

10:04 a.m.

Thursday, June 27, 1991

[Chairman: Dr. Carter]

MR. CHAIRMAN: Good morning, ladies and gentlemen.

Michael Clegg, would you like to come on over for a moment?

As you well know, we've had a few things to keep us busy over the last few months, so we weren't able to get to doing some of the nicer things that we wanted to do. Michael, I'm sure you haven't missed us in the last three months. We wanted, in front of Members' Services Committee, to be able to give a couple of items as just small thank yous to you for all your work that you've done with the Legislative Assembly over those years. It's a good thing they've put it right on here so I don't need to worry about remembering. January 15, 1975, to February 7, 1991: that's a long haul. So we thank you on behalf of all members of the Assembly, and hopefully somewhere you and a friend of yours will find a piece of the wall to be able to use this plaque.

MR. M. CLEGG: Thank you very much.

MR. CHAIRMAN: In addition, the office of the Speaker in the last few months has had specially minted medallions that we plan basically just to give to ambassadors and persons of royal blood and so forth. You've had to be an ambassador in many ways in a legal sense for the Assembly. This has one of your favourite buildings on the back and on the front the enhanced coat of arms, and you were around when all that took place.

MR. M. CLEGG: Yes. Thank you very much.

MR. CHAIRMAN: This week we are putting out the latest publication as done under Legislative Assembly. The first one is *Lieutenant-Governors of the Northwest Territories and Alberta, 1876-1991*, so you get your pristine copy, and *Premiers of the Northwest Territories and Alberta, 1897-1991*. You've dealt with a number of these people.

Again on behalf of all of us, thank you, Michael, and we wish you well.

MR. M. CLEGG: Thank you very much.

Mr. Chairman, members, on my way over here I was remembering that when I came to this job - I'd previously been in private practice in the city and before that working in industry - the committee which interviewed me sat in room 315, which was a committee meeting at that time. It included members from all parties: Lou Hyndman, Harry Strom, Grant Notley, and Gerry Amerongen, and the then Chief Legislative Counsel Glen Acorn. There weren't any Liberals around in those days, Percy; I'm sorry about that. It seems to me to be a very, very strange and a very pleasant corner of fate that the reason I left was because I became engaged to be married to a member of the very same committee which interviewed me in the first place to come here.

So I've had very strong connections with this committee, and I'm also doing a little bit of work for its equivalent in Ottawa at the moment, amongst other things. Having lost my connection with this House to a certain extent after quite a long time and having realized what a long time it was, longer than most members get to sit in the House, it probably seemed to be a good time to go anyway. Having lost the connection with one House, I have acquired two: one which we are just finished renovating in Riverdale, which is a very wonderful place and a

place where I have a great deal of happiness, and another one which is 2,200 miles east of here in Ottawa, which fortunately adjourned a week before this House. Having lost one, I've gained two, so maybe I'm doing very well geometrically.

Thank you very much, and I wish you all good luck in your endeavours. I've always enjoyed working with members and enjoyed the collegiality around the building and sometimes - my little diplomatic medal - I've remembered having walked backwards and forwards between different corners of the building doing a little bit of quiet corridor diplomacy, which is part of the way in which business is done here.

Thank you very much, and good luck. [applause]

MR. CHAIRMAN: Thank you, Mike.

Yes, Minister of Public Works, Supply and Services.

MR. KOWALSKI: May we all wish the happy couple many children and the pitter and patter of many little feet running about throughout this wonderful new home.

MS BARRETT: No, no. Order.

MR. KOWALSKI: Alberta certainly needs new additions, and please be bountiful.

MRS. MIROSH: We'll sell you a PC membership.

MR. WICKMAN: We'll give a Liberal membership.

DR. ELLIOTT: Mr. Chairman, if it's in order, I'd like to ask for a very, very short break. I would like to . . .

Thank you.

MR. CHAIRMAN: We're adjourned to a quarter past 10.

[The committee adjourned from 10:09 a.m. to 10:15 a.m.]

MR. CHAIRMAN: Okay. It's 10:15. We'll come back to order, please.

Ladies and gentlemen, perhaps we could do item 2, Approval of Agenda, and then I would beg your indulgence that we could go immediately to item 5(a), Electoral Boundaries Commission.

A motion for approval by Edmonton-Highlands. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no. Carried. Thank you.

Item 5(a) is before us. As you're aware, the office of the Speaker acts as the liaison, the umbrella if you will, on behalf of not only the Chief Electoral Officer and the Ombudsman and the Auditor General but during the existence of the life of the Electoral Boundaries Commission. It's in that capacity that I have received some correspondence from Justice Virtue, who is here with us today together with Bob Pritchard. There's a basic funding request revision, and because of the size of the submission and the fact that it might have to be dealt with by a special warrant, I decided to have the matter brought before this committee to deal with because of the all-party representation. It's in that regard that we have some items of correspondence here, of which we have copies for the members of the committee.

Now, at this stage the Chair needs to ask members of the committee whether or not you wish to continue in open forum here or whether you wish to move in camera.

The Member for Edmonton-Whitemud.

MR. WICKMAN: My preference would be open forum, Mr. Chairman. I always have some difficulties going in camera unless it involves specifically a matter that pertains to personnel or something that needs to be confidential.

MR. CHAIRMAN: Thank you. Is that agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: All right.

There are three separate documents. All members now have three copies? Good.

Mr. Justice Virtue, would you like to address the key matter of the correspondence, please?

MR. JUSTICE VIRTUE: Well, this is a matter which I would regard as an administrative matter from the standpoint of the commission, and as Mr. Pritchard is the administrative officer whom you, the Speaker, have appointed to provide the administrative support to the commission, I'll simply leave it to him to answer any questions that you or the members may have.

MR. CHAIRMAN: Mr. Pritchard.

MR. PRITCHARD: If I could just give a very brief background to what the commission has done to date and why we're here today. Justice Virtue and I are here today to present a request on behalf of the Electoral Boundaries Commission for an addition to the 1991-92 budget for the commission and ask for your support for a special warrant.

As the commission's work progressed it became clear that there was a great deal of work to do prior to the deadlines that were set out in the legislation. In addition to the pressures of time, the need became apparent for legal counsel to ensure that various legal matters were adequately interpreted to withstand any possible future scrutiny or litigation.

As well, the commission found that in-depth analysis of population growth, sparsity and density of population, and other relevant areas would be extremely difficult for the commission to obtain without involving meetings with city and town planners. Many of the same cities and towns the commission needed to meet with were involved as intervenors in one or both of the Saskatchewan case or the Alberta reference case. The commission was advised and listened to the advice of their counsel that it wouldn't be appropriate to meet with local planners and could, in fact, put both city officials and the commission in an awkward or perhaps compromising situation.

Therefore, it was deemed necessary to hire a firm of consultants, people who had access to demographic data and who could interpret the data for the commission. These two items - the legal counsel and the demographic consultants - were exceptional or extraordinary requirements that could not be foreseen prior to the start of the commission's work. As a result, the commission unanimously agreed to request additional dollars at this time for the 1991-92 budget to cover their costs. The chairman and myself have met on two occasions with the Speaker on the budget requirements, and as well there has been an exchange of correspondence which you have copies of.

We're here today to ask Members' Services to support and endorse this request for a special warrant. I'd like to hand out three additional pages, if I might.

Thank you, David.

MR. CHAIRMAN: Edmonton-Highlands.

MS BARRETT: Yes. I've been through the documentation on a quick-read basis, and I have a question. I see that you had wondered in some of your correspondence whether or not the process for tendering the contract had been observed, and I'd like to know if in fact that did happen. That's with the demographic experts. Was that open to public tender?

MR. PRITCHARD: No, it was not. In the essence of time something had to be done very quickly. The name of the firm that we chose was obtained from colleagues of the chairman's, and we checked through government sources. They had done work with the government. So on that basis and because of time we proceeded to hire them.

MS BARRETT: Further, does the company have some demonstrated experience in demographic studies?

MR. PRITCHARD: A lot of their background has to do with annexation processes, which involves movement of people and additional people. So yes. They've done work provincially, nationally, and also they have connections with the United States.

MR. CHAIRMAN: Edmonton-Jasper Place, followed by Public Works, Supply and Services.

But first, Mr. Pritchard, you handed this around. Were there additional comments before . . .

MR. PRITCHARD: Yes.

MR. CHAIRMAN: I think we'll carry on there now, and recognize the others after. Thank you.

10:25

MR. PRITCHARD: Thank you. The three pages that I've handed out. Page 1 is a copy of the 1991-92 budget as approved in the total amount of \$400,641. Page 2 is a summary of our requests: under contracted services, legal costs in the amount of \$50,000; demographic consultants in the amount of \$179,000; for a total of \$229,000. Attached page 3 is our hoped-for budget, which increases contract services to \$313,000, for a total of \$629,641 as the total budget for the commission.

Did you have anything you wanted to add to that?

