

Legislative Assembly of Alberta

Title: **Thursday, December 6, 1990 8:00 p.m.**

Date: 90/12/06

head: **Government Bills and Orders Committee of the Whole**

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: Would the committee please come to order, it being 8 p.m.

The Committee of the Whole has been called to consider amendments to Bill 57. The amendment before us has been proposed by the hon. Member for Edmonton-Jasper Place. Before we do, could we have unanimous consent to revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

The hon. Member for Edmonton-Whitemud.

head: **Introduction of Special Guests**

MR. WICKMAN: Thank you, Mr. Chairman. I'd like to introduce to you and through you to my colleagues in the House a group of eight from the glorious riding of Edmonton-Whitemud, the 176th Scout group. They're here this evening with one of their Scout leaders Nolan Steed and accompanied by one parent Amy Tang. If they would stand in the public gallery and if you would join me in giving them the traditional warm welcome of this House.

head: **Government Bills and Orders Committee of the Whole**

(continued)

Bill 57

Electoral Boundaries Commission Act

MR. CHAIRMAN: The hon. Member for Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Chairman. Yesterday afternoon we got into the amendment sponsored by the Member for Edmonton-Jasper Place. Because it's easy to say, well, this amendment strikes – what is it? – sections 12(a), (b), and (c), 13, 14, and 15, I think for the record it's important to tell what this amendment would do. It would strike the entire concept of multimunicipality versus single municipality. Moreover, it would strike out the directives that there shall be, for example, "19 electoral divisions entirely within The City of Calgary" and "17 electoral divisions entirely within The City of Edmonton."

Oh, gee, I think I just found a technical problem with this Bill. I think I did. Yeah, I did. Can you believe it? I did. You know what you've got here? It contradicts the recommendation from the committee, of which I was a member but with which I did not concur, insofar as it says that the 19 and 17 respectively shall be entirely within the cities of Edmonton and Calgary, which means that they can't be split into ridings that are slightly adjacent to them. I love it when I discover drafting errors. I've discovered a few already in this Bill, and I just got one more. [interjection] Oh, I don't think so; I don't think so. [interjection] No; you see, that's an instruction.

The Member for Taber-Warner is saying that I've got the wrong interpretation, but you see . . . [interjection] I know. Yes, I know. I'm aware of 15(h), but the problem with this is that it says that they shall be as follows: "There shall be 43 proposed single municipality electoral divisions as follows," and it says "entirely within," which means that the grand Tory plan to include ridings that are adjacent to those two cities as multimunicipality ridings, if the commission so chooses, is now theoretically not possible. I should have read this closer.

Anyway, what I was getting at, Mr. Chairman, is that . . .

AN HON. MEMBER: You should have read it.

MS BARRETT: Oh, I did, many times.

What I was getting at, Mr. Chairman is that the sections that we're proposing to wipe out are ones of very explicit, specific instructions. I was arguing yesterday that you don't need to give those instructions if you have a principle in the Bill to which the commission shall adhere. My premise, I suppose, is that I can't understand why we would even bother having a commission seeing as how we've spelled out so clearly where every riding shall be and its configuration. The only thing that we haven't done is mention every individual contained within it.

I was also arguing this: that unless you give instructions to the commission that it shall pursue voter equality in developing the configuration of every riding, the chances are very good, although they're not necessarily the case, that what we will have as a result of these instructions which we propose to strike is urban ridings tending to have a higher than average population base and rural ridings with a lower than average population base, and I suspect that the tendency will be quite clear. In other words, the tendency for underrepresentation by city ridings will be in the 15 to 20 percent area, and the tendency for overrepresentation in the rural ridings will be 15 to 20 percent.

Now, I'd like to make it clear that I am not speaking against the rights of rural voters or telling them that they don't have the right to proper representation. I want to make it clear that what we're talking about is voter equality and that there shall be no distinction between rural and urban and, moreover, that the distinction set out in this Bill – that is, one of single municipality versus multimunicipality – is but a euphemism for the distinction between urban and rural that has existed in the past. I think that's an error, Mr. Chairman. I don't think that we should go along with that.

In the name of fairness and modern democracy, why don't we tell the commission that it shall pursue voter equality, that it shall keep in mind historical boundaries and interests, communities of interest, and so forth, so that it doesn't go and artificially carve up a riding just to meet the voter equality rule. Plus or minus a couple of percent would give them the latitude to do that. They would have the latitude to avoid saying that the river shall no longer be a natural boundary and, you know, a handful of people on one side of the river are going to be included in another riding. That wouldn't make sense, and no one would ask them to do that. What we're asking is that we don't give explicit instructions to the commission such that they have no choice but to determine that there shall be X number of seats in this area, Y number of seats in another area, and basically not be allowed to pursue, even if they wanted to, voter equality. These instructions tie the hands of the commission. The commission cannot in some circumstances pursue voter equality, and I give you as an example: there shall be 17 electoral divisions within the municipality of Edmonton.

MR. CHAIRMAN: Order in the committee please. Order please. I'd just like to explain to our audience this evening that while we're in the legislative Chamber, we're in committee, and the rules in committee allow for a little more informality than they do when the Speaker is in the Chair. Nevertheless, the Chair is now asking hon. members to keep their conversations down to a better level so that the hon. member who has the floor can more effectively express her ideas.

MS BARRETT: What he's really saying is that this place is ordinarily a zoo, and sometimes it's even worse in the daytime than it is at night.

Thanks, Mr. Chairman.

Now that you've gone to the trouble of calling everybody to order, I think I've lost the train of thought that I was on, but I'm going to try to recollect it because it's important to tell Albertans that this Bill as currently constructed will tie the hands of the commission. If Edmonton, for example, had 25 percent of Alberta's population but was entitled by this Bill to have only 20 percent of the seats, there is nothing that the commission can do to change that if this Bill is passed the way it is. They cannot adjust that. They cannot go to 18 seats for the city of Edmonton, for example, because this Bill tells them 17 seats.

How are they to be able to exercise discretion and to pursue, if it was their desire – and I assume it would be, for most normal-thinking people understand the important tenets of democracy and one person, one vote, some members of this Assembly aside – to pursue voter equality so that we had a system of one person, one vote? Under the restrictions of section 14 of this Bill, which we propose to strike in the amendment that's sponsored by the Member for Edmonton-Jasper Place, they could not do it. In other words, it is quite frankly an insult to their intelligence that they should even be sitting on such a commission because their latitude is minimized by the implications of this Bill.

