

## Legislative Assembly of Alberta

Title: Tuesday, November 27, 1990 8:00 p.m.

Date: 90/11/27

[Mr. Speaker in the Chair]

### head: Government Motions Electoral Boundaries

20. Moved by Mr. Horsman:

Be it resolved that the report and recommendations contained therein presented to the Assembly on November 26, 1990, by the Select Special Committee on Electoral Boundaries, appointed pursuant to Motion 14 passed by this Assembly on August 15, 1989, be now received and concurred in.

MR. HORSMAN: Mr. Speaker, I have had an opportunity of reviewing the report of the Select Special Committee on Electoral Boundaries, and on behalf of the government I want to thank the seven members of the Legislature who participated in this very exhaustive and comprehensive activity on behalf of not just the members of the Legislature but on behalf of the people of Alberta.

Setting boundaries for constituencies has been a difficult and challenging task since parliamentary democracy was first conceived. I'm aware that in the British parliamentary system the parliamentary reform Acts in the United Kingdom, which led to the elimination of what were then called rotten boroughs, began what I think has been an evolution in the process which has been quite remarkable. We have had the opportunity of drawing on past experiences in formulating the report of this particular committee not just in Alberta but in other provinces of Canada, in Canada, and in governments of the British parliamentary system. I'm also aware that the committee has taken an opportunity of looking at the American system, and that is quite different to what we experience here in Canada and in Alberta. It's a challenge.

The committee has come forward with the report, which I understand has not been entirely greeted with enthusiasm by all members of the select standing committee. Nonetheless, it's a report which on its surface, I believe, merits the support of the members of this Legislature.

I think it's important to note, as I said when I introduced the matter in the Assembly back in August of 1989, that it's a report which has to deal with a new element in Canadian parliamentary governance, that element being the Charter of Rights and Freedoms, which was instituted as part of the reforms of the Canadian Constitution which took place in 1981, culminating in 1982. As a result of that particular addition to the parliamentary system we had to observe what had taken place particularly in British Columbia with respect to Madam Justice McLachlin's ruling in the Dixon case.

One of the concerns of the government, and I'm sure of all members of the Assembly, was that we make our laws with respect to representation in this parliament consistent with the court decisions in other parts of Canada, with particular reference to the British Columbia case because up to that point in time it was the most definitive judgment issued by a court with respect to the impact of the Charter of Rights and Freedoms on the ability of Legislatures to establish criteria for the boundaries which would serve the people of the provinces or the federal Parliament.

As I said back on August 16, 1989, and I quote from *Hansard*:

I'm not going to prejudge at this stage the work of that select special committee. It would be, I think, entirely improper for me to do so. I am therefore hopeful – I know this. The time frame that we are establishing is this: the select special committee established as a result of the vote yesterday will be required to report to the first sitting of the next session. And if they do that and bring forward a resolution as to a new type of legislation or amendments to the current legislation which must be then put into place, it will be incumbent upon the government to bring forward that legislation before a fall sitting, or a spring sitting if the work were done soon enough, but no later than the end of the second session. It must be done or it will be necessary to appoint a commission under the current legislation.

Well, the select special committee set about its work and after probably the most intensive review and extensive traveling throughout the province undertaken by a select special committee dealing with this particular matter advised the Assembly that they could not complete their work and deal with it by the end of that particular sitting. Therefore, in May of this year it was necessary for me on behalf of the government to move – I quote again from *Hansard*, May 17, 1990 – the resolution:

Be it resolved that the interim report and recommendations contained therein, presented to the Assembly on March 21, 1990, by the Select Special Committee on Electoral Boundaries, appointed pursuant to Motion 14 passed by this Assembly on August 15, 1989, be now received and concurred in.

There was a debate, and there were amendments proposed to that particular motion which would have brought the work of the committee forward. They were well meaning, no question about that, in the sense that the members of the Legislature wanted to see the work of the committee completed and the report presented in appropriate time.

Well, because of the demands of Albertans and the concerns that Albertans have expressed, the committee's report took longer than anticipated, but only because people asked that it be done. People from the width and breadth of Alberta, from small rural communities to large metropolitan areas have made the committee know that their work needed to be extended. In any event, the report has now been tabled, and it is now the subject of debate in this Legislature. A Bill to implement the recommendations of this Select Special Committee on Electoral Boundaries will be presented to the Assembly, we hope during the course of this week of the sitting, at which time we will of course be entitled and all members encouraged to participate in that debate.

I think it's important, Mr. Speaker, to make note of some aspects of that particular report and to meet one of the concerns I had as a member of Executive Council and as Government House Leader to make sure that the report and the subsequent legislation would stand the test of the courts and of the implications of the Charter of Rights and Freedoms, that the legislation when enacted and proclaimed would be then submitted to the judicial process in order to test its validity in light of the Charter. It has been stated outside this Assembly, but I do now here within the Assembly indicate that the legislation will be submitted to the Alberta Court of Appeal by way of a reference by the government. The questions to be framed will hopefully be concurred in by all parties in this Assembly so that there is no question that the questions relating to the validity of the legislation will be properly and adequately dealt with in the views of the members of the Assembly when the Court of Appeal deals with the reference. Quite frankly, from having reviewed the report, it is my hope and judgment that in fact the recommendations and the legislation will indeed withstand that particular test.

This is not, as I indicated briefly in my opening comments, the United States of America where the principle of one person, one vote is applied with rigidity. This is, in fact, a British parliamentary democracy in which we live, and this is a quite different country than the United States of America. Those people who argue that we should become more like the Americans and apply their particular tests with respect to eligibility and the division of states or provinces into quite rigid lines are going to, I think, perhaps be arguing on the wrong side of the issue. Nonetheless, I shall leave that up to not just people in this Assembly and outside but to those people who will want to come into the court and ask that the American system be imposed upon us here in Alberta and in Canada.

8:10

Now, I don't want to prolong that discussion too much, but I think it's worth while noting in the report itself the case which really led to the decision of our government to bring this matter this way before the Assembly. It's on page 56 of the report of the Select Special Committee on Electoral Boundaries. Quoting from the Dixon judgment, the question was:

Is the equality of voting power absolute or relative? If it is not absolute, what limits are there on deviation from parity of voting power?

Quoting from Chief Justice McLachlin's remarks as contained on page 57 of the report, she said:

It would be simplistic and wrong to infer, without more, that the Canadian concept of democracy dictates the same result. It is vital to recognize that it is Canadian, not American, constitutional history, values and philosophy which must guide this Court.

She goes on to say that it

would do our own Constitution a disservice to simply allow the American debate to define the issue for us, all the while ignoring the truly fundamental structural differences between the two Constitutions.

Therefore, we have a report which provides for a variance in terms of the electoral numbers.

For one thing, I must say that I think the committee made a wise decision when they decided not just to rely on enumeration but rather to rely on population as the basis for making the decisions of the commission. Therefore, as you all know, members of the Assembly, we don't just represent the electors; we represent all the people in our constituencies from the youngest members who don't have a vote to the oldest members who do and have no doubt exercised their franchise throughout their lives. So I think it's important that they made that choice. I think, too, it is important to note that part of this document contains references to other provinces, and in the majority of those other provinces population rather than the enumerated electorate forms the basis of the review as to the numbers.

So I think that we have to recognize the realities of Alberta. I'll leave it to other members of the Assembly to debate this at greater length but say this in my remarks: that I think the select special committee has worked well. I daresay that the members of the committee, while they did not necessarily share the same political perspective on issues, at the same time during the course of their extensive meetings and travel throughout Alberta got to understand each other better and *in* the process I hope got to understand Alberta better.

Alberta is a unique, wonderful, vast, and quite challenging province within Canada. I'm always amused by the eastern Canadians in particular who refer to Alberta as a prairie province. It is not a prairie province. Alberta is a province which has a good chunk of prairie, and I come from it. I know about that. But it is also a province which is covered to a large

extent by forests. It's a province of mountains and foothills. It's a province of great diversity both in terms of its economy and its peoples.

For those people who argue, as some will do, that it is possible to represent vast areas which are lightly populated as easily as it is to represent a smaller urban area, it's just not possible. It's ludicrous to think that that could happen. I can draw from my own experience in representing Medicine Hat-Redcliff in my first term in the Legislature. I was rather amused by talking to a reporter the other day who very aggressively attacked me on this. "How can you possibly represent the city of Medicine Hat and some area outside it?" I said, "Well, I did for four years." There was a long pause on the other end of the telephone. "You did? What did you represent?" I said: "I represented Redcliff. When I was first elected, the seat was known as Medicine Hat-Redcliff, and there's quite a disparity between the two communities." She said, "Well, you wouldn't want to do it again, would you?" I said, "Well, it's possible." Quite frankly, I have to say this: when I was first elected in 1975, Mr. Speaker, Redcliff provided me with one-half of my majority of 130 votes, so I was rather reluctant to lose it in the next election. Nonetheless, the people of Medicine Hat did come through, and they've elected me in four subsequent elections.