MR. JUSTICE VIRTUE: No, I think that explains the situation.

MR. PRITCHARD: If anybody has any questions, we'll be pleased to answer them.

MR. CHAIRMAN: I think our process will be to ask questions for clarification and comment, and then when we get around to having a motion, we'll only speak once to a matter. But at this stage of the game you can ask questions or make comments in our usual fashion.

So in this order: Edmonton-Jasper Place, Public Works, Supply and Services, Edmonton-Whitemud.

MR. McINNIS: Mr. Chairman, I have several questions, but my first is for you. The role of this committee in relation to this request would be to make a recommendation to cabinet in respect of a special warrant?

MR. CHAIRMAN: In this particular case, because it's the Electoral Boundaries Commission, the issue is so sensitive that I was not prepared to carry the matter forward in my own right to cabinet.

MR. McINNIS: That's it: to make a recommendation to cabinet.

I have some questions about the proposal. My first deals with the consultants hired on population projections. I take it that means that the commission will be using the most up-to-date information it can possibly get in terms of what the population is at the present time. Initially I think they were structured around the 1986 census, but this is being done to update the census data to try to bring it into as contemporary a perspective as possible?

MR. JUSTICE VIRTUE: That's a factor that we want to have at hand when we make our decisions.

MR. McINNIS: So we don't know whether that would be the base on which the decisions were made; it's just information which may or may not influence the final result.

MR. JUSTICE VIRTUE: Yes.

MR. McINNIS: *Hansard* doesn't pick up that.

MR. CHAIRMAN: I need to ask you to lean a bit forward and speak into the mikes, because every word is being recorded.
Thank you.

MR. McINNIS: That's an awful lot of money to spend unless we're reasonably sure it's going to be used.

I also have a question about the legal opinion. It seems to me that the Court of Appeal in Alberta is going to be rendering a judgment at some time this fall; I guess we don't know the date in terms of the referral from the Attorney General. Now, this is not part of that proceeding; this is independent advice to the commission, right? The commission is not a party to the legal action.

MR. JUSTICE VIRTUE: No. The commission is not a party to those legal proceedings.

MR. McINNIS: If the court is going to make a definitive answer in terms of how the Charter impacts the legislation you work with, I'm just wondering why independent legal advice is needed. Why don't we just wait for the court to tell us what our situation is?

MR. JUSTICE VIRTUE: Well, the first answer to that is that the commission was required to file its interim report by statute by September 18. The reference to the Alberta Court of Appeal won't be even commenced until the end of September. Accordingly, when the commission began its work, we didn't know what the result of the Supreme Court of Canada decision would be with respect to the Charter, nor did we know, of course, what the reference would produce. We felt, therefore, that it was necessary to have the best legal advice that we could have as to

how the commission should meet its requirements under the Charter.

MR. McINNIS: So you're forced to proceed before the appeal court in Alberta makes its decision?

MR. JUSTICE VIRTUE: That's right.

MR. McINNIS: The final question: how is the tentative schedule changed now that the Supreme Court decision is in? The tentative schedule that we were given starts with the Supreme Court of Canada decision August 15, which of course has already transpired. This tentative schedule, the one that's dated May 25: is it changed now that the Supreme Court decision has been made public?

MR. JUSTICE VIRTUE: As far as the end dates are concerned, you're probably aware of the fact that the Legislature extended the time for the commission to file its interim report to December 31 of this year.

MR. McINNIS: Right.

MR. CHAIRMAN: The dateline that's being referred to is the last page of the correspondence handed out by the Chair, in which the front page says May 27. There was a dateline on the very last page. Thank you.

The Minister of Public Works, Supply and Services.

MR. KOWALSKI: Thank you very much, Mr. Chairman. My questions are to Justice Virtue. In many ways they're policy questions.

For the last several weeks this Legislative Assembly approved the budget of the province of Alberta, and it also approved the budget of the Legislative Assembly of the province of Alberta. That budget was based on directions taken by the government to deal with a balanced budget, and it was based in reaction to the citizens of this province who said that they wanted the government to have a balanced budget in fiscal '91-92. The dollars allocated for this particular function, the Electoral Boundaries Commission, was \$400,641, and that was just a matter of weeks ago. Now we have a request here on June 27, 1991, for \$229,000 over and above that budgeted figure of \$400,641. I guess my mathematics, crude as they might be - it seems to me that's a 56, 57, 58 percent increase, and we're only in the third month of the current fiscal year. The fiscal year of the government, of course, begins April 1. We've got nine more months to go, and three months into this fiscal year we're asked for an increase of 56 to 57 percent for this budget. If you look at those figures in the \$229,000 request, basically \$50,000 is for legal opinion and \$179,000 is for demographic consultants. We've just heard that they didn't go by public tender; someone was selected. It's the point of the \$179,000 for demographic consultants that I would certainly like more information on.

If I look at the Act that governs the Electoral Boundaries Commission, an Act that was assented to on December 18, 1990, which is only seven months ago, section 12(d) says that "population" means the population of Alberta as determined by the most recent census available under the Statistics Act (Canada) at the time a Commission is appointed.

As I take it, that means the census of Canada, and the most recent census of Canada was the 1986 census. That was an Act of this Legislature; thus the law of the province of Alberta. So if the Electoral Boundaries Commission is governed by an Act

of this parliament, the law of the province of Alberta, and those statistics are available – and they certainly are available; they're freely available; the work has been done; the dollars have been spent; the census is available; the statistics are all there for anyone to access – why would we need another \$179,000 for demographic consultants? I simply don't understand that in the context of where we're at, three months into it. That's a policy question, it's not an administrative question, and I'd like to direct it to Justice Virtue.

MR. JUSTICE VIRTUE: The commission is definitely using the 1986 census information. Insofar as the boundaries of the Act are concerned, the 1986 census information will come into play. At the same time, the commission recognizes the fact that it's endeavouring to do a job which will perhaps last for eight or 10 years. I don't think any of us can close our eyes to the fact that there have been changes in the population since 1986. Accordingly, we also want to take into account the recent census information as it is available to us.

10-35

MR. KOWALSKI: Justice Virtue, the most recent census information that would be available to us would be the census, then, of 1991 that currently is being assembled and accumulated. That would certainly be the most recent. If that is the continuation of the argument, if the 1986 one is not the most recent and the 1991 one – taken on what? June 3 or 4 of 1991? – would without any doubt at all be the most recent one, paid for by the taxpayer of Canada and available within a certain period of time from now, would it not be prudent, then, to wait for that which has already been paid for by the taxpayer of Canada rather than assemble and expend another \$179,000 on information that certainly would not be as acute, would not be as extensive, and would not be as overall as the current 1991 census of Canada?

It seems to me we're coming in here at different times over a five-year period. We already had a massive expenditure by the taxpayer of this country in 1986, we're going to have another massive expenditure by the taxpayer of Canada in 1991, and the request here is to do something less than that massive. I need an explanation, because as a member of Executive Council, and I guess I'm unique in this Assembly right now, it is the government's budget that I have to stand up and protect. We are dealing with a balanced budget, and any special warrant would violate that principle.

I really need the understanding here. If the most recent census information is required, then why can't we wait on the 1991 census information which is being assembled now and has already been paid for and approved, legislatively approved, by the Parliament of Canada for the expenditure of those dollars?

MR. JUSTICE VIRTUE: Well, as far as the commission is concerned, I can't answer that question. That's up to the government, as to whether it wants to wait for the 1991 census or not. Our guidelines are set out by the statute. Until the day before yesterday we were required by statute to have our interim report in by September of this year. The 1991 census information won't be available until the summer, I understand, of 1992.

MR. CHAIRMAN: Thank you.

Edmonton-Whitemud, Cypress-Redcliff, Edmonton-Highlands.

MR. WICKMAN: Thank you, Mr. Chairman. A couple of questions along the same line as the Member for Barrhead. It's by statute that would require – we discussed this in our caucus,

and I had some difficulties with it. Nevertheless, that was the legislation. My interpretation would be that you would have no choice but to go by the stats that are outlined in the '86 stats, because it reads: when the commission was put in place. Those were the stats that were there when the commission was put in place. The '91 stats come after that date. I'd like to see it be a lot more current than 1986, but I don't know how you can do that without ignoring totally the statute that you're operating under or asking the Legislative Assembly to amend that statute to reflect more reality in terms of updated demographics and stats. I don't see how you're not locked in.

MR. JUSTICE VIRTUE: Well, the commission is of the view that it can meet the statutory requirements and, at the same time, take into account up-to-date population statistics.

MR. WICKMAN: Okay. Just two more questions, Mr. Chairman. Then what you're saying is that in the final analysis the population is going to be based on what's happening out there right now and not what was happening in 1986?

MR. JUSTICE VIRTUE: Well, Mr. Chairman, there's only so far that I think I should go in indicating what the detailed work of the commission will be, and I can only go to the extent of giving the indication that I did to the member previously. That is, we think that the requirements of the Act can be satisfied and that we can take into account as a factor current population statistics in coming up with the best result that we can.