8:10

It is also minimized by section 15, which describes that "there shall be 40 . . . multi-municipality electoral divisions" which shall be part of this place or that place, and the list goes on. Now, it is true that in 35 instances out of 83 the electoral divisions consisting of "more than one municipality" or "one or more municipalities plus parts of one or more other municipalities" is an item of discretion for the commission. But if you take into account that 36 of the seats, those between Edmonton and Calgary, are already predetermined and a whole bunch more for the cities of Lethbridge, Medicine Hat, Red Deer, St. Albert, Fort McMurray, and Sherwood Park, it doesn't leave them that much latitude. In other words, once they've had to comply with the rules under section 14, which is going to take up about 42 or 43 seats, and they have latitude with respect to 35 seats, you can figure out that that latitude is minimized because they had to follow instructions on the first 42 or 43 seats. That's objectionable.

Why can't we let a commission think for itself? The commission is going to be entitled to public hearings. It can go around and say: where do you want your boundaries? That was not a question that our committee asked. It was a matter that was raised with us, and we agreed to pass it on to the commission on a riding-by-riding basis. But most of these people were not talking about the size of their riding; most of them were talking about one or two polls. They were talking about between 200 and 400 voters, which we may say might be up to 1,000 people. That's not such a great amount that we couldn't accommodate

those requests with a principled guideline instead of strictly defined guidelines as is proposed in this Bill and to which we object.

Mr. Chairman, I'm going to have the opportunity to talk on this subject some more, but I want to close my comments for now by saying that if anybody thinks there is an argument to be made against this amendment in the context of the amendment that I've already circulated, that I will be sponsoring or will have sponsored on my behalf, which adds at the end of section 17(1), "but, where the Commission deems it possible and reasonable, be near the average population of all the proposed electoral divisions," I'd like to hear those arguments. I'd like to hear how it is that the proposals being sponsored by the Official Opposition New Democrats are either unrealistic or unfair. I can't see how they would meet either of those challenges. These amendments would make sense of what is currently a nonsensical system which can be defended only, solely, uniquely from the perspective of defending the current electoral imbalances by any other name. We say: no; any other name is not good enough; change the principles and you'll have support for this Bill. I urge members to support the amendment sponsored by the Member for Edmonton-Jasper Place.

MR. CHAIRMAN: The hon. Member for Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Chairman. I'm going to support the amendment as proposed. My interpretation of the amendment results in a situation where I can see some real difficulties. I see a real lack of flexibility on the part of the commission. In other words, the commission is so structured in its terms of reference and in its mandate that it doesn't have the flexibility to lay down what they may feel is more fair representation when we talk in terms of trying to meet some broad objectives, such as rural representation, such as urban representation, such as a variance that respects along the lines of one person, one vote.

Again, Mr. Chairman, I've got to point to the court decision in B.C. that made it very, very clear that a certain variance only was acceptable, and we've already gone beyond that variance in our recommendations. The way this is laid out, it appears to me that somebody sat down ahead of time – one person, maybe a small group of people – and predetermined that by imposing these types of restrictions, it's going to mean that there are going to be 17 ridings in Edmonton, urban ridings. That's spelled out clearly. At the same time, if we do a bit of mathematics and we equate the 25 percent maximum variance, look at that population and multiply that by the 17, we can determine that there are going to be so many people left out there in limbo, so many people that aren't going to fit within those 17 ridings. Even though those people live in the city of Edmonton, they're going to be in the county of Strathcona; they're going to be in the county of Parkland. In other words, they're going to be represented by an individual that may not be that familiar with their particular needs, with their particular situation.

Mr. Chairman, it's very, very obvious to me when I read the particular section which this amendment applies to that it's laying out a structured section that is to the benefit of the party in power. There is absolutely no question in my mind. And that's not going to result in a fair conclusion. That's not going to result in representation that is fair to the people that elect us to represent their interests. I would think that the Member for Edmonton-Jasper Place is correct and the comments that were made by the Member for Edmonton-Highlands in stating very,

very clearly that flexibility is not there if this Act is passed the way it has been presented and if this amendment is not supported by all members of this Assembly.

I'll conclude on that note, Mr. Chairman, appealing to Members of the Legislative Assembly to be fair about this, support this amendment to allow for the flexibility that has to be there, the flexibility that's going to result in a fairer process that's going to work for the benefit of the electorate of the province.

MR. CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Thanks, Mr. Chairman. I've been listening intently, and I'm very surprised with some of things I've heard. For example, I never thought I would ever see the day when the Member for Edmonton-Highlands would be all stripes and stars shining all over, but she certainly seems to have wrapped herself in the American flag. I find that very surprising.

I also find it extremely surprising the way the Liberal Party, the people who supported the triple E Senate, can turn around now and support only half of that. I find that . . . [interjections] Well, of course, they've managed to flip-flop pretty good, so it's really interesting to watch how this is developing.

Speaking to the amendment, Mr. Chairman, I find it very interesting how a committee goes out, travels the province, holds 39 hearings, comes back and reports what the people have said, what they want, what was overwhelming in the presentations to the committee, bearing in mind that there were a number of terms of reference for this committee when they went out. I want to point out to the hon. members some of those things that the committee that toured the province and listened to the people were supposed to take into account when they made their report, which, of course, hence flowed through into this piece of legislation. One I see here:

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

Well, clearly that's what the committee did and that's what they are doing, and it's these parts that now the hon. Member for Edmonton-Jasper Place is suggesting we pull out. Well, in fact, the legislation is reflecting what the committee was to address as they listened to the people from the province of Alberta.

8:20

Another one:

Any geographic, demographic and other factors that should be considered in the distribution of constituencies and the determination of their boundaries.

Once again he wants to pull these out of the Act. The committee has carried out the terms of reference, which incidentally were passed in this Legislature in setting up the committee.

Another one:

The impact of the determination of constituency boundaries on the ability of Members of the Legislative Assembly to fully discharge their duties to their constituents.

Well, certainly all of the guidelines that have been laid out in these sections address that concern that the committee heard as they traveled throughout the province about the ability of the people living within those constituencies to have access to their MLA and the ability of the MLA to serve the people. So, Mr. Chairman, I find . . .