But I tell you that I look around my own constituency. And I see Cypress-Redcliff and Bow Valley, both of them rural in nature and fairly lightly populated. I recognize, though, that in Medicine Hat I had approximately 30,000 electors in the last general election. My colleagues in the adjacent constituencies had less than half of that in terms of numbers. Nonetheless, I can assure members of this Assembly that it is easier for me to represent the municipal district of Medicine Hat, the boundaries of which are contiguous with my own constituency, than it is for my colleagues in adjacent constituencies to represent seven, eight, or nine municipalities, school boards, hospital boards, and all of those other entities with which we have to deal.

I know there will be some partisan debate in this whole process, and I know that there will be some posturing take place, and there'll be people demanding that we adopt the American system. I know that will be there, and it will be loudly espoused by members of the opposition that they want to be just like the Americans and adopt the one person, one vote concept right down the line. Well, I suggest to those particular individuals who are about to make those speeches that they take a look at what is happening in the United States of America with respect to the most recent midterm elections. They will see that the state Legislatures are going to now set the boundaries, and the cries of "gerrymander," "manipulation," and all those things, are going to be heard across the land in the United States of America despite the fact that they will rigidly adhere to the one person, one vote concept.

Well, I ask the members who are about to make these enthusiastic speeches in support of the American system to think long and hard about whether they really want to find themselves in that trap. So I'm anticipating a little bit of what I'm going to hear. Nonetheless, I think that the committee is to be commended on their diligence, on their practical and reasonable approach to dealing with this issue on behalf of Albertans. [interjection] The hon. Member for Vegreville, as is his wont, talks and talks and talks while other people are talking. But I've noticed, Mr. Speaker, that when people in the Assembly do that when he is speaking, he is very upset. He gets very, very tender around the ears. I would hope that he will just pay close attention to the reasoned arguments which he'll hear and that he

will be so kind as to give attention to other people's points of view. I just make that remark kindly and in passing.

8:20

Mr. Speaker, I recommend this report to the members of the Assembly for their consideration and debate. I hope that those people who are about to castigate the report remember that all Albertans will be watching and listening to what they have to say, that *Hansard* will record their remarks very carefully, and that those remarks they make I trust will be given in recognition of the true Alberta and all its diversity. I recommend the report to the Assembly.

MR. SPEAKER: Taber-Warner, followed by Edmonton-Belmont.

MR. BOGLE: Mr. Speaker, 15 months ago, on August 28, 1989, the organizational meeting of the Select Special Committee on Electoral Boundaries was held. At that time, as the seven members from the Assembly representing all three political parties came together, some time was spent looking at the terms of reference for the committee as issued by this Assembly. It became apparent that there were really two fundamental matters which the committee needed to address. The first was to ensure that whatever recommendations the committee would come up with would be based on equity and fairness for all Albertans and, secondly, that the recommendations would comply with the Charter of Rights.

In order to achieve those objectives, the committee set about in two particular ways: the first through hearings so that Albertans could have direct input into the process; the second was by arranging meetings with others who had served on electoral boundaries commissions in the province as well as members of the legal profession and other professionals who looked at constitutional law, in particular the implications of the Charter of Rights. As well, we met with some experts in the field from our sister provinces of British Columbia, Saskatchewan, and Manitoba.

In terms of the public hearings, in total 39 were held. In that process which began on November 2, 1989, and ended on August 24, 1990, the committee traveled as far north as High Level and Fort McMurray and as far south as Cardston and Medicine Hat. In total, we were in cities 17 times and outside of the cities on 22 occasions; 780 Albertans attended those public hearings with 340 making presentations. An additional 221 written submissions were received by the committee. As well, meetings were arranged with the Alberta Association of Municipal Districts and Counties, the Alberta School Trustees' Association, the Alberta Urban Municipalities Association, the Alberta Hospital Association, and the Improvement Districts Association of Alberta.

When you break down where the briefs came from, where the individuals came from, we find that 194 municipal councils were represented, 22 hospital boards, 21 school boards, 39 political organizations, 77 other organizations, and 164 individuals. This was, as the Deputy Premier has indicated, one of the most exhaustive attempts to take the pulse of Albertans, to find out what they really wanted. A point which was made in a number of hearings as the process continued was that no matter where we went, no matter how far into the process we were, we learned something new. Sometimes it was a totally new concept or idea that was put forward, and other times it was a refinement on something we had earlier been told, but in each and every one of those 39 hearings, the committee heard something new.

In addition to the hearings themselves, I mentioned that we met with previous members of commissions, with members of the legal profession, and others. Those meetings included Hon. Mr. Justice Tevie Miller, the associate chief justice of Alberta, and the Hon. Mr. Justice Russell Dixon. Those two eminent gentlemen had chaired previous boundaries commissions, and we spent some time with them and, as I mentioned, with others.

Probably one of the most delightful meetings we had – and I won't dwell on the discussions with the chief electoral officers and others in our neighbouring provinces. But we met with the hon. Edward M. Culliton, the retired chief justice of the province of Saskatchewan who had served as a Liberal MLA in the late '30s and early 1940s and chaired the Saskatchewan Electoral Boundaries Commission, which by the way is currently being challenged in the courts. Judge Culliton shared with us very vividly the experiences of their commission and some of the things they experienced. It was very helpful for the committee.

At this point, because you can't hold hearings across the province or visit colleagues in other jurisdictions without a lot of background work taking place, I would like to pay particular attention and give thanks to the loyal staff who worked with us: Ted Edwards, Karen Hudson, Robin Wortman, and Wendy Grosfield, and of course their team leader and someone we came to rely on very heavily, Mr. Bob Pritchard. All of these individuals were dedicated and worked tirelessly in helping the committee reach its eventual conclusions. The work of the *Hansard* staff and Doug Jeneroux in particular was also appreciated, because all of the hearings were recorded and the record is there for anyone who wishes to see in terms of the kind of input the committee received. A special thanks to Pat Ledgerwood, the Chief Electoral Officer for the province of Alberta. Mr. Ledgerwood was not named as part of the original committee, but he did agree to become an ex officio member of the committee. That request came from the three political parties, endorsed by the leaders of those parties, and we were fortunate indeed to have Mr. Ledgerwood on board with us.

That brings us to the second critical point, Mr. Speaker, and that is: what did the people tell us? What did our committee hear while we were holding our hearings across the province? Well, the first issue to come forward loudly and clearly in almost every meeting was: "Don't increase the size of the Assembly. Don't take the easy way out and add more seats. Maintain 83 seats in the Alberta Legislature." The committee listened, and in fact it is recommended that the size of the Assembly stay at 83 seats.

The second matter to be addressed by the committee – and I give credit to one of the opposition members on the committee, the Member for Edmonton-Belmont, who raised at an early meeting, and this was echoed by different participants who came out to our hearings – was that we should in fact be using the total population bases rather than an enumerated list for the actual basis for an election. We found in research and in comparing with other jurisdictions that six other jurisdictions in Canada in fact use the most recent census figures. That's something that we enshrined. Again, it's based on what we heard.

8:30

One of the most difficult issues we dealt with was the percentage variation formula as it would affect the electoral divisions. We found that most jurisdictions in Canada use plus/minus 25 percent. Most also have some provision made for extreme criteria to a larger figure, in many cases minus 50 percent. In fact, we found in one jurisdiction a variation up to

plus or minus 33 percent from the norm. We spent some time looking at that. I might mention that the Member for Athabasca-Lac La Biche was very persistent in representing a constituency which you might describe as being large and sparsely populated and drawing home to the members on the committee, and to others, the need for special consideration, and that, indeed, was done.

Another thing we heard, particularly later on in the process, was that we should get away from the urban/rural split. The existing legislation makes reference to urban ridings and rural ridings. The suggestion was made that you really should find some way so that we're not dividing Albertans. Many of the briefs that came in referred to the number of municipalities, hospital boards, or school boards that a member had to deal with. It seemed that in comparing constituencies, a more appropriate definition might be a single-municipality constituency wherein the electoral division is totally within one municipality and, secondly, a multimunicipality constituency where the constituency includes two or more municipalities. To that end the committee recommended that there be a total of 43 electoral divisions that would fall within the single-municipality constituency category and 40 within the multimunicipality constituency category.

The committee further recommended that at least 95 percent of the 83 electoral divisions meet the plus/minus 25 percent criterion but up to 5 percent might vary beyond that figure using a list of seven points. As long as the boundaries commission feel that a constituency meets at least four of the seven points, the commission can consider creating up to four constituencies that would fall outside of that range.