MR. WICKMAN: In all due respect, Mr. Chairman, to Justice Virtue, I don't really see that question being that difficult to respond to. If you can even tell me that your objective is going to be to model it on the current stats, that would help eliminate some of my concerns for the additional dollars.

MR. JUSTICE VIRTUE: Well, Mr. Chairman, perhaps you can assist me here, but it's difficult to go into detail in a public meeting like this as to these matters more than I've done without getting into the day-to-day decision-making of the commission, which is a matter I don't think should be open for public discussion at this time.

MR. WICKMAN: Mr. Chairman, I don't understand why there'd be difficulty in stating whether we're going to attempt to use up-to-date stats or '86 stats. I don't understand that.

My last question, Mr. Chairman: why would that not have been anticipated? The request for the additional dollars for legal consultants I can see, because unexpected things can occur determined by the courts and such. But why would it not have been anticipated that there would be a need for the demographic and statistical information way, way back? Why would that determination just be made at the particular point of April 15?

MR. JUSTICE VIRTUE: Well, I can only refer that to the administrative officer appointed by the Speaker.

MR. PRITCHARD: Because of the complexities that arose in looking at a number of . . . As I think I explained earlier, with the cities involved in litigation and with the commission wanting to get some current data, particularly relevant to sparsity and density and population growth, they felt that they would cause problems, perhaps legal problems, perhaps even compromise themselves or perhaps even put the city planners or the town planners in some jeopardy, if they discussed those things with

them directly. So they determined that they should get somebody in to do that work, somebody who was neutral.

MR. CHAIRMAN: Cypress-Redcliff.

MR. HYLAND: Thank you, Mr. Chairman. Justice Virtue, your friendship with me goes back to the days when we used to call each other by first names, when we didn't have all the titles. I well remember many years ago when you were the lawyer for the irrigation districts and advising them on their guidelines, Acts, et cetera. Then when you sat as a judge in a hearing, I guess is the right word, that was brought before you, you found a loophole in the Act that hadn't been picked up before, and some changes had to be made related to charges.

I use that example to ask you a question. Because that was found, things had to be changed to match that so they were done right. In responding to a couple of the previous questions, I notice you used the phrase, "take into account" the 1986 census, not "use" the 1986 census. You ask for the other work from the contract that we have here to bring it up to date. I guess I'm at a loss. I know how in your legal history and in your judicial pursuits you have been known as a perfectionist in your findings, and yet as chairman of this commission... I'm looking at it as somebody who doesn't have legal training and wondering how and why we need the extra work to develop population trends, et cetera, when the Act in section 12(d) lays out the numbers to be used by the commission.

10:45

MR. JUSTICE VIRTUE: Well, all I can say is that in the view of the commission it is possible to meet the requirements of the statute and at the same time take into account the actual facts of the population situation as it exists when we're doing our work. That's about as far as I can go, Alan, in dealing with that.

MR. CHAIRMAN: Thank you.
Additional, Cypress-Redcliff?

MR. JUSTICE VIRTUE: You know, maybe I should point out that the Act itself imposes an obligation on your Chief Electoral Officer to keep the Legislature advised as to what are the most recent population figures. So the spirit of the Act obviously contemplates that it wants to maintain the situation with current populations, but at the same time it wants to have the limits on variance from population averages controlled by the 1986 census information.

MR. HYLAND: Thanks, Justice Virtue. The section you're relating to is section 11, and it says, "each census under the Statistics Act (Canada) become available," which would be about '92. Yesterday Leg. Offices dealt with a proposal by the Chief Electoral Officer for an enumeration in '92. By the passing of a motion by the committee, it was suggested that it should be held in the first six months of '93 because of the timing now and the delay in the annual report. I don't know if you were aware of that information. It just happened late yesterday, about 4 o'clock yesterday afternoon with that committee. If there's a desire to use a modern census, and even if you hire experts that are going to tell you where people are moving, how they're going to move, and where they're going to be - and I would suggest that's probably a lot easier in a metropolitan area than it is in a rural area - if it's the desire to be ultramodern and up-to-date, should the committee go back or should you think about asking

the government to delay the time so 12(d) can be used for the '91 census, which would be available in '92?

MR. JUSTICE VIRTUE: Well, really, that's a policy matter that rests with the government. As far as the commission is concerned, we were given a job to do; we were given certain very tight time guidelines, tighter than have ever been imposed before, to do that job and an Act that describes how it should be done, including taking into account the Canadian Charter of Rights and Freedoms. You know, quite frankly, we are proceeding as fast as we can to do the best job we can, and all we're asking is that you give us the resources that we think we need or may need in order to accomplish that job.

If I may say so, there's been far too much emphasis on the question of the population aspect for the use of these experts. Their services to us have ranged far beyond anything to do with population. Their main attribute is that they have enabled us to move quickly to get the job done as rapidly as we can, with the best information available being brought before the commission.

Now, that's the basis on which we'd like to do the job. We may or may not have to use these additional funds; it remains to be seen how things go. All we're asking is that you allow us to continue to do the job in accordance with the Act as fast as we can and do as good a job as we can. To do that, we think we need the resources we have set out. As soon as I recognized the fact that our budget was not sufficient, I made a special point of coming as quickly as I could to see the Speaker and bring that information to his attention so there would be no difficulty about this matter. All that we're asking is: if you want us to do the job, give us the resources.

MR. CHAIRMAN: Thank you.

MR. HYLAND: Could I have another question?

MR. CHAIRMAN: Last one, and then we'll go to Edmonton-Highlands, Calgary-Foothills, Taber-Warner.

MR. HYLAND: Thank you, Mr. Chairman. Maybe this question should go to the administrator. Bob, I wonder if you can help me out. In reading some of the *Hansards* from committee meetings and in reading the report, reading all that stuff - and there's so darned much of it that it almost becomes mush after a while - I thought that most of the discussion on the guidelines was centred and brought forward by the Chief Electoral Officer: certain things could happen in these specific time frames. Was that not where some of the discussion and support and ideas came from, the time limit given to the committee?

MR. PRITCHARD: Yes. The Chief Electoral Officer participated fully with the select special committee. He was added to the committee after it started, but from that point on he participated fully. Certainly his advice was used in regard to time lines and any matters that pertained to follow-up from this work, as to how he'd get the enumeration process and his work under way. Definitely.

MR. CHAIRMAN: Edmonton-Highlands, Calgary-Foothills, Taber-Warner.

MS BARRETT: Thanks, Mr. Chairman. I recall that the budget for the Select Special Committee on Electoral Boundaries, of which I was one member, expanded itself over the

course of a year and a half as a result of new information and demands coming to light. If I'm not mistaken, I believe that budget went – Bob, can you help me? What was our initial budget, and then what was our final budget?

MR. PRITCHARD: I don't recall our initial budget, but I think in the final analysis it was about \$600,000.

MS BARRETT: Right. I think it was a little over that. Anyway, I know that it increased, that the original assessment was well under what the final bill was.

In bringing that up, I'd like to say that I'm also starting to see the sensitive position Justice Virtue is in. My understanding of the process is that the commission is not to make its report public until it makes its report public; in other words, a lot of what they have to talk about internally must remain internal without giving out indications prior to making it public the orientation they may have come to. We don't have a motion on the floor yet, but I would be inclined to support a motion subject to a response to one question that I now would like to put to Justice Virtue if he is able to answer it or indicate any orientation the commission might have on this subject. If you get the money to go ahead and conduct the demographic studies that are imperative to the process – and we won't ask you to what degree they are imperative – will the commission likely release the information along with its interim report? In other words, will this become public property if it is paid for by tax dollars?

10:55

MR. JUSTICE VIRTUE: Well, it's something I really haven't thought about and probably should think about. I'm glad you brought it to my attention. We've had some discussions with the counsel to the Legislative Assembly on that subject, and we've been going back and forward trying to work out guidelines as to what happens. I must say that that aspect of our work has not been completed as yet. You know, my general approach to things is that insofar as I can, I'd like to see the information made public. I know that's not a very satisfactory answer, but I'm afraid it's the best I can do because I really don't know.

MS BARRETT: Yeah. I'd just like to make a supplementary comment on this. For the members of this committee who were not on the Special Select Committee on Electoral Boundaries, I'd like to advise all people here that when we contemplated a whole bunch of models for drafting up our final analysis, we actually put all those models in the report at the end. So my suggestion to the committee is that while obviously no decision has been taken by the commission on whether or not this information they're seeking would be made public, it seems to me in any event that there is no peril in making it public. If we were able to make public – what do we have, Bob? – our seven options in the final analysis that we were looking at, I can't see a problem with information that looks at demographic trends, changes, what have you, which is parallel to although newer than information coming from census data. I just make that pitch to Justice Virtue in probably supporting a request for the additional financing.

There's no response needed. I understood what you said. You said that you haven't finalized an opinion on this, and I understand that.