MR. CHAIRMAN: Order please. Is the hon. Member for Edmonton-Jasper Place rising on a point of order?

MR. McINNIS: I hesitate to interrupt the hon. member, but I wonder if he would permit a very short question at this point? [interjections]

MR. CHAIRMAN: The hon. member is entitled to ask if . . .

AN HON. MEMBER: Citation.

MR. CHAIRMAN: We don't need a citation for that, hon. member.

Hon. Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, and I thank the member very much. The member is reading from the terms of reference and objectives of the committee, which are contained in the report, and he's been suggesting that I want to take those out of the Bill. Now, I'm kind of confused, because those terms of reference aren't in the Bill at all. Does he realize that the terms of reference are not a part of what's in the amendment or the Bill before us?

MR. LUND: Well, Mr. Chairman, I didn't say that the terms of reference were in the Bill. I said that the committee went out and listened to Albertans and heard what Albertans said and related that to the terms of reference. When you do all of that, the impact of the terms of reference and what the people said are implanted in the Bill, and that's what the hon. member is wanting to pull out, and I don't understand how he could read it differently. I find it very amusing.

So, Mr. Chairman, I would certainly hope that all of the members of this Assembly would vote overwhelmingly opposed to the amendments to this very good piece of legislation.

MR. CHAIRMAN: The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I notice that a number of members have been attributing flag wrapping and flag waving. Well, I'll tell you, I've been looking at some of the flags around the world as well, and one that reminds me of some of the debate that I hear is the hammer and sickle, not the hammer and sickle but the hammer and sickle. What we've got is the government trying to hammer this in, and for those that don't like it, they seem to be suckling up to that which they hope to get that will provide them with the nourishment of power and the nourishment of continued government. So when I see this kind of comment that's going on from the member . . . [interjections] Yeah, I'm a rural member. I've got some rural constituents, and I'm proud to represent them.

You know, Mr. Chairman, I am quite amazed that some members opposite think that they can insult us by saying that we are wrapping ourselves in the American flag. I read that in a column. It doesn't matter which flag you want to wrap yourself in, whether it's an American flag or a Canadian flag or a flag that represents people. You know, all of the flags happen to represent a population. Right now I'm trying to wrap myself in a flag; indeed I am. It happens to be the flag of the province of Alberta, and what I'm trying to show is that in that flag, in that representation what we've got quite frankly is a grain field at the bottom, we've got the mountains, and we've got the spreading out of our province from one end to the other, from the south to the north. What we're trying to propose is representation that reflects the needs of the province, not the needs of the party in power and not the needs of certain areas. That's what we've got in the Bill: certain needs or certain desires. By

proposing this, by accepting this, and by getting through this, the government is hoping that certain things will come out, that given the rules for the commission to follow that have been sent down by, first, the committee and then the Legislature, should this Bill pass, there will be a certain outcome in the way the map is drawn.

Mr. Chairman, we've got a proposal before us that says that there will be certain numbers of constituencies: 17 in the city of Edmonton, 19 in the city of Calgary. Why? You know, if we had something called relative equality, we would have a Bill before us that says: create 83 constituencies throughout the province of Alberta. That allows people to go out and do their jobs. We wouldn't say, "Create 17 constituencies here in this geographical location," and we wouldn't say, "Create 19 constituencies there in that geographical location," building in a bias. We'd be saying, "Create 83 constituencies throughout the entire province so that all Albertans have the opportunity to have fair and relative equality." That's what this amendment is all about.

You know, I'm amazed that what we've got is a camel, a multihumped camel. We've got this little hump at the bottom end at minus 50 percent. Up to four constituencies can be in this little hump way down here. That's four out of 83, leaving 79. Then we've got 36 constituencies that are primarily multimunicipal, the new buzzword for rural. The new buzzword: I love that; it sounds like something new and exciting. Do you know what a multimunicipality constituency is? It's a rural constituency. But that's all right. I don't mind that it's a rural constituency. You know what? The Albertans that live in those multimunicipality constituencies like Ponoka-Rimbey are not going to say, "Well, my background is multimunicipal." They might say, "I have a rural background." Can you imagine? Now they're going to have to change all of the terminology and say, "Oh, I have a multimunicipal background."

MR. GESELL: It's the same thing. [interjection]

MR. SIGURDSON: The Member for Clover Bar says, "It's the same thing." He's absolutely right; it is the same thing. Multimunicipal is rural.

MR. GESELL: I wasn't talking to you.

MR. SIGURDSON: "The same thing": your words, sir.

Point of Order

Referring to Members in Debate

MR. GESELL: Point of order, Mr. Chairman.

MR. SIGURDSON: Stand up. You've got *Beauchesne* in front of you.

MR. CHAIRMAN: The hon. member is rising on a point of order.

MR. GESELL: Certainly. Just a second. I believe, Mr. Chairman, the proper form of address, whether we are in committee or in the House, is to refer by their constituencies. I do not really appreciate the reference by first name.

MR. CHAIRMAN: That is a point well taken, that we are all known by the constituencies we represent rather than our surnames.

MR. SIGURDSON: I didn't know that I'd called him by his Christian name, Mr. Chairman. I thought that it was Clover Bar. If I called him by his Christian name, I apologize.

AN HON. MEMBER: You shouldn't be so curt.

Debate Continued

MR. SIGURDSON: There's quick wit over there tonight, boys and girls.

What we've got here is an amendment that proposes to put some fairness and equity back into the recommendations.

Mr. Chairman, I apologize.

8:30

Why not just have the commission go out and take a look at the map of the province and take a look at all of that which is in section 16? That talks about the sparsity and density of population, common community interests, geographical features. Why not have them go out and take a look at what the needs are and draw some boundaries? Why limit the commission to draw X number of boundaries in certain geographical locations?

You know, one of the items in section 16 is item (d), geographical features. Now, Mr. Chairman, we have this huge, wonderful, winding river that goes through the city of Edmonton. It has always served as a boundary in Edmonton between north and south for a number of constituencies, and now what we're proposing to do is to take this and say, "Well, for the sake of convenience we're going to cross over." We talked about community of interest. Well, the fact is that in Edmonton there is a very distinct difference, quite frankly, between the kind of folk, the attitude. At least I perceive there to be a real difference when I go to the south side, to the community of Strathcona or into Gold Bar. There is a difference between north side and south side attitudes. So we're ignoring that one as well.