Now, it's interesting to note, Mr. Speaker, that when you look at other jurisdictions, that is really the norm. In Canada we have two seats in the Northwest Territories. Population is not a consideration. There are two seats for the Northwest Territories. There's one seat for Yukon. There are four seats in Prince Edward Island, and that's written into the Constitution, because it has four members in the Senate. In Ontario where there are 130 seats in total, 15 seats are guaranteed in northern Ontario, and population is not a factor. So if a province like Ontario currently varies more than 10 percent from the norm . . . We in our recommendations believe that up to 5 percent from the norm, as long as four of the seven critical points are met, is a very reasonable approach and something to be considered by the commission.

The composition of the commission itself. We heard a lot of input across the province on the composition of our commission. We believed, and that's reflected in the final decision based on input we received from Albertans, that it should continue to be chaired by a judge or a retired judge, that the Chief Electoral Officer should be a member, that two citizens at large be nominated by the Premier and one citizen at large be nominated by the Leader of the Official Opposition in consultation with the leader of the third party and these three names to be approved through the Speaker of the Assembly. That's quite a departure from the past. As members of the Assembly will know, the last time we had redistribution in Alberta, there were four MLAs who sat on the commission, three from the government side and one from the opposition side.

Because there was real and genuine concern from some parts of the province, plus our experiences in Manitoba showed us that if all of the commission members come from one centre, there is a great danger that a grave injustice could be committed, therefore the committee recommended that at least two of the five commission members should be from Alberta cities

and at least two of the five should be from outside Alberta cities and further that

administrative support [shall] be provided by the Senior Administrator of the Select Special Committee on Electoral Boundaries

so that the administrative support to the commission itself — there'd be continuity through that process.

The instructions to the commission: that instructions be in the form of legislation. We reduced the time period for an interim report from the previous 12 months to a nine-month period, and once the interim report is released, made public, there's an opportunity for input. There would be further public hearings, and the final report must come out six months from that date. So what that means, Mr. Speaker, through to members of the Assembly, is that if the legislation is introduced and passed before the end of this calendar year and the commission struck, we would see a final report by the first part of April of 1992, in time for a spring sitting and enactment by the Assembly.

The length of time between redistributions. It's every second election, but not sooner than an eight-year period. We did not want to repeat the Manitoba scenario where there were two general elections within a 20-month period of time. If we were caught in that kind of situation, it'd be a terrible expense for the people of the province.

There were three other recommendations made. One, that "the Legislative Assembly . . . reaffirm its commitment to balanced growth throughout the Province," and that the government, where appropriate, continue with the decentralization of government services and work "with the private sector on diversification strategies." We believe it's fundamentally important, if we wish to continue to have balanced growth, that the strategy be a combined effort between the public and private sectors. That all-party standing and select committees function and hold meetings and be visible across the province and that this be done where appropriate. Finally, that the "Members' Services [Committee] should review support provided to members with [particular] emphasis on large, scattered constituencies with sparse . . . population."

I want to come back to the first paragraph of the report on page 1, because it's important for members of the Assembly to realize that approval of the recommendations by this Assembly will mean that all 83 electoral divisions will see some change. Some of the changes may indeed be minimal; however, most will be major and significant. Major and significant changes will occur across the province whether you live in one of the major centres, one of the smaller urban centres, or in a rural area. We believe those changes will come.

Finally, Mr. Speaker, when the committee met with His Honour Justice Culliton in Saskatchewan, the committee was made aware that their legislation would in all likelihood be challenged, and we were advised not to shy away from that. We were advised to do what we believed was right: Yes, listen to the legal opinions, but keep in mind the opinions that your residents of your province are telling you, and build your recommendations around those factors and those principles. We've done that, Mr. Speaker. We believe the legislation that we're proposing is indeed sound and will meet a test under the Charter. Therefore, the four government members on the committee have recommended through our Premier and our Deputy Premier and to the Attorney General that the legislation should be introduced and passed; that the commission should be struck; and once that has occurred, that the legislation should be referred to the Court of Appeal for a decision so that we can clear the air once and for all on the legality and get on with a

continuation of fair representation in this Assembly and ensure that equity prevails, as it has for some time.

Thank you, Mr. Speaker.

MR. SPEAKER: Edmonton-Belmont.

8:40

MR. SIGURDSON: Thank you, Mr. Speaker. I, too, on behalf of the New Democrat caucus and my colleague the Member for Edmonton-Highlands, want to thank a number of people that worked with the committee for so many months and so many long hours on so many days. The Member for Taber-Warner pointed them out. I'd just like to again express my thanks to the people that were involved in *Hansard* for all of their work, the administration staff that worked with the committee, and indeed I think there were a number of local offices around the province that supplied some degree of support in assisting us with setting up meetings and finding us the necessary accommodation when we visited those parts of the province that probably hadn't ever been visited before by a special select committee of this Legislature.

Mr. Speaker, it's been noted by both the Deputy Premier and the Member for Taber-Warner that we visited some 30 locations across the province and had some 39 meetings. Indeed, it was an extensive travel itinerary for the committee. There were a number of public hearings where we heard presentations from every side of the issue from a number of Albertans. We went out of the province to look at those jurisdictions in western Canada that had undergone recent boundary redistribution, and we appreciate the information that those individuals provided. An extensive amount of work.

Now, why would we undertake in Alberta such an onerous task, given the fact that the decision with respect to electoral boundaries was made in the Supreme Court of British Columbia, not in the courts in Alberta? That question was posed to us on numerous occasions throughout our province. Well, the simple answer is that we have the principle of democracy that now has to be interpreted in light of the Charter of Rights and Freedoms, and the basic principle of the Charter or Rights and Freedoms rests with the principle of one person, one vote.

Now, throughout the course of this debate we're going to hear a number of times references to Madam Justice McLachlin's decision. Certainly in the report of the special select committee we have Madam Justice McLachlin's decision cited a number of times. I think that primarily what we've got to look at is what she says on page 17, where she points out that

the purpose of the s. 3 guarantee of the right to vote must be to preserve to citizens their full rights as democratic citizens. The concept of representation by population is one of the most fundamental democratic guarantees. And the notion of equality of voting power is fundamental to representation by population. The essence of democracy is that the people rule. Anything less than direct, representative democracy risks attenuating the expression of the popular will and hence risks thwarting the purpose of democracy.

Now just to clear up so that the Deputy Premier doesn't go into a fit of panic, so that he doesn't get too concerned about the New Democrats wanting to emulate the American system, we do not propose nor do we want to have absolute equality. We do not propose that every constituency have the average voter population of 28,504 Albertans. What we have proposed, quite simply and throughout the process, is that the concept of relative equality be applied to the electoral boundary redistribution in Alberta.

In British Columbia when the decision was handed down, there were extremes that, quite frankly, Mr. Speaker, were not as great as what we had in Alberta. If you take away the one constituency in British Columbia that provided for the greatest variance and compare British Columbia's constituencies to Alberta's, we will find that in British Columbia four of their 69 constituencies had a population of plus or minus 50 percent. In Alberta we had 11 of our 83 constituencies that fell into that range. At the plus or minus 35 percent level, British Columbia had 11 of 69 constituencies; we had 28 of 83. Perhaps the most telling tale, though, is that in British Columbia they had 21 of their 69 constituencies that were at the plus or minus 25 percent level, and we in Alberta have 43 of our 83 constituencies at the plus or minus 25 percent level. Clearly, if those figures in those constituencies in British Columbia would not withstand the Charter challenge, there is no reason why we should expect our constituencies as they are currently structured to withstand a Charter challenge as well.

As was pointed out, we had hundreds of Albertans that came and made presentations to the committee. In some constituencies, Mr. Speaker, it was interesting because we had people that actually presented many different opinions at the same meeting. Essentially, I think, it came down to two different categories that all presenters might fall into. The first is that group that said: "Don't worry about the Charter. Don't worry about the Supreme Court decision in British Columbia. Go ahead and maintain the kind of ratio that we have in Alberta and see what happens. See what the courts do with it later on down the road."

Then there were those who argued that the Charter has to be respected and that the consideration of the Charter must be implemented into our new electoral boundaries Act. I guess if you don't want to give due regard to the Charter, it's not bad if you're living in one of those constituencies where there's a small number of constituents, small population. You could be well under the average by 40 or 50 percent. Not so bad: the opportunity to have your vote count more than somebody who lives in a constituency — a lot greater than those who live in probably every urban constituency. But those that supported the principle of the Charter of Rights and Freedoms suggested that it was time for Alberta to bite the bullet and get rid of the system that had been used for any number of times when we had previous redistribution.

