

## **Electoral Boundaries Commission Public Hearings Medicine Hat**

2:13 p.m.

[Chairman: Chief Judge Edward R. Wachowich]

THE CHAIRMAN: Ladies and gentlemen, I want to welcome you and say good afternoon. I would also like to make a few introductory remarks.

My name is Edward Wachowich, and I am chairman of the Alberta Electoral Boundaries Commission. I'm also the Chief Judge of the Provincial Court of Alberta. Let me introduce you to the other members of the commission. Robert Grbavac of Raymond, Alberta, is on my immediate left, Joe Lehan of Innisfail is on my immediate right, and walking in the back door and soon to be seated is John McCarthy of Calgary, and Wally Worth of Edmonton is on my far left. The five people you see before you make up the commission. I want to say that we are very happy to be here to receive your comments and your criticisms and to consider your thinking with respect to the proposals that we have made in our report, released in January.

Why are we here? The commission is here to listen to your comments on the proposals made with respect to the electoral boundaries in Alberta in our first report, which I believe received very wide circulation throughout the province of Alberta. The commission is charged by law to examine the areas, the boundaries, and the names of electoral divisions in Alberta and to make recommendations with respect to them.

As I have said, we made preliminary recommendations in January. These recommendations were given wide publicity, and more than 3,000 copies of our report have been circulated throughout the province. We feel that on the second round of hearings we need only listen to your reactions, evaluate your comments and critiques, and move on to our final conclusion with respect to our mandate.

I want to assure you that every member of the commission has reviewed the law and the literature which has been recently written concerning electoral boundaries in Alberta. I want to tell you that we have reached preliminary conclusions with respect to our mandate, but I also want to tell you that our minds are not closed, nor have we reached any final conclusion. Every member of this commission has given these matters a lot of thought, and in reviewing the law, the work of previous commissions and committees which have studied boundaries in Alberta and in reviewing what the courts have said about electoral boundaries in the province of Alberta and in Canada, we've attempted to craft a preliminary proposal that will assure that all of the citizens of Alberta and all of the regions of Alberta are adequately represented in the Legislative Assembly of Alberta.

In order to put our second round of hearings in perspective, I want to present a brief summary of the electoral boundaries law. One, our function is to review the existing electoral boundaries and to make proposals to the Legislative Assembly about the area, the boundaries, and the names of the electoral divisions in Alberta.

Two, we have a very limited time to accomplish this task. We submitted a report to the Speaker of the Legislative Assembly in late January and must now, after a second round of public hearings, submit our concluding report to the Speaker before the end of June of this year.

Three, as I have said, the commission is required to hold two sets of public hearings. The first set of hearings was completed last year

in November. This second set of hearings will be completed in April of this year, and after we have considered the input from the hearings, we will craft our final report for submission to the Speaker of the Legislative Assembly.

Four, we are required to hold public hearings to enable representations to be made to us by any person or organization in Alberta about the area, the boundaries, and the names of electoral divisions that we have set out in our first report. I believe we have given reasonable notice of the times and places for this second round of hearings.

Five, the commission has the power to change its mind with respect to its preliminary proposal. When the second round of hearings is completed, we will also complete our deliberations and lay before the Speaker our final proposals with respect to electoral boundaries. The Speaker shall make the report public, and it shall be published in the *Alberta Gazette*.

Six, if more than one report is submitted from among the members of the commission, the report of the majority is the report of the commission, but if there is no majority, my report, or the report of the chair, shall be the report of the commission.

Seven, the final report of the commission is then laid at the earliest opportunity before the Legislative Assembly, immediately if it is then sitting or within seven days after the beginning of the next sitting.

Eight, then it is up to the Legislative Assembly by resolution to approve or to approve with alterations the proposals of the commission and to introduce a Bill to establish new electoral divisions for Alberta in accordance with the resolution. This law would then come into force when proclaimed before the holding of the next general election.

Population rules. Population means the most recent populations set out in the most recent decennial census of the population of Alberta as provided by Statistics Canada. We are also required to add the population of Indian reserves that were not included in the census as provided by the federal department of Indian and northern affairs. But if the commission believes there is another provincewide census more recent than the decennial census compiled by Statistics Canada which provides the population for the proposed electoral divisions, then the commission may use this data.

Number of electoral divisions. The second rule is that the commission is required to divide Alberta into 83 proposed electoral divisions. The commission may take into consideration any factors it considers appropriate, but it must and shall take into consideration the following.

Relevant considerations: one, the requirement for effective representation as guaranteed by the Canadian Charter of Rights and Freedoms; two, sparsity and density of population; three, common community interests and community organizations including those of Indian reserves and Métis settlements; four, whenever possible existing community boundaries within the cities of Edmonton and Calgary; five, the existing municipal boundaries; six, the number of municipalities and other local authorities; seven, geographical features including existing road systems; eight, the desirability of understandable and clear boundaries.

Population of electoral divisions. The population rule is that a proposed electoral division must not be more than 25 percent above or below the average population for all 83 electoral divisions. There is an exception to the 25 percent rule. In the case of not more than four proposed electoral divisions the commission may have a population that is as much as 50 percent below the average population of the electoral divisions in Alberta if three of the following five criteria are met: one, the area exceeds 20,000 square

kilometres or the surveyed area of the proposed electoral division exceeds 15,000 square kilometres; two, the distance from the Legislature Building in Edmonton to the nearest boundary of any proposed electoral division by the most direct highway route is more than 150 kilometres; three, there is no town in the proposed electoral division that has a population exceeding 4,000 people; four, the area of the proposed electoral division contains an Indian reserve or a Métis settlement; five, the proposed electoral division has a portion of its boundary coterminous with a boundary of the province of Alberta.

Crowsnest Pass. For our purposes the boundaries Act instructs us that the municipality of Crowsnest Pass is not a town.

This is a very general overview of the legislation, but we must also turn to the guidance that has been provided by the Supreme Court of Canada and the Supreme Court of Alberta. The commission wishes to note that many persons may not agree with our interpretation of these decisions. Be that as it may, we are certainly prepared to hear argument on the various points and to reconsider our position.

What have the Supreme Courts said? The Supreme Court of Canada and the Alberta Court of Appeal have agreed that the right to vote under the Charter includes, one, the right to vote; two, the right to have the political strength or value or force of the vote an elector casts not unduly diluted; three, the right to effective representation; four, the right to have the parity of the votes of others diluted but not unduly in order to gain effective representation or as a matter of practical necessity.

The rulings of the Supreme Courts as well as the electoral boundaries Act must guide our decisions and ultimately the proposals that we make to the Legislature.

Our focus. The commission clearly stated in its report that it wishes to merge a number of rural electoral divisions and to add one electoral division to Calgary and one electoral division to Edmonton. We invite you to comment on these proposals in their particulars. We have put before the people of Alberta our preliminary conclusions with respect to this matter. We have not reached any final conclusions.

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The commission now wishes to hear the views of Albertans with respect to our first report and the focus I have described. Please let me assure you that our deliberations are preliminary at this point and that no final conclusions have been reached. The commission shall not move to the consideration of final proposals without the benefit of input from individuals and organizations in Alberta. Indeed, this is the whole purpose of the second round of public hearings.

I also want to say that without public input the work of the commission will be seriously impaired. We want to hear the arguments and reasoning of all organizations and individuals in Alberta with respect to the area, the boundaries, and the names of the electoral divisions.

I'll now call upon our first presenter, Dr. Lorne Taylor, MLA for Medicine Hat-Cypress, isn't it?

DR. TAYLOR: Cypress-Medicine Hat.

THE CHAIRMAN: Cypress-Medicine Hat.

DR. TAYLOR: Thank you. I appreciate the opportunity to be back before you once again, recognizing that you do have a tough job. It's not an easy job here in terms of what you're trying to do, because everybody wants to protect their own boundaries so much. It's very territorial. I recognize that, and I recognize the fact that you are

required to do something.

I don't believe there are going to be many other presentations here today, if any. I know you have received a letter from the county of Forty Mile, which expresses their viewpoint, and although they won't be here, I'm just reminding you that you did receive this input from the county. I have talked to people all through this constituency about this issue, right from Hilda, which is almost the most northern – Sandy Point bridge is actually the most northern point – right down to Foremost.

On Saturday I was at a 90th birthday party in Foremost and talking to people about this particular issue. As well, I took a trip and went through Coutts and Milk River and stopped and talked to some people. Now, I must be honest and say it wasn't the prime purpose of the trip to stop and talk to people, but since I was going through that area anyway, I stopped and talked to some people both in Coutts and Milk River just to get their impressions on your initial report. I wanted to hear what they had to say as well rather than just my people, because as you know, if your existing boundaries, existing recommendations stay, I will be representing someplace halfway between Coutts and Del Bonita as well, so these people I talked to would be in the constituency.

I would say that without exception those folks I talked to in Coutts and Milk River and the people I talked to in the constituency would agree with the comments I'm going to make, so although you may not get many people here, I have talked to all kinds of them, and I've tried to summarize what they're saying. As it happens, they would agree with what I would say as well, so it's actually very convenient. I'm sure you'll have heard some of this before, but I will start.

The other thing I'm going to say is that not being a lawyer like three of you are, I don't understand all the legal ramifications to what you're doing, and I admit that openly. I have a different kind of education but certainly not a legal education, so I'm trying to take a commonsense approach to this issue. I think sometimes we forget as politicians – I see it all the time in government, quite frankly – that many times we look at the legal ramifications, look at the legal arguments and ignore the commonsense approach. So I would encourage you to take a commonsense approach. Certainly there are legal arguments that you have to bring together and understand and make work for you, but by the same token I think we don't want to ignore what is common sense, because quite often common sense, although perhaps not so tightly tied to the legal argument, makes a lot more sense.

I'd like to address just a couple of issues this afternoon. The first is trading patterns. I'll be talking almost exclusively about the western side of the constituency. I would like to point out to you that by including Milk River and Warner and Coutts in the Cypress-Medicine Hat constituency, you are ignoring the natural trading patterns of the region. The people of Milk River-Warner read Lethbridge newspapers. They watch Lethbridge television. They listen to Lethbridge radio. They visit Lethbridge doctors, dentists, lawyers. They do all their business in Lethbridge, and ultimately they retire there. This tends to be a bit of a problem even in Foremost, because in Foremost people tend to do more of their business in Lethbridge as well. Foremost I think is really the outer edge or what should be the outer edge of this boundary of this constituency, because many of the people from Foremost do most of their business in Lethbridge as well, but they're relatively content to be where they are.

In fact, one of my own directors is retiring off his farm in the Foremost area, and he's retiring to Lethbridge. I said: Bill, why don't you retire to Medicine Hat? I mean, you're in my constituency; I'd like to see you stay there. You're a valuable member of the

directors. He said: no, if you look at our history, all our history is Lethbridge; all our friends retire to Lethbridge. This is from Foremost.

Even more so they do that in Milk River, Warner, and Coutts. They have really absolutely no connections, these folks in Milk River, Warner, Coutts, to the Medicine Hat area. I think you have not or perhaps did not consider trading patterns in your matrix. If you did consider it, I think it needs to be considered to a greater extent, to put more weight on it so that you would recognize that Milk River, Warner, Coutts need to be back in whatever constituency you have over there. I'm not going to suggest how you would structure that other area. I mean, I have no ideas. What I'm suggesting is that those towns need to be back with the natural constituency they belong with, not in this constituency. So I think, one, you need to look at trading patterns.

Two, I believe you need to look at population trends. While there is no doubt that you have used census figures in your report, I believe we need to look more closely at population trends. The areas in Medicine Hat that are in the Cypress-Medicine Hat constituency – this area we're in right here, Ross Glen, and South Ridge, which is just across the highway over here – have been and will continue to be the fastest growing areas in Medicine Hat. If you have some time, just go out of the lodge and go down to the end of the street and look at the new houses that are going up and the new houses that are there. You'll see what I'm talking about. If you just go across the highway into South Ridge and look at the new houses that are there, you'll see what I'm talking about. These are the two fastest growing areas in Medicine Hat.

As well, the area around Medicine Hat continues to grow rapidly. Dunmore, for instance, which is about five miles down the road: the population has tripled since 1991. If you look at Seven Persons, I don't know what their increase is, but it will be a similar increase with new houses. What's happening is that these people are using these as bedroom communities. In fact, the demand is so great that a new high school is being built in Dunmore today. They're working on the high school today. It will be open for September 1. I talked to the school trustees two and a half or three weeks ago. That high school can hold, I think they said, around 450, 500 students. That high school is three-quarters enrolled already. That was two and a half or three weeks ago. Now they're beginning to wonder: did they build it big enough? So this is again an example of a population trend that the areas around Medicine Hat continue to grow rapidly, particularly in that circle of Seven Persons to Dunmore. It's just an area that people seem to want to move out to acreages. So I would encourage you to examine the population trends in this immediate area as opposed to simply looking at population counts, which it kind of looks to me like you've done, although I may be wrong.

The other issue I think we need to very clearly consider is sparsity and distance. I don't believe sparsity and distance were given enough awareness or enough power in your matrix. People are spread throughout this riding, as opposed to being located in population centres as they are in northern Alberta. If you look at the ridings in the north, you've got a whole bunch of population centres. You do not have that in this riding. It is interesting to note even that the western boundary of the new riding you propose will be closer to some Calgary MLAs than it will be to me. So I'm wondering, if you want to knock off that Milk River-Warner area, if you'd perhaps just have a Calgary MLA represented, because they would be closer in geographical distance. Quite frankly, they would be closer in connection as well, because people from Milk River and Warner would go more often to Calgary than they would to Medicine Hat. People from Coutts would go more often to Calgary than they would

to Medicine Hat. I make this suggestion facetiously but just try and point out what I consider to be an incongruous kind of situation that we've structured here.

The variance of the existing constituency is under the 25 percent rule, which as I understand it is acceptable to both the courts and the commission. That's based on old data. Now, perhaps I am interpreting it wrong, but that's the way I understand it, that we can have up to 25 percent. Yet with the new boundaries that you propose, the variance will fall to 8.1 percent. There are 17 other constituencies with a greater variance than the 8.1 percent. Many of those 17 have smaller areas geographically in square miles, square kilometres, whatever, and they have more population centres, making them easier to represent. Once again this indicates to me that there are some difficulties in the matrix, because if these 17 have smaller areas and more population and we're rated basically easier to represent than they are, that doesn't make sense somehow to me.

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In regards to the area of Cypress-Medicine Hat, it is ranked as number 8 along with 12 other constituencies in your report. We're ranked as number 8 with 12 others. Of the 12, Cypress-Medicine Hat has the largest area by far – largest by far – with some of the 12 constituencies that we're ranked with having less than half the area. Once again that indicates to me matrix problems when some of the constituencies that we're ranked with at number 8 have less than half the area. So I would encourage you to allow the variance to rise to a level of a minimum of 15 percent and perhaps higher, which should be acceptable, according to your report.