MR. CHAIRMAN: Okay.

Calgary-Foothills, Taber-Warner, and then perhaps we might take a five-minute adjournment followed by having a motion drafted to bring before the committee.

Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman. With due respect to the commission, because I know the job is onerous, I was also a member of the committee along with some other colleagues here. I know we deliberated at great length over population distributions, et cetera, and went through every configuration and scenario possible to come up with the best information available. I go back to Edmonton-Jasper Place, and it's not very often I agree with Edmonton-Whitemud, but I have a concern, sir. Again with due respect, we are a public forum as legislators, and everything we do in this forum is in fact public. I have some grave concerns. As my colleague mentioned, a 56 percent increase in the budget a third of the way through the year is a concern we all have when we don't even know if in fact the information is going to be utilized. It gives me some grave concern, sir, to pay for demographic consultants when the information from 1986 is already available without any cost attached to it. I have some concerns about spending this money when we may or may not in fact use the information. I think the \$179,000 could be well spent in other jurisdictions, but that's something for a different forum.

My concern, sir, is that the legislation is very specific. Upon the recommendation, if you review the *Hansard*, of the Chief Electoral Officer, it was laid out to be very specific so the commission would not have to wrestle and take the brunt of political flack for decisions as to the trend of the commission. Now, unless I've misread the legislation, which I have a copy of here somewhere, it specifically says in section 12(d), as my colleague from Barrhead said, that you will use the census "at the time a Commission is appointed." Cypress-Redcliff then mentioned section 11, and it in fact does say that after the results of each census, the Chief Electoral Officer will alert the Speaker as to deviations thereof.

Now, I can't for the life of me think why you're going back and reinventing the wheel on statistical information on demographics when it already exists from 1986, and that's the direction you should be going. I don't understand why you would want to spend \$179,000 of additional taxpayers' funds to look at something that is not within the Act. Now, if you're recommending that we hold off until the 1991 census is complete and available for public consumption, that's a different recommendation. But I have a problem with you coming forward, sir, and asking for additional funds for something that may or may not be utilized by your commission. And I'm sorry; we have to have it in a public forum because our responsibility is back to the public. Back to Edmonton-Whitemud's question, I'd like to know: are you intending to utilize this information in your deliberations?

MR. JUSTICE VIRTUE: We intend to utilize that information, and we intend to utilize the 1986 census information as required by the Act.

MRS. BLACK: Okay. My second question, sir, is on section 12(d). In our committee we discussed that some communities do not have a current census, that there would not be continuity throughout the province. Is that your commission's thought, that you would deviate from continuity in utilizing 1990 information?

MR. JUSTICE VIRTUE: Well, all I can say is that there are a lot of factors the commission takes into consideration as it

works towards drawing up electoral boundaries. You know, we look at sparsity and density of population. We look at all those other factors that are mentioned in the Act. We look at population growth trends. We look at current population. We look at 1986 population. The myriad factors taken into account as each member of the commission puts input into the development of a boundary is really quite a staggering lot of information. All I can say is that the current population figures are one factor we take into account.

MRS. BLACK: Well, again with due respect, sir, I would have to ask you on your overall budget . . . Please correct me if I'm wrong, Mr. Pritchard, but I understood that the last commission's budget - I think the Chief Electoral Officer indicated to us that it cost \$60,000 to complete the redistribution. Now we're looking a budget 10 times that amount, and in geographic size the province hasn't really increased. I have a problem moving that budget up 10 times from what the last go-around was.

MR. JUSTICE VIRTUE: Well, all I can say is that when I came on the job, there was a budget of \$400,000 provided. Within about a month, in my view that budget was going to be inadequate. I brought the matter to the attention of the Speaker so he would know as soon as possible, as soon as I knew, that there would be a possible shortage of funds. Since that time we have been endeavouring, along with other work, to have these administrative matters put in place for us. We're here today simply asking that you give us the administrative support we may need in accordance with this budget I've been discussing with the Speaker now for two and a half months.

MRS. BLACK: I do have another concern, like Edmonton-Jasper Place: the fact that there was no tendering on this professional consulting firm. I have some concern with that, because I understood that in the Chief Electoral Officer's office we had budgeted \$84,000 for contract services in the original budget, and now we're going out and adding additional consulting work. I understood we had some expertise in-house that in fact could assist the commission in the drawing of lines and boundaries, et cetera. I still can't understand why we're going out and hiring outside contract work to do demographic work when the demographic information is in fact sitting there and we did not go out to public tender on this. I have a hard time understanding that, sir.

11:05

MR. JUSTICE VIRTUE: Well, the need to try to meet deadlines that were imposed by the Legislature was the main motivation.

MR. CHAIRMAN: Thank you. You've had your three, Calgary-Foothills.

Taber-Warner, please.

MR. BOGLE: Thank you, Mr. Chairman. I want to relate to Mr. Justice Virtue and members of the Members' Services Committee some of the background considered by the Special Select Committee on Electoral Boundaries in this process. When the committee looked at using total population as a basis rather than electors, a great deal of agonizing took place over what basis to use. We knew that the most recent federal census was for 1986, therefore somewhat out of date. We also knew that to wait until the 1991 census figures were available would mean that the commission could not begin its work until early

1992. We also were advised by the Chief Electoral Officer that to use municipal census figures between 1986 and 1991 would be incomplete because not all municipalities conduct census on a year-to-year basis, and one of the things we were very cognizant of was ensuring that our final conclusions would meet the spirit of the Charter of Rights in terms of the equality provisions.

One of the reasons section 11 was inserted into the legislation was to ensure that when the 1991 statistics would become available, it would be incumbent upon the Chief Electoral Officer to report to the Assembly any of the 83 constituencies whose total population would fall outside the plus/minus 25 percent variation. We gave that as a specific mandate. As others have indicated, it's in section 11 of the legislation:

The Chief Electoral Officer shall submit a report to the Speaker indicating those electoral divisions that no longer comply with section 17.

Of course, section 17 deals with plus/minus 25 percent.

So the committee fully considered the difficulties in using the most recent federal census. I might mention that the majority of jurisdictions in Canada do use census figures rather than voter lists, and that's one of the reasons we moved from the former approach. We tried to build in a safeguard so that when the 1991 figures would become available, it would be incumbent upon the Chief Electoral Officer to report to the Assembly - and that's done in a public way - and we would then act upon it.

So as others have indicated, I am somewhat troubled that the commission has chosen to go in another direction and use statistics. The fact that the committee reported to the Assembly and its recommendations were accepted and contained in the Electoral Boundaries Commission legislation to me gives the very legitimate framework within which the commission was expected to operate. I believe that was upheld in a very substantial way by the recent Supreme Court of Canada decision on the Saskatchewan hearings. I look at the top of page 6 in the decision, where the Supreme Court indicated, and I quote:

The legislature was not required to establish an electoral commission or to ensure that a commission, when established, was able to fulfill its mandate freely without guidelines imposed by the legislature.

In my view, Mr. Chairman, the guidelines imposed by the Legislature are 1986 census statistics, recognizing that when the 1991 figures are available, it is the Legislative Assembly which will address any variations and decide at that point in time what it wishes to do about them. Therefore, I suggest respectfully to Justice Virtue that the commission should be dealing solely with 1986 figures as contained in the legislation.

MR. CHAIRMAN: The Clerk has, in response to an earlier question about budgets, the information with regard to how much the previous committee . . .

DR. McNEIL: Yeah, the original budget for the committee was the question, I believe. The original budget was \$102,813. There was a special warrant for \$101,000. There was another near the end of the year, when it looked like the expenditures were getting tight, and we transferred from the committee's budget another \$14,500. So the total committee budget was \$218,313.

MR. CHAIRMAN: Thank you. One other point of information before we adjourn for five minutes is that it's been noted that indeed the administrator was appointed by the Speaker. The Speaker acted in accordance with section 19 of the Act and acted as rapidly as possible so that we could get the administra-

tive process in place so the commission could get active as soon as possible.

The other thing is that in the exchange of correspondence between Justice Virtue and myself it was pointed out that special warrants do not occur when the House is in session, and that information was conveyed back to the commission and its chairman. In addition, we struck this meeting to occur as soon as we could after session ended. As you know, it just ended Tuesday evening, and here we are, Thursday. So we're doing our utmost as a group to try to facilitate and not hinder any of the actions of the commission in any way.

We stand adjourned until 11:20. At that time I hope committee members will have a motion we can then act upon with a minimal amount of debate.

For purposes of the meeting of the Members' Services Committee, we will rise no later than 12:15. For any items not dealt with, we will have a meeting sometime in the next few months at the call of the Chair if that is your wish.

[The committee adjourned from 11:14 a.m. to 11:23 a.m.]

MR. CHAIRMAN: Hon. members, do we have a motion? We don't have a motion. The matter will fail for lack of a motion.

Do I see an indication that you want me to go on to the next item of business? Thank you. The next item of business is item 3(a), the committee meeting minutes of February 19. What is your pleasure?