We used to have a formula where seven urban voters equalled four rural voters, and upon that formula boundaries were redrawn and redrawn again. The purpose of that was to give certain weight to urban voters and certain weight to rural voters, but at that time we didn't have a Charter. We didn't have a Charter of Rights and Freedoms, and we most certainly didn't have the decision of Madam Justice McLachlin. Well, now we do. As one presenter said to the committee, "Welcome to Charterland." We have to respect the Charter. That presentation wasn't just made in Edmonton or in Calgary. That presentation was made in Viking and Lethbridge. It was made in St. Albert and Medicine Hat, and it was even made in Waskatenau, as I recall. In fact, it was made in Waskatenau. [interjection] That's right, my friend. I even learned how to pronounce it while I was on the road.

The smallest constituency in terms of voter population is Cardston. There was a presentation made by a member of the Cardston constituency that pointed out that we had to adopt that which is fair, not that which might be most politically expedient. Dr. Elton said, and I'll quote from the *Hansard* record:

Let me say that as a resident of the smallest constituency in Alberta and therefore the one around this table whose vote counts the most in provincial elections, coming from the constituency of Cardston, my comments are not based on that privileged position which I have of having a vote that really counts in the sense of its relative weight in terms of deciding who our member of the Legislature will be from Cardston. So in our presentation today I don't want you to think that these are a couple of city slickers who are trying to make a case on behalf of those who live in large population centres.

That was Dr. Elton in his presentation to the committee. He was saying it was time to bite the bullet. That presentation, Mr. Speaker, was made throughout the province, not the same words of course, but time and time again, wherever we were, we heard similar presentations: that it was time to start implementing relative equality in our electoral process.

8:50

After we had been to those 30 centres and had 39 hearings, we as a committee got together and debated and debated and debated. We talked about the amount of travel time that some members of the Legislature have in getting to their constituency versus the number of constituents that some members of the Legislature have. We talked about standards of living versus some of the more homogeneous interests that might be thought to be in urban centres. We talked about rural problems versus the urban problems.

Quite frankly, if you look at the report, we put a number of proposals on the table that were as varied as the topics we considered. We had agreement in some areas, we had compromise in other areas, and of course we had areas of disagreement. In those areas of disagreement we found that because of those certain areas, we cannot have a unanimous report. What we have currently in our province are 83 constituencies, 42 of which are defined as being urban, 41 rural. We changed that, but only marginally and only in terms, essentially, of definition.

With this report we propose to have 43 single-municipality constituencies that fall exclusively in urban areas and 40 multi-municipality constituencies that fall, quite frankly, in the existing rural areas. St. Albert used to be one urban constituency; now it will be regarded as one single-municipality constituency with the rest of it being shaved off into another constituency. Medicine Hat, the same thing: it used to be one urban constituency; now it'll become one single-municipality constituency, and the remainder of it will fall perhaps into Redcliff again, perhaps into Cypress Hills; we don't know. Red Deer used to be two urbans. Now it'll become one urban constituency, and the portion that's left over will fall into somewhere else so that that portion will become part of a multimunicipality constituency-

But the greatest change, as I see it, is in the cities of Calgary and Edmonton. If we were to look perhaps at the assignment that was given the committee - if history and geography are to mean anything, which is one of the instructions that the committee was given, what we've done is ignore that. We've suggested that perhaps those constituencies that surround the cities of Calgary and Edmonton might be able to absorb the excess population that the cities have after they apportion out 19 constituencies in Calgary and 17 constituencies in Edmonton. We are supposed to have followed the history of our province. Well, in the history of our province we have not ever had rural constituencies absorb urban constituencies in the cities of Edmonton and/or Calgary. Never. Perhaps more importantly - and I can only speak from the Edmonton experience because it's the area I represent - we've never had in Edmonton the

transversal of the North Saskatchewan River to have representation from both sides of the river in one constituency. That presents a problem.

You know, if we take the population of the city of Calgary, we divide it by the 19 constituencies that are proposed, if we follow history and we stay inside the boundaries of the city, if every single constituency is absolutely the same, we will have a variance of plus 19 percent over the average: 19.

In Edmonton the problem is even greater. As I said, right now we have northside constituencies and southside constituencies. If you take the total population of the city of Edmonton and divide it, you will have an average of approximately 17 percent over the mean. That's if every constituency is absolutely equal. Now, I said that the north side of the river currently has 11 constituencies and 355,640 residents. If you divide that by 11, you get 32,331 for an average of over 13 percent. The south side of the river: you have 217,300 Edmontonians, and if you divide that by the six constituencies that are currently there, you get 36,217 for an average of 27 percent over the mean. If you take one constituency from the north side and put it to the south side, the northside average then becomes 35,560, which is at plus 25 percent: right at the outside edge. The south side of the city of Edmonton with seven constituencies: their average becomes 31,043 for plus 9 percent. If you take, I suppose, one constituency and hold it over the river and it goes into both sides and you have 10 and a half seats on the north side, you start, then, for the north side 19 percent over the average and for the south side 17 percent over the average.

Now, I always thought that the North Saskatchewan River was a pretty good boundary for most constituencies. Indeed, they've thought that the North Saskatchewan River was a pretty good boundary since 1959. For the northside constituencies it's always been their southernmost boundary and for the southside constituencies their northernmost boundary. Probably they're going to have to change that and have at least one constituency cross over. Prior to 1955, just for the information of members, we used to elect members of the Legislature in Calgary and Edmonton in an at-large system.

MR. FOX: Now we elect large members.

MR. SIGURDSON: Now we just elect large members. Thank you very much.

The committee suggests that in order to accommodate that excess population, that amount that's over the average or that number of people that fall outside those 19 or 17 constituencies, depending on which urban centre you live in, they might be absorbed into neighbouring constituencies. Well, the fact of the matter is that there's only one neighbouring constituency that is contiguous with Edmonton and Calgary. Only Redwater-Andrew requires a population boost. All of the other constituencies that border the major cities, especially in Edmonton, probably require a population adjustment downward, not upward as would have to happen here. So instead of bleeding off population in Edmonton and Calgary into surrounding rural constituencies, Mr. Speaker, we should probably be adding to those two areas to make sure they have the representation they deserve. The neighbouring constituencies quite frankly cannot accommodate the increase, and there's no reason to. There is simply no reason to.

Why would you limit the number of seats in Edmonton and Calgary? Why would you go out and say, "Edmonton will have 17 constituencies and Calgary will have 19 constituencies"? That was the problem that was created in the Saskatchewan Legisla-

ture. We had the Saskatchewan government go out and say, "Well, you will have so many constituencies in this city and this city and this city," and there is the problem. That's why the Saskatchewan government has taken a reference to their courts as well: because they designated certain areas as having certain numbers of constituencies.

In Manitoba and British Columbia the commission was instructed to go out and create a certain number of constituencies throughout the entire province. They would not have to consider whether they were going to be completely urban, completely rural, or a mixture of the two. What they had to do was go out and try and find relative voter and population equality to make sure we had something that sort of resembled representation by population.

9:00

Now, I know that what we've had in the media is a number of people that have come forward and said, "Well, if you take away from the rural, you're going to create greater representation in the urban area, and you're going to have a split and a fight between rural and urban Alberta." I've heard it many times. I heard it on the road, we heard it in committee, and we've heard it in the press since the release of the report.

Now, Mr. Speaker, in all of the time I have been a member of this Legislature, in all of the time I worked in this Legislature for another member of the Legislature, I've never seen, and I am sure I never will see, votes based on rural/urban splits. When we have called for division in the Legislature, I've seen the government caucus stand up, regardless of what constituency they represent, and they vote one way. I've seen the New Democrat caucus stand up and we'll vote perhaps a different way. Then the Liberals stand, some of them, sometimes, and goodness knows which way they're going to go. I understand now that they are exercising something called a free vote. I've yet to figure that one out, but . . .

AN HON. MEMBER: Free love.

MR. SIGURDSON: What's that? Free love. Good for you.

In all of the time that some members have been here, and there have certainly been some members that have been here a lot longer than I have, I've yet to see the kind of vote that's based on rural/urban splits. It doesn't happen in our system, and you know, the likelihood is that it won't happen in our system.

What we've done, Mr. Speaker, is created four categories. Instead of having the commission go out and try and find 83 constituencies in the province that have relative equality in terms of their population, we've decided we're going to have four different categories. We've got four formulae. We've got one for Calgary and Edmonton, because they've been told that there will be 36 constituencies in those two cities, and on average they will have a population of plus 17 percent. We've got another formula, another average, for those other single-municipality constituencies that will be carved out of areas that are too large to have only one constituency but too small to have two, and they'll probably be somewhere near the zero; they'll be pretty close to the average. For the remaining multimunicipality constituencies, or for at least 36 of those remaining multimunicipality constituencies, if they go to the average, the remaining population and the average of the remaining population, they will find themselves approximately 9 percent below the average. And for those four special constituencies that somehow meet four of the seven onerous criteria that have been placed

upon them for them to meet, they will have an average of up to minus 50 percent. Is it fair? I'd suggest not. Is it political? Absolutely.