Now, the easiest solution I would see to this would be to include Coutts, Milk River, Warner, that you've presently included in this constituency, back in the constituency that is natural to them and draw the western boundary of this constituency somewhere east of Milk River, perhaps where it is now. Perhaps, you know, you could fool around with that line a little bit if you have to. If you must extend the boundary of this constituency, it would make more sense to me to extend it along Highway 41 to Bindloss and Oyen because if you look, that's up my northern boundary. If you go to Schuler, Hilda, and you go across the Sandy Point bridge, that's going up Highway 41. Cross the Sandy Point bridge, you'll hit Empress, and you'll hit that Bindloss-Oyen country.

Why I say that is because all those people do their business in Medicine Hat. They come to the doctor in Medicine Hat. Their kids play hockey in Medicine Hat. They curl in Medicine Hat. Their natural trading connections are Medicine Hat. They come south into Medicine Hat because we're the largest population centre to them. I don't think we need to do that, quite frankly, but if you do feel the need to extend the boundaries, it makes much more sense to go that way, as I say, because people from these communities trade in Medicine Hat and are connected to Medicine Hat.

These people retire in Medicine Hat. I can think of my constituency assistant. Her father farms out in the Oyen-Bindloss country, but his connections are all in Medicine Hat. His mother and father retired to Medicine Hat because that's the natural connection for them, and they do their business. I know this because we still run a cattle auction market – I don't do much anymore or nothing – and we sold many of those people's cattle. I know they trade in Medicine Hat, and if they weren't selling their cattle at our market, they were selling them at our competitor's market. So this business comes south along Highway 41 because it's a good highway and it's a natural trading pattern.

I've asked the people in Foremost why more people don't come to Medicine Hat to do business, because obviously I'd prefer to see

more of the Foremost people spending their money in Medicine Hat. A simple but maybe a bit facetious answer from somebody was: because when you drive to Medicine Hat in the morning, you have the sun in your eyes, and when you drive home at night, you have the sun in your eyes. It sounds easy, but there is some truth to that, if you know rural people and if you drive a lot in rural Alberta. It's hard to drive with the sun in your eyes both ways. It's just easier to go to Lethbridge. That's only one reason. The other reason, of course, is that there was blacktop going to Lethbridge before there was blacktop coming to Medicine Hat, so that's where the business patterns were established.

I think if we examine the population trends and population numbers in the city of Medicine Hat, you can conclude that in the very near future the existing boundaries will meet the population requirements. I say this because, as you know, we have a census happening right now, or almost immediately anyway. We're all getting our notification. So there will be new data almost, you know, immediately or at least in the near future in regards to population trends. I think it makes more sense to take a look at some of those issues and wait till we have some new data.

The other area, of course, is something that the county of Forty Mile talks about, which is effective representation. This new constituency as you have it presently constituted would be roughly four to four and a half hours to drive from there to between Del Bonita and Coutts. I drive to Edmonton all the time. I've flown four times since I've been elected because your connections aren't good from here, and it takes me five hours, shall we say, to drive to Edmonton from here. Sometimes I occasionally do it a little quicker. Just to give you some idea of the distance in this constituency, everybody thinks Edmonton's a long way away, but that would be roughly the distance across this constituency. Since we do have the population spread out through the constituency, you know, you have to be in it. Oftentimes I've heard urban people say, "Well, you can do it by electronic means; there are faxes, there are computers, there is electronic mail," but rural people want to see you. Rural people want to sit down and have a coffee with you; rural people want to talk to you. And I want to sit down and have a coffee with them, and I want to see them. You get the true picture of what's happening by being able to look right into the guy's eyes and say: "Is this happening? Is this true? Is this right?" So you need to be out there visiting your people.

The other issue that I've heard mentioned – I think you mentioned it in your report – is to give more money to a rural or a 'rurban' constituency to help represent it. I don't think that's a real solution. You can give us more money and certainly we'll take it, but it doesn't help me to any greater extent being in Foremost, as I was Saturday afternoon, or being down in Aden, as I'm going to be this Saturday night. As I say, the extra money doesn't help. But it is interesting to note that although I have one of the larger ridings in the province, many urban ridings get more of a constituency allowance than I do. I was comparing some of these figures this week just to see what they were getting. One riding in Red Deer would get about \$5,000 more than I would, and that's just the one that I can remember offhand. I thought that was an interesting comparison.

The one other comment I would make is in regards to the name. I believe you recommend that the name just be called Cypress. I think it should still remain as Cypress-Medicine Hat, because I do represent about one-third of Medicine Hat, and growing, and that representation, I would suspect – I haven't looked at the numbers recently – will be at least 50 percent of the constituency, probably someplace between 50 and 55 percent of the constituency. So, personally, whether you put it out to Del Bonita or not, I would still

like to see the name as Cypress-Medicine Hat. People know the constituency as that, and I think it makes sense. To do anything different takes the Medicine Hat out of it, and certainly even now with two people in Medicine Hat we have to be fairly clear as to who represents whom, so it would make more sense to include Cypress and Medicine Hat. As I say, it's one-third of the city, and there's certainly some sensitivity in the urban people to it being taken out.

With that I'll conclude my comments, and if you've got any questions, I'm more than happy to try and answer them.

THE CHAIRMAN: Well, we'll start the questioning today with John McCarthy.

MR. McCARTHY: Well, Lorne, thanks for your comments. I have a couple of comments and then questions for you. Supposing we left the western boundary of your constituency as it is. That would then require some adjustment, at least in our view. I think it's safe to say it would require some adjustment. Now, I want to run this suggestion by you and see what your reaction is, because it seems to me it would certainly be of some assistance to you with respect to geography and sparsity and things like that if we did an adjustment within the city of Medicine Hat itself.

DR. TAYLOR: Yeah. I would have no problem with that.

MR. McCARTHY: Let's say – well, you know better than I, but I just want you to comment – from Carry Drive up to Southview Drive or something like that.

DR. TAYLOR: Yeah. That's one that would make sense. The other thing – I don't know how it fits in because I don't know what your plans are, but in terms of Redcliff, it has been part of this constituency before.

MR. McCARTHY: Yes.

DR. TAYLOR: It was just taken out. So from my perspective, if you need more population, another thing I think should be looked at would be Redcliff.

Once again I would remind you that the courts have said that we can have 25 percent variance, and if you leave the boundaries where they are and look at new census numbers, I would suspect we'll probably be down around 15 percent anyway. But yes, that would be an alternative, to move it over to Southview Drive.

MR. McCARTHY: Okay.

DR. TAYLOR: If you moved it over to Southview, then where would you take it once you get to Dunmore Road? Just up to Dunmore Road, or would you continue it to the highway?

MR. McCARTHY: That was the question I was going to ask you.  
2:43

DR. TAYLOR: Oh, okay. Well, I think if you move it over to Southview, there will be a large enough population base in that area, because as I understand, Medicine Hat is slightly under the variance as well, so you wouldn't want to take too much out of Medicine Hat. But if you take Southview up to Dunmore Road, run along Dunmore Road to Carry Drive and back out that way, that would be a discrete division that would be easily identified.

MR. McCARTHY: Your point is a good one, because every time

you make a change, there's a ripple effect, but if we did that, then that may require an adjustment with respect to the second Medicine Hat constituency and Redcliff.

DR. TAYLOR: Yes, it may.

MR. McCARTHY: All right. Now, I have one other thing: don't leave until I give you my map here after we're finished the formal part of our discussion. I'll just get you to draw on my map your suggestions vis-à-vis Oyen and Bindloss as a further alternative.

DR. TAYLOR: Okay; yeah.

MR. McCARTHY: Thanks.

MR. LEHANE: Lorne, I know I do and I think many of the members of this commission will also agree with much of what you've had to say this afternoon, beginning with the fact that this is a very difficult job.

DR. TAYLOR: It's not easy.

MR. LEHANE: I appreciate your presence here to contribute in terms of coming up with a resolution, and with some positive input that can help us with that difficult task.

DR. TAYLOR: See, I would rather have had you knock about five MLAs out of the picture. That would have been my preference, rather than staying at 83.

MR. McCARTHY: But we can't do that.

MR. LEHANE: That's an interesting comment I'd like to pursue with you a little bit, because it's a suggestion we've had across Alberta, from rural areas as well as urban areas, Lorne. My response on a number of occasions has been this: we're told by many rural MLAs and ex rural MLAs and even ex city MLAs that the rural MLAs are going full-time and they're going full out trying to cover their area. Now, when you start lowering the number of MLAs – let's not fool ourselves – probably at least 50 percent or better are going to come out of the rural areas, and Cypress-Medicine Hat is going to be a bigger constituency.

DR. TAYLOR: That's what I'd argue with you on effective representation, and argue that you can represent the city. I mean, Murray Smith's constituency is probably six or 10 square blocks. He can walk across his constituency. So if you add another few blocks on to an urban riding, it makes no difference, but you've got to be able to do it in terms of effective and argue your case on effective representation. So I would argue that, sure, if you have to, take two out of rural Alberta anyway; take those two and then take another four, five, or six out of urban Alberta.

MR. LEHANE: We'll be in Calgary tomorrow if you want to hear the other side of that argument.

DR. TAYLOR: I don't think Calgary MLAs want more MLAs in Calgary. I don't know; maybe they do.

MR. LEHANE: Well, we've heard lots of presentations in terms of one person, one vote essentially coming out of the urban areas, so that's why I suggest to you that there's certainly another side to that

argument that we've heard.

In terms of your comments on the trading patterns in the Warner, Milk River, and Coutts area, I think we can assure you we're going to take another hard look at that, because we had a long day in Taber last week . . .

DR. TAYLOR: Yeah, I imagine you did.

MR. LEHANE: . . . and we heard many presentations suggesting that the proposed boundaries don't follow the natural trading patterns. I think there's going to be a hard look at moving them back to run concurrently with the county of Warner line.

DR. TAYLOR: Let me just say one thing: I wouldn't be here if I didn't think you were open. I had a lot of people say we're not going to bother going because they've made their minds up already, but I want to assure you that if I thought that – it was difficult for me to get here. I drove to Edmonton yesterday morning and flew home last night, and I'm flying back Wednesday morning and driving home Thursday night, so it's not something that I desired to do. But I felt that you were open, and you've indicated that to me, and I said this to people. I said, "It's an initial report, and I feel in talking to some of them that they were open." I have said that, so I thank you.

MR. LEHANE: The only other item I wanted to touch on is with respect to if there has to be some extension dealing with the Oyen-Bindloss area. John's indicated to you that you can perhaps provide us with more particulars and give us some more input in terms of where some of the school and hospital districts may run and that sort of thing.

Thank you.

MR. GRBAVAC: Lorne, I'd like to take exception to some of your comments, or I'll certainly have you clarify them. First of all, I live in the Raymond area, which is west of the currently configured constituency. I can drive to any point in your constituency and be a heck of a lot closer than driving to Edmonton. I mean, your numbers are just off there. They're off.

DR. TAYLOR: I'm talking in terms of time; not in terms of miles, in terms of time.

MR. GRBAVAC: Well, I'm pretty familiar with just about every road in this part of southern Alberta. I still would disagree with you.

Anyway, I don't think that's really a relevant point. What I'm trying to get at is that our configuration of the boundaries on the west side was largely a function of a suggestion that I made that we give those people an option in an interim report relative to their exception to being included with Cardston with respect to the Westwind school division. I said: "Well, let's give them the option. Maybe they'd prefer to go to Medicine Hat than to Cardston." I still have yet to receive an answer as to whether or not they prefer to go to Cardston, if that's to be their constituency if Coaldale is excluded from the picture, because Coaldale seems to be a real issue with the people in Taber-Warner. They don't want to be excluded from Coaldale even if they are included with Cardston.

DR. TAYLOR: Yeah, and I can't comment on that.

MR. GRBAVAC: I can appreciate that, but I just wanted to give you a little background into that configuration. I was prepared halfway through the hearings in Taber to concede to that argument. It was

made overwhelmingly clear to us that those people wanted to be with their travel pattern and trade pattern.

That brings me to my next question. If Foremost's travel pattern is to Lethbridge – and I know a lot of people there, and I concur with that, that it is to Lethbridge, as is Medicine Hat, as is Milk River, Coutts, and Warner – then why would we put Foremost in with Cypress?

DR. TAYLOR: Because Foremost has historically been there, at least as far as I know.

MR. GRBAVAC: I appreciate that historically it's been there, but the travel pattern is primarily to Lethbridge. Wouldn't it make more sense to include Oyen and the area to the north, which is now excluded? I'm just trying to play this . . .

DR. TAYLOR: No, I certainly see what you're saying. The only reason I would say leave it is because, one, the people have accepted it; two, historically it's been there; and three, it seems to be working quite well. Their business patterns, not as much as I'd say Milk River and Warner – and you'd know that area better than I would, being from out that way – would be almost exclusively Lethbridge. You do still get some people from Foremost coming back and forth this way in terms of coming into Medicine Hat for some issues, and you're seeing a little more of that as time goes on with the improvement in the highways, because we're actually a little closer, I believe, to Foremost in Medicine Hat than they are to Lethbridge.

The other thing you're seeing: as more cattle move this way in terms of cattle marketing, and more and more effort is being made by the people who market cattle in this area to canvas that area and move cattle this way, they will come here and do more business. You're seeing some of that. We saw some of that in the last two years, quite frankly, with cattle being pulled out that used to go into Lethbridge to be sold, being moved this way for a whole series of reasons. With that comes the dollars and with that comes the business, because when they're in town here, then the cattle are here; they start doing their business here.

I think you will see over time not a great shift but a shift of a little more business coming that way, and there's certainly some that comes into Medicine Hat already. I think it's an accepted thing as it exists right now, and it's probably easier to leave it that way.

MR. GRBAVAC: Are you suggesting, then, that the status quo is preferable to excluding Foremost and including Oyen?

DR. TAYLOR: Well, it's my understanding that we need more population, so what I'm saying is that because we need more population, then leave Foremost in and include Oyen as well.

MR. GRBAVAC: All right. Okay.

Well, that's the extent of my questions. Thank you.

MR. WORTH: Two or three questions of clarification, Dr. Taylor. When you talk about the Oyen-Bindloss-Empress area, you're talking about an area that's also in the health authority, and the health authority boundary I think goes up almost to New Brigid.

DR. TAYLOR: Yes, it does.

MR. WORTH: Would you envision some coterminous nature in those boundaries?

DR. TAYLOR: You could. The other thing is that the Prairie Rose school district goes up there as well. The Prairie Rose school district's head office is in Dunmore. The one and only high school for the Prairie Rose school district is being built in Dunmore, so it's not just the health region, it's Prairie Rose. I have most of Prairie Rose, but it also goes across the river as well, on the other side of the river into some of Lyle Oberg's riding. But you could still use the river as a boundary and look at Prairie Rose to see where Prairie Rose goes, because it does go up there into Oyen and that area as well, Empress and Bindloss. Once again, the health authority, the school district all are, you know, part of this constituency quite frankly.