We're ignoring the geographical features of the river. We're saying that it's all right to cross over. You know what, Mr. Chairman? If this Bill is passed, we will have to cross over. Because what we've got is that with 11 constituencies on the north side, if you take all of the population of the north side, you average out with 32,000. If you take the population of the south side and those constituencies on the south side and divide it by the six, you end up with a population of 36,217. That's already over the permitted variance. If you take a north side constituency, erase it from the north side and move it to the south side, what do you get? You get another problem. Because on the north side, then, what you've got are constituencies that are going to be over the permitted variance, and on the south side you've got it under.

So what you're going to have to do is somehow find one constituency that will straddle the river and then, according to section 16, worry about "common community interests and community organizations," worry about the "geographical features," or rather ignore that subsection (d), just ignore it. It's okay; it's only a river. You couldn't throw a ball across the river from anywhere in the city, but that's okay for the purposes of this. Don't worry about the number of constituencies. Don't worry about the community interests that you're going to disrupt. Don't worry about the fact that you've got this huge river that you couldn't tee a golf ball across unless you're Arnold Palmer or Don Getty or somebody else here who has a lot of time to go out. [interjection] The Premier. I apologize. The Member for Stettler.

MR. CHAIRMAN: Order.

MR. SIGURDSON: Goodness gracious. I apologize. I was influenced by the Member for Highwood.

You know, you can totally ignore another section for the purposes of manipulation. Isn't that amazing? Well, it's not good enough. I don't think it'll stand up in court. I don't think, quite frankly, that that particular section will allow it to stand up in court. I look forward to it. I've talked to a number of people. I've got a couple of interesting wagers, shall we say, going on, not necessarily with members in this House, about whether or not this will withstand a Charter challenge, because I don't believe it will. But you know, Mr. Chairman, if we adopt this amendment and get rid of all that's in there that probably wouldn't stand a Charter challenge, get rid of all of this and have this, it'll stand up. Then we can go ahead with the representation of the people of the province of Alberta, and that's what we're here to do.

MR. CHAIRMAN: The hon. Member for Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman. It's been another eventful evening in the Legislature. I don't know what the joke was when we started off, but there was a lot of giggling, and I guess it will continue tonight.

Once before we had to do a little bit of a thought called let's go down memory lane, and I think we're going to have to do that again tonight, much as I hate to. I have in my hand the Electoral Boundaries Commission Act of 1980. The hon. members have said that we are – let me think – binding the hands of the commission; we're not allowing them to do their job; we're hampering them from providing proper representation: all these nice little things. When you look at the old Act, you realize that in the 1980 Act the commission was instructed explicitly that there shall be 43 urban ridings and 36 rural ridings. It also proposes the cities of Camrose, Drumheller, Grande Prairie, Medicine Hat, Red Deer, Wetaskiwin, and the town of St. Albert as urban ridings. Sixteen proposed electoral divisions in Calgary and 18 in Edmonton. I can see why they're upset: they lost one in Edmonton. Two in the city of Lethbridge. It goes on and on.

Then we had an amendment in 1983. We did this again, except we kind of expanded the instructions a little further because we increased the House to 83 seats, 42 urban and 41 rural. We allowed for the cities of Medicine Hat, St. Albert, Sherwood Park, Lethbridge, two seats; Red Deer, two seats; Edmonton, 17 seats; Calgary, 18; and so on and so forth. But we didn't listen.

This time we went out and listened to the people, and the people told us that they did not want to have the distinctions between urban and rural. In fact, the member from the Liberal Party who was on the committee made a strong presentation that consensus was reached by all members that we were hurting the people by distinguishing between urban and rural, and how would we get around that? Well, we had to come up with some new terms, but we also had to deal with the fact that urban and rural interests must be dealt with in this Legislature on a daily basis; therefore it would be of benefit to have ridings that in fact were part from the urban and part from the rural centres. Hence we allowed for what was called a single-municipality electoral division and a multimunicipality electoral division.

We further allowed that due to recent annexations, et cetera, that had occurred around the cities of Edmonton and Calgary, particularly with acreages, we would not force those people to

have their interests represented strictly by city dwellers, that in fact they could have similar interests with folks that lived outside the city. We would allow the commission for the first time the latitude to make the decision, due to common interests of communities, to combine some city areas with rural areas – therefore, multimunicipality ridings – and they would be allowed to look at acreages in outlying areas around Calgary and Edmonton.

Now, this is not hampering the commission. In fact, it's giving them further latitude than what they've had before. Now, I don't know; you can sit there and whine and cry. My Lord, my heart breaks when I hear it. But, you know, you get down to the point where if the commission deemed, Calgary could have not only 19 seats, but the outlying areas could have a few more. That could happen quite realistically. Edmonton could have 17 inner-city seats and a few on the outside. So you may in fact end up with more MLAs, and some of them may even live within the boundaries of Edmonton or Calgary. Surely someone that lives inside the boundaries of Edmonton that would run in a riding such as that would have an interest in serving those that lived outside as well as those inside or they would not be returned to the Assembly. I doubt that any MLA would ignore the interests of any group within their communities, or they won't be returned.

So I don't know what the big complaint is. I think the concern is, quite frankly, that the opposition parties have looked at where their strengths are and are trying to force the commission to deal with their strengths. They keep whining about the Conservatives being a rural party. I'm going to say it again. When we have control in 15 out of 16 urban centres in this province, we represent all the people. This legislation is clearly an example of trying to represent the interests of all people. I will go back to the presentation we had when the community of Strathcona came before our committee. They dealt with this problem of urban/rural by developing a new connotation called 'rurban.' So they have urban, 'rurban,' and rural. It's worked very effectively, and I think it can work very well here.

8:40

So I think for anyone to say that we're hampering the commission – this legislation clearly gives the commission more latitude than they have ever had before. They have the option – and I say the option, and let's stress that – to make those decisions. They are not directed to carve up Edmonton or carve up Calgary. They are to consult with the municipalities and the communities of interest and determine what is the best fit.

I'm absolutely amazed that every time we get into a discussion, Mr. Chairman, it would appear to me that both the Liberals and the New Democrats have already drawn all the lines. Now, maybe they're going to seek appointments on the commission. I don't know where the lines are going to be. All I know is that every riding is going to have to change. I don't know where it's going to be, but I do know one thing: that we were given some guidance to be as specific as possible to the commission yet give them the latitude to deal with the communities of interest. That's something that I think we have done in this legislation, and I stand behind it. I therefore recommend that we vote down this amendment.