What the committee should have been instructed to do was to go out and create those 83 constituencies. When we come back to the Bill that will ultimately be before the Legislature, we will of course be introducing some amendments. The first one, at least the first one, will be that the commission should go out and find 83 constituencies, most within plus or minus 10 percent, and those constituencies, for whatever reason that's justifiable, should be allowed to go to the extreme of not greater – not greater – than plus or minus 25 percent. Manitoba did it within plus 10 percent. British Columbia did it within plus 25 percent. Saskatchewan tried to designate certain constituencies with certain populations; they're in the courts.

My friend from Taber-Warner pointed out that Prince Edward Island falls outside the average. Well, that's a constitutional quirk that can't be corrected. Ontario has 15 constituencies of its 130 that fall north of a certain line in their province. Indeed they do. But they haven't had redistribution since the McLachlin decision was handed down, Mr. Speaker. We can only wait and see what they're going to come up with when they next decide to have redistribution. The only provinces that have had redistribution since the McLachlin decision are the four western ones, and we're the last one here.

Quite frankly, I don't believe this report has anything to do with fair and equitable representation throughout the province or in this Legislature. I believe, Mr. Speaker, it has everything to do with the government trying to maintain power through manipulation. What we're going to have is a reference to the court. That's been announced. I'm pleased to see that, and I look forward to the decision of the courts because quite frankly I don't believe it will withstand a Charter challenge.

Thank you.

MR. DAY: Mr. Speaker, I've been looking forward for some time to sharing with all Albertans what I believe to be the result of a very carefully and very well-thought-out process in terms of this electoral boundary process and the committee that was involved with it. I echo the remarks made by the Member for Edmonton-Belmont and also the Member for Taber-Warner in giving thanks to all those who participated in the process. I won't belabour those remarks. Both of those gentlemen did a good job in talking about that. I'd like to get right to the heart of the matter and to the meat of the matter and to the truth of the matter, and I would hope that people would take the time to consider what we're doing on its merits.

We're faced with some simple questions. First of all, why did this committee come into being? What was its purpose? The answer to that question is simply that it was required. It was required by legislation that a committee of this House take a look at the question of electoral boundaries and redistribution. That's why we did it.

What was one of the compelling questions facing this committee and, in fact, is the compelling question we're looking at tonight, as evidenced by the remarks made by the Member for Edmonton-Belmont? The overriding compelling question was: is absolute voter equality required and is it, in fact, a Canadian fact? I'll ask another question and I'll give you the answer for it. Had this particular question ever been addressed in the courtrooms of our land? Yes, we know it had been, in the Dixon case. In the Dixon case, with Justice McLachlin overseeing that case in January of '89, that very question was addressed.

Mr. Speaker, I encourage all Albertans to put aside political differences, to put aside their own particular pet projects on how they would like to see democracy in Canada and to look at the fact, to look at our Constitution, to look at our Charter, and to look at the court ruling. Let's put aside the emotion and look at the cold facts of the matter.

This very question was addressed in the Supreme Court of British Columbia. It's also interesting to note that Justice McLachlin, of course, is now sitting on the Supreme Court of Canada, and this is one of the reasons I would delight in seeing our legislation which will be drafted even going to the Supreme Court of Canada if necessary.

Why was the B.C. legislation challenged? Well, Mr. Speaker, when you look at the statistics in British Columbia prior to their court challenge, we see an incredible variation in terms of numbers of people in constituencies. As a matter of fact, the constituency of Atlin in British Columbia was over 86 percent below their provincial average, and the constituency of Surrey-Newton at the same time was over 63 percent above the provincial average: a variation of approximately 150 percent. On that basis and for variations of that magnitude their legislation in British Columbia was challenged, and I might say, Mr. Speaker, rightfully so.

So we go on. What was the final decision in the McLachlin case? The final decision was that absolute voter equality is not a Canadian fact, is not part of our history, is not part of our philosophy, is not part of our Constitution, our Charter, and now is not a part of any court challenge that has come to any Canadian court. In fact, Justice McLachlin allows for and makes mention of variations up to 25 percent above or beyond, cites even the federal government as using a particular program which allows 25 percent above or below an average and in some cases even greater than that, as we know is evidenced on the Canadian federal scene.

[Mr. Deputy Speaker in the Chair]

9:10

That was the decision of the Supreme Court of British Columbia, a decision which influenced and had the greatest bearing on the legislation in British Columbia, and that, Mr. Speaker, was the overriding decision that guided our deliberations. We did not feel as a committee that we had the luxury to simply by fiat or by whim or by political fancy say no, it's going to be zero percent or 10 percent or 9 and a half percent. We felt compelled to go with our history, our philosophy, our Charter, our Constitution, and the court rulings.

Now, what implications did this have for Alberta as we faced it? Well, Mr. Speaker, as we look at our present legislation, our present boundaries, we realize that we have 19 constituencies that are above the 25 percent average and 24 constituencies that are below that average. What will be the result of Alberta adopting the McLachlin decision? Almost no seats beyond the 25 percent, above or beyond. As a matter of fact, we have clearly put in a very carefully worded constraining factor that only in a very few rare exceptions can a constituency vary by more than 25 percent. We are reflecting precisely the Charter and the McLachlin ruling.

Now, while we were in the process of this deliberation, some people were frantically screaming – if I can use a quote which I believe is outdated, and we will demonstrate it's outdated, people were saying: "You know, the government members on this committee will never allow this type of fencing in of variations. They'll never allow a 25 percent variation above or

beyond, because if they do that, 19 or 24 of their ridings could be affected." You know, we hear cries from around this Legislative Assembly about a governing party trying to protect its rural base. Mr. Speaker, this party, the Progressive Conservative Party of Alberta, is a party for all Albertans. As we look on the electoral scene in Alberta, we have the overwhelming majority of seats across this province. Somehow this issue of cities comes up. Just a glance at the electoral map shows that the Progressive Conservative Party of Alberta in fact has either the overwhelming majority or the total majority in 15 of 16 cities, yet we hear this squealing from time to time from across the way that we're trying to protect some certain sector of the province.

Mr. Speaker, I'd like you to know tonight that we as political representatives in our province do not take for granted the majority which voters have given to us. We take that very, very seriously. We would never boast or brag about that. We value the decision made by every Albertan when they go to the ballot box, and we take no percentages which we enjoy right now for granted. We value every single voter. We have a government here which is clearly . . . By looking at the electoral map, nobody can deny that we represent all Albertans, and we were compelled to say yes, we must abide by McLachlin no matter what that does to any seats in the province. If that means there are going to be some changes, then there will have to be some changes. That was the position we took, that we needed to be fair to all, and the result is that if the commission follows the guidelines drawn up by the committee and the legislation, virtually every constituency in this province will fall within the guidelines.

We will have corrected a variation of too many constituencies above or beyond the 25 percent. That is clearly going to be the result.

Meanwhile what message is going out to Albertans, Mr. Speaker, as we go through this process? Well, I have to say with regret that a lot of what we're seeing in the media is not a reflection of the work of the committee, nor is it a reflection of our Charter, of our Constitution, or of the McLachlin ruling. What it is a reflection of is the misguided sayings and frantic shriekings of the opposition about this American model of one person, one vote, and unfortunately, with some notable exceptions, most of the media in their rush to help the opposition make their point, as the media is compelled to do – and I don't say that with any antagonism. That is the role of the media, to be a part of the opposition, and when the opposition can't get the message out clearly, the media does feel compelled to assist in that. They have, and unfortunately in a large way, with some notable exceptions of some responsible media who've looked at it carefully, the message Albertans are getting right now is an unbalanced message. But I believe as the debate goes on and as fair-minded Albertans have the opportunity to really look at the issues on their own merits, they will come to see that what we are doing has constitutional integrity with it, Charter integrity, and court integrity.

We hear from our two largest cities mainly, and that probably colours the rest of the province. We hear cries of "Unfair." We hear municipal representatives here in Edmonton throwing up their hands in shock and saying – grasp this, Mr. Speaker – "We have 24 percent of the population and only 20 percent of the MLAs," as if there is some gigantic gulf there, some unreachable, unbridged factor. We have 24 percent of the population and only 20 percent of the MLAs. Somehow the province of Alberta is supposed to collapse around that supposed calamity.