2:53

MR. WORTH: Second question of clarification. We've really talked till now of three alternative ways of adding to the Cypress-Medicine Hat constituency. I take it now from the conversation – is this fair? – that your least preferred one of the three is the extension up north to Oyen and New Brigid?

DR. TAYLOR: Oh, I'd say probably that's my most preferred.

MR. WORTH: Most preferred.

DR. TAYLOR: Yes, and I say that because when you have a `rurban' riding, there's a very great sensitivity in the rural part of your riding to being outnumbered and outvoted by the urban part of the riding. I can say that's certainly true in my riding, so it would be easier for me to do Medicine Hat, you know, to just have a little bit extra of Medicine Hat. Quite frankly, to be honest in speaking as to what I feel the rural part of the riding would like, they would like to see more rural as opposed to more urban, just to try to maintain the roughly, well, 55-45 balance or whatever it is.

MR. WORTH: Well, I'm glad I asked you that question, because that helps to clarify your position.

Just an observation now about our matrix. You've suggested that there are some weaknesses in it, and we certainly agree with that. We believe what we've got here is a bit of a diamond in the rough, to use the expression of one of my colleagues here. We're trying to refine it. We've had a number of suggestions about how that might be done, and we will certainly take cognizance of some of the points you made in that regard. We are hopeful that we will refine it to the point where it will be a very useful tool and one that will be readily understood and accepted as well as being a useful diagnostic tool. So thank you for your comments about it.

DR. TAYLOR: Thank you.

THE CHAIRMAN: Well, Lorne, I have a few questions. They've been partly covered. I like the fact that you've come here today and you gave us three suggestions as to how we might change this constituency. I guess we heard it last week quite loud and clear that Milk River and Coutts and Raymond didn't want to be part of your constituency, and we appreciate the fact that the trading pattern is towards Lethbridge.

As has been indicated by previous members of the panel, we're going to look at that very seriously. When we take that area out of your constituency, because of the figures, we feel we have to add something to it. We tried to strive for a 15 percent variance in our report, and we ended up with three constituencies at 16 percent. One was Drayton Valley; the other was Dunvegan; the other was Barrhead-Westlock. We could have changed those to 15 percent,

but those changes would have been really detrimental. We'd have been jumping county lines just for the purposes of figures, so we left those three constituencies where they were.

When we discussed Medicine Hat last time, you were present at the hearings, and when we said to the people that were there, "What about giving this constituency a little bit more of Medicine Hat?" my opinion was that most of the people, and especially the rural people, didn't want that.

DR. TAYLOR: That's correct.

THE CHAIRMAN: Because that would have been in certain ways a very simple solution. So I think we were trying to adhere to the wishes of those people. We considered this constituency to be a 'rurban' constituency that is getting along.

DR. TAYLOR: Yeah, we get along good.

THE CHAIRMAN: I personally would like to see more 'rurban' constituencies in Alberta. I think all of Alberta could be 'rurbanized' except Edmonton and Calgary, and eventually they can be. But I want to say that Lethbridge and Red Deer could be 'rurbanized' if necessary, because a lot of the people that live in those cities are people who came from the farms or are coming from the farms. They don't have differences with the rural people.

So you agree that the rural people don't want more of Medicine Hat. That leaves us, from what I can see, two other of your options to look at, and that's taking in the Bindloss-Oyen area – as John said, he's going to have you draw it on the map. I don't know how many people that involves. I guess there's the other option, and that's Redcliff, which you say was part of this constituency.

DR. TAYLOR: Yes, it was. I don't know how long, but for many years.

THE CHAIRMAN: So we will look at all those. I don't know which one we're going to end up with, but I would say leaving the constituency as it was – the figure is too high.

You also state that we're allowed to go 25 percent plus or minus, and that's the legislation. The legislation says we must justify it. That was the problem with the last report. They felt that the last report wasn't justified. I think if you look at the cases, parity of voting comes first. Effective representation: you're entitled to deviate from parity of voting for purposes of effective representation. The question this commission has to fight with is: what is effective representation?

DR. TAYLOR: Well, if I could comment on that. You are allowed to deviate. It's my understanding the courts have ruled that up to 25 percent is an acceptable deviation, and if that is true, then we as existing right now are under 25 percent. If you look at population trends, I'll wager – I'll even give you odds if you like – that we will be down under 20 percent in terms of population trends.

Once again, if you look at this constituency the way you have it constituted right now at 8.1 percent variance and look at Drayton Valley or look at Barrhead – and they're at 16 percent – and just look at the difference in area of those two, particularly Barrhead, try to rationalize to yourself why Barrhead's at 16 percent with their population base and small area and why this constituency is at 8.1 percent with its huge area and spread-out population.

MR. GRBAVAC: Well, you're taking a selective component of that

matrix, Dr. Taylor. There are, you know, nine other elements to that matrix. I'll yield to your argument on that specific point. It does look like there's an oddity there, but there are nine other factors that you can't ignore in that matrix in terms of local governments . . .

DR. TAYLOR: Well, if the courts have said we can be 25 percent, and if population trends, Mr. Grbavac, are showing that we're going to be far less than 25 percent, probably less than 20 percent . . .

MR. GRBAVAC: But you have to appreciate that the average is moving, so as you project the population trends, you also have to project the moving average in terms of the mean. So that's not a static.

DR. TAYLOR: That's true.

MR. GRBAVAC: I can suggest to you that if we took population trends, then we'd have one more riding in Sherwood Park. They're already over.

DR. TAYLOR: But you're assuming the one man, one vote concept, which I don't accept as legitimate.

MR. GRBAVAC: No, actually not. I'm just suggesting to you . . .

DR. TAYLOR: Or parity of voting, and from my perspective, effective representation should be the number one perspective, not parity of voting. That's where you and I are going to choose to differ forever.

MR. GRBAVAC: Well, I'm interfering with the judge's questioning.

DR. TAYLOR: You know, that's just an argument of philosophy. I'm not going to convince you, and you're not going to convince me.

THE CHAIRMAN: Well, along those lines, Lorne, I want to say that as we've traveled Alberta, the rural people say the number one thing is effective representation. The city people are saying parity of voting, and the Charter and the law, I think, are leaning more towards parity of voting than towards effective. But that's for us and other commissions to decide.

DR. TAYLOR: I thought it was an interesting argument that the county of Forty Mile raised in their letter, where they raised historically the point that urban voters were in the same position rural voters are in right now. In the past urban voters, as they point out, had more representation than their population figures warranted, and no rural guy was up in arms arguing that you need to take MLAs away from rural Alberta. No, they didn't, and historically that's been the case. So what's happened now is that simply a trend has reversed, and for some reason we feel the need to change. I agree there need to be changes, but I think we need to be careful. I agree; I've got no problem with taking two out of rural Alberta.

THE CHAIRMAN: I just want to deal with one other thing. You said new data from the present census. We've looked into this. The present census is not going to be complete; it's one out of every five households. But that information is not available until 1998.

DR. TAYLOR: Oh, okay. I didn't know that.

3:03

THE CHAIRMAN: So that doesn't give us much help.

DR. TAYLOR: No. Unless you just adjourn till 1998.

THE CHAIRMAN: Well, your legislation said we have to have our report in by the end of June. I don't want to be throwing the basketball in your court . . .

DR. TAYLOR: Well, maybe if you suggest we adjourn till 1998, I'll carry that forward to caucus on Thursday and see if we can get her done. I think we probably could.

THE CHAIRMAN: I think John may have some response.

MR. GRBAVAC: I'd sooner die an earlier death than a prolonged one.

DR. TAYLOR: You may, you may.

MR. McCARTHY: Just a couple of points, Lorne. I see in 1955, you know, in your election reports they have historical information here. There were 61 members elected, and Edmonton had seven members and Calgary had six. So it's changed quite a bit in the last 40 years.

DR. TAYLOR: Yeah, that's right.

MR. McCARTHY: Then when you go back to Alberta's first election, Calgary and Edmonton I think had two members each way back at the turn of the century.

Just one point of information, for your interest maybe. You know, the 25 percent variance which is allowed by our statute and was also allowed by the Saskatchewan statute that went to the Supreme Court of Canada – you're correct in saying that the courts did not invalidate the legislation. The problem is how to apply that legislation. In other words, they didn't approve a 25 percent variance across the board; they allowed up to a 25 percent variance. It's interesting in the Saskatchewan case to note the net discrepancy between urban and rural areas. The rural population was 2.6 percent above the allocation of seats, and the urban population was 3.7 under, for a net difference of about 6.3 percent. The net difference that we're dealing with in Alberta and perhaps why the Court of Appeal was quite harsh in its comments, even though you're correct that it didn't invalidate the last election: the discrepancy was more than double the Saskatchewan situation. So the fine point is – and I don't want to get into too much legal stuff – that the legislation was similar, there's no doubt, but the facts upon which the legislation was applied were significantly different and the net variation in Saskatchewan was less than half.

THE CHAIRMAN: I'm not sure you're aware of this, Lorne, but Saskatchewan has now passed legislation stating that the variance should be 5 percent plus or minus, and we're not recommending that for Alberta.

DR. TAYLOR: No, but when you look at Saskatchewan politics, that's a political decision. I mean, look where the NDs have their support. I mean, I lived in Saskatchewan; I taught at the university there. The ND support is in Regina and Saskatoon, so certainly if I was trying to do something in that way and protect my position in office, I'd do exactly the same thing.

MR. GRBAVAC: We'll look forward to how you deal with our report.

THE CHAIRMAN: I appreciate that remark, but one of the consequences is that out of 50 constituencies, 40-some constituencies now – I think 41 is what we were told – have a variation of plus or minus between 1 or 2 percent. I'm told that Manitoba has done the same thing and that B.C. is looking at the same thing. So if there is any trend, I want to say that the trend is towards parity of voting.

I want to thank you for coming. [interjection] Oh, I'm sorry.

MR. LEHANE: I just have a couple of things I'd like to add, Mr. Chairman. In terms of population trends, Lorne, I think it was interesting for you to indicate the significant growth you've seen in the city of Medicine Hat and the surrounding area. I think we demonstrated with some numbers in the preliminary report that the often held thought that people were moving out of the country into Edmonton and Calgary is not statistically correct. Their populations haven't grown any faster than the province as a whole. I think some people kind of look at this redrawing of electoral boundaries as a doomsday for everywhere but Edmonton and Calgary, and in fact that doesn't appear to be the trend. The trend appears to be that the population is growing as fast in the rest of the province.

DR. TAYLOR: I think, as I say, if you take a drive five miles down number 1 and see Dunmore and just look at all the new houses out there, it's incredible. Two, in terms of moving into Medicine Hat, they're all coming from Saskatchewan, a good place to come from.

MR. GRBAVAC: Inheritance tax laws are a little different there.

DR. TAYLOR: That's right.

MR. LEHANE: The second point I wanted to make was, as the chairman has indicated, in terms of what is the trend in neighbouring provinces. I think that's correct: just because they're doing it doesn't mean it's right. But there is a trend that way, and certainly it's a trend that in my opinion is one that may be considered by the courts in determining whether or not they think variances from parity are justified. That's why we think creating the matrix is a very, very important tool in terms of being able to attempt to create a methodology that will in some way quantify the degree of difficulty of representation and thereby justify these variances to the court.

DR. TAYLOR: And I would agree with you that the matrix is a very good idea, and I think it was the gentleman on the end, Mr. Worth, that said you do recognize that there are some weaknesses in it. But I think one needs to be careful in examining the provinces beside us. In the first place, they're both ND governments – B.C. for not much longer, apparently – but Alberta has certainly led in every area. I mean, we're the leaders in the country in terms of all kinds of issues, including health care. So to look at trends in provinces beside us, I'd say no. I say that Alberta sets the trends, and we should continue setting the trends, including with boundaries.

MR. GRBAVAC: We wouldn't argue that you're certainly leading. The argument may come to where you're leading us to.

Lorne, I just wanted to comment on our matrix. I appreciate that you pointed out some inherent weaknesses, and certainly, again, I concede that. But we're also being criticized from an urban perspective for not including maybe more qualitative elements like the level of literacy in the constituency or, for that matter, the ability of the people in the constituency to speak English or whether or not they're immigrant populations or whether they're socioeconomically



disadvantaged. You know, for all those elements we've chosen not to include, the argument could be made. Far be it for me, from a rural member . . .

DR. TAYLOR: I would say that you probably should include some of that stuff. If you have a large population that doesn't speak English, like Hung Pham's constituency, for instance – I mean, if he wasn't Vietnamese and could speak the language, it would be a different situation. Perhaps some of those issues do need to be included; I would have no problem with that. I think once again it's a commonsense approach, and that's what I'm arguing for. I think that would be a commonsense approach to recognize, you know, that here's a large population of Vietnamese. They presently have a Vietnamese-speaking member, but they might not five years from now or two years from now. Who knows? So I think some of those things only make sense to include.

THE CHAIRMAN: Well, Lorne, I want to thank you for your frank and informative presentation in coming and talking to us today. If it weren't for you, we might not have had anybody else here. Thanks.

DR. TAYLOR: Okay. Thank you.

THE CHAIRMAN: Corinne, is there anybody else that's registered?

MRS. DACYSHYN: No.

[The hearing adjourned from 3:11 p.m. to 7:02 p.m.]

THE CHAIRMAN: Ladies and gentlemen, we would ask that you please be seated as we would like to start this evening's hearing. I want to welcome you and say good evening. I would also like to make a few introductory remarks.

My name is Edward Wachowich, and I am chairman of the Alberta Electoral Boundaries Commission. I'm also the Chief Judge of the Provincial Court of Alberta. Let me introduce you to the other members of the commission. Robert Grbavac of Raymond, Alberta, is on my immediate left, Joe Lehane of Innisfail is on my immediate right, John McCarthy of Calgary is on my far right, and Wally Worth of Edmonton is on my far left. The five people you see before you make up the commission. I want to say that we are very happy to be here to receive your comments and your criticisms and to consider your thinking with respect to the proposals that we have made in our report, released in January.

Why are we here? The commission is here to listen to your comments on the proposals made with respect to the electoral boundaries in Alberta in our first report, which I believe received very wide circulation throughout the province of Alberta. The commission is charged by law to examine the areas, the boundaries, and the names of electoral divisions in Alberta and to make recommendations with respect to them.

As I have said, we made the preliminary recommendations in January. These recommendations were given wide publicity, and more than 3,000 copies of our report have been circulated throughout the province. We feel that on the second round of hearings we need only listen to your reactions, evaluate your comments and critiques, and move on to our final conclusion with respect to our mandate.

