet when we're looking at a shift to bring a further balance – 43 percent of the MLAs represent 51 percent of the population, a difference of only 8 percent, a move of 6 percent since 1971 – we're squawking and saying that's not good enough. I say that's darn good. That's a move in the right direction, Tom.

The population of Edmonton and Calgary was 52 percent of the province in 1971, and today it's 51 percent. There's no change in that. We've moved from 38 percent of the MLAs to 43 percent. That is a move in the right direction. I think that you keep that trend; you set the pace. You're setting criteria that are workable, but you don't forget that you have to accept the concept of the whole province having representation in Edmonton. We heard that on Triple E Senate every hearing, and I personally support Triple E Senate.

I know that if you lived in a plastic environment, you could build a mold and say, "This is the real world; I'm going to have it specially made, and we're going to have everything laid out statistically and geographically, in the purest sense, and this is wonderful." Then you would go strictly on rep by pop. But that's not reality. Reality shows you that Calgary is well represented in the Legislature; so is Edmonton. I think adding an extra seat to Calgary is necessary, but I couldn't add any more to that and feel good about it in my own conscience.

I look at the changes on boundaries that we're making in this province. As Pat Ledgerwood, the Chief Electoral Officer, clearly told us on a number of occasions, when you change one boundary, you have a domino effect and the entire province is going to change. So I don't think it's a matter of massaging a little riding here to make it fit. The entire provincial makeup is going to change. I mean, you look at the people of Red Deer. We've had two predominantly urban ridings there. We're going to have one and split the rest out. There's a major change; there's a major impact. The city of Medicine Hat . . . I don't think it's a fair statement to say that we're just having a little soft massage. I think we've got major surgery here, but we've allowed for redefining some of the problems that we experienced on the road. One of them was the connotation of urban and rural. We as urban members found the animosity that we experienced on the road to be devastating and, I think, unduly experienced. I don't think it was fair. I think by going to single- and multi-municipality constituencies, we can eliminate some of that. We can combine it. Because Alberta's interests, whether you're in a city or out on the farm, are Alberta's interests. It's the whole, not the pieces. You have to look at the whole.

Memory lane: yeah, let's go down memory lane, Frank. I mean, that's what history's for. Let's see what we've traditionally changed. I think it's wrong to say you don't look at historical factors. You look at historical factors every day of your life. When you look at a change in any kind of legislation, you look back to see what has happened. You have to look back, and you have to see where you've been and where you're going. That's important to do; I don't care what kind of legislation it is. So I object to the concept that we shouldn't have to look back on memory lane or into historical factors, because I think we do. In everything we do, we look back to see. We learn from the experience of being able to look back. I really object to that.

Now, Pam's brought up a concept on the criteria of dramatic loss of population due to economic factors. We discussed this in camera; we talked about changes that would occur, say, if a major industry shut down for two years. That's something you want to consider. Presumably that industry would go back into that site a year down the road. I think those are things you want

to consider. They don't just happen in rural Alberta; they happen in cities as well. You can see large shifts in the oil industry, particularly in the major centres. That's a prime example. We went through a six-month period of time a couple of years back when there were over 20,000 people from the oil patch laid off in Calgary, and they hightailed it out of town to find other jobs. Those are significant factors. Now they've come back, and that's wonderful for Calgary, but in that period of time it was a dramatic change. That doesn't just happen out in the country; it happens in the main centres as well. So I think that's a good factor for an extraordinary criterion that should be listed there. I think this idea is a formula. We heard some people talk about some kind of a formula that should be in place. I think that this is a type of formula. That's my conclusion for it, and I stand by it.

MR. CHAIRMAN: Are you ready for the question?

MS BARRETT: Yup.

MR. CHAIRMAN: The question has been called. All in favour of the motion? Opposed to the motion? Let the record show it's a tie vote. Let the record show the Chair votes in favour of the motion.

MR. SIGURDSON: Recorded, please.

MS BARRETT: Recorded vote, please.

MR. CHAIRMAN: You wish the vote recorded. The record shows that the motion was supported by its mover Pat, by Stockwell, by Mike; opposed by Pam, Frank, and Tom; and the Chair voted for the motion.

[The committee adjourned from 5:03 p.m. to 5:11 p.m.]

MR. DAY: Mr. Chairman, I would like to make a motion regarding the makeup of the commission. I would like to move that the commission consist of a chairman, who would be a judge or a retired judge appointed by the Lieutenant Governor in Council; that the Chief Electoral Officer be a member; that there be two citizens at large nominated by the Premier that would be appointed through the Speaker of the Assembly; that there be one citizen at large nominated by the Leader of the Official Opposition in consultation with the leader of the third party, again appointed through the Speaker of the Assembly; that at least two of the five nominees be from Alberta cities and at least two of the five from outside the cities; that no sitting MLA would be one of the members of the commission; and that administrative support to the commission would be provided by the senior administrator of the Select Special Committee on Electoral Boundaries.