I'd like to paint a picture for you of representation, Mr. Speaker, because it goes beyond simply one MLA voting in the Legislature, and the Member for Edmonton-Belmont has already alluded to that. I want to paint a picture of a Calgary situation that actually took place a couple of years ago. A high school was needed in Calgary while at the same time a high school was needed in Red Deer. As a matter of fact, we had figures showing that our vacancy rates were much, much tighter than in Calgary. Do you know which area got their high school first? I'm not saying it was because of any kind of extra ability to lobby or anything else, but in fact the reality is this: when a city the size of Calgary has a need, under the new legislation 19 MLAs will go to bat for that city, and rightfully so. When a city the size of Red Deer has a need for a high school, two MLAs go to bat for that city and for that high school. Two took on 19 and we just missed it by a year. It was a close fight. But that's the reality. A concern in Edmonton as a city will have 17 MLAs going to bat for that concern, and rightfully so. When my hon. colleague here from Rocky Mountain House goes to bat for something unique to his constituency, he's going to bat alone. Yes, as his colleagues, of course, we'll help out and do what we can, but he has his constituents to serve and we have our constituents to serve and that's the reality of it. And what do I hear from certain municipal representatives in Edmonton? "We're being underrepresented. We have 24 percent of the population and 20 percent of the MLAs." All I can think is that there are only two MLAs in Edmonton doing a really good job and putting them on the map. I don't know what the rest of them are doing.

I'd like to quote, Mr. Speaker, from the mayor of Red Deer. Red Deer is a city, but it has been referred to by other members as not a city but in fact a little rural area. Yet the mayor of Red Deer in coming before this committee . . . Actually what he did was give us all a history lesson, and the person he gave the history lesson most to was the Member for Edmonton-Belmont, and I'll get to that in a minute. The mayor in making his submission said that the ridings should not be set just by population, that in fact if we did that, on population alone, we would be "really moving backwards to an untenable position." He was giving a direct reflection of McLachlin, which I'll get to in a minute.

9:20

Just to show how blindly the NDP and Liberals are grasping the American flag, wrapping themselves in it, when I heard the member opposite waxing on about one person, one vote, I thought I was going to hear him burst into a rendition of *God Bless America*. Any moment I expected that to happen. [interjections] But just let me quote, Mr. Speaker . . .

MR. DEPUTY SPEAKER: Order please.

MR. DAY: From his own words let me quote how he is rushing to embrace the American model. Asking the mayor of Red Deer a question when our committee was in Red Deer, he said this. This is a direct quote, his own words. Listen to this. "I wonder if I could just throw out one more historical argument then." Here's what he says. "We" — he says "we" — "had the Boston Tea Party." Now, unless there's some little town in Alberta I'm unaware of that had a tea party recently, he's talking about an event in American history — read my lips, member: Boston, south of the border — an event, I might add, Mr. Speaker, which was a group of individuals dressing themselves up as the native Indian people of that area and trying to pass a

crime off onto them. This is the event the member opposite embraces. He hugs and embraces the American model. That is the degree . . .

MR. DEPUTY SPEAKER: Hon. member, order please. The hon. Member for Edmonton-Belmont is rising on a point of order.

MR. SIGURDSON: Thank you, Mr. Speaker. Just to clarify that the . . .

MR. DAY: Citation.

MR. SIGURDSON: Well if you want, I think 12 deals with accuracy. I'll search. Okay, I'll come up after. Sure. Fine.

MR. DAY: Mr. Speaker, I'll go on to say that we have a solution that's consistent with the integrity of our Constitution and of our Charter and of our courts. What the opposition members are saying is that we are to go out to Albertans who are concerned about not being represented or being represented in a proper and fair way and say to them: "Albertans, that's tough. We know McLachlin says 25 percent and even allows excesses beyond that." Here's what they want us to say, Mr. Speaker: "Albertans, that's tough; that's too bad." As a matter of fact, Mr. Sigurdson wants to walk out and say . . .

MR. DEPUTY SPEAKER: Order please. There's no Mr. Sigurdson in this Chamber, hon. member.

MR. DAY: Thank you, Mr. Speaker. The Member for Edmonton-Belmont wants to walk down the streets of Edmonton and down the streets of Rimbey and down the streets of every little town and large city in this province and say to Albertans: "Tough; too bad that McLachlin says this and the Constitution says this, 25 percent. Too bad. I like the number 10." Maybe it's because he fancies himself as a number 10. I don't know. But he wants to arbitrarily say, "Folks, it's too bad; it's 10 percent." He wants to take the U.S. flag, tie up Albertans with the stripes, blind them with the stars. He wants to suffocate them in the cloth and then lower it to half-mast. That's what he wants to do, Mr. Speaker, and we're not going to accept it.

Mr. Speaker, what we have done here is constitutionally sound and demographically responsible to all Albertans. We considered the two recurring themes that came before this committee. One was that our electoral boundaries system should be on the American model of one person, one vote and target to zero, and the second recurring theme took an opposing view, saying there should be a wider degree of variation. We didn't feel we had the luxury of arbitrarily making a decision. That's why we took the same question as McLachlin took, and I will quote from McLachlin. She faced the question herself when she said:

Is the equality of voting power absolute or relative? If it is not absolute, what limits are there on deviation from parity of voting power?

That is the question we faced, Mr. Speaker, and we see clearly, as McLachlin clearly points out, that both pre- and post-Confederation history in Canada . . . You can go back and look at the Durham report; this was reflected. You can look at early speeches of Sir John A. Macdonald. You can take it right up to the present-day system. Our system is different.

In the United States, Mr. Speaker, they have a bicameral, two-house system. That's how they handle the questions. On one side of the equation they can allow for one person, one vote in

a very tight way, because in the same jurisdiction they allow for a Senate, a way of balancing out those regional disparities. And do you know what, Mr. Speaker? Even in the United States where they have the bicameral system which allows them to have a very strict one person, one vote, there are still variances of up to 16 percent that are not challenged, that have no federal intervention into them. A number of states reflect that. So even in the United States, where the member opposite wants to emigrate, they still allow a variance of up to 16 percent with a bicameral system.

Justice McLachlin correctly notes that we do not have a bicameral system. We don't have the flexibility which would allow for some kind of variance in population from one constituency to another. So she quite properly reflects and says this. You know, it's interesting to hear them talk about American jurisprudence. Can I quote from Justice McLachlin? If you are using that, members opposite, for your reasoning, listen to the words of Justice McLachlin:

It would be simplistic and wrong . . .  
Simplistic and wrong.

. . . to infer, without more, that the Canadian concept of democracy dictates the same result.

She goes on to say:

It would do our own Constitution a disservice to simply allow the American debate to define the issue for us, all the while ignoring the truly fundamental . . . differences between the two constitutions.

I don't know how much clearer it could be, Mr. Speaker, there in court for us.

We need to be aware of some quotes of Justice McLachlin's that I'm going to just touch on very briefly. She says this:

Democracy in Canada is rooted in a different history . . .  
a tradition which, even in its more modern phases, accommodates . . .

And listen to this word.

. . . significant deviation from the ideals of equal representation.

Its origins lie not in the debates of the founding fathers, but in the less absolute recesses of the British tradition.

Significant deviation, Mr. Speaker.

This particular quote is one the opposition, as the Member for Edmonton-Belmont did quoting from page 17, quoted part of Justice McLachlin is talking about the overriding inherence of the factor of voter equality, which we look at, but he didn't read on. He neglected to read further on in the decision. The justice says:

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

And catch this next phrase, Mr. Speaker.

. . . or as near as practicable to absolute equality . . . within electoral districts.

Justice McLachlin is saying: not only do we not require absolute equality, not even as near as practicable to absolute equality.

Mr. Speaker, the rate of variation in our constituencies was not nearly as drastic as in British Columbia, and yet we still felt compelled to bring our constituency variations into line with the law. The Justice goes on to say that it's the right of a provincial Legislature to determine the amount of deviation. That's clearly pointed out. She goes on, as I've already alluded to, to cite a number of different jurisdictions in Canada which allow for 25 percent and in some cases even greater, Ontario being one of them that the Member for Taber-Warner already talked about: 10 percent of their constituencies have a variation of over 25 percent; as a matter of fact, in some cases going up to 60 percent. It's noteworthy that these decisions were not challenged even post-Dixon and were in place and accepted in the recent Ontario election.

The direction is very clear: a Legislature can determine the variance; it must justify and clearly state its limits why there is going to be variation. If you look at the limits which our committee states in this report, isn't it interesting how it reflects the very words of Justice McLachlin? She says:

What considerations are capable of justifying deviation from absolute equality of voting power?

She names some. I quote her: "Regional issues" – my goodness – "geographic factors" – we talked about that in our report – "affecting the servicing of a riding, regional interests." All of these may be justifiable considerations for deviation from the mean. She goes on to say

it is not the role of the courts to decide which factors and considerations are to be applied to each individual riding . . .