MR. FOX: I feel inspired to respond to my hon. colleague from Calgary-Foothills. I feel compelled to respond. [interjections]

MR. CHAIRMAN: Order please.

MR. FOX: The hon. Member for Calgary-Foothills was trying to justify the fact that Bill 57, the Electoral Boundaries Commission Act, does tie the hands of the commission to be appointed by telling them exactly what they can and can't do and where they should put ridings. She tried to justify that inclusion in the Act by pointing out that the very same thing, although the numbers were different, the same principle was embodied in previous Electoral Boundaries Commission Acts: 1980, 1985, and whatever. I'd like to remind the hon. member that the commission of sin is not a virtue, and if sin is committed time and time again, it doesn't become virtuous. The practitioner may become well versed but not virtuous. So trying to justify the mistakes made in Bill 57 by saying that the government's made the mistake again and again repeatedly in the past is no justification as far as I'm concerned.

What the hon. Member for Edmonton-Jasper Place is proposing is that we empower the commission but delete many of the details that are provided for redistribution in part 2. If I might deal specifically with the first part of the amendment, that we delete sections 12 (a), (b), and (c), the Member for Calgary-Foothills – and long may Maggie Thatcher live – said that it was the committee's challenge to come up with terms that weren't rural and urban to describe the rural and urban split that the Conservatives have tried to develop and exploit over the years. She as much as admitted that the terms "multimunicipality" and "single municipality" fit the bill, that the concept is unchanged but the words changed slightly. I object to the concept.

Mr. Chairman, certainly we recognize that there are some ridings in the province that are single-municipality ridings. That is the case, that's always been the case, and that'll continue to be the case. We recognize that there are some ridings that are multimunicipality; that is, they contain more than one municipality, be it counties, improvement districts, municipal districts, summer villages, villages, towns, and/or cities. That's always been the case, and it'll likely continue to be the case. I just think it's not only a waste of paper to include the obvious in a piece of legislation, to describe the obvious, but it tries to defend the indefensible, I think. I would much prefer leaving this out of the Bill, not referring to trying to define multimunicipality electoral divisions and single-municipality electoral divisions.

Certainly electoral divisions are going to exist; we're going to have 83 of them. We agree with that in section 13. Well, we want to amend that slightly, but we're going to have 83 electoral divisions, keeping the size of the Alberta Legislature unchanged since 1986. But there's no need to define them as some being single municipality, some being multimunicipality. I mean, why don't we define them as being within the province of Alberta? Why don't we define them as containing people who live in the province of Alberta? Why don't we define them as containing people, some of whom are able to vote, who live in the province of Alberta? I mean, it's describing the obvious, and it's foolish, Mr. Chairman. The fact is that there are and will continue to be single-municipality and multimunicipality ridings in the province of Alberta regardless of Bill 57.

The reason that it's offensive to us, though, the reason that we feel Bill 57 in an unreasonable and unfair way ties the hands of the commission is because of the inclusions in sections 14 and 15, Mr. Chairman. I understand why the government is doing that. I understand why the government is including those descriptions, providing those guidelines, shall we say, for the commission. It's because the government wants to predetermine the outcome of the commission process. The government wants to make sure that the cherished electoral balance that currently

exists in the House, where there are a significant number of members, myself included, who represent ridings that are much smaller than the average and where there are a significant number of . . .

REV. ROBERTS: Oh, you're brainwashed.

MR. FOX: My colleague from Edmonton-Centre is referring to my cleanliness of character or thought? I'm not sure.

AN HON. MEMBER: You have a clean mind.

MR. FOX: Clean mind. I guess that's what brainwashing does: it gives a person a clean mind.

The government wants to predetermine the outcome of this process, Mr. Chairman. They want to tie the hands of the commission because they want to ensure that now and in the future there are a significant number of electoral divisions, most of them currently represented by Conservatives, that are much smaller than the average, at least 25 percent smaller than the average, some considerably more, and that there are a significant number of ridings in the province that will be up to 25 percent larger than the average, many of them, incidentally, being held by members who are currently in either one of two opposition parties. I think that's unacceptable. I think what we need to be doing here is adopting some sound principles to appoint and empower a commission to do a job and then let them do the job, not make prescriptions about where the ridings ought to be and how they ought to be drawn, where they ought to be drawn, how many here, how many there, here a riding, there a riding.

8:50

I think if we have any faith in the process, any confidence in the ability of the people who were appointed to the commission once it's established, we should let them do their job. Appoint the commission, tell them that we want 83 electoral divisions in the province of Alberta and we want them to be as close as possible to the average. That's what we need to tell the commission, Mr. Chairman. We don't need to provide all these potential gerrymandering guidelines to the commission. Tell them that we want 83 electoral divisions, we want them to be fair, and we want them to be reasonable. In order to be fair, they should target to the average. They should try wherever possible to make sure the ridings are as close to the average as they can accommodate. But we want them to be reasonable, and that is recognizing that the principle of one person, one vote is not inviolate; it is not something that can't be wavered from. The commission will be reasonable in the application of the Act and will do their best to draw boundaries that make sense, taking into consideration things like geography, size, history, trading patterns, ethnic groups, areas of common interest. Then let the commission do their job, and if we're not satisfied with the job they do, when they come back after nine months, we'll have a chance to maybe offer them a little guidance, or through the public hearing process subsequent to that they can be offered some further guidance.

But I'm very much offended by the sections of this Act that tell the commission that

there shall be 43 proposed single municipality electoral divisions as follows:

- (a) 19 . . . within The City of Calgary;
- (b) 17 . . . within The City of Edmonton;
- (c) 2 . . . within The City of Lethbridge;
- (d) one . . . within The City of Medicine Hat;
- (e) one . . . within The City of Red Deer,

- (f) one . . . within The City of St. Albert;
- (g) one . . . within The City of Fort McMurray,
- (h) one . . . within The County of Strathcona that includes the hamlet of Sherwood Park.

The commission would likely come up with ridings that look very much like that, because in some sense these are reasonable. Look at the city of Lethbridge, for example. There is a sufficient number of people in the city of Lethbridge to have two electoral divisions that are pretty close to the average, that I believe would fall within reasonable guidelines. So that's likely what the commission would come up with. But fairness and reason should be guiding them, not legislation as set out by the Conservative majority, Mr. Chairman.