I want to assure you that every member of the commission has reviewed the law and the literature which has been recently written concerning electoral boundaries in Alberta. I want to tell you that

we have reached preliminary conclusions with respect to our mandate, but I also want to tell you that our minds are not closed, nor have we reached any final conclusions. Every member of this commission has given these matters a lot of thought, and in reviewing the law, the work of previous commissions and committees which have studied boundaries in Alberta, and what the courts have said about electoral boundaries in the province of Alberta and in Canada, we've attempted to craft a preliminary proposal that will assure that all of the citizens of Alberta and all of the regions of Alberta are adequately represented in the Legislative Assembly of Alberta.

In order to put our second round of hearings in perspective, I want to present a brief summary of the electoral boundaries law. One, our function is to review the existing electoral boundaries and to make proposals to the Legislative Assembly about the area, the boundaries, and the names of the electoral divisions in Alberta.

Two, we have a very limited time to accomplish this task. We submitted a report to the Speaker of the Legislative Assembly in late January and must now, after a second round of public hearings, submit our concluding report to the Speaker before the end of June of this year.

Three, as I have said, the commission is required to hold two sets of public hearings. The first set of hearings was completed last year in November. This second set of hearings will be completed in April of this year, and after we have considered the input from the hearings, we will craft our final report for submission to the Speaker of the Legislative Assembly.

Four, we are required to hold public hearings to enable representations to be made to us by any person or organization in Alberta about the area, the boundaries, and the names of electoral divisions that we have set out in our first report. I believe we have given reasonable notice of the times and places for this second round of hearings.

Five, the commission has the power to change its mind with respect to its preliminary proposal. When the second round of hearings is completed, we will also complete our deliberations and lay before the Speaker our final proposals with respect to electoral boundaries. The Speaker shall make the report public. It shall be published in the *Alberta Gazette*.

Six, if more than one report is submitted from among the members of the commission, the report of the majority is the report of the commission, but if there is no majority, my report, or the report of the chair, shall be the report of the commission.

Seven, the final report of the commission is then laid at the earliest opportunity before the Legislative Assembly, immediately if it is then sitting or within seven days after the beginning of the next sitting.

Eight, then it is up to the Legislative Assembly by resolution to approve or to approve with alterations the proposals of the commission and to introduce a Bill to establish new electoral divisions for Alberta in accordance with the resolution. This law would then come into force when proclaimed before the holding of the next general election.

Population rules. Population means the most recent populations set out in the most recent decennial census of the population of Alberta as provided by Statistics Canada. We are also required to add the population of Indian reserves that were not included in the census as provided by the federal department of Indian and northern affairs. But if the commission believes there is another provincewide census more recent than the decennial census compiled by Statistics Canada which provides the population for the proposed electoral divisions, then the commission may use this data.

Number of electoral divisions. The second rule is that the commission is required to divide Alberta into 83 proposed electoral divisions. The commission may take into consideration any factors it considers appropriate, but it must and shall take into consideration the following.

Relevant considerations: one, the requirement for effective representation as guaranteed by the Canadian Charter of Rights and Freedoms; two, sparsity and density of population; three, common community interests and community organizations including those of Indian reserves and Métis settlements; four, whenever possible existing community boundaries within the cities of Edmonton and Calgary; five, the existing municipal boundaries; six, the number of municipalities and other local authorities; seven, geographical features including existing road systems; eight, the desirability of understandable and clear boundaries.

Population of electoral divisions. The population rule is that a proposed electoral division must not be more than 25 percent above or below the average population for all 83 electoral divisions. There is an exception to the 25 percent rule. In the case of not more than four proposed electoral divisions the commission may have a population that is as much as 50 percent below the average population of the electoral divisions in Alberta if three of the following five criteria are met: one, the area exceeds 20,000 square kilometres or the surveyed area of the proposed electoral division exceeds 15,000 square kilometres; two, the distance from the Legislature Building in Edmonton to the nearest boundary of any proposed electoral division by the most direct highway route is more than 150 kilometres; three, there is no town in the proposed electoral division that has a population exceeding 4,000 people; four, the area of the proposed electoral division contains an Indian reserve or a Métis settlement; five, the proposed electoral division has a portion of its boundary coterminous with a boundary of the province of Alberta.

Crowsnest Pass. For our purposes the boundaries Act instructs us that the municipality of Crowsnest Pass is not a town.

This is a very general overview of the legislation, but we must also turn to the guidance that has been provided by the Supreme Court of Canada and the Supreme Court of Alberta. The commission wishes to note that many persons may not agree with our interpretation of these decisions. Be that as it may, we are certainly prepared to hear argument on the various points and to reconsider our position.

What have the Supreme Courts said? The Supreme Court of Canada and the Alberta Court of Appeal have agreed that the right to vote under the Charter includes, one, the right to vote; two, the right to have the political strength or value or force of the vote an elector casts not unduly diluted; three, the right to effective representation; four, the right to have the parity of the votes of others diluted but not unduly in order to gain effective representation or as a matter of practical necessity.

The rulings of the Supreme Courts as well as the electoral boundaries Act must guide our decisions and ultimately the proposals that we make to the Legislature.

Our focus. The commission clearly stated in its report that it wishes to merge a number of rural electoral divisions and to add one electoral division to Calgary and one electoral division to Edmonton. We invite you to comment on these proposals in their particulars. We have put before the people of Alberta our preliminary conclusions with respect to this matter. We have not reached any final conclusions.

7:12

The commission now wishes to hear the views of Albertans with

respect to our first report and the focus I have described. Please let me assure you that our deliberations are preliminary at this point and that no final conclusions have been reached. The commission shall not move to the consideration of final proposals without the benefit of input from individuals and organizations in Alberta. Indeed, this is the whole purpose of the second round of public hearings.

I also want to say that without public input the work of the commission will be seriously impaired. We want to hear the arguments and reasoning of all organizations and individuals in Alberta with respect to the area, the boundaries, and the names of the electoral divisions.

I now call upon our first presenter, Alan Hyland. Welcome back.

MR. HYLAND: Thank you. Gentlemen, I thought long and hard about making an additional presentation to you tonight, and I think as I get into my comments, you'll understand some of the frustration. I asked you especially, Mr. Chairman, when you made the comment initially: are you going to listen? When I first appeared, you said yes. You repeated that tonight, that you are listening. It is in your forms that are sent out that public participation is important. Yet on page 10 of your report, one of the lines reads:

We are not empowered by the Legislation to base our decisions upon the number of persons who agree or disagree with any proposals we may make. Indeed, the Courts have said such considerations are inappropriate, in that they are irrelevant.

I guess I'm asking: what is it? Are you listening or are you not listening? It seems almost like it's a conflict of words.

Last time, I tried to outline to you the stuff that I'd learned in my 18 and a half years representing a large rural area a long ways from the capital. I didn't see any of that carried in the report. Indeed, when I look at the size of the constituency, it looks like it was all rejected. The other thing in the report that concerns me as I look through it is that really the southern part of the province is the one that got divided, cut up, and the northern part of the province got left alone. I spent a lot of my life assuring people that the southeast corner, the southern part of the province, is not the forgotten corner because it's a long way from Edmonton. The design of the constituency – people have said to me since, “Well, obviously you were wrong for 18 years, and we will be the forgotten corner the way they cut us up.” When I look at page 13 of the report and look at the major themes of the presentations that were given to you, I look at “no change” at 101, “reduce the number of electoral divisions” at 40, “effective representation,” 98, “representation by population,” 27. Yet it appears obvious that numbers of briefs didn't rule, because when I look at the way the constituency boundaries were redrawn, it almost looks like it was on population, and that seemed to be the major factor.

As I understand the court case that started this, the initial drawing of the boundaries that was taken to court, it went to court and there weren't any witnesses called. It was argued by lawyers in front of a judge. I've talked to Bob Bogle on a number of occasions in the past and in the present, and even as chairman of the committee he was never called to be asked why they drew the lines that way, nor was any other member of the commission. He spent a few days trying to teach the lawyers that represented the government why they did it. They went to court, appeared in front of the judge, and the decision that we have come out.

I guess it kind of makes me think of a question that Mr. McCarthy asked me last time: where are politics and the political system and the judicial system going to clash? I read in the *Alberta Report* in the Delwin Vriend decision last month, the Alberta Court of Appeal Justice John McClung warned of a backlash if judges insist on

meddling in the legislative process. An overridden public, he wrote, will in time demand and will earn direct input into the selection of their judges. I suppose that goes down the line to the discussion that John and I had last time I presented, and it's a feeling that I've had for a long time. I won't tell you what is said in Coffee Row about the decision, and with all due respect to the three legal gentlemen on the panel, what the pundits at Coffee Row have said about three lawyers. I know what Bob's background is; Wally, I don't what your background is.

MR. WORTH: I'm a university professor.

MR. HYLAND: Okay. Well, I don't know if they class that in the same category or not. Nevertheless, I couldn't repeat some of the comments made about three lawyers deciding on the future of their representation, or I'm sure the chairman would cut me off.

We have a few presenters here tonight, but I tried in my hometown to get people out, and they said: "Why? We sent a presentation last time. It was ignored. Why go again? They've decided; it's decided, whatever." You know, as I said last time, I've gone through a number of these hearings, and I've had and still have some good friends on the commission, but there's something, at least in my mind, that happens to people when they get appointed to these commissions and try to start to cut boundaries. That hasn't changed for the number that we've had on, and some of them have been direct colleagues. Some of the suggestions that come back – you know, when they affect your area, obviously you get a little tender about them. When they affect your area, they make you a little scared, and I guess I just want to ask you again to think of some of the comments that I made when you look at it again, because I think what we have isn't right, at least in my mind.

Obviously, Mr. Chairman, you made that comment earlier that people may agree or disagree. I don't think it's right. It's tough what you're telling some person in Milk River, for example, with this new boundary that it will take a whole day or half a day for their MLA, say, if they live anywhere in the middle of the area, to go over, meet with him, and come back. So what you're telling a number of people in this province is that they don't have a right to see their MLA personally. You can talk about adding equipment or adding electronically or all sorts of things about contact, but people want to talk to the person. They want to look the person in the eye. They want to have personal contact. As I said the first time, this area is – should I really say how long it took me or how long it should have taken me to go from Edmonton to the constituency? It's really a five and a half to six hour drive. That takes a day away from me that you have on a weekend or you do it at night, so that takes a lot of hours away just getting back and forth, that you can't work with people. You start moving around the area, and it takes more time away because of the distances.

7:22

The way the constituency is designed, an MLA in Calgary is closer to Warner than the MLA would be in this area if he lived over north of Hilda. Now, it seems strange, but you check the mileages out, and it will be awfully close. I just ask you to reconsider what you've designed and look at it again in view of what the people have said. Like I said, I don't think the lack of turnout is an indication that people are satisfied. It's an indication that there have been so many of these in the last while, and at least in their minds their comments have been ignored, and they've just said to hell with it; we've given up.

Thank you.

THE CHAIRMAN: Seeing you mentioned the Vriend case, we'll start the questioning with John McCarthy.

MR. MCCARTHY: Alan, just a couple of comments and maybe questions. As I told you earlier, we had some hearings last week in Taber and in Lethbridge, and as well we heard from Lorne Taylor this afternoon. The input that we received was consistent with your input, that the proposed western boundaries of the Cypress-Medicine Hat constituency are unacceptable for essentially the reasons that you've indicated, plus others. So I think the commission, as a result of that input and in support of you coming back for the second round and others doing it, is looking at giving serious consideration to leaving the existing western boundary of the Cypress-Medicine Hat constituency the way it is and has been.

This afternoon Dr. Taylor had discussed some alternatives in order to get some additional population, and there was a discussion as to how we could make adjustments in and around the city of Medicine Hat and in the northeastern part of the constituency in order to bring the variances more into line. There were two or three alternatives discussed, and he gave us his preferences on those. So I think that as a result of the input that we've got on the second go-around, there will be adjustments made.

Your comment on the Vriend case, as it's pronounced, where it sort of highlighted the clash between the judiciary and the Legislature – in that case there was no legislation dealing with sexual orientation. The Legislature chose not to legislate with respect to that. It's a little different in this case where the Legislature of course chose, is required, really, to legislate with respect to electoral boundaries. So then the courts are able to intervene, if I can describe it that way, to determine if the Charter of Rights is being complied with.

I thought for the benefit of those that are here, I could just review – and it's not something that I suppose is going to be pleasant to hear, but you're exactly right. Where we're at here, to paraphrase Justice McClung in that decision, is we're kind of again at the junction of legislative and judicial authority. The court looked at the boundaries that Mr. Bogle and his committee set, and they are the current boundaries. It was in front of five judges of the Court of Appeal. I believe that Mr. Bogle is right in that it was his affidavit that was presented. He didn't give live evidence, so to speak; it was his affidavit evidence that was presented.

In any event, I'm just going to read a couple of passages so you can understand the dilemma that I think the Legislature was in, because it was the Legislature that created this commission. The court made mention at that case of the underrepresentation of voters in the inner-city areas of Calgary and Edmonton, and one of the intervenors indicated that that constituted

systemic discrimination against members of certain disadvantaged minority groups, namely the disabled, women, single parents, the elderly, immigrants, the poor, and the unemployed.

Now, the court then went on to discuss Mr. Bogle's cross-examination on his affidavit, and when we look at southern Alberta, they discussed his comments. What Mr. Bogle said was consistent with what a lot of people have said to us in these hearings and that is that "the first priority would be to respect existing constituency boundaries, if possible." Now, these are the comments that the Court of Appeal made on it. They said:

This is, of course, a simple way to assuage the concern of some voters.

The new electoral map clearly shows the result of that approach. For example, it was common ground before us that the population figures indicated the need, in the absence of any special

considerations, to reduce the number of divisions in southern Alberta by two. Mr. Bogle acknowledged this in his affidavit . . . but explained that the committee chose instead to reduce the number of divisions by one, despite the fact that a further reduction would eliminate one of the smallest divisions in the province, which, by happenstance, was that for which he was then the sitting member. One reason he gives in his affidavit for this decision was that a further reduction "would have meant a sudden and substantial reduction in the level of representation." That is, we observe, exactly the concern of some electors. The concern, we feel constrained to add, of other electors, those in Metropolitan Alberta, was that their existing inadequate level of representation would remain reduced.

With respect, this very natural concern of an elected official for the "comfort zone" of a vocal portion of the electorate is not a valid Charter consideration. The essence of a constitutionally-entrenched right is that it permits an individual to stand against even a majority of the people. Put another way, Canadians entrenched certain traditional rights for minorities in the Constitution because they do not trust themselves, in all times and circumstances, to respect those rights. The fact, then, that a significant number of Albertans do not like the results of an equal distribution of electoral divisions is no reason to flinch from insisting that they take the burden as well as the benefit of democracy as we know it.