MS BARRETT: Approved.

MR. CHAIRMAN: A motion by Edmonton-Highlands to approve the minutes of February 19 as circulated. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no. Thank you.
February 20 minutes.

MS BARRETT: Ditto.

MR. CHAIRMAN: Thank you. A motion to approve the committee minutes of February 20.

AN HON. MEMBER: Question.

MR. CHAIRMAN: There's a call for the question. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed? Carried. Thank you.
Item 4. Is the Clerk going to deal with this, Report on Proposed Limited Printing of House Documents?

DR. McNEIL: Yeah, very briefly. As members are aware, we did implement the reduced printing of the Order Paper on Mondays, Wednesdays, and Fridays, and we had no complaints from members regarding that policy. I estimate that we likely saved between \$15,000 and \$20,000 as a result of implementing that policy, so that's for information.

MR. CHAIRMAN: Saved, \$15,000 to \$20,000. Any questions on that? Thank you.

Since one of our members was unavoidably detained in the lounge, with respect to the item we had been dealing with before the break, I had called for motions and there was no motion forthcoming, so I offer one last time: is there a motion forthcoming with regard to the issue?

MR. WICKMAN: Well, if you want a motion on the table, I'll put one on the table for discussion.

MR. CHAIRMAN: I don't necessarily want a motion. I'm just here to be your traffic person.

MR. McINNIS: I understood that someone was drafting a motion, you know.

MR. CHAIRMAN: Well, the Chair just made the comment before the break that if there was a motion forthcoming, that would be the time to do it, and if not, no motion indicates another kind of action.

Edmonton-Whitemud.

MR. WICKMAN: Well, Mr. Chairman, I'm prepared to recommend that we provide the additional dollars required from the legal consultation point of view, but I won't go beyond that.

Just speaking to it very, very briefly, the request for legal consultation: those types of things are really unforeseeable when there are constitutional challenges and such, and I can see that as a legitimate request for additional funds that could not be foreseen. However, the additional dollars for the demographics and statistics, which is the largest portion of the funds being requested, I can't go along with. I'm not comfortable that that type of information is going to be of that much benefit over and above what is already available.

We heard earlier the explanation of the original budget for the electoral boundaries and the additional requests that were made there. We're going through a similar process again. If government ever wants to get its House in order and keep its House in order, they've got to put a stop to additional requests that come that are not covered within the budget documentation.

MR. CHAIRMAN: Thank you. The exact wording of the motion would be along these lines:

that the Members' Services Committee recommends to cabinet that a special warrant be approved in the amount of \$50,000 to provide for additional legal services to the Electoral Boundaries Commission.

Speaking to that motion? Red Deer-North.

MR. S. DAY: Well, just some concern on that motion. There was legal counsel hired by the Electoral Boundaries Committee at some cost to the taxpayer to give opinion in terms of a number of questions. All of that opinion is recorded in *Hansard*, and also there are written submissions from legal counsel. So legal opinion had already been gained through the work of the committee, and in the committee's wisdom it would be suggested, anyway, that somehow that would be a component of the commission. Justice Virtue, with his significant and noteworthy background in legal training, and the choice of one of the members as someone in the legal profession: certainly I think they would be more than adequate in terms of legal opinion. Now the request for even more at considerable dollars I will personally have some difficulty supporting.

MR. CHAIRMAN: Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman. I have a concern with that motion. With all due respect, I believe one of the testing grounds for our legislation was in fact the Supreme Court ruling that came down about a month ago now, I guess. In addition to that, the Alberta Court of Appeal will be reviewing the legislation and giving an opinion as to our own legislation.

As a suggestion, because of the increase of three months in the filing of the interim report, I would imagine that the commission would probably hold off further workings or the final drawings or determinations, if there's some uneasiness, until such time as that opinion from the Alberta Court of Appeal has come down. They've had one from the Supreme Court, which rules the country, and would wait until such time.

As Red Deer-North has said, in fact in Justice Virtue we do have one of our top legal minds in this province as chairman of this commission, and I believe one of the other members of the commission is in fact a very well-respected lawyer within the province. So I don't know that additional funds for legal costs would be relevant at this point unless there is something that could come at a later time that would cause a major stumbling block to the commission after the Alberta opinion comes down.

So I would speak against the motion.

MR. McINNIS: Mr. Chairman, I support the request for a simple reason: if we appoint a commission to do a job for this Assembly and delegate it through legislation, then we should expect those people to do the job with the maximum amount of integrity. We have excellent minds on the commission, and the legal minds on the commission tell us that they need legal advice to do the job. I don't see who we are to ignore that finding on their part. I'm satisfied on the basis of my question that there are many questions that need to be answered by the commission in interpreting this legislation on a day-to-day basis, many of which have been discussed before this committee today.

So I don't think it's enough to say we have a Supreme Court ruling and potentially an Alberta Court of Appeal ruling and that that settles the questions. Clearly, it doesn't. In fact, even in the interim, while we're waiting for the Court of Appeal ruling to be made, there are questions that have to be answered on a day-to-day basis. I would like to see these people equipped to do the job with the integrity they have displayed that got them on there, and therefore I think we should free their hands to do the job in the way they see fit, not in the way we see fit.

I also would like to say that I have a motion in respect of the other half of the request following this one.

MS BARRETT: I'd just like to add to John's comments by noting that the Select Special Committee on Electoral Boundaries started off with a budget of \$102,813 and ended up with a budget of twice that amount; in other words, an increase of 100 percent.

Our job was just to establish principles. The job of the commission is to establish a lot of detailed stuff that they're demanded to under legislation. They're instructed to take into account other factors that they deem appropriate, and if legal considerations are amongst them, I say they're following their legislation. In general, what's good for the goose is good for the gander.

11:33

MR. CHAIRMAN: Thank you.
Cypress-Redcliff, Calgary-Glenmore.

MR. HYLAND: Thank you, Mr. Chairman. Just to say that the increase in the budget of the select legislative committee, as I remember, was because it held a number of hearings throughout the province to listen to people and more people wanted to be listened to. More people wanted hearings to be held; they asked that more hearings be held in their area. That might well be something the commission has to deal with in the future as they lay out their hearings between the two reports. But as I remember, the increase in that committee was because they had to travel almost twice as much to twice as many places in this province so that people could give their opinions. It wasn't taken for granted what their opinion would be.

MR. CHAIRMAN: Thank you.
Calgary-Glenmore.

MRS. MIROSH: I was going to make that comment, Mr. Chairman, but I'd just like to add that I haven't heard any substantive reasoning for an additional \$50,000 for legal fees, and to try and just anticipate the need at this point seems redundant.

MR. CHAIRMAN: Thank you.
Summation, Edmonton-Whitemud.

MR. WICKMAN: Mr. Chairman, to close debate, if we look at the letter that was dated April 16, the third paragraph down, I think it states very, very clearly the necessity to obtain legal advice with respect to a number of things, including interpretations of the Canadian Charter of Rights and Freedoms. I think we all recognize the challenges that do occur when we talk in terms of the Charter. Again, I have to state that I feel that when it comes to the legal interpretations and such, we refer to controversial issues that can arise, and those have to be addressed properly. If they're not addressed properly, the whole thing could be chucked out because we're not prepared and sufficient resources aren't there. But, again, I state that I will not go beyond that.

I think we have to recognize that when we sit here, we make this recommendation. That's simply all we're doing, making a recommendation. We're not making a decision. The government caucus or cabinet will make that decision. If they choose to do it differently, they'll choose to do it differently. Ours is simply a recommendation. It does not necessarily mean that that recommendation is what's going to occur.

MR. CHAIRMAN: It's a recommendation.

A call for the question. All those in favour of the motion, please signify. Opposed? The matter is defeated. Thank you.

I heard tell there was another motion. Edmonton-Jasper Place.

MR. McINNIS: Mr. Chairman, I move
that the committee recommend a cabinet order in council in respect of the Electoral Boundaries Commission budget in the amount of \$179,000 for demographic consultants.

MR. CHAIRMAN: Thank you. Speaking on behalf of the motion, Edmonton-Jasper Place.

MR. McINNIS: I think the question is a relatively simple one, but we need to deal first with the fear members have that a budget is not being adhered to. The Electoral Boundaries

Commission never did prepare a budget, and I think that should be on the record. The budget that was passed through this committee and through the Legislative Assembly was prepared before the commission was in place, before they had done their work, so they cannot be accused as a commission of exceeding the budget, because they didn't prepare the budget.

The issue is really the extent to which certain members of this Assembly – i.e., the government – intend to make imposition on the commission. We've heard from Taber-Warner that the commission was fully aware that the 1986 census data would apply in this particular case and that the 1991 census data would come too late for the commission to do its work. It appears to me that he's suggesting that the majority on the committee wanted to impose on the commission a rigorous requirement to utilize the 1986 data. Now, that's not what the Act says. In fact, when you get to the decision criteria, section 16 states that "the Commission, subject to [the rules under] section 17, may take into consideration any factors it considers appropriate." In other words, we have an independent commission which is in a position to exercise independent judgment and shall take into consideration various other factors beyond that but may consider other factors. So the authority clearly exists within the legislation to seek further information, and I don't believe that it's right or proper for this committee or the select special committee or even the Assembly itself to go that far in terms of dictating the work of the commission under the Act.