I would argue that a commission doing its job in a fair and reasonable way would try wherever possible to ensure that ridings are single-municipality, that if it's possible to draw boundaries – within the city of Lethbridge, two single-municipality ridings, two ridings that are completely contained within the boundaries of the city of Lethbridge – then that's what they should do. If they can do that within the city of Medicine Hat, then that's what they should do. But if they find that in order to be fair and reasonable they come up with ridings that are as close as possible to the average size, that having two ridings completely contained within the municipality of the city of Medicine Hat would mean they are smaller than reasonable, significantly below the average, then the commission would look at that and say, "Well, that's not fair, that's not reasonable, so we'll come up with something different," and try wherever possible to come up with boundaries that are as much as possible within the limits of single municipalities.

Now, I would certainly apply that to the cities of Edmonton and Calgary. I want to remind hon. members that when I spoke on second reading of this Bill, I made it clear that I do not object in principle to ridings containing parts of cities, parts of counties, because we currently have many ridings like that. I refer to my hon. colleague the Member for Stony Plain, who ably and very capably represents a riding that includes a city, the city of Spruce Grove, and includes a town, the town of Stony Plain, and includes a summer village. Wabamun is a summer village, I think.

AN HON. MEMBER: Alberta Beach.

MR. FOX: Alberta Beach is a summer village, Wabamun is a village, and it includes some rural area as well. So it can be done. There is nothing inherently offensive, nothing wrong, with parts of cities being included in ridings with rural areas. I believe Albertans have many interests in common. But I think where possible we should draw boundaries that are contained within single municipalities, and when I look at the city of Edmonton and the city of Calgary, there is no good reason to draw boundaries outside the limits of those municipalities. I don't think there's any good reason for it.

The only reason the commission is proposing that be done, Mr. Chairman, is so they can limit the number of ridings in Edmonton and Calgary. The people drafting this Bill, the government wanting to impose this Bill on Albertans wants to ensure that by comparison to other ridings in the province of Alberta the cities of Edmonton and Calgary are underrepresented. They want to ensure that that's the case, because they recognize that their electoral base in the city of Edmonton is already completely eroded and is quickly eroding in the city of Calgary. I don't know how frightened Bobbie Sparrow is, but certainly with Preston Manning breathing down her neck there,

she's probably pretty worried too. Anyway, the government wants to ensure that their rapidly eroding electoral base in the two major cities in the province of Alberta does minimal damage . . . I recognize there are 16, Member for Taber-Warner. They want to make sure their rapidly eroding electoral base in the two major cities is not going to be able to do sufficient harm to them in the next election that it causes them to lose the government.

I want to remind government members, many of whom have been here a lot longer than me – I've not been a politician long enough to even call myself one, Mr. Chairman. I want to remind my hon. colleagues in the Legislature that there is no career I can think of that is more precarious than a career in politics. Nobody's future is less certain than ours, and for us as legislators, for the government as drafters of legislation, to come forward with a Bill that they believe is going to secure their electoral future, to propose things they think will be better for them in the long run as Conservative politicians seeking to keep their hands on the levers of power so they can drive the province even deeper into debt is an irresponsible way to pass legislation. Don't you agree, Mr. Chairman? It's an irresponsible way to draft and pass legislation because we all might be replaced in the next election. Who knows what's going to happen? For pete's sake, with the renaissance of the Social Credit party in the riding of Edmonton-Strathcona in this by-election, we might all be swept from office come the next judgment day. The government trying to gerrymander electoral boundaries not only for the next election but for the election after based on their own narrow political interests I think is irresponsible.

How do we avoid doing that? How do we convince Albertans that the government's not being unfair and parochial and partisan?

AN HON. MEMBER: We can't, because they're not.

MR. FOX: I'll get to that. How can the government convince Albertans that they're . . . [interjections] I would apologize to people reading this in *Hansard* at some future date. I'm being heckled quite actively by hon. members, and I'm feeling a need to respond to them.

MR. CHAIRMAN: Order in the committee, please.

AN HON. MEMBER: Don't apologize.

AN HON. MEMBER: Take a deep breath and keep going.

MR. FOX: Mr. Chairman, how can the government convince Albertans that that's not their motive, that's not their method, the gerrymandering of electoral division boundaries? The way to do that is to empower a commission and let the commission do the job without telling them how to do it, without telling them exactly how many electoral divisions are going to be contained in the city of Edmonton, the city of Calgary, Lethbridge, Red Deer, Medicine Hat, St. Albert, Fort McMurray, and the hamlet of Sherwood Park. Let the commission do its job. We're confident that the Leader of the Official Opposition in consultation with the leader of other opposition parties in the Legislature will appoint someone to the commission we have faith in, someone who's capable of assessing the situation and doing a good job on behalf of Albertans in a fair and reasonable way. I would assume that all the other members appointed to the commission, except the very capable Chief Electoral Officer, are appointed by Lieutenant Governor in

Council, a.k.a. the cabinet and Premier. I would hope they'll appoint competent, fair-minded people who are capable of doing a job without being told how to do it by government members so anxious to keep their hands on the levers of power.

9:00

I'm really offended by it, Mr. Chairman. I'd like to hear some member of the government caucus stand up and tell me why we have to tell the commission exactly how many seats there will be in the city of Edmonton and in the city of Calgary. Why not just let it happen the way it's going to happen? Whatever is fair is fair. I want to emphasize again: the interests of Albertans are the same in a very basic way. We're all interested in good access to quality health care, quality education, fair taxation: all important principles that have been severely eroded under the 20 years of mismanagement of Conservative government. Albertans have these common interests, and if they want to ensure that they get good, fair, honest, open, representative government, then we have to ensure that when they exercise their franchise at election time, everyone has a relatively equal impact on the outcome.

Again I want to remind hon. members about the province of Saskatchewan. [interjections] History is instructive, hon. Member for Calgary-Foothills; history has lessons for us. I'd be prepared to admit that in the province of Saskatchewan the NDP government of Allan Blakeney, having served some 11 years, may have been a little out of touch. Elected, I believe, the same year as the Lougheed government in Alberta for the first time, 1971, they may have been a little out of touch after 11 years in government, may have grown a little long in the tooth, may even have needed to be replaced by the electorate of Saskatchewan. I'm willing to admit that. They were replaced in 1982 by Grant Devine and his Conservative government.