This task is within the responsibilities of the Legislature.

Mr. Speaker, I will sum up by repeating in a painstaking way. We took not our own whims, not our own political fancies as members from the opposition are doing, but the history of Canada. We took the values of Canada, the philosophy of Canada. We made sure it was meshed completely with the integrity of the Charter, the integrity of our Constitution, and perfectly reflected the values and the decision and, I might add, the spirit of the McLachlin decision. What we've come up with, Mr. Speaker, is something that is fair, not to pockets of Albertans, not to one big city or one small hamlet, but in fact a system that will be fair to all Albertans. We look forward to the further debate and to this system ultimately being distributed throughout this province.

Thank you, Mr. Speaker.

9:30

MR. DEPUTY SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, would like just at the outset to take a moment to reflect back on the process on which we spent a considerable amount of time, "we" being the seven members of the committee. I would first of all like to thank my fellow members of the committee. I think the dedication they showed is continued this evening, when you see six of the seven members here to partake in the discussions this evening. I think in particular the Member for Edmonton-Belmont deserves a gold star on his Legislature career for probably being the only one of us not to miss a single hearing through the course of the process. I'd like to also commend our support staff, as have the other members of the committee that have spoken this evening. We couldn't have done it without them, and it was truly a team effort in that regard.

I reflect back on the opening comments by the hon. Deputy Premier talking about political posturing, and I had no idea how prophetic he would be, because if ever we've seen political posturing, we have just seen it from the Member for Red Deer-North.

I'd like to talk a little bit about the process, because it's been touched on and it has been a long process, some 15 months. There were some good points, and it was a very interesting experience for all of us. I think one of the events that I will remember till my last will be a plane ride I took to Brooks on a very rainy evening to attend one of the hearings. Flying at wing-tip height from the ground, wondering whether we were going to get there safely or not, the Member for Calgary-Foothills and I looked at one another and said, "What are we doing here?" But we progressed onwards and we did, in fact, complete that hearing that day. It will be an interesting memory.

[Mr. Speaker in the Chair]

The previous speakers have spoken about the background, so I won't take the time of this Assembly to repeat that, because I think the cases have been put forward. We've had different quotes by different members regarding the McLachlin decision, and I want to pick up on a comment that the Member for Red Deer-North has talked about regarding the spirit of the McLachlin decision, because the McLachlin decision regarding the Dixon case I think is important to reflect upon. The Member for Red Deer-North would argue that the spirit of the decision is in fact going to be upheld by the report which was tabled in this Legislature only yesterday afternoon. Mr. Speaker, I guess I disagree with that. I look at what I perceive to be the spirit of that decision, and I look at what I perceive to be the spirit of this report that we have before us today, and I believe there are some significant variations. To that effect, then, I guess I would have to say that I cannot support Motion 20 that we have before us this day. I think the concerns about the current Alberta boundaries and the proposed changes that may be implemented and that will come out of this report are reflected in part by the fact that we have two cases currently before Alberta courts challenging electoral boundaries, and I think that in the long run, when we finally get a piece of legislation, we're going to be surprised to see what comes out of this.

I have to question the bogeyman that it seems the members opposite that have spoken regarding the American system keep referring to. I don't recall anyone saying that we're going to advocate one person, one vote. I know that I certainly have never advocated such an event and certainly do not do so now. The McLachlin decision clearly indicates that that's not appropriate, as has been mentioned before, and the Liberal caucus would agree with that recommendation.

It's interesting, Mr. Speaker, that when you look through the report and you get past the recommendations that appear early on – and it seems that many people have stopped at the first four pages. The process in itself was quite interesting. On page 61, for example, there's a section called Initial Deliberation Results. It's interesting because early on there were actually a number of areas in which consensus was agreed upon very, very quickly, and those are referred to in that area. I think there was consensus amongst the members of the committee. They represented the three different caucuses that are represented in the House today, and we came up with those points that are listed on pages 61 and 62 and on to a number of pages, and so on. I'm not going to go into them all, but there was agreement early on, and I think that's important to note. I think that is a significant achievement, and it gives credence to the concept of all-party committees. However, those initial deliberation results of course are not the entire story. They only represent a small part of the whole story, and the essence, of course, lies in the first four pages that talk about the recommendations.

Now, Mr. Speaker, a great number of people have spoken very passionately and very eloquently about the term "fair and equitable." I think probably herein we lie at the heart of the differences between what some people believe to be fair and equitable and what others believe to be fair and equitable. The McLachlin decision in the Dixon case attempts to deal with that, talks about plus or minus 25 percent. The Member for Red Deer-North has talked about 24 percent of the population, 20 percent of the MLAs, and so on. I think it's important to note that we do have to look at the fact that in Alberta, looking at not just Edmonton but looking at Edmonton and Calgary, those

two cities hold 51 percent of the population in the province. Now, it's true that that number has remained relatively constant over the last number of years, but they only have 43 percent of the MLAs currently represented in this Legislature. That is admittedly an improvement, but we still have a long ways to go to get to 51 percent of the population having 51 percent of the representation, and I think there are some concerns.

When we look at the recommendations that we have before us, particularly in light of the agreements that I referred to that were reached early on, on page 61 of the report, there are some things that are obviously acceptable and there are some things which are not acceptable to myself and to my colleagues in the Liberal caucus. When I look through the recommendations – they are listed in section I of the report, and there are seven of them, listed as A through G – there are number of them with which we can agree and a number with which, unfortunately, we cannot agree.

The initial task of our committee was twofold. Number one, it was to establish equity and fairness for all Albertans, and I think that has been referred to. The other one was to create a report and then ultimately legislation which would be Charter-proof. We already see a couple of challenges on the current boundaries. I suspect that we will see some boundary challenges regarding proposals that are going to come out of this report, and whether or not they are Charter-proof of course remains to be seen.

I think what we have to do and what I would like to do this evening in addressing the report itself is to deal with the particular recommendations that are put forward in the report in the early part. We have a report of some 70 pages, the vast majority of which I think all members of the Legislature can agree with. There's a section on history. There's a section with maps that show what's happened in the past. There are discussions regarding committee deliberations and so forth. Out of the 79 pages which we have in the report, Mr. Speaker, probably 75 of those are entirely acceptable to all members of the Legislature, but there are four pages in the Recommendations section with which I have some dispute, with which I cannot agree. Because of those concerns, because of those areas to which I, on behalf of my constituents and on behalf of the people that I heard making presentations and the way that I heard them, must take exception and must disagree with Motion 20 as it is now written on the Order Paper – to that extent I would like to propose an amendment to Motion 20. I have copies for every member, and I would like to just pause here for a moment to ensure that all members of the Legislature could receive a copy of that amendment.

The amendment . . .

9:40

MR. SPEAKER: Excuse me, hon. member. You haven't been given permission to proceed.

Thank you. We'll allow it to proceed.

MR. BRUSEKER: Thank you, Mr. Speaker. The amendment to Motion 20, and I will just read it as it is being distributed to all members, suggests that the motion as it currently is printed on the Order Paper today be amended by deleting the last phrase, which currently reads "be now received and concurred in." We substitute instead "be now received and that recommendations A, E(1), E(2), E(4), and G be concurred in." If you have a copy of the report, the intent of the amendment is that there are sections in here to which I have referred that I believe

are fundamentally incorrect, which are flawed and should be corrected before legislation is produced from this report.

The first recommendation with which we agree, of course, is simply the number of electoral divisions remaining at 83. Currently that is the number, of course, as we are all aware. We have 83 members of the Legislature, and the overwhelming majority of persons making recommendations, making submissions to our committee said, "Please don't add any MLAs; please don't add any cost." Therefore, there's no problem with that one, and therefore that is one of the ones that it is recommended we accept.

However, section B, Basis for Redistribution, as it reads suggests:

total population using the most recent federal census statistics when the Electoral Boundaries Commission is formed (for present purposes this means using the 1986 census results).

Now, Mr. Speaker, the problem with that particular recommendation as I read it is not the concept of population, to use population, because we do as MLAs represent, as the Deputy Premier mentioned, all members who live in our constituency regardless of age, whether they are newborn babes in arms or whether they are seniors who choose not to exercise their vote or persons who choose not to partake or those, for example, who are not yet Canadian citizens. So the concept of population in itself is not a problem. The concept of 1986 census data is a concern. Therefore, that is one of the reasons why the amendment to the motion is worded as it is.