I've just two more brief ones, just so that it can highlight the problem we have vis-à-vis the courts and the Legislature. They go on to say:

As we have said, the origin of the problem before the Legislature is the historic imbalance in the level of representation between agrarian and non-agrarian populations in Alberta. Each year this problem worsens, because each year urban populations increase and non-urban populations decrease. We call this a problem because it impacts significantly on the right to vote of urban Albertans. This cannot be permitted to continue if Alberta wishes to call itself a democracy. The courts, and the people, have rejected the notion of mechanical one-person, one-vote equality. That does not mean that we can or should accept significant disparities without reasoned justification just because some of the members of the population resist change.

Now, the concluding remarks – this is, I think, what may have caused the Legislature to react and amend the legislation, which resulted in this commission being created. It said as follows:

In the result, we again have decided to withhold any Charter condemnation. We do, however, wish to say more precisely what we meant by "gradual and steady" change. We think that a new and proper review is essential before the constitutional mandate of the present government expires, and, we hope, before the next general election. We reject any suggestion that the present divisions may rest until after the 2001 census.

The legislation, as you may be aware, provides that this is the only review before the 2001 census. So the direction of the court has been fairly clear. We're kind of the ham in the sandwich between the Legislature and the courts. As you know, our mandate is only to recommend to the Legislature, and they can either accept, reject, or amend our report. Hopefully what we're trying to do, as unpleasant as it is, is to give the Legislature a manageable solution to a very difficult problem. I would suspect that the solution that this commission will offer would be much more moderate than perhaps a court would give. So that's the background.

Now, with respect to one other comment: the population variances in southern Alberta, Alan, that you see the court focused on, the variations in the southern belt from Crowsnest through Little Bow to Chinook, Cypress, Taber, Warner, and Cardston. The variances in those were the highest in the province. In other words – maybe Joe can comment on that, because he's commented on it in the past

– that explains why the commission focused on these areas: because they had the largest discrepancies.

7:32

MR. HYLAND: Can I comment? You know, I sat and I went through a lot of laws in 18 and a half years, and I'm not a lawyer. There are some advantages to that and there are some disadvantages to that when you're working with legislation, but I think it goes on to the same thing, that you're quoting from a written affidavit with no explanation or no cross-examination to say, "Well, what did you mean by this?" I quoted that one paragraph. I read that paragraph on page 10 of your report that you guys aren't here to listen. So I could argue that if you weren't here, I could argue in front of an impartial board which was ruling on you that you're not listening, yet you're here and we're exchanging views and commenting back and forth.

I guess that's where I have a problem with the decision. It may be a decision of five judges, but there's nobody – sure, it may be a written affidavit in all the legal sense, but the average guy, to be perfectly blunt, doesn't give a damn. He would like to see the guy there explaining, not looking at what he's written. He'd like to see the guy there explaining what that meant. I think that's where the concern comes in with the public, at least the public I talked to. It's not that they're necessarily agreeing or disagreeing. It's the fact that it's a concern that nobody was there to give their view.

You made the comment about the population and that. Somewhere along the way it's decided that 25 or 23 or whatever percent isn't good enough, and 15 or 16 or whatever the means is – and for Cypress the present proposal is 8.1 percent – is good enough. Now, you guys have decided that; you as a group, I assume. I may think that's not proper, but I have no appeal once the report goes in unless somebody challenges it again in court on that plus or minus the number.

The other thing. I know it's tough because your legislation says one way about the census, but for example – let's just deal with this constituency for a minute – we know that two areas of the city here that are within the Cypress-Medicine Hat constituency have got a lot more population in them than they had four years ago. I would suspect that when you hit that 2000, you're going to see this constituency with a plus rather than a minus.

I know it's tough to say, well, that we could let it go because we know it's going to correct itself in time. Once you do one cut, one reduction where you steal from one, wherever it is, the whole chain reaction starts that you have to do it. I've made comments about this, but on principle I believe that for all the constituencies, no matter where they are in the province, those principles should remain the same.

MR. McCARTHY: Just for your information while we're having this discussion, the preferred solution that Dr. Taylor gave us this afternoon would result in some additional area being added in the north and east, but the variance would be minus 15 percent. Whether or not that's ultimately going to be accepted, I don't know, but it's something that we're going to seriously look at. So the input here on the second go-around has been helpful and will result in adjustments.

MR. HYLAND: There's no question that you guys are damned if you do and damned if you don't. It's a tough spot. You know, I've been on the receiving end of it a number of times.

MR. LEHANE: Alan, there's no doubt that you're correct when you indicate that as soon as you make one cut or one change, it affects

everything around it. That's probably the most significant factor in making this a difficult job. I don't know if I understand from that that you're suggesting there should be no change, that the status quo can remain the same.

MR. HYLAND: Well, I'm going by memory back three or four years ago, when we were dealing with that before, and all the stuff that I read from the court case and the legislation. I guess the difference is that I believe the plus or minus 25 percent is an okay number and other people don't. I guess that's really the long and short of it. I base that on, you know, the time that I was involved and the time it takes to go back and forth. As you're closer to the capital and as your constituency is smaller, even though you've got more numbers, you have more time to work with the people. You're not moving between the people, or you're not moving back and forth to the capital.

MR. LEHANE: Then let's deal with the most significant problem, Alan. We can go outside of the 25 percent and deal with the problem in Cardston-Chief Mountain. Now, you've told us and many other people have told us that the amount of geography, the number of square kilometres in any constituency, has a significant effect on the difficulty to represent it, and that's a fair statement. You agree with that?

MR. HYLAND: Yeah.

MR. LEHANE: Well, we have Cardston-Chief Mountain that has approximately 6,000 square kilometres. It has a negative variance from the average of minus 38.5 percent with a population of 18,000. It qualifies amongst probably 20-some other constituencies in terms of being a special consideration riding, but that doesn't mean that it should be. It means it qualifies under the strict interpretation of the Act along with, say, 21 others when you're only allowed to have a maximum of four. Now, you tell me why Cardston-Chief Mountain with a geographic area of 6,000 square kilometres should be a special consideration riding and Cypress-Medicine Hat, the same distance from the Legislature and which has 16,000 square kilometres, two and half times as large in geography, shouldn't be a special consideration riding.

MR. HYLAND: I think a couple of comments. One is that the existence of a major city that gets along well with the rural area around it helps this constituency in numbers; there's no question. There's no question that Cardston-Chief Mountain is sitting there in the middle, and I suppose at some point in time it comes to: how many are you going to reduce? Do you use your four that you're allowed, or do you not use your four that are allowed? Can some of the others that meet these criteria, because of distance closer or because of geographic areas, qualify? Do they work out somewhere else?

One thing with Cardston-Chief Mountain: does that population include the Blood reserve or not?

MR. LEHANE: Yes, it does.

MR. HYLAND: It does include it? At one time the reserve wouldn't let the people be counted to get a true count on the reserve.

7:42

MR. LEHANE: Yes, it includes probably somewhere between 4,000 and 7,000 from the Blood reserve. There's the issue raised by some that that makes it more difficult and by others that they don't get

involved in provincial politics anyway. They deal with the federal government, so it may lessen the degree of difficulty.

MR. HYLAND: Well, I can tell you from experience that they have a lot of involvement with the provincial government. I was chairman of the Water Resources Commission for a number of years, and they get a lot of money working with irrigation and stuff like that. That's just one example.

MR. LEHANE: Well, to give you some comparisons, Alan, because you've been telling us that geography makes a big difference, Athabasca-Wabasca is 124,000 square kilometres compared to Cardston-Chief Mountain's 6,000. Peace River is 75,000 square kilometres, Dunvegan is 38,000, Lesser Slave Lake is 87,000, and West Yellowhead is 37,000. I mean, Cardston-Chief Mountain sticks out like a sore thumb in terms of being a special consideration riding.

MR. HYLAND: But you've taken another special consideration riding with a low population and a large area and carved it out, being Chinook.

MR. LEHANE: That's correct. It's 23,000 square kilometres instead of the 124,000 that Athabasca-Wabasca has.

MR. HYLAND: Okay; let's take Athabasca-Wabasca. I've traveled through part of that through the years. In that area you have people living in settlements or reserves or little towns. You don't have people living all over like you do in these other large geographic areas. You know, we could argue all night about Cardston, and there's no question that Cardston is a tough one. I'm not saying it isn't, but I think the larger areas in the north – now, Peace River isn't quite the same as Wabasca and the others because there are spots where there are people all over there versus some of the others where there are groups of people, where you can go into a community and everybody is in the community.

MR. LEHANE: And it has a geographical area of 75,000 kilometres as compared to 6,000. So those are the things we're facing, and we're facing it in terms of saying: well, how can you justify Cardston-Chief Mountain? I have yet to find anybody that can.

MR. HYLAND: Peace River, for example, has the town of Peace River, which gives it a major portion of its population, on the bottom end of it.

MR. LEHANE: Those are all my questions, Alan.

MR. GRBAVAC: Alan, first of all, I'd like to give you a slightly different interpretation of one accusation that you made, and that's that we weren't listening. I think on page 10, if you read that quote from the courts, it says that consideration of the numbers – does not the sentence start out that way, if I remember it correctly? Then it goes on to speak to its relevance and that a public hearing process is not a plebiscite. If you could read that sentence back to me. I'm fairly familiar with it, but I can't remember the exact wording.

MR. HYLAND: Commission Perspective and Approach is what it's under. It's page 10, and it says:

Finally, the commission wishes to explain that the process of public hearings and submissions is not a referendum process. We are not empowered by the Legislation to base our decisions upon the

number of persons who agree or disagree with any proposals we may make. Indeed, the Courts have said such considerations are inappropriate, in that they are irrelevant.

MR. GRBAVAC: But I think that if you read the entire paragraph in context, it says, "base our decisions upon the number of persons" who disagree. It's a concentration on the numbers which is relevant or irrelevant, and let me just speak to that for a moment. I don't want you to take the wrong interpretation, but I can just give you an indication of how skewed the numbers can be.

We may have one representative speak to us from the purest point of view in terms of how they don't want their vote diluted in the city because the MLA can't drive from point A to point B. They suggest some options in terms of money and what have you to offset that ombudsman's role. That may be one representation, but I know that I sat through eight or nine representations from the directors of one constituency association all saying the same thing, virtually almost reading the same script. You know, we can talk frankly here, Alan, and you can appreciate that these numbers can be very biased. I think what we have to do is try and draw a balance between what we're hearing and what we think the courts are telling us and what we think is right.

In all honesty, I sit here as a rural representative from southern Alberta, and I get the map – Walter, can I have that map for a second? You said that your people down here felt disenfranchised or underrepresented. Well, Pincher Creek-Macleod has a variance of minus 20.3. Little Bow has a variance of minus 21.5. Cardston-Chief Mountain has a variance of minus 38.5; Taber-Warner, minus 21.8; Cypress-Medicine Hat, minus 23.8; Bow Valley, minus 24.4; and Chinook at minus 48.6. Well, I want to suggest to the people of southern Alberta that there's a strong case in the rest of the province that we are overrepresented as opposed to underrepresented. This is just from a point of view of a sense of fair play. I could take a partisan, regional view of this and say, "Damn right; southern Alberta ought to have more MLAs than anywhere else in the province because of our sparse population and what have you." But when you look at the map, there's nowhere else that even approaches that kind of variance in the province of Alberta as opposed to south and southeastern Alberta. So I don't think that's a legitimate complaint.

The problem is, within this area, where everyone is pushing a 25 percent envelope, you've got Cardston-Chief Mountain at minus 38.5, and the court said: where's the reason? No reason was put forward for Cardston-Chief Mountain and their minus 38.5. I pressed Bob Bogle on that the other day in Taber, and he basically said natives and a religious history. Well, I submit that if we put either of those arguments before the courts, they'll never stand the test in front of the Charter.

So, you know, we've got a problem here, Alan, and maybe it's the neighbours' problem, but it inherently becomes your problem. So that's what we're trying to deal with, and I thought we were being really quite reasonable by removing one out of southern Alberta. In fact, Bob Bogle indicated that at the time he took one out, really two could come out, but at the time he wasn't prepared to make those changes because it would be too sudden and drastic a change. So I just want to give you that slightly different perspective. I can appreciate I'm giving you only my side of the argument, and I heard certainly your side, but I want to suggest to the people that are here that I don't think southern Alberta has been overly hard done by. So when you say that we're not listening, there's a lot of people in other parts of this province that said: "Well, you didn't listen to us either when we told you that my riding has a large percentage of people

who don't speak English. It's hard to represent people who don't speak English. It's hard to represent people that are very transient. Your ranchers are usually there a generation or more. These people, I knock on the door one week and the next week they're gone. Somebody else is there. It's hard to represent new immigrants because these people don't particularly understand our system." I mean, a lot of those people say we haven't listened either. Our matrix spoke only to the difficulties of representing rural Alberta. We've been told by a lot of people that we're not listening and from various sides of the spectrum.

I wanted to make those points, and I want to conclude my questioning with one specific comment. We could fix, in terms of the numbers, Cypress very easily. We'd just take a little bit more of the city. It's not hard to represent anyway, by your admission, and a lot of other people say, "Well, it's not that hard to represent the city. Just add a little bit more of the city into Cypress. Go back to the original configuration." We put that to Dr. Taylor, and he said no. He would not prefer to have that. He said: the rural people want to be assured of the majority balance in the constituency; I'd much prefer you add Oyen and that whole corridor up there, which adds a huge geography again to the riding.

So, you know, where does this leave us? I'm posing the dilemma that we're faced with and asking you for some help.

MR. HYLAND: Two comments. One, it's not one constituency that is going out of the south; it's two.

MR. GRBAVAC: Well, I guess you could debate on whether 50 miles north of Calgary and the Wainwright border is southern Alberta, but I guess for the sake of this argument . . .

MR. HYLAND: Well, the geographic centre of the province is Athabasca. In spite of what the two gentlemen from Edmonton say, Edmonton really is in the southern part of the province.

MR. GRBAVAC: All right. Red Deer, south: southern Alberta. We'll go with that.

MR. HYLAND: I mean, you're taking out Chinook and carving it up and taking out Cardston-Chief Mountain.

MR. GRBAVAC: Proposing.

7:52

MR. HYLAND: Proposing. Okay. You know, I think what I read and asked the question – when you read it back, you said, no, that's not what it means. It doesn't mean that you're not listening. That's the problem, I think, that I was trying to get at with the court case, where it's just an affidavit that you're dealing with. I can read this and interpret this one way, and if you weren't here to explain it or say what you think you meant by it when the line was put in, it's a whole different ball game. It's a whole different interpretation of the thing, and I think that was the trouble, when there's no explanation.

The other comment, Bob. You talked about the numbers – and I guess you're missing or don't agree with my point or whatever – the time it takes to move between. You can argue numbers, you can argue percentages plus or minus, but that still doesn't give the person representing these areas, regardless of who they are, more hours in the day than a guy representing a tighter constituency.