After four years of Conservative government, the people of the province of Saskatchewan were so disappointed and disgusted with their government that a majority of them decided for change. A majority of them voted for change. More people in Saskatchewan in the 1986 election voted NDP than voted Conservative. They wanted change and they didn't get it. They didn't get it, Mr. Chairman, because their electoral divisions were not fairly drawn. The outcome, I believe, was that the Conservative Party got some 17 seats more than the New Democrats and there was another four or five years of Conservative mismanagement and overspending, a debt-ridden, program-cutting, citizen-punishing government imposed on the people of Saskatchewan. Not by some divine right or fairness of process; it was imposed on them by virtue of the fact that their electoral boundaries weren't fairly drawn and the people of Saskatchewan were disenfranchised at election time. Their votes didn't count. It doesn't matter where they were; their votes weren't weighted equally in a relative way. So it didn't add up; it didn't give the people of Saskatchewan the government they wanted. It may have given individual constituencies the members they wanted, because in terms of the mini-elections that occur concurrently at election time — you know, they're democratic and whoever gets the most votes wins; that's our system — in terms of the overall blended election going on provincially, the people of Saskatchewan were disenfranchised.

I suspect that although it's taken the people of Alberta perhaps 20 years instead of four to become disenchanted, disheartened with their Conservative government, they are going to opt for change in the next election. They're going to vote for change, and if the electoral boundaries are not fairly drawn, if they're not drawn in a fair and reasonable way, they might not

get the change they're voting for. For the Conservative members to point to other jurisdictions and say, "Well, the electoral boundaries are even more gerrymandered in the province of Ontario; therefore it must be fair and right," is an unreasonable way of looking at things.

I think it's time for this government in the province of Alberta to stop always looking to Ontario for examples, always trying to look to the eastern powers to tell them what they should do and what they shouldn't do. We've got to come up with a made-in-Alberta solution, not try and justify our inequities based on what their gods in the province of Ontario do. Instead, they look to Ontario and say that Ontario's got poorly drafted boundaries; therefore, we should have poorly drafted boundaries. We don't want to have fairly drafted boundaries because that's the way the Americans do it and we don't like Americans. We've all heard this anti-American rhetoric espoused by Conservative members, Mr. Chairman, and I think it's really offensive.

So I'm speaking against the inclusion in the Act of section 12, parts (a), (b), and (c), the descriptions of single- and multi-municipality ridings, because I think it's redundant. It's irrelevant. It's describing the case. It's describing what already is. Why don't we have a section in the Bill that says, "This Bill is printed on paper and we read it from top to bottom, left to right." I mean, why do we have to state the obvious in legislation? The reason the government's doing it in this Bill is so it can justify the offensive inclusions in sections 13, 14, and 15.

I will speak in favour of part of part 2, and that is section 13. Section 13(1) says, "The Commission shall divide Alberta into 83 proposed single municipality . . ." Pardon me. We're trying to amend that part.

AN HON. MEMBER: You've got to get it right, Derek.

MR. FOX: Yeah.

Section 13 is struck and the following substituted: "The Commission shall divide Alberta into 83 proposed electoral divisions." Personally I would have opted for fewer constituencies. I know this government is preoccupied with big government, telling people what to do, imposing values on Albertans. They want to have Albertans overgoverned. Some of them wanted more than 83, but some wanted less. I wanted less. I thought 75 would be reasonable. But 83 is an acceptable compromise. Let's keep it the same. Let's not add any more ridings. I agree with that, but I'd like to see all the inclusions in sections 14 and 15 struck from the Bill because I think they're unnecessary.

I have a feeling, Mr. Chairman — and this is personal, not a caucus position — that this Bill as drafted, if submitted to a court to determine the relative fairness of same based on the Charter, would not be found to have very much in it that's offensive, because it's not offensive in the way the words are written even though we know darned well that the outcome is going to be offensive. There must be a term to describe that. My learned friend may be able to provide a term that would describe that technique to me. Because someone looking at this Bill might say: "Oh well, there'll be single-municipality ridings, multi-municipality ridings. They're all going to be about the same size, so why should we worry that it's going to be unfair?" Well, the reason it's going to be unfair is because the Conservatives are appointing three of the five people to the commission, and the three people they appoint to the commission are going to do exactly what they're told to do. They're going to make sure that instead of having 83 ridings relatively the same size, allowing a variance of plus or minus 25 percent, we're going to have a

whole bunch at the high end of the continuum, a whole bunch at the low end, and in addition to that we're going to have four special ridings that are twice as far away from the average as the majority that are at the low end of the continuum. So we know it's not going to be fair in practice. This is the section that's got to be taken out to make sure it is fair in practice, to make sure the commission is empowered, is allowed to do the job they're appointed to do.

I think it's very important that hon. members, in spite of their political bias, take a good, close look at this amendment as proposed by the Member for Edmonton-Jasper Place, because I think it's a good one. I rest my case.

MR. CHAIRMAN: The hon. Member for Calgary-Foothills.

MR. McINNIS: She just spoke.

MR. CHAIRMAN: She has the right.

The hon. Member for Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman.

MR. McINNIS: This is her third speech on this one amendment.

9:10

MRS. BLACK: So phone someone who cares.

Mr. Chairman, the hon. Member for Vegreville asked the question as to why we're being specific in this legislation, and he asked if there was a member from the back bench of the Conservatives that could tell him that. Well, as a back-bench member from the Conservatives I'll tell him why: because this is the Legislature. Here's a party that stands up time and time again and comes up with "What if?" Chirp, chirp, chirp. "What if this happens? What if the sky falls tomorrow? What if the cows don't have twin calves next week or we don't find the four-leaf clovers in the backyard?" This legislation deals with that. It also deals with fairness, because it's representative of the entire province. It deals with the options and their options for this commission. They can, in fact, look at maintaining all electoral divisions within Calgary or, in their judgment, can couple them with municipalities and communities outside. They can look at special circumstances, but they don't have to. Anything they look at has to be justified, and that's critical. It's imperative that justification take place when we're dealing with that 5 percent, and only 5 percent, that may possibly fall outside the variance as allowed in the McLachlin case.