The 1986 census data, Mr. Speaker. If we think about it for a moment, this commission is going to be struck and will operate primarily in the 1991 calendar year, and the end result will be that they will be using data which is at that time five years old. If we go to an election in, say, 1993, which will be four years into the mandate, by then the data, using 1986 data, will be seven years old. Now, if we look around the province, and we heard this both in urban areas and in rural areas, Albertans move around. Many Albertans do not live now where they did in 1986, and they will change their locations as well by the time the next election comes around, and they will change their locations before the subsequent elections after that. Therefore, I would suggest that using data that is that old is simply not responsible, it is not leadership, and it is not appropriate for this province. We need something that is better, and to accept recommendation B in my opinion would be irresponsible.

The percentage variation formula, recommendation C in the report and probably the longest single recommendation in the report, deals with a couple of different factors. It deals with the plus or minus 25 percent. Were the recommendation to stop following the plus or minus 25 percent, I think the Liberal caucus could have supported it, but it goes on and on and in fact covers all of page 2 and talks about extreme criteria down to minus 50 percent. It names particular constituencies, or at least locations where constituencies should be created – Edmonton having 17, Calgary having 19, and so on – listing them on page 2.

Now, Mr. Speaker, the Member for Edmonton-Belmont has done some number-crunching for us, and we've learned that what'll probably happen is that the majority of the Edmonton and Calgary constituencies are going to be very much up in the plus side of the variation. The vast majority of the multi-municipality constituencies are going to be down in the minus side of the variation, and some different numbers have been thrown out. I don't think we need to debate them at this point regarding the numbers, but I would like to go back and tie it to 1986 numbers, because the reality is, Mr. Speaker, if we accept

recommendation B, which says we should use 1986 census data, part of the problem is that these constituencies that are going to be created will not be at only the 17 percent and 19 percent that the Member for Edmonton-Belmont has talked about, because that would be if we used the 1986 numbers. But we all know, except for those members that like to live in the past, that in fact Edmonton and Calgary populations have increased, and therefore using those numbers and creating constituencies that are very near the plus or the minus 25 percent, for that matter, is going to be using numbers that are not accurate. The end result could be – could be; I'm not saying it will be – that some of those constituencies which will be created under this proposed guideline by the time the next election rolls around will exceed the 25 percent, and in fact the legislation, if indeed legislation comes out that endorses these recommendations, will be obsolete even before we get to the next general election. So from that standpoint we can not support recommendation C regarding plus or minus 25 percent and the named constituencies listed on page 2 of the report.

Going on to the composition of the commission, which is recommendation D, it is one, of course, which also is omitted from the motion and is one with which I cannot agree. The concern that I would express regarding the makeup of the commission is that early on – and this is referred to on page 61 – the committee members came to the conclusion that one of the best things we could do would be to remove the concept of partisanship. In fact, if you look at page 61, it says under Initial Deliberation Results, point 3, that "No sitting Members of the Legislative Assembly should be part of the Electoral Boundaries Commission." Now, Mr. Speaker, the intent behind that, as I recall the discussions, was that the commission that is created should be and should appear to be as nonpartisan as possible, and from that point of view we said: let's not get any MLAs involved, because right away people are going to say, "Well, that MLA is from that party, and that MLA is from that party, and that MLA is from that party." We very quickly came to the conclusion that we should avoid that and that that should not be an interpretation or a perception in the minds of Albertans.

Yet, Mr. Speaker, what we've got is a little smoke and mirrors here, because it's true that recommendation D says there will not be any current sitting MLAs, and that part of it is certainly agreed upon. But of the members that are going to be appointed to the commission, we're going to have essentially three members appointed by the government party, and we're going to have one member appointed by the opposition parties in consultation together. Now, I would argue, and have argued in the past and will continue to argue in the future, that the commission should be impartial, and from that point of view I believe that the proposal wherein members of the commission are likely going to have their allegiances tied very closely to different political parties, depending on who nominates them, is a wrong decision, and therefore I cannot support it.

Recommendation E, Instructions to the Commission. There are a number of different points listed in there. Mr. Speaker, the exception, the one with which I cannot agree, is point 3 under section E of the recommendations. Point 3 says:

The commission shall, after considering any representations to it and within nine months of the date on which the commission is struck, submit to the Speaker of the Legislative Assembly a report which shall delineate the boundaries of the proposed electoral divisions.

Mr. Speaker, if we combine that with the following point, point 4, which says six months, we get a total of 15 months, and from that time, then, we also have to allow ample time to the Chief

Electoral Officer for the opportunity to do an enumeration, draw the boundaries, get poll captains, get reporting officers, and so on before we can actually get ready for an election. Now, given the history of the Progressive Conservative Party since they've come to power in 1971, the average time between elections has been three and a half years. If we progress three and a half years from March 20 of 1989, which was the last general election, that takes us into the fall of 1992. Unfortunately, the net effect of this proposal could be that there will not be sufficient time for the commission and then the Chief Electoral Officer to complete all of the work that *is* necessary for boundaries to be created, for returning officers to be found, for polling stations to be located, and all of that work to occur before we could be into the next provincial general election.

9:50

Now one of the arguments for having the current time frame. Under the current legislation, the Bill that is in force right now has the time frame of 12 months and six months. The six-month time frame is for amendments, is for changes, is for input from Albertans. Mr. Speaker, the process which our committee pursued starting in August of last year and completing their work just recently, as early as the beginning of this month in this year, suggests that if we have hearings, the hearings process could go on almost ad infinitum. If we can find commission members who can commit themselves to a completion of the task as expediently as possible, I believe that time frame can be shortened substantially. So from that point of view I think it is important that we endorse section 4, wherein we allow Albertans the opportunity to give feedback to the commission, but I think it is important that we instruct the commission to complete the report as expediently as possible, have the report printed, distributed to Albertans, and then give Albertans a chance to respond to it. But if we have a hearings process, nine months, I would suggest, is an inappropriate length of time.

Mr. Speaker, section F, the last section with which I wish to deal, is Length of Time between Redistributions. The argument that was made, I believe by the Member for Taber-Warner, was that we do not want to find ourselves in a situation as Manitoba has found in the past, wherein they have two fairly quick elections because of the concern there with a minority government and their legislation saying they will have redistribution after every second general election. Conceivably that could happen in Alberta. It hasn't in the past, but that's not to say it couldn't happen in the future.

There is a cost associated with that, Mr. Speaker, and in talking to the Chief Electoral Officer, the cost that he says is incurred in a commission redrawing the boundaries is about \$65,000. Now, an enumeration is far more expensive. There's no doubt about that, and that's an entirely different thing. An enumeration is substantially more expensive, and an enumeration will occur regardless of what the boundaries are. An enumeration will occur regardless of whether we go with these boundaries that are alluded to in this report or whether we go with the boundaries we currently have. But for a commission to actually sit down and examine the boundaries is not that terribly expensive a process. Mr. Speaker, democracy costs money. We

know that. It costs money for all 83 of us to come here today, it will cost money for all 83 of us to stay here overnight and be back here in the morning and so on. We accept that cost, and I think Albertans accept that cost, and I don't think anybody would suggest that we want to go to anything except what I think is probably one of the best systems in the world, and that's our democratic system. However, what we have here in section F is a proposal that the "length of time between redistributions shall be after every second election," and here's the key part: "but not less than every eight years."

Now, the implication of that, Mr. Speaker, is that our next redistribution will occur during the 1991 year. That redistribution that will occur in the 1991 year is going to use 1986 census data. If we adopt this recommendation, that means the next redistribution will not occur until 1999. So until 1999 we may have one, two, three, four elections, I don't know, because it says "not less than every eight years." We could have a number of general elections. We could even have an election occurring in 1999 on 1986 census data. So the data that would be used in an election that could be held in 1999 would, in fact, be 13 or 14 years old. Anyone who looks at the cities of Edmonton and Calgary, who looks at the population of this province, knows that since 1986 the population has changed. To suggest that we should continue with something I believe to be fundamentally wrong today for another eight years is totally irresponsible government on behalf of this party that proposes this recommendation.

So, Mr. Speaker, I would close my comments there. I think what we have here for the most part is an excellent report. It reflects a commitment on behalf of the government to look at this issue. It reflects a commitment on behalf of the committee members, who gave of their time to go and travel around the province. But I believe that the essence of the report, the key parts, the recommendations, must be re-evaluated before being introduced into legislation.

Thank you.

MRS. BLACK: Mr. Speaker, in light of the hour tonight, I beg leave to adjourn debate.

MR. SPEAKER: Having heard the motion, those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.  
Government House Leader.

MR. HORSMAN: Mr. Speaker, it's proposed that tomorrow afternoon this debate will continue on Motion 20 on the floor of the Assembly. I should indicate as well that Motion 21 will perhaps be dealt with at the beginning of the afternoon session, and then we'll proceed with the continuation of the debate on the motion now before the Assembly, as amended.

[At 9:56 p.m. the Assembly adjourned to Wednesday at 2:30 p.m.]