I think we have to honour a request to try to make the map as fair as it possibly can be, and I think it's extremely relevant that there would be identifiable shifts in population over a five-year period. I don't think there's any justifiable political reason to saddle the commission with five-year-old data, but that in effect is what would happen. The commission has met and considered their mandate under the legislation, and they've come to the judgment that they need that information to do the job. Now, if we refuse to honour that request, that then puts us in the position of saying, "No, you can't have that information. You can't look at what's happened since 1986 or what may happen in the foreseeable future."

I'd also like to say one thing about section 11, which was mentioned again by Taber-Warner. After the 1991 census comes out, the Chief Electoral Officer comes back and indicates whether any of the ridings are in violation of section 17. Now, that's the outside limit. That's the 25 percent requirement that goes up to 50 percent in some cases. The Act doesn't give us a process for dealing with that problem when it arises. Whether the Legislative Assembly all on its own decides to change the lines around to put it in compliance or not, we don't know. In fact, I think the practicality is that we're only going to have a commission after every second election, so what comes into place next year or whenever the Assembly gets around to act on it will be with us probably for another eight to 10 years or thereabouts. To try to stick the whole province with boundaries that are rigidly based on 1986 data, going potentially past the year 2000, to me is completely and absolutely and utterly unfair, and I don't think the government has any right whatsoever to refuse the commission access to information by which they would attempt to avoid sticking the whole province with boundaries based on 1986 data well into the next century. It makes no sense whatsoever unless that was the agenda all along, to lock it into 1986 and leave it there.

MR. BOGLE: Well, Mr. Chairman, John is redebating the Electoral Boundaries Commission Bill, which we debated in December of last year. This is not a recommendation of the

committee. It is not a recommendation of Members' Services as a body. It's contained within legislation approved by the Legislative Assembly of Alberta. So let's be very clear.

It's also important, Mr. Chairman, to note that in section 16 there is indeed a provision which allows the commission to look at "sparsity and density of population." However, it's important for John to note at the beginning of section 16 the words which are used:

In determining the area to be included in and in fixing the boundaries of the proposed electoral divisions, the Commission, subject to section 17,

et cetera. That is not relating to using the 1986 census. That relates to the boundaries themselves, "sparsity and density of population." So the member is off-base when he makes that suggestion. I think the key thing that we must come back to is that the Legislative Assembly, through the Electoral Boundaries Commission Act, has set the parameters under which the Electoral Boundaries Commission shall operate. One of those is very clearly stated: that they shall use the 1986 census.

11:43

If the hon. member wants to go back and rehash the debate on whether they should use 1991 – and that's a matter we dealt with in our committee. Very clearly the option was placed: do you wish to wait? Would you like the commission to begin its work in early 1992? The response from the three opposition members on the committee was very clear: no, we must get on with it now. All right, we've done that. Now, I ask through the Chair that hon. members respect the decision which was made so that we can get on with our work and the commission can do its work following the legislation as approved by the Assembly.

MR. CHAIRMAN: Red Deer-North.

MR. S. DAY: Well, certainly I'm not trying to profess to have extensive legal training, but I would like to suggest to the Member for Edmonton-Jasper Place that his own limitations in this area are evident when he looks at section 16 and suggests that the wording "may take into consideration any factors it considers appropriate" – he's almost suggesting that that means that section 16 would derogate from another section of this Act, which is not the case. It does not mean that the commission can overrule other sections of the Act as long as they see it's appropriate. When it talks about population, for instance, bringing that into consideration, page 4 of the Act, part 2, Redistribution Rules, says very clearly, "In this Part," and then it goes into definitions, and it says,

"population" means the population of Alberta as determined by the most recent census available under the Statistics Act . . . at the time a Commission is appointed.

It's very clear, and the Supreme Court ruling, as the Member for Taber-Warner brought out earlier, very clearly indicates that the Legislature lays out these guidelines and it's the commission's duty to follow them.

MR. CHAIRMAN: Additional? Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Chairman. I think there's some misunderstanding going on here. Justice Virtue is in a difficult situation because until his report is made public, he cannot divulge the contents of any of the work that they've done to date or even their orientation. What he said is that the request for support to go to cabinet in search of a special warrant in the amount of \$179,000 is justified under section 16 of the Act. Specifically, he has cited sub (b), which cites

"sparsity and density of population." But there are other subs there that are relevant:

- (c) common community interests and community organizations, including those of Indian reserves and Metis settlements,
- (d) the number of municipalities and other local authorities,
- (e) geographical features, including existing road systems, and
- (f) the desirability of understandable and clear boundaries.

Virtually every single one of those citations would be, I assume, work that would be undertaken by demographic specialists in assisting the commission in drawing new boundaries. I don't see that this is a violation in any sense of the section which says that the latest census data is to be used. If you've got specific instructions to go into detail in drawing the map and you need more information and you are in compliance with all the other provisions of your governing Act – and I assume a judge, above all else, would know if he's in compliance with the rest of the Act – and he comes before us and says, "We have a unanimous request from within the commission to acquire additional data; we are in conformity with the Act, and we give you citations as to our authority to exercise access to information other than some other sections," I think we've got to count on a judge being able to do this.

That's one of the reasons the committee, of which I was a member, agreed on the composition of the commission. We wanted a judge. We wanted somebody who (a) has earned a good reputation and (b) has every, every desire in the world to protect it. Right? I mean, that is the reason you have judges doing this kind of work. They've got a vested interest in doing it to the letter of the spirit and the letter of the law. They aren't going to ruin their own reputations by jerking anybody around. I say if a judge from the province of Alberta who's already been appointed to this position comes before us and says, "We would like more information; we do know how to interpret law; we do it for a living," I say you've got to go with the authority.

MR. CHAIRMAN: Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman. I'll go back to the original comments that were made by Edmonton-Jasper Place. I don't know what happened at the coffee break, but you were questioning originally additional funds being used for demographic factors being collected that may or may not, in fact, be used within the determination of the commission. The same thing came out of it when the other members spoke at the very beginning, and that was the concern I expressed. Section 16, which talks about relative considerations: the majority of that information is, in fact, already available in the 1986 census data that are available without additional costs.

Now, we get back to the original question: is the commission then following the Act, that says they will use 1986 census data, or in fact, are they following something else? That, I think, is a critical point, because we have to know, then, is this information going to be public and made available? To suggest that this was the wish of the government is absolute lunacy, because if you review the *Hansards*, you know that members on this committee, who were also on Electoral Boundaries, debated this issue back and forth to see what was the most fair. We had to all concede that we had to go with 1986. It was not the most ideal; we wanted to wait till 1991. However, on the recommendation of the Chief Electoral Officer they would not be able to get to work until 1992.

That was all part of the debate in the Legislative Assembly when the Act came forward. So I think if you're following the Act, and clearly section 12(d) defines what should be done, as

well as 11 and 16, then that information is readily available now from the census from 1986, and I do not see the need for additional funds for something that may or may not be used in determining the distribution of electoral boundaries within this province. I've got a real problem with that. I don't know what happened at coffee time, but Edmonton-Jasper Place brought this point up originally, which alerted me to the point, and now he's backtracking and wanting to go off willy-nilly in spending taxpayers' money, and I have a problem with that.

MR. CHAIRMAN: Additional comments?
Edmonton-Jasper Place, summation.

MR. McINNIS: You ask a question to get an answer and then you formulate a judgment; that's how it works, Pat. I've been satisfied . . .

MR. CHAIRMAN: Please, hon. members. Taber-Warner was wrong in referring to you as John, and you're wrong in referring to her as Pat. We go by our constituency names, please. Thank you.

MR. McINNIS: Fair enough.

Anyway, I reserve the right to ask any question that I want and to make up my mind based on the answer to the question. I don't always come to these things with my mind made up ahead of time.

It's very clear to me that we have an electoral commission to make proposals to the Legislative Assembly as to the area boundaries' names and electoral divisions of Alberta in accordance with the rules set out in this Act, and that's the job they've been given to do. We've told them that one of things they have to look at is the Canadian Charter of Rights and Freedoms, which does in respect of every one of these court decisions – and I don't care, you know, who thinks they're the best lawyer on this committee. Every judgment that I've read indicates that there is a concept of fairness tied up somewhere in the Charter of Rights and Freedoms. It doesn't necessarily mean one person, one vote, it doesn't necessarily mean all kinds of things we might want to take out of it, but it does mean that somewhere at the bottom of the whole pile somebody is making a judgment as to what's fair and reasonable with regard to the fact that every citizen has some measure of equality under the framework of our law.