MR. CHAIRMAN: All right. Pam first, then Tom.

MS BARRETT: Okay. I just have a technical reference here: "the Leader of the Official Opposition in consultation with the leader of the third party." When we put this into technical language, presumably you'll want to change that. Usually the reference is "in consultation with leaders of other political parties represented in the House." You just sort of pluralize it.

MR. DAY: Does that require an amendment, or can we just accept that?

MS BARRETT: No. It's just that that's the convention. You don't assume there's just one at any point.

MR. DAY: I have no problem with that, Mr. Chairman.

MR. CHAIRMAN: Yeah. That's fine.
Yes, Tom.

MR. SIGURDSON: The concern that I have again is the use of the word "nominated" as opposed to the word "appointed."

MR. CHAIRMAN: I think that's consistent with what is in the existing legislation.

MR. SIGURDSON: Okay. I want it absolutely clear that it's the understanding of the commission that while the Speaker will make the appointment, he does it on behalf of the Premier and the Leader of the Opposition in consultation with the leader of the third party, or however that language is. It's fully understood by the members of this committee that the nominees will be accepted by the Speaker and thereafter appointed.

MR. DAY: Mr. Chairman, I appreciate what Tom is saying. As I recall the previous discussion on this, we want it understood that whoever's name is brought forward by the Leader of the Official Opposition, or by the Premier for that matter, that person is in fact appointed, that it's not a nomination that would be struck down at somebody else's decision. I concur that that's the intent of the motion.

MR. CHAIRMAN: Yes, Frank.

MR. BRUSEKER: Thank you, Mr. Chairman. I appreciate the motion and appreciate also having a printed copy of it. I do want to speak to the motion and then propose an amendment to the motion, if I may, regarding the makeup of the commission. The Liberal caucus has discussed this proposal, and our concern is that the commission should be as objective as possible. To that end, we do have some concerns.

First, if I could just go through the individuals mentioned here, we agree that the Chief Electoral Officer should be a member of the commission. We have no concerns regarding that individual. Clearly, the Chief Electoral Officer has expertise which is relevant, and therefore he should be a member. We do, however, have some concerns regarding the other members that will make up the commission. If I could just jump to the bottom for a moment, the first point that has a single asterisk – two of the five from Alberta cities, two of the five from outside the cities – is, again, an acceptable point and clearly doesn't need any amendment.

If I could, however, Mr. Chairman, I'd like to talk briefly about the appointment of the judge. We have seen in other jurisdictions – for example, the federal – where it is the chief justice or his designate. The concern we have is regarding the appointment of this individual by cabinet. Certainly it's true that judges must be objective and most likely would not be affected by any partisan affiliations. Our concern is that it must appear also to the public at large that this is completely objective. To that end, with respect to the judge, the amendment that I would like to propose would be that the judge clearly be the chairman, but the amendment would read "chief justice or his designate." That would therefore eliminate the appointment by cabinet. That is at variance with the current electoral boundaries Act which we have in the province, but I believe it does clarify the

objectivity, and it appears also to the public at large to clarify it and make it nonpolitical.

Second, if I could also, Mr. Chairman, is with respect to the other three individuals, the two citizens at large. I appreciate Stockwell . . .

MR. CHAIRMAN: I wonder if we might deal with that amendment first . . .

MR. BRUSEKER: Certainly.

MR. CHAIRMAN: . . . and then come back if your other point is a separate issue.

MR. BRUSEKER: It is a separate issue. I'd be prepared to stop there.

MR. CHAIRMAN: The amendment before the committee is that it be the chief judge or the chief judge's designate as chairman of the commission rather than as proposed in the motion, "a judge or a retired judge" appointed by Executive Council. So may we confine ourselves then to the amendment before us that it be the "chief justice or his designate" as chairman of the commission.

MR. DAY: Speaking to the amendment, Mr. Chairman, I don't have a concern with the possibility that we're going to be faced with biased judges in our province. Therefore, I'm comfortable with staying with the status quo and the existing legislation which says that the Lieutenant Governor in Council shall appoint a judge or a retired judge. For those reasons I don't see the necessity of the amendment. I'm comfortable with our judges throughout this province and comfortable with the present legislation, going that way.