I said last time, you know, that I enjoyed the time I was there, but my children were growing up, and I just wasn't at home enough. You know as a county councillor what time constraints can do. Unless you say, "I absolutely won't take anything Sunday because

it's a family day," you could be going seven days a week, and it's not easy to say no. There's always the fear, I suppose, that they may not vote for you again, but there's the other fear that you think you're helping and that you're out there to help people, and you face it with what you do at a different level.

MR. GRBAVAC: We heard all of these arguments when we cut our county wards from nine to seven with a population of 2,000 people.

MR. HYLAND: I guess the other – it was one I forgot. You know, I find it interesting, the comments made by Edmonton and Calgary when they say: "Oh, this is terrible. We can't have a plus or minus 25 percent. This is just awful." How close are Calgary's and Edmonton's wards? As I remember, one of the last divisions on the city wards in Calgary was greater than what they were asking the commission, the one before you. They wanted the constituencies drawn with less variation than what they drew their own lines for their own aldermen. So, you know, it was okay for them to draw their aldermanic lines that way, but it wasn't okay for you guys, in their minds, to have the ability to draw constituency boundaries that way, with a plus or minus, and we were talking distances.

MR. GRBAVAC: Well, I just want to conclude by saying that I don't disagree with you. I guess maybe where we disagree is in degree, and I wanted to give you a slightly different perspective in terms of the status quo in southern Alberta and the proposed changes and suggest to you that if there's a preferred option, which way should we go? Dr. Taylor said: don't go into the city in Medicine Hat. He said: take the population from Oyen and that district, but don't carve out any more of the city. Would you agree with that? Well, I suppose Redcliff is another wild card in that. I'm asking you to agree or disagree with something that you disagree with in principle. I appreciate that, so you don't have to answer. I mean, it's hypothetical.

MR. HYLAND: That's right, and you and I have been around these kinds of arguments lots of times before, Bob.

MR. GRBAVAC: Fair enough.

MR. WORTH: Alan, I'd like to offer at least one answer to the question: are you listening? One of the things that you'll have noted in our report is that we have constructed, we have developed, a conceptual framework and constructed a matrix in which we try to identify some variables that are associated with effective representation and the degree of difficulty in providing that.

This, we acknowledge, is a first attempt, and it is something that we're hoping to refine through these hearings. It does represent an effort to include consideration of all of those items mentioned in our terms of reference in the legislation plus others that have been drawn to our attention. When you look at this matrix, I think it can be argued that the vast majority of the items in there, as some people have told us in urban areas, are biased in favour of the rural constituencies because we give attention to geographic area, population density, number of elected and appointed bodies, primary and secondary highways, number of Indian reserves and Métis settlements, distance from the Legislative Assembly, and things of this sort. I think that in terms of our matrix and our methodology, we have in fact demonstrated that we have been listening to what people have been saying in rural Alberta about the factors that inhibit effective representation or are related to effective representation.

Moreover, Alan, I'd like to draw your attention to pages 52 through 56 in our report, where we attempt to document, through using various kinds of population analyses, the fact that the urban centres in this province are not underrepresented to the degree that they claim they are. So those two things in combination I offer to you as an answer to the question: are we listening? I think we have been listening. Maybe we haven't been hearing exactly what you wanted us to hear, but I contend that we have been listening throughout the province.

MR. HYLAND: Well, again, I guess the only response to that is back to the thing that this is the trouble with written word, without somebody in front of you that will discuss it with you, and back on the court thing, where you're working with affidavits and legal terms, and there's no explanation of the affidavit. If you weren't here, if, say, somebody else came here to hear what comments we made rather than you guys, they wouldn't know if that meant you were listening or not, if you argue. But the fact that you're here and the comments that you're making say you are listening. I think that's the problem when you base everything on the written word without interplay between people.

MR. WORTH: Do you think that we have been listening, on the basis of what I just said?

MR. HYLAND: Well, that's kind of a loaded question. You know, maybe you could have answered it yourself in what you've said. I guess my frustration is the problems that I encountered as a practising politician. You guys are trying to divide the areas, and I'm trying to give you, as best I can, what I see, and you're either not seeing it or can't work it. Is that fair? That's not saying you're not listening.

MR. WORTH: Now you're just saying we're not seeing.

MR. HYLAND: No. Not seeing it the same way I see it. That's what I meant. Sorry. Yeah, that's what I meant: not seeing it the same way I see it.

MR. WORTH: Okay. Fair enough. I think that's legitimate, that we can differ in our perceptions of conditions.

MR. HYLAND: If we all agreed, it would be a terrible place. I mean, there'd be nothing exciting about being in Alberta if everybody agreed with everything.

MR. WORTH: Thank you.

MR. MCCARTHY: Well, I just had one story I was going to share with you from our hearings in Lethbridge. The MLA for Lethbridge-West, Mr. Dunford, and I had a private discussion after the hearings last week, and he had made a submission that was essentially, in part, the same as yours in that: "You are not listening to what the submitters have given you." I said to him: "Well, we were created by the Legislature in Alberta. Is it safe for me to assume that when this court case came out, your constituents and all of your colleagues' constituents told you to amend the boundaries legislation and create this commission and do this thing over again." Of course, you know the answer was no. But I think it's fair to say that what the Legislature was trying to do was to address a problem that the courts have highlighted, and we're trying to do the same thing.

MR. HYLAND: It's just that we're not any further ahead than what we were in the first exchange that you and I had on where's the division between the Legislature, which is supposedly the highest court, and the court system?

THE CHAIRMAN: Alan, in your presentation today you relied quite a bit on the fact that you say Bob Bogle didn't have an opportunity to explain what he did. I want to put it to you this way. We didn't conduct the lawsuit. The government of Alberta conducted the lawsuit. They sent this to the Court of Appeal by way of referendum, and they decided to put in Mr. Bogle's affidavit, which was quite a lengthy affidavit. Also, before this thing went to the court, Mr. Bogle was cross-examined by all the parties on his affidavit. So really, Mr. Bogle had a chance to explain what he did. So when you put the spin on it stating that Bogle wasn't given a chance, I want to say that that's not quite correct.

8:02

MR. HYLAND: They may have – what do you call it, discovery or whatever? – gone through that process. I don't know. Is the judge involved in discovery, or just the lawyers cross-examining?

THE CHAIRMAN: Just the lawyers.

MR. HYLAND: Okay; the judge never heard that.

THE CHAIRMAN: Well, that's up to the parties involved.

MR. HYLAND: But that was only Bob, as chairman. There was – what? – four others, three others on that committee as well. Stock Day, Pat Black, Mike Cardinal, and Bogle: four, and the two opposition that didn't participate.

THE CHAIRMAN: I'm just pointing out that Bogle did have some opportunity to explain.

MR. HYLAND: Oh, yeah. Mr. Chairman, back on to the thing, the lawyers were cross-examining, but the judge wasn't there to hear the cross-examination, to hear the comments and the explanations.

THE CHAIRMAN: But every side is entitled to put in whatever they want from that examination into the court hearing, so that was the side opposing the last electoral boundaries and the government that was supporting it.

MR. HYLAND: So maybe the government hired the wrong lawyers, and they didn't put the other side forward.

THE CHAIRMAN: I wouldn't say that, and there was more than just the government lawyers. There were other people trying to support the electoral boundaries.

The other thing is the question you started off tonight with: are we listening? The other people have commented on this, and the MLA for Lethbridge-West, Mr. Dunford, accused us of that the other day quite strongly, that we're not listening. I basically feel that you people are saying we're not listening because a great majority said no change and a small number said voting parity, or one vote per person, and because a great majority said no change, we're not listening. I want you to know that we're listening, and we've heard all of these. We may not be agreeing with you, but we're listening.

MR. HYLAND: I think I probably answered that as best I can when Wally asked me the question.

THE CHAIRMAN: Anyway, I want to thank you for coming and making your viewpoints known.

MR. HYLAND: If I happen to leave before it's over, it's not because I'm really PO'd with you guys. It's that I do have another commitment at home in about three-quarters of an hour.

Thank you.

MR. GRBAVAC: We won't accuse you of not listening.

THE CHAIRMAN: The next presenter is Clint Henrickson.

MR. HENRICKSON: Good evening. I think my first observation on looking at the size of the crowd tonight was that it's a pretty good indication of the amount of faith that the people here have in the process, whether that's justified or not. The question of listening or not: the perception I guess gets to be a reality too.

Really, I have very little to say as to alternatives. I made suggestions for change at the November hearings here, which were totally ignored and not even mentioned in the report. Effective representation has been given short shrift, it seems, in favour of one person, one vote. I feel for the people of the Chinook constituency, who would be thrown into Bow Valley. They have been effectively disenfranchised from their point of view. I guess so much for their effective representation. They are not nor will they be in the future in the trading area encompassed by the present Bow Valley constituency. In talking to one representative from special area 3, I was given to understand that if they must be thrown into another constituency, they would much rather it be Drumheller, which would at least keep the special areas more or less together.

Another observation: using the figures in this report, that would more or less put Drumheller right at the zero level in regards to variance. For most of them their main business and social centre is Hanna, not Brooks. Bow Valley I feel is one area that in the next few years is going to grow considerably in population. Jogging people around from one constituency to another at the court's or other's whim does very little for their feeling for the electoral process and their feeling that they are being represented on a consistent basis. For example, the people in the Redcliff area who, from being shuttled from one constituency to another and back, are now so alienated that they don't even bother with the process anymore.

The comment was made just a bit ago by Mr. Grbavac that, oh, Redcliff is a wild card in this. Maybe they'd like to be whipped back again.

MR. GRBAVAC: It was a poor choice of words.

MR. HENRICKSON: If you want my views on what should be done re Bow Valley and Chinook, I say don't drop them into Bow Valley. There's a better way. Bow Valley constituency population is going to grow probably more than many others. There are several things going on there, and the town of Brooks is presently in quite an expanding mode.

That's I guess about all I have to say on that. I understand that you were saying that the matrix design was challenged in the urban areas, and I also understand it was challenged in the rural areas too.

THE CHAIRMAN: Fine. We'll start the questioning with Wally.

MR. WORTH: Clint, just a question about alternatives with respect to Bow Valley. You say don't lump in Chinook because the trading patterns don't coincide between Brooks and Oyen, for example.



We've had a suggestion about the possibility of extending Bow Valley over to include Strathmore. Do you have any reaction to that?

MR. HENRICKSON: I believe the last time that was suggested, there was quite a reaction to it.

MR. WORTH: Well, it's come back again. Is your reaction negative?

MR. HENRICKSON: Well, I'm not too sure. I think the last time that was suggested, it was kind of dividing that trading area or the traditional area, or whatever you want to call it, in the middle someplace too. I'm not sure how many people that would encompass. It might, forbid the suggestion, push Bow Valley over the limit.

MR. WORTH: Well, I know that the person that proposed this had figures that would suggest that it wouldn't, and that was a desirable configuration, to take in Brooks and Strathmore down the highway. So that's why I was asking what you thought about it.

MR. HENRICKSON: I guess I'd have to criticize it less than dropping special area 3 into Bow Valley, which is separated not only by trading areas but by the river and miles and miles of nothing but miles and miles.

MR. WORTH: Okay. Thank you.

MR. GRBAVAC: Clint, you know, I think what compounds the problem – and I mentioned it earlier when Alan was making his presentation – is that we have two special consideration ridings thrown into the mix. I mean, we could argue the subtleties of minus 14 percent versus minus 20 percent in terms of their variance from the norm, but what makes the job difficult here is the existence of the two special consideration ridings. Basically, the courts have said to us: you can have up to four, but there has to be a good reason. The two up north: for us vast geography is reason enough, and we think that can be supported and will stand the test of the courts. Chinook is no bigger – as a matter of fact, it's smaller – than West Yellowhead, and I believe it's also smaller than Rocky. Can you give us a reason why we could retain the status quo, so that we have sufficient reason that makes Chinook unique in terms of the province and why it should retain the status of roughly half the population of that of a city riding?

8:12

MR. HENRICKSON: Well, I think Mr. Hyland answered that quite well in that in the instance of Chinook, there are people scattered all the way through it, and in some of these other ridings there must be vast areas with absolutely almost nobody living in them. So I think just picking on the area like that is a bit unfair to the people in areas like Chinook.

MR. GRBAVAC: Well, yeah, because earlier you said there was nothing there but miles and miles and miles, and I just wondered if that population is in fact like the Suffield range; there's no population there, for example.

MR. HENRICKSON: I don't know if the Suffield range is even included in any constituency.

MR. GRBAVAC: It's now in Bow Valley, but it's part of the mix, I

guess is what I'm saying.

But anyway, that's good enough. You've given me an answer to the question. Thank you.

THE CHAIRMAN: Joe?

MR. LEHANE: No questions, thank you.

THE CHAIRMAN: John?

MR. MCCARTHY: Well, Clint, I remember you from last time, but I forget where you're from.

MR. HENRICKSON: Patricia. Bow Valley, anyway.

MR. MCCARTHY: I don't have any further questions. Thanks.

THE CHAIRMAN: I don't know whether you were in Hanna when we held our hearings last week, but they started in the morning and went until 10 or 11 o'clock at night, and we had a lot of presenters. They were telling us that we should leave the special areas together, that they don't want to be separated. What we have done in our proposed map is separated the special areas into different constituencies. Also, somebody said they were from southern Alberta; that was Al. I want you to know, they made it quite clear that they wanted nothing to do with southern Alberta. They don't consider themselves part of southern Alberta. They didn't even want to be with Brooks. They said: "We have no connection with Brooks. We don't go down there, and don't put us in there. We go to Hanna."

I'm finding out today that one of the proposals that we heard from Lorne Taylor was that if we were to try and get the Cypress-Medicine Hat figures more in line – we tried to get them in line by giving them Warner, Milk River, Coutts, that area, and everybody objected to that. There were very strong objections. So he said take in that area of Acadia-Oyen. He said that most of those people deal with Medicine Hat. I'm not sure that he's correct with Oyen, having heard Oyen people in Hanna, but Acadia Valley could well deal with Medicine Hat.

I'm just wondering what your reaction is to giving that part of the special areas to Medicine Hat?

MR. HENRICKSON: I don't think I'd be about to speak to that, but as far as people from there trading more in Medicine Hat than Brooks, that's probably a valid point.

THE CHAIRMAN: What about Oyen? Do they trade more in Medicine Hat than they do in Hanna, Drumheller?

MR. HENRICKSON: I was told a couple of nights ago that they would definitely trade more there than in Brooks, but I'd like the special areas to stay together. The special areas were created after the cauldron of hell in the '30s, and they have been administrated all together for 60 years, out of Hanna I might add too.