The commission, who has been appointed, has come to us and said, "We need this additional information in order to make that judgment." The members of this committee who are standing in judgment are saying, "No; you don't need that information because we stuck you with the 1986 census, and we did it on purpose." Well, you may have thought that you did that, but you didn't, and if you look at the Act and if you talk to some counsel about it, these guys do have some discretion. They do have the ability to formulate their concept, their judgment, of what is fair. I think it is only fair that anything that may have happened since 1986 be considered by the commission, and if it is going to be considered, they should be considering accurate information and not just hearsay or back of the envelope or something that somebody may come and state before the commission.

11:53

I predict there will be a lot more interest in this whole question after the interim map is published because it's only then that people will be able to see what the shape of the electoral map of the province will be. At that time people are

going to try to bring all sorts of considerations forward, and I think everybody in the province needs some basis upon which to do it.

With all due respect to the Member for Taber-Warner, I'm not revisiting the debate and the Act at all. I've referred to what's in the Act and what I think the job is that the commission has to do under the Act, and section 16 to me is very clear. It says that the commission makes the judgment and the Legislative Assembly makes the rules that constrain their judgment. The rules are laid out. The section 17 constraints are the outer limits that they can go to, but it doesn't mean that they have to go to those outer limits. It doesn't mean, despite the dreams of some people, that the rural divisions will automatically be 25 percent smaller than the urban divisions. It doesn't mean that at all. In fact, I recall those of you defending it on the basis that the Act was permissive, that it wouldn't require such a maldistribution, and I'm certain that we won't get it.

The issue is a very, very simple one: whether the commission will have the information that it has told us, by unanimous recommendation, it needs to make a fair and impartial judgment, and you can't have it both ways. You can't say we're going to give them that latitude in the legislation and then refuse to give them the tools to make the judgment. So it's decision time, yes or no.

MR. CHAIRMAN: The motion before the committee is to approve the request for a special warrant in the amount of \$179,000. Those in favour, please signify. Opposed? A recorded vote; thank you.

Those in favour: Edmonton-Highlands, Edmonton-Jasper Place. Other members of the committee opposed. The matter fails.

Thank you, Mr. Justice Virtue and Mr. Pritchard, for attending this morning and, I suppose to some degree, extending your experience of life as it's here under the dome.

MR. PRITCHARD: Thank you for listening to our arguments.

MR. CHAIRMAN: Moving back to the agenda, item 4(b): Communication/Constituency Allowances Guidelines. There was a subcommittee under the chairmanship of the Member for Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Chairman. Very briefly, if you look at the follow-up items that follow the agenda, reference is made twice to this particular committee "to review and draft constituency office communication allowance guidelines for the Committee's consideration." That's been done. That can now be removed. The other portion is

to undertake analysis of other provincial and federal Legislatures on the issue of guidelines for mailouts and ads, including appeal mechanism available to Members.

That information was presented at the last meeting on a motion by the Member for Taber-Warner. It was referred back to the subcommittee for further review. The subcommittee has not had the opportunity to meet since that time, but the subcommittee will meet prior to the next meeting of this particular committee.

MR. CHAIRMAN: Thank you. Any comments on this matter? Calgary-Glenmore.

MRS. MIROSH: Mr. Chairman, I sit on that committee, and I'm really puzzled because I didn't think we were finished. What did we finish?

MR. WICKMAN: We're not. If you look at the follow-up items, where it says "to review and draft constituency office communication allowance guidelines for the Committee's consideration," that portion was done. That was incorporated in the budget, which was a zero percent increase for the constituency budgets.

The second portion is at the bottom of the page, 91.7, "to undertake analysis of other provincial and federal Legislatures on the issue of guidelines for mailouts and ads." If you look at the material, the motion made by the Member for Taber-Warner is very, very clear:

Moved by Mr. Bogle that discussion of the matter of constituency/communication allowance guidelines be tabled and the matter referred back to the subcommittee for study.

It was, and it was dealt with, and there was no increase in the communication.

MRS. MIROSH: Mr. Chairman, I think the Member for Edmonton-Whitemud is confusing the issue of our budget and the actual guidelines that were supposed to be established, which we have not done.

MR. WICKMAN: I recognize that, Mr. Chairman, and to the member I point out that if you go to the follow-up item at the very bottom of the page, that's what remains to be done yet. The subcommittee hasn't met since the last meeting of this committee. It will meet prior to the next meeting, and after reviewing that material will come back with a recommendation.

MR. CHAIRMAN: Thank you, hon. member. You will meet. I guess that clears up a certain amount of confusion.

MRS. MIROSH: We aren't done.

MR. CHAIRMAN: Right.
All right, so we've had interim.
Edmonton-Jasper Place.

MR. McINNIS: It's been so long since this subcommittee hasn't met last that I've forgotten who exactly is on it.

MR. CHAIRMAN: I'm sure the chairman can give us the list. The subcommittee members are . . .

MR. WICKMAN: John, Dianne, Bob, and myself.

MR. CHAIRMAN: Taber-Warner, Calgary-Glenmore, Edmonton-Jasper Place, and Edmonton-Whitemud. All right, we look forward to the next exciting nonreport. Okay; this continues to be pending.

Item 4(c), Security Mechanism for Constituency Offices.

MR. HYLAND: If we're on the guidelines, I have a document here that I'd like the committee to look at, because we've had a lot of discussion on it. I'll circulate it.

MR. CHAIRMAN: All right. We have some information given to us.

MR. HYLAND: Mr. Chairman, the reason I table it is because we've often had discussion about what the guidelines should be, and tabling this is just to bring forward the need for the committee to meet and draft the guidelines. We've often talked about using party logos, et cetera, on our communications. I draw your attention to the second page of the document, where the phrase "New Democrats" and the party logo are used. I remember we've discussed this around and around through probably three or four committee meetings, so perhaps this information can be part of the decision-making process of the committee as they're drafting those guidelines.

Mr. Chairman, I should say that the document circulated is photocopied on both pages. I had given the chairman an original, as I received it, copied on one page, but I've often listened to the hon. Member for Edmonton-Jasper Place about the need to save paper, so I had it copied on both sides. That's why it's a little thinner than the original.

MR. CHAIRMAN: Okay. So it's here for information and for the subcommittee to deal with. Is that my understanding?

MRS. MIROSH: Mr. Chairman, do we not have the policy already established that we're not to use public money for our own party line information? We're not supposed to use public money now for advertising our party. Is that guideline not already established?

MR. CHAIRMAN: Clerk, would you like to speak to that? You have to administer it.

DR. McNEIL: The guideline relates to constituency office expenditures. It's the constituency services order that contains the provision with respect to any reference to party or party logos and so on.

With respect to caucus expenditures, as far as I'm aware, there's no specific written guideline that relates to use of the term "New Democratic Opposition," or anything like that. You can't refer to a party in any way in any of the correspondence that goes out from the caucus.

12-03

MRS. MIROSH: Well, this is a caucus document, and they are referring already to their own logo with public money. Are you saying, then, that only applies to the constituency offices and not the caucus budget? Is that what you mean?

MR. CHAIRMAN: Parliamentary Counsel may have comments with respect to this, but having just received it makes it a little bit difficult to review. Perhaps Calgary-Foothills, then Parliamentary Counsel, and Edmonton-Jasper Place.

MRS. BLACK: Thank you, Mr. Chairman. My questions, I guess through the Chair to counsel, would be: when a political document goes out on Legislative Assembly letterhead and carries party logos, whether it's caucus or not, I understood that that was incorrect, and I'd like to know if Parliamentary Counsel could tell me if in fact the postage for this document was paid by the Legislative Assembly as opposed to the individual party, the New Democrats, that was involved in this. Surely we don't pay for postage for political parties out of the Legislative Assembly budget.

MR. McINNIS: Mr. Chairman, I wish to comment.

MR. SPEAKER: Edmonton-Jasper Place, and then Parliamentary Counsel.

MR. McINNIS: Before these folks get themselves in a complete and utter lather, this is not a political party logo. Read my lips: this is not a political party logo. It says: the New Democrats, Room 205, Legislature Building, Edmonton, Alberta, T5K 2B6, phone 403-427-2236. If you phone that number, it's answered: the New Democrats, the Official Opposition. That's our Official Opposition logo; that's not a political party logo. It's been systemed and machined and committed and bureaucrated and the rest of it. [interjections]

Now, listen, we've got a problem in the Legislature. The problem is that we have three political parties. Now, you can't sit there and say that the Liberals can refer to themselves as the Liberals all the time, but we in the Official Opposition can't refer to ourselves in any of our publications as the New Democrats. That's what we've done. That logo is a caucus logo; it is not a party logo. It's been used around here for at least six years in exactly that form on every news release that we put out, on almost every publication that comes out. It's been in functional operation all that period of time. All of a sudden somebody in your caucus doesn't like the nature of a document, and you're trying to make a federal case out of something that's been a normal part of business around here for the past six years. This is not a political party logo.