MR. SIGURDSON: Mr. Chairman, I believe I was the individual that first proposed what is now the amendment made by Frank. I just want to offer to Frank that I certainly appreciate his support and that of the Liberal caucus even though it's a bit late. I'll support the amendment, because I still think it's there; I think it's a good amendment. I want to congratulate you for coming on board.

MR. CHAIRMAN: Are we ready for the question? The question has been called. All in favour of the amendment? Opposed to the amendment? The amendment is lost. Would you like a recorded vote?

MR. BRUSEKER: Yes, please.

MR. CHAIRMAN: In favour of the amendment: Frank, Tom, and Pam. Opposed to the amendment: Pat, Stock, Mike. The Chair voted against it as well.

Did you have a further amendment you wished to put forward?

MR. BRUSEKER: I had one further amendment I'd like to speak to as well. Regarding the other three individuals, the three citizens at large, I appreciate that Stockwell has clarified that they not be currently sitting MLAs, which certainly is a concern. The concern we still have – and again it's the same theme as I referred to earlier in the previous amendment – is regarding appearing to be nonpartisan, objective, and so forth. I think it is important to Albertans wherever they may live that

they see this commission, whoever the individuals that are ultimately selected, as representing all of the concerns of all of the individuals or at least as best as possible. I am concerned about the way the motion is written, however, in that it seems that the selections will be made in private on perhaps – perhaps – on a partisan basis rather than on individual qualifications or objectivity and will simply be presented to the Legislature as a fait accompli. For example, two citizens at large nominated by the Premier then would be accepted by and appointed by the Speaker. Nowhere in here do I see any kind of a consultation, co-ordination, and agreement between all of the political parties with respect to the selection of those three individuals.

So perhaps my amendment there would be simply: three citizens at large nominated by the leaders of the political parties represented in the Legislature after consultation and co-ordination between those individuals and then appointed by the Speaker.

MR. CHAIRMAN: Okay. The amendment before us is that the three citizens at large be nominated by the three political parties and appointed in consultation with the Speaker of the Assembly. Any discussion on the motion? Ready for the question?

MRS. BLACK: Question.

MR. CHAIRMAN: The question's been called. All in favour of the amendment? Opposed to the amendment? Okay.

MRS. BLACK: Can we record the vote?

MR. CHAIRMAN: You think we should record it? All right. Let the record show that Frank supported his own motion and that Stock, Tom, Pam, Pat, and Mike opposed it, and the chairman didn't have to vote.

MS BARRETT: For a change.

MR. CHAIRMAN: Are there any further amendments you wish to put forward to the motion? Are we ready for the question on the motion as it now stands?

MS BARRETT: Actually, I have another question. I'm sorry about this.

MR. CHAIRMAN: That's fine. Go ahead.

MS BARRETT: The things that are asterisked: do they go into the report? Do they go into the recommendations to the Assembly?

MR. CHAIRMAN: The way the Chair reads them, they are part of the recommendations.

MS BARRETT: Okay. I'll wait till the meeting's over, and then I'll ask some questions.

MR. CHAIRMAN: All right.

MRS. BLACK: Question.

MR. BRUSEKER: Speaking of questions, I do have a question. It's not listed in here, nor is it listed up here, and I'm wondering if perhaps we need to add a point 8. The point that I want to raise is with respect to the completion of the task. Under the current legislation we have a total of 18 months: 12 months to write an interim report, six months more to complete the report. I believe we should perhaps address that as point 8. One of the things I would like to see either added as another asterisked point in here or at least considered is that the five individuals – we've now identified five individuals, or at least five are mentioned in here. What I would like to see is a commitment that those individuals, whoever they may be, are individuals who are prepared to make a full-time commitment to completion of this task.

MR. CHAIRMAN: That's a separate item. Let's identify it as number 8. We're really talking about the completion of commission work?

MR. BRUSEKER: Yes. Completion of redistribution.

MR. CHAIRMAN: We'll deal with that as a separate agenda item.

MR. BRUSEKER: All right. Fine. I'm prepared to deal with that.

MR. CHAIRMAN: Any further discussion on the motion?

MS BARRETT: No.

MRS. BLACK: Question.

MR. CHAIRMAN: The question's been called. All in favour of the motion? Opposed? Do you wish it recorded?

MR. BRUSEKER: Yes, please.

MR. CHAIRMAN: All right. Let the record show that the motion was supported by its mover, Stockwell, by Tom, Pam, Pat, and Mike, and it was opposed by Frank.

MR. SIGURDSON: Given the hour, Mr. Chairman, I would move that we adjourn.

MR. CHAIRMAN: Thank you very much. The Chair will entertain a motion to adjourn today. All in favour? Opposed? Carried.

[The committee adjourned at 5:24 p.m.]