I don't know about throwing them into the Cypress constituency. I'm sure that the logical way of doing it is to extend it from Drumheller, if something has to be done. I personally wouldn't see it as any more comforting to them than being in Bow Valley to Cypress-Medicine Hat, or whatever.

THE CHAIRMAN: Well, fine, those are all my questions. I want to thank you for coming and making your viewpoints known, and I think some of these people were listening.

Now, our next presenter is Tom Livingston, representing, I want to say, the procrustean society. The last time he was here, he used that expression. I want you to know that four out of five of the commission members didn't know what you meant by that. We had to look it up or be informed by Wally Worth as to what that remark meant, and we now understand it.

MR. LIVINGSTON: Well, thank you, Mr. Chairman, members of the panel. I was going to ask you, but you already answered the question of who was familiar with the procrustean.

THE CHAIRMAN: Well, four of us weren't.

MR. LIVINGSTON: Right. I was going to ask you if it was familiar. Thank you, Mr. Worth. Was I right?

MR. WORTH: You were right indeed.

MR. LIVINGSTON: Well, in view of the comments on page 16 that you were not going to use the procrustean approach, which is "an adjective" – and this is probably from Wally Worth – "used to describe arbitrary and awfully ruthless disregard for individual differences or special circumstances," probably the jury is still out in my mind.

Anyway, in regard to relevance and irrelevant, I think it's a play on words. Bob was arguing with Al Hyland that we're talking about the numbers here of who agree or disagree; we're not talking about what they say. I fail to see how you divorce numbers from people, the submissions received: 101 compared to 27 or something like this. I think this is a play on words. I wouldn't paint you all with the same brush, that nobody's listening, but it stakes out the territory here, regardless of how you want to interpret it, in that the courts have said that the submissions are irrelevant. So we're kind of leading off with our back foot.

As far as my arguing with you in regard to drawing boundaries and saying, "We'll do this," and "This is possible," it's kind of like arguing about who's going to sit in what chair on the deck of the *Titanic*. I don't think this is relevant at this point either. The government, the courts, whoever it was – I don't think it was Mr. Chrétien; probably one of his predecessors – have said that we're eligible for four divisions up to 50 percent. We haven't got four divisions at this point up to 50 percent, so why not use it? Why not go along with it? We can do this and accommodate Chinook.

As far as the splitting of the special areas is concerned, I'm not part of the special areas. I live next to the special areas. I did ranch in the special areas at one time. The special areas have been administered out of Hanna ever since the days of the dust bowl for a particular reason: because that area was a total dust bowl. To split it up, to say, "Well, some of you go somewhere and some go the other way," I don't see really any productive value in splitting up the special areas. I imagine that was very well presented out of Hanna.

As far as coming to Brooks from Oyen is concerned, it isn't that they really have some ulterior motive for not coming to Brooks. It's that they just don't fit. There's this new highway, Highway 41, from Medicine Hat up to probably quite a lot farther north than I would like to live. That runs north and south. Even the ducks have got enough sense to fly north and south; they don't fly east and west. People from Hanna aren't going to go east and west. There's kind of a new highway there, new in places anyway, but their trading area is certainly north and south. I can certainly sympathize with the special areas. They are special areas for a special reason: because it's dry country, primarily agricultural country, primarily ranching

country. They sure don't fit with irrigated farmers.

Then we get on to page 28 of the green book. Let's see: Mao had his red book, the Liberals had a red book, and now we've got a green book. Do we have a blue book? Clint's got a blue book there. That came out in '92. We wouldn't want to get the colours distorted or confused. On page 28 of the green book the last paragraph talks about the sparsity of population, and this is certainly a consideration.

Sparsity and/or density of population (measured in the number of persons per square kilometre) – indicates that relative time and resources required increase for sparsely populated areas and exceed requirements for densely populated areas.

I've got some difficulty with relating to an area the size of Bow Valley-Chinook as it will be. What are the square kilometres of that area? You fellows have been looking at it; you know what the proposed area is. What's the area of the proposed Chinook-Bow Valley? Both of them together are 35,000 square kilometres at present. What's the area of your new one?

THE CHAIRMAN: I don't think we have that. About 30,000.

MR. LIVINGSTON: Yeah, 30,000. I think there are 120 townships. To compare effectively representing 30,000 square kilometres, 120 townships, with the urban areas – the lowest one's nine. You've got nine square kilometres in Calgary-Buffalo; there are 10 in a few others. To go through the exercise, regardless of what your mandate is or what your proposition is, to try to convince me that it's as easy to represent nine square kilometres in downtown Calgary as it is 35,000 square kilometres out here in eastern Alberta – you might sell that to somebody, but I don't believe it. I don't. I don't think it's even reasonable to expect a rural MLA to deliver the same service as a guy with nine square kilometres in his riding.

We hear about how the city dwellers, say, of the two large cities are disenfranchised when they've got 21 MLAs and 11 aldermen approximately in both cities. They've got 21 MLAs in each city and 11 aldermen. Eleven aldermen still only deal with the one school authority, the one health authority. And they've got 21 MLAs. Those guys are disadvantaged? Well, I don't know. I've got a hard time swallowing that one too.

Also, in view of the federal census coming up in about three weeks, somebody said along the line that we're not going to consider this one, that we're not going to wait till the year 2000. It would seem to me that in view of the forthcoming federal census, this may well be an exercise in futility. Your federal census could make this exercise irrelevant and necessary to go through it again by the year 2000, after the next federal census.

Also, I think this is an assumption: that we have a reduced rural population as of the present census. I don't know what you consider rural. You've got some cities listed in here. Drumheller is a city with 6,700 people. Brooks has had close to 10,000 people for quite some time, and they're still considered a town. Some of the cities you've listed in here are the same as the 1991 census. The Brooks area is certainly growing; Bow Valley is growing in population. There's an IVP plant coming in that's going to shortly be employing 2,000 people where they were employing about 700. There's also an ethanol plant coming into the Brooks area that will employ several hundred people. The boundary may well be closer to where it is now to be relevant to your 25 percent over or under than it is with the boundary proposed in here. We don't know, but we will shortly.

8:22

What will happen, say, in Bow Valley when the present census comes out? They're going to start it in three weeks. How long will it take them to get it together? I guess that's up to the government of

Canada, if we still have a government in three weeks. What will happen to Bow Valley, then, if it would come out that the numbers in Brooks are significantly higher than the numbers in here. I know that's conjecture and it's an assumption, but it's also an assumption to say that the population will be reduced, because I know certainly that in Bow Valley as it's presently constituted, the population is increasing. It ain't decreasing. It's kind of like the little hometown that I lived in for a long time. Every time there was a baby born, somebody left town, but that's no longer the case.

MR. McCARTHY: And you're still there.

MR. LIVINGSTON: Oh, I moved out of that town. I left town.

That's about all the complaints that I have. As an aside, whether it's relevant or whether it isn't relevant, at the PC annual meeting there was a resolution from Bow Valley that the boundaries stay the same at least until the next federal census is completed. That resolution passed over 2 to 1. Of course it could be argued politically: well, it was all PCs; what do you expect? Well, it was all Albertans too.

THE CHAIRMAN: Well, we'll let the questioning start with John.

MR. McCARTHY: Yeah. I guess we have it within our mandate to look at the '91 census. Our problem is that the statute puts us out of business at the end of June. We're statutorily out of business at the latest by the end of June. We have to have our report finished, printed, and tabled with the Speaker of the Legislature by the end of June at the absolute latest. Realistically, with that kind of a deadline in place, we have to deal with the most recent provincewide census, which is the 1991 census information.

I think the statute gives us some leeway to consider growth patterns as well. I don't dispute anything you say about the growth pattern in Brooks; we heard Dr. Oberg give us that information the other night in Hanna. Then we have to consider other growth patterns. In other words, are other areas growing as fast or faster or slower? You know, you just can't take the growth pattern of the Brooks area in isolation. You'd have to look at other growth patterns as well.

THE CHAIRMAN: Joe?

MR. LEHANE: Thanks. No questions.

THE CHAIRMAN: Robert?

MR. GRBAVAC: No questions.

THE CHAIRMAN: Wally?

MR. WORTH: No questions, but I wonder if you have any more items from Greek mythology that you'd like to share with us.

MR. LIVINGSTON: I see the media's here. Probably nothing that would bear printing.

MR. WORTH: Thank you.

MR. LIVINGSTON: If you're interested in Greek mythology, I don't know how acceptable this is, but you asked me.

THE CHAIRMAN: You've got to remember this is all being

recorded by *Hansard*.

MR. LIVINGSTON: Well, that's all right. He asked me for some Greek mythology. It isn't Greek mythology, but it certainly has to do with Greeks. Are there any Greeks in the audience? No takers?

The old couple went to have their 50th anniversary in the same place they had their honeymoon. They got the same hotel room to make it the same. They went upstairs after their supper, and they both started to undress. When Grandpa took his clothes off, Grandma started to laugh. She laughed and she laughed and she laughed. He said: "What in the world is the matter with you?" She said: "Honey, 50 years ago when you took your clothes off, you looked like a Greek god. Tonight you look like a damned Greek."

THE CHAIRMAN: Just a second. Hold it, Tom. You've made a presentation, and I just want to know from what constituency you come.

MR. McCARTHY: He's from Duchess.

THE CHAIRMAN: Oh, Duchess. I missed that. Well, I want to thank you for coming and making your presentation tonight and your views known.

MR. LIVINGSTON: Thank you, Mr. Chairman. Thank you, members of the panel.

THE CHAIRMAN: Okay. The next presenter is Ralph Erb.

MR. ERB: I guess I'm one of these borderline people. I think you'd have a completely different attitude to your job if you were elected people. You might say that you're listening. My kids do that many times; they say they're listening.

I feel that if we want to keep an MLA – and I'm going to speak on behalf of Lorne because that's who I know. If we want MLAs to represent us and have a home life – I don't know if you are bringing the factor of right to life to these people. I know how busy they are. I don't think you guys know. You might be listening, but if you're caring, that's another thing. If we want an MLA to have some home life, which I think they deserve, and if they're going to look after us, I challenge any one of you to ride with him for two weeks. I know you guys would be looking at the whole thing a lot differently. That's about all I've got to say. I came because my wife said: go. But I have no trust in this system. That's my opinion, and if you can sway me, I'll be happy.

MR. WORTH: Just an observation, Ralph. I think we recognize the difficulty that a rural MLA has in terms of the distance from the Legislature and often the distance within the constituencies. One of the things we have suggested – and we haven't made much of an issue of it in our report, but we may emphasize it more in our final report – is that we should make it easier for rural MLAs to provide effective representation in at least two ways. One would be to try to encourage and facilitate travel by air between Edmonton and their constituency on some kind of shuttle basis or otherwise, and the second is to provide them with additional resources so that they can maintain perhaps one, two, or three constituency offices to have people assist them in distributing information to people and answering inquiries when they're not available. We will likely propose that kind of action to the provincial government, because it's the Legislature that would have to provide that kind of allocation and assurance to MLAs in rural constituencies. We're hoping that will

make it a little easier so that they can be home the odd Sunday.  
8:32

MR. ERB: I fly to Edmonton quite regularly and I drive up there, and I would say that on a round trip flying up there – we know the Calgary airport inside out; we used to be able to walk from one plane to the other – you can maybe gain two hours. That's it. So don't give me this stuff that air is faster. If they close the Municipal Airport, you're talking, if you live on the outskirts of Medicine Hat, probably four hours to get from point to point.

MR. WORTH: We're talking government aircraft, which don't have to go in to Calgary, and landing at the government hangar in Edmonton, which is right downtown at the old Municipal Airport. So I think there can be some saving there over regular aircraft.

MR. ERB: You're talking a lot more money than I am. I disagree with you, because if you get private aircraft . . .

MR. GRBAVAC: No. The aircraft's already bought and paid for.

MR. ERB: Sell it.

THE CHAIRMAN: Just a second, Ralph. Robert may have a question.

MR. GRBAVAC: Ralph, I've held elected office for 15 years at the municipal level – I think records will bear this out – and I think my expense claim on an annual basis is about \$5,000. I attend maybe 40 meetings a year. I've the most populated division in my county by far. Our variance is much more than 25 percent. I think the next lowest paid councillor makes twice as much as I do, and some make five times as much as I do. They're going to upwards of 200 meetings a year. I choose to go to 40. I don't know. I've been re-elected six times on that level of representation. I think I'm listening. I choose to do most of my work over the phone. They insist on doing it in their car and face-to-face. So I think it really depends on what you make of your position and how you approach it. I'm not just trying to be cynical in this regard. It just depends on how you attempt to represent people. Although that's a microcosm of the provincial Legislature, it gives you a bit of an insight into how different people approach the same job.

I feel that if the MLA chooses not to have a home life, that's really their choice. I mean, I don't think the job demands that they work seven days a week. They could simply say no. Alan referred to that. They may not want to say no. They may feel that may jeopardize their chances for re-election, but they can say, no, they're not taking calls on a Sunday or Saturday afternoon when they're with their kids, and they may do that at their own peril. I'm just suggesting to you . . .

MR. ERB: Rural people know their MLAs a lot better than urban people do.

MR. GRBAVAC: Yes. I agree with that.

MR. ERB: That you're not going to change.

MR. GRBAVAC: And they ought to know better, to leave them alone on a Sunday afternoon.

In any event, I'm just suggesting to you that we've had I think 40 or 50 representations that said: cut the number of MLAs in half; go to 40 or 50 MLAs. Our federal Member of Parliament Ray Speaker

represents the better part of three provincial constituencies in the rural area and the two in the city of Lethbridge. Maybe there's not nearly as much to do at the federal level. I'm just suggesting to you that a lot of people have said to us that you have way too many ridings for 2 and a half million people relative to any other jurisdiction in Canada. I guess the point I'm trying to make – and I keep repeating myself – is that the job is really what you make it.

MR. ERB: Coming from a different angle, I haven't got a problem with how many MLAs there are. The costs of MLAs are minimal when they can with the stroke of a pen spend more money than they all get in a year. I want to keep a life there so that we can get the best people there.

MR. GRBAVAC: Fair enough.  
No questions.

MR. LEHANE: Well, Ralph, there's something we certainly agree on. When you're faced with a dilemma between not wanting to waste your time and doing what your wife tells you to do, you always do what your wife tells you to do. So you've showed some great insight in picking the right choice there. I want to assure you that I'm glad you're here and that we are listening, despite the criticism we've received for not listening.

I want to give you an example from our perspective. We were in 17 different communities in the first round of hearings, and we had over 200 submissions. We heard many times what you're telling us tonight about the difficulty of rural MLAs and the time requirements that they have to be effective representatives. We did something that to our knowledge hasn't been done before. We took many of those reasons and those variables that we believe can measure the degree of difficulty of being an effective representative and we created a matrix so we could have some way to justify variances, so we could have some quantitative methodology there that we could put before the court in terms of saying: "These variances are justified. It's a lot tougher job out there because we measured it, and we can show you. We can demonstrably show you why it's a tougher job being a rural MLA." It's the first time anybody ever tried to do that.