MR. CHAIRMAN: Order. Thank you. [interjection] No. Thank you.

Edmonton-Whitemud.

MR. WICKMAN: Well, Mr. Chairman, in all due respect I think we're getting a little carried away here. I don't think it's unusual for any caucus to make reference sometimes in their correspondence to their caucus. We are the Liberal caucus, and we're proud that we're the Liberal caucus. They're the New Democrat caucus, and I'm sure they're proud that they're the New Democrat caucus. If we want to pursue this, I would simply move:

that this documentation be tabled for consideration by the subcommittee.

MR. CHAIRMAN: A motion to table that it would be done by the subcommittee together with Parliamentary Counsel, and working on the theory that the committee would meet. The motion to table: those in favour, please signify. Opposed? Carried. Thank you.

All right. May we go to item 4(c), Security Mechanism? The Sergeant-at-Arms is with us now.

Edmonton-Whitemud.

MR. WICKMAN: Mr. Chairman, in the documentation in the report where it refers to February 20, the chairman had outlined the major points contained in the correspondence received on the matter, copies of which will be made available to subcommittee members reviewing the issue. That material has not yet been made available. Until such time as it's made available, the subcommittee can't really review it. I would think that when we have our next meeting of the subcommittee prior to the next meeting of this committee, we should invite the Sergeant-at-Arms to come to that subcommittee to make a presentation. So I would ask that this matter just simply lie on the table until that time.

MR. CHAIRMAN: Thank you.

MR. LACOMBE: I'll make that available to the subcommittee sometime in July or August, I would think. Paddy Johnson from public works, security services, is doing a survey of about five or six different constituency offices to get a feel of sizes, et cetera, et cetera, and costs. So I'll report back to the chairman of that subcommittee sometime around the end of August, I would say.

MR. CHAIRMAN: Thank you.

Clerk, with respect to item . . . No; I'm sorry. I've jumped the gun here. Item 4(d), Survey of Postal Expenditures.

Edmonton-Highlands and a subcommittee.

MS BARRETT: Well, really all I need now is authority, I think, to write to the departments or have our chairman write to these departments. Remember that when we talked about this, we wanted to do a comparison because we operated on an assumption that with the public mood wanting lots and lots more consultation, everybody's mailings have increased. So we chose some departments that we thought, you know, would have a lot of mailings, some that we suspected might have had a lot of increase in mailings, and some that might have declined or stabilized. We chose the seven departments on that basis and agreed that we would ask them to give us their postage facts.

I wondered what to do about this when the House was sitting and whether or not I should raise it in estimates and then finally figured out that we should get the estimates done first and allow that process to be under way. I guess what I would do now is move that we authorize the chairman of this committee to write to the ministers of each of the departments cited, asking them to comply with the request that was unanimously passed on Monday, January 14. Remember that this does include the last quarter of the prior fiscal year, so it would really be starting from January 1, 1991. I think we should be asking for (a) what really happened in terms of postage expenditures to the date that they possibly can accommodate, and (b) their projection for the current fiscal year.

MR. HYLAND: Mr. Chairman, I think the chairman the hon. Member for Edmonton-Highlands is asking for is her; she's the chairperson of the meeting. I was just looking to see if I was. I couldn't remember how we had done that.

I think that along with the seven departments that were selected, our discussion was to wait the six months before we sent anything out and before we sat, so that we would have the six months: three and three. I think that was how we had three months out of the previous year and three months out of this year. That was on purpose. It's not that we were neglecting our job; it's that we had figured it wasn't worth sitting for six months.

MS BARRETT: Yeah, the member is right about that, but I think now would be the time to send off the letter. I would remind you, though, that we were asking for the current fiscal year's postage plan for that department as well as the last quarter of the last fiscal year to be reported as factually as possible, and if they have information about the first quarter of this fiscal year, about actual versus projected, that would be great. So are you agreeing with my motion? Thanks.

MR. CHAIRMAN: Is there a call for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

Item 4(e), Taber-Warner.

MS BARRETT: Actually, we're not finished with this one yet, Mr. Chairman.

MR. CHAIRMAN: Oh, we're not? I see. Thank you. Item 4(d) still.

12:13

MS BARRETT: Yeah, thanks. The second one was that a study be undertaken on the manner that bulk householder mailings were done in other Canadian jurisdictions in order to consider the option of a more central printing and mailing approach. I believe that was probably referred to the totally underworked department of the Clerk. Please note that that was said in jest, tongue in cheek. I wonder if we could have a report about that now, if anything's happened; probably not, but if anything's happened.

DR. McNEIL: We have not undertaken that, but we will now that session is out and we have more resources available to do so. We will do that over the summer, if that's appropriate.

MS BARRETT: It certainly sits fine by me, Mr. Chairman. Thank you.

MR. CHAIRMAN: Is the committee agreed? Thank you. Item 4(e), Taber-Warner.

MR. BOGLE: Thank you. The subcommittee looking at the feasibility of producing a biographical sketch on members from 1905 to the present is made up of the members for Edmonton-Highlands, Edmonton-Whitemud, and Taber-Warner. It is the intention of the subcommittee to meet during the summer and be in a position to report back to the committee.

MR. CHAIRMAN: Thank you.

Clerk, item 4(f), Report on Progress of Development of Library Online System.

DR. McNEIL: There is an item under tab 4(f), which is really a progress report. We've reached the stage where we've conceptualized the system and are going out to the marketplace to see what equipment vendors have to offer, not in terms of requesting bids but just requesting information from vendors as to what equipment they have that could meet the needs that have been identified. That will take place over the next few months, and come the fall we'll be in a position to cost out in more detailed fashion what the proposed system will cost and what benefits it will provide. This is just a progress report on the committee's request to proceed with the feasibility study.

MR. CHAIRMAN: Thank you.

Hon. members, according to this, we have one more item left on the agenda, but I had also earlier mentioned that I must leave at 12:15. It may well be that we want to leave this next item and carry it over to the next meeting. It's item 5(b), meter parking pass. You can read the correspondence that was there.

If you're going to continue here, I need to have the vice-chairman take the Chair, please.

MR. McINNIS: I don't think this item will take very long.

MR. CHAIRMAN: All right. Okay. Thank you. The item is there in your correspondence.

Edmonton-Highlands, do you wish to speak to it?

MS BARRETT: No, not on this actually, but while I have the microphone, I have one more item. I'm not going to add it to today's agenda, but I would like to give notice of one other item that I think we should be dealing with at the next meeting, and I'll deal with the Speaker on that if that's okay. It's conference expenses.

MR. CHAIRMAN: Conference expenses for the next . . . All right.

Now we're back with 5(b). Cypress-Redcliff.

MR. HYLAND: Mr. Chairman, I would move:
that the information on 5(b) be forwarded to the mayor of the city of Edmonton,
because that's where the responsibility for the parking passes lies, not with the Legislature.

MR. CHAIRMAN: Thank you.
Speaking to the motion.

MS BARRETT: I'm sorry?

MR. CHAIRMAN: The information is going to be forwarded to the mayor's office.

MR. WICKMAN: The mayor and council is what it should be.

MR. CHAIRMAN: The mayor and council. Thank you. We will look after that if the motion passes.

MR. McINNIS: Mr. Chairman, it was alleged in this original complaint that the taxpayers pay \$100 per member per year for these parking passes. I don't believe that's accurate.

MR. CHAIRMAN: I don't know either, because it's not within my jurisdiction. Therefore, that's why this particular motion has a certain amount of merit.

MR. WICKMAN: As a point of information, they're worth \$840 a year. That's the charge.

MS BARRETT: Can you buy them?

MR. WICKMAN: You can buy them. That's the charge that's charged against another department at city hall.

MR. CHAIRMAN: Eight hundred and forty dollars. Thank you, hon. members.

We have a motion before us. [interjections] Order. Call for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: Those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no. Thank you, hon. members.

For other business for some future meeting, Edmonton-Highlands has put on the record something about conference expenses.

MS BARRETT: Yes.

MR. CHAIRMAN: Will a letter be sent to our office beforehand so members can have an idea what it is?

MS BARRETT: Well, I'd like to just explain that I would have done that before, but I couldn't get the information. It was typed up while we were in the committee today. So yeah, I'll certainly send a letter to the chairman, and everybody will get copies in the next booklet.

MR. CHAIRMAN: Is it the will of the committee that the next meeting be at the call of the Chair?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you. In that regard, would you be kind enough to communicate with my office as to when you expect to be away from Edmonton or just unavailable? Then we can work with that. I don't see anything . . .

MR. WICKMAN: Mr. Chairman, are you talking about September being the earliest date?

MR. CHAIRMAN: Well, it looks like it.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you, hon. members.

A motion to adjourn? Cypress Redcliff. All those in favour? Opposed? Carried.

Thank you. All have a very good summer, especially the Member for Edmonton-Highlands.

[The committee adjourned at 12:18 p.m.]