Do you know why we think that's important? One reason we think that's important is because we have neighbouring provinces of Saskatchewan and Manitoba that now have legislation in place that prohibits any variance over 5 percent. In fact, after Saskatchewan passed that legislation, we're told that they drew their boundaries in 40 out of 50 constituencies within 1 or 2 percent. Well, those are the sorts of comparisons that the courts are likely to look at, and I personally think those are wrong. I think that's a prime example of a procrustean bed: trying to fit something into something that's not going to work.

So we've gone out – and I think we've listened – and we've set out these reasons and created this matrix so we cannot just say that it's more difficult to be a rural MLA. We have these variables here that would justify these variances in the population and each constituency, and we've measured it, and we believe these to be correct for those reasons. I think we did listen, and I think we incorporated that into our report.

I want to thank you for coming out because it's listening to people like you throughout the first and second rounds of hearings that have helped us create what we think is an important first step in that process.

MR. McCARTHY: Are you from Schuler?

MR. ERB: No.

MR. McCARTHY: No? Well, I'm just trying to remember from last time. Whereabouts?

MR. ERB: I'm from the hamlet of Seven Persons, outside of Medicine Hat.

MR. McCARTHY: I don't have any questions other than to just make sure that you're aware of the fact that when you indicated that you'd lost faith in the system, none of us on this commission grew up as small boys wanting to be members of a boundaries commission. We did not ask to be on it. We were asked by the government. At least two of us were asked by the government, and two were asked by the Leader of the Opposition to sit on this. It's unfortunate that this commission had to do its work as a result of a court decision. As I say, we're trying to find a delicate balance to a difficult problem.

MR. ERB: I think that opinion that I expressed is not just my own though.

8:42

THE CHAIRMAN: Ralph, I don't have any important questions, but what's your wife's name?

MR. ERB: It's still Elaine.

THE CHAIRMAN: What?

MR. ERB: Same wife.

THE CHAIRMAN: Well, no. I just wanted you to thank her for sending you here tonight on behalf of the commission, because we need people like you to come here and tell us what your opinions are, and that's the purpose of this commission.

MR. ERB: Thank you.

THE CHAIRMAN: The next presenter is Lutz Perschon.

MR. PERSCHON: Thank you, Mr. Chairman and commission members, for the opportunity to come to the meeting. You have a copy of the submission that we've written, and I want to sort of paraphrase it because I'm sure everyone can read.

MR. GRBAVAC: Not everyone's assumed that. We've had lots of people read a lot of things to us.

MR. PERSCHON: Yeah.

I do want to reinforce the idea that I think people are a little disillusioned with the fact that this is going on this soon again after the last time, but we also empathize with the commission that you have a tough job to do and within some fairly rigid terms of reference, and that's the facts of life.

The next paragraph talks about effective representation, and the MD recognizes that this commission, as others, does have a handle on the issues that are involved in the business of effective representation. The mere fact that you set up the matrix – and we commend you for that effort to try to quantify the business of effective representation. As I heard about the ridings up north and the vast land expanses that are there, it certainly is a challenge for you to try to balance that off with the issues that the courts have

given you.

Now, for whatever it's worth, I believe a lot of people in Alberta, at least rural Alberta, would have felt that the learned judges erred in their decision and in fact may have even felt it to be somewhat hypocritical in the sense that they've made so many decisions which go against the majority position that to stand on the fact that they're upholding a democratic principle would almost be farcical. I'm just saying that's probably the opinion of the average rural Albertan as they look at a court decision which talks about democracy and then turns around and makes a decision which is clearly against the majority and which I suppose is what the whole democracy thing is about.

The other issue we wanted to raise was that the court didn't seem to be too concerned about the fact that we should give equal representation, each vote should have equal weight, and the fact that each voter doesn't have access to equal services in this province, that the people in Calgary and Edmonton who are less represented in fact have the highest level of services from the elected body we're talking about. I mean, certainly municipalities recognize that there are disparities in service levels. There have to be. I know in the MD of Cypress we have the same conundrum that Bob talked about in his area too, that trying to get these 25 percent variances in our electoral divisions is difficult as well, but we have recognized that we're going to allow for variances because people are already not getting the same level of service.

With those things in mind, I think the MD wants to just encourage the commission to continue reviewing your formula, your matrix. Perhaps some of the factors need to be weighted more heavily, less heavily. The last sentence in the second paragraph says that the MD submits that the area is too large. When I heard about the ones up north, I thought maybe I should withdraw that statement because obviously areawise we're not comparative. Earlier I think Alan talked about the fact that there's a huge area up there that's really unpopulated. There are sparse areas, and I think the travel issue becomes relevant in that situation. Anyway, we want to encourage you to look at those kinds of things.

With that, most of the arguments, you know, have been made again and again about what's going on, and we just want to try to encourage you to try to make manageable areas, areas that can be represented effectively.

Finally, I just want to close by saying – and this may be a personal viewpoint, and I don't want to be rude – that I don't want you to justify what you've done. I understand what you've done, but I don't want to get into a discussion here. If you have some questions you want to ask me about how the riding might be amended, that would be okay. Personally, I feel that when hearing bodies begin to justify the points that I've made, then they're not hearing me. I know you are hearing. I think you have listened. I think you've been wrongly accused. I think you have a very difficult job to do. I don't want to get into a debate over whether my points are right or wrong. We want to make them, let you consider them, and I'll answer any questions on behalf of the MD that you might have.

MR. WORTH: I have a question I'd like you to respond to, Lutz, if you would. When we talked with your MLA this afternoon, we discussed some alternatives with him, and you've already heard about this.

MR. PERSCHON: Yes.

MR. WORTH: There were three alternatives which were discussed, assuming that the western boundary is moved farther east. The three

were: including a greater part of the city of Medicine Hat; the second, extending north into the Oyen area; and the third, bring in Redcliff. Do you have any reactions to one or two or all of these?

MR. PERSCHON: At the risk of giving an opinion, I would support the MLA's feeling on this. Who better than he to know which he could administrate. Now, it goes against basically the argument we're making in distance if you shrink the west boundary and add to the north boundary, but there are some reasons. Earlier I heard some speakers talk about leaving the special areas together. Personally, I don't know why the special areas exist anymore, period. Be that as it may, the school district, the Prairie Rose school division, now goes up into the Oyen area, so there is a link in a local government sense up into that Acadia Valley-Oyen area. Now, the fact that a sliver of the special areas comes around Acadia is just a geographic thing that probably is outdated as well. So I would say that if Dr. Taylor has said that's his option, we would probably support that option.

The one with Redcliff is sort of the same idea, although I think essentially Redcliff is an urban area adjacent to Medicine Hat. We would go with Dr. Taylor's recommendation on that.

MR. WORTH: Thank you.

MR. GRBAVAC: The problem that we have in southern Alberta – let's use Alan Hyland's argument – is that we have these two special consideration areas. Put our discussion with respect to the matrix aside because they don't apply to these areas. We have to give reasons sufficient to stand the test of interpretation of the Charter that the right to vote in those areas is not unduly diluting someone's right to vote in Calgary-Buffalo, for example, where they have 38,000 versus the 15,000 in Chinook. I mean, you're an administrator of a municipal district, and you know there are three special areas in Chinook. Is there any reason to distinguish Chinook from the rest of rural Alberta in terms of its uniqueness that you think we could put before the courts and say that this is a valid Charter consideration or reason as to why these constituents are not unduly diluting the vote of someone else? This is a unique area of Alberta for this reason. What would that be?

MR. PERSCHON: On the record for the MD of Cypress, I wouldn't answer that. If you want my personal . . .

MR. GRBAVAC: No. I'm asking you.

MR. PERSCHON: My personal opinion is that there is none. There is no reason.

8:52

MR. GRBAVAC: You see, that's the problem. I live in Cardston-Chief Mountain. I've yet to have a reason put to me that I can accept there as well. I've had "numerous natives" put to me. But how do you write that into a report, that there are more natives here than anywhere else, so therefore the rest of the population should get special consideration? That's the problem. We have to get population from somewhere. I mean, we're considering taking it out of the city of Lethbridge. The option was suggested here: do we take a little more population out of the city if it's that much easier to represent? The MLA says: "No, don't do that. Give me more, a large tract of land to the north." In a way it's hard for me to understand if there isn't a contradiction there, but he says that's an area he'd rather represent, go all the way up to Oyen.

MR. PERSCHON: Fortunately, the balance here and at least, I think,

in Cypress-Medicine Hat has worked well partially because of the point the two previous speakers made: really, outside of the large metropolitan areas everyone still kind of has rural roots, so people think rurally that way too. I certainly am not going to go against the MLA on that issue.

MR. GRBAVAC: Thank you.

THE CHAIRMAN: Joe?

MR. LEHANE: No questions.

THE CHAIRMAN: John?

MR. MCCARTHY: No questions, thanks.

THE CHAIRMAN: I just want to ask one question. The name of the constituency. It was Cypress-Medicine Hat before. We made a slight change, and we attempted to add in the part along the west boundary, which it looks like we're going to have to take out now because of the reaction of people. We changed the name to Cypress because we felt that Medicine Hat was already the name of one constituency and Cypress-Medicine Hat might be confusing. The MLA today said that he would like to go back to the old name of Cypress-Medicine Hat. Nobody else has talked to us about this. As I understand, you're the administrator of the MD of Cypress. What do you think the reaction of your people would be in respect to the name?

MR. PERSCHON: Again, very respectfully, I don't think the name is a large issue, and whether it's Cypress-Medicine Hat, which I think was – you know, the compound name was there for a reason: so that the people of the city would feel that they have an ownership in that name. If you wanted a really good name for it, you could call it Forgotten Corner.

THE CHAIRMAN: Well, we might give that some consideration.

MR. PERSCHON: Anyway, I think that the MD of Cypress is not opposed to either of those names. It's not a big deal.

THE CHAIRMAN: Okay. We heard three suggestions today from the MLA as to how we might increase the size. When we were here in November – and I don't know if you were at those hearings.

MR. PERSCHON: No, I was not able to be.

THE CHAIRMAN: The people from around here made it quite clear that they didn't want any more of Medicine Hat added to the constituency. They wanted to maintain as good a rural balance versus an urban balance as they possibly could. We thought that with the change we'd made, we'd just improved that, but that change now, it appears, is not acceptable. What would your position or the MD's position be in respect to adding some of Medicine Hat to the constituency?

MR. PERSCHON: I think I answered that from Wally. Essentially, if the MLA feels that he would rather have additional rural area, I think we support that idea. I think you're asking us to pick between sort of two devils. We don't want any more of anything because we think the riding is already large and, given all the communities and the different aspects that can be there, the ideal situation. But we

also recognize that if the changes have to be made because those are the terms of reference you have to deal with, then I think adding rural areas is probably still preferable to adding more of the city.

THE CHAIRMAN: Well, I want to thank you for coming and making the MD of Cypress's views known to us.

MR. PERSCHON: Thank you.

THE CHAIRMAN: We have one more presenter, and that is Kiyo Oikawa. If you'll come forward and make your presentation.

MR. OIKAWA: I don't have a written brief for you. I'm actually from the town of Redcliff, and when I heard that Chinook and Bow Valley were going to be in one district, it kind of took me by shock. Redcliff has been sort of pushed from one side of the constituency to the other. We were with Bow Island, Cypress, and at one time we were with Medicine Hat. We do a lot of our business with the city of Medicine Hat, and it would seem funny that we could end up with an MLA from New Brigiden. That would make it very tough to have access to an MLA.

I'm also in the Prairie Rose regional school division. We went from one district and four regionalized. If you traveled with us through our region, I can see where the MLAs are coming from that it's too big. You just can't get around the whole constituency and be able to do a good job.

I feel that Redcliff should probably be part of Medicine Hat, because we're only 10 minutes from Medicine Hat, and it's ironic that we have to have an MLA out of Brooks. If those other two constituencies are put together, it makes it even harder for us to access our MLA.

That's all I've got to say.

THE CHAIRMAN: Thank you.

We'll start the questioning with John.

MR. McCARTHY: Thanks. No questions.

MR. LEHANE: I guess one of the criticisms in putting Redcliff with Medicine Hat is, "There you go bouncing us around again."

MR. OIKAWA: Yeah.

MR. LEHANE: What you're saying is that you think that's still a reasonable way to go in terms of getting effective representation.

MR. OIKAWA: Well, the access is very easy.

THE CHAIRMAN: Robert?

MR. GRBAVAC: No questions.

MR. WORTH: One question for clarification. I seem to recall that during our last round of hearings here, we were told that the people of Redcliff had elected to go with the area north and to Brooks for school division purposes. Is that correct, or am I mistaken in my recollection?

MR. OIKAWA: Can you repeat that again, please?

MR. WORTH: Let me put it another way. Is Redcliff in the same school division or district as Brooks?

MR. OIKAWA: No. No, we're not.

MR. WORTH: You're with Medicine Hat?

MR. OIKAWA: No, we're not.

MR. WORTH: Oh. Who are you with then?

MR. OIKAWA: We're with Prairie Rose. That's the county of Forty Mile, the old Cypress school division and the Acadia school division. So we go from New Brigiden to the U.S. border.

MR. WORTH: Thank you very much, because I was under a misconception.

MR. OIKAWA: Okay. That's Grassland's, is Brooks.

THE CHAIRMAN: Well, Kiyo, I want to thank you for coming and making your presentation. I want to say offhand, without looking at the figures, your presentation just isn't workable because of the population numbers. I appreciate what you're saying. You're so close to Medicine Hat, you'd like to be part of Medicine Hat.

MR. OIKAWA: Well, the city boundary does touch the town of Redcliff.

THE CHAIRMAN: But we have a population quotient of 30,700 per constituency, and your request I think would put us into trouble on that.

MR. OIKAWA: That figure has to be revisited I think.

THE CHAIRMAN: Well, we don't have any choice in that. But thanks for coming.

MR. OIKAWA: Thank you.

THE CHAIRMAN: I wanted to make a remark in respect of Tom Livingston's suggestion about waiting for the federal census. We've looked into the federal census, which is going to be done within the next few weeks in one out of every five households I think. It's an in-between census, but the results of that census, Tom, are not going to be out until 1998, when they're compiled. So I don't think we can wait for that census, sir, or use it.

You said that there might be another electoral boundaries commission after that census. I doubt that there will be. I'd almost be willing to bet you that there'll be no more electoral boundaries until the 2001 census.

I want to thank everybody for coming and making their views known. We're now adjourning the hearings at the city of Medicine Hat. I guess the next time you'll hear from us is in our final report. I don't know whether it'll be a green book. We might try to find another colour.

Thank you.

[The hearing adjourned at 9:02 p.m.]