It was interesting to hear the hon. Member for Vegreville come up with the comment about who cares what they're doing in Ontario. Gosh, a couple of months ago, I think, they were running around here popping corks over the win and what happened in Ontario. Now all of a sudden they don't care what happened in Ontario. I didn't know it was such an embarrassment already.

But in any event, let's look at Ontario. They take 11.5 percent of their ridings, 15 out of 130, and say they "shall" fall outside the 25 percent; 15 northern ridings "shall" fall outside. Isn't that amazing? I didn't notice the New Democrats from Ontario screaming a foul when they elected, I believe, 10 of those 15 members that fall outside the 25 percent variance.

MR. WICKMAN: You mean the New Democrats were doing this?

MRS. BLACK: Oh, yeah. Yes, Edmonton-Whitemud; a terrible situation. I'm appalled to think that they've gone 11.5 percent and nobody's run and called a foul. That's a real shame.

Now, as far as this thing being reviewed and the legislation being reviewed by the courts, the government has requested the Attorney General to refer this to the judicial system for review. That has already taken place. That was announced the day the Bill was entered and the report was entered in this legislation; we requested the Attorney General to do that. I don't know why they're so fearful, other than the fact that I think they're concerned they may in fact see shifts within their own city ridings and may lose control of their own seats, because politics quite frankly is not a guaranteed job or life-style.

But the main purpose for us to be here is that we make the legislation. We draft it and we're responsible and accountable for it. We don't ask an appointed body to do our job; that's why we're here. We're here to represent the people, and we're here to be accountable back to the people. That's why we must give the instructions, not rely upon people who have come from the private sector to do our job. That's for us to do here.

MR. CHAIRMAN: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I want to speak to this particular amendment proposing to amend sections 12, 13, 14, and 15 quite substantially. While the amendment is not as I would have worded it – and, in fact, I probably will word an amendment – I will support the amendment as proposed. Now, I do so with no hesitation whatsoever because I think the concept that is being proposed here is clearly supported in other areas. We've heard reference to the Ontario legislation and how 11 and a half percent of the constituencies "shall" be outside the permitted variance. Mr. Chairman, if we look at the basis of what started this whole concept, it all was, of course, the province of British Columbia. Rather than gallivanting about and looking at what's happening in other provinces, I think what we should be doing is looking at the most contemporary, the most recent, piece of legislation in this country, which, when ours is passed, is in fact British Columbia.

Now, in British Columbia, of course, we had the case of John Dixon, petitioner, versus the Attorney General of British Columbia. [interjection] Gesundheit. [interjections] I don't know, not enough kleenex or something.

On page 33 of the decision rendered by Justice McLachlin against John Dixon she comments and says,

Judge Fisher received submissions . . . Giving due weight to geographical and regional concerns, their map provided for equality of voting rights within limits of 10% either way, with the exception of one riding, with a divergence of 24%. The Commission's Report recommended that maximum divergence of 25% be allowed, to take account of all relevant regional and geographical factors.

Mr. Chairman, from the Fisher report and from the commission that was struck, the Fisher commission in British Columbia, ultimately there came legislation. The legislation, of course, in British Columbia, as does ours, has to deal with how many constituencies will be created and the rules for redistribution. Those general guidelines occur in both areas.

Mr. Chairman, it's interesting that when we look at the concepts that are being proposed, we have to look at what Judge McLachlin said in her judgment regarding the Fisher commission, because much of what happened in British Columbia came out of the Fisher commission. On page 61 of the Dixon-McLachlin decision Justice McLachlin says,

The apportionment scheme proposed in the final report of the Commission appears reasonable. The maximum deviation . . . and remember that I said that was 10 percent.

The maximum deviation from the electoral quota appears to be within a tolerable limit, given the vast and sparsely populated regions to be found in British Columbia, while the individual deviations in each riding appear to be justified by the proper application of geographic and regional considerations. In my opinion, the electoral districts proposed appear to be justified, even though the permitted deviations may be greater than have been accepted in some other jurisdictions.

Mr. Chairman, from that came legislation.

Of course, we've heard many of the members of the Conservatives talk about wanting to become American and joining the United States of America and wrapping ourselves in the American flag, et cetera. Well, unless British Columbia has suddenly joined the United States of America . . . I'd like to read the relevant section from the British Columbia legislation, because all of these people that are talking about an American system clearly have not read the most contemporary piece of legislation dealing with this very topic, which comes from British Columbia. Section 18 says,

Number of MLAs

18. (1) The Legislative Assembly consists of 75 members elected in the manner provided for by the Election Act.

(2) A member represents the electoral district in which the member was elected.

That's it, Mr. Chairman. It doesn't list a whole long chain of so many in this city, so many in that city, and of course we've heard arguments that there's a need for that. I would argue that you could go either way. But the proposed Act, the way it's written right now, clearly is biased against the urban areas. Therefore, as I said before, I would not have worded my amendment in this fashion, but I think this amendment is clearly appropriate. It is clearly not an American amendment, as voiced by what's happened in British Columbia.

I think that when we get people saying, "Let's go down memory lane and have a look at the 1980 Act," that's back in the height of the Progressive Conservative government in this particular province. I was almost thinking that the speaker who was talking about the fond old days of 1980 was going to break out into a rendition of Bruce Springsteen's *Glory Days*. Unfortunately, Mr. Chairman, that's the problem with government right now. We've got a government that keeps on looking back to the good old glory days instead of looking ahead to the problems we've got in the future and how we can solve those problems. That's wherein the Act as we have it proposed today in Bill 57 is wrong, wrongheaded, and wrongly directed and needs to be amended drastically.

9:20

So from that standpoint, Mr. Chairman, I support the amendment as put forward by the hon. Member for Edmonton-Jasper Place.

MR. CHAIRMAN: The hon. Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Chairman. I was hoping to get a word in on this debate. It's evident to me that the Member for Calgary-Foothills is having considerable difficulty making her point, because she's spoken three times on this particular amendment and in my opinion has dug herself in a little deeper each time. We've heard all manner of rationalization for the gerrymander that's contained within that portion of this Act which is struck out by this amendment. Somebody suggested

that I had suggested that this legislation unamended would hamper the commission. I didn't say that. I said that they would be bound and gagged if this Bill goes through unamended. They will be told what to do to the point that they will become RoboCommission. There will be so little discretion available to them that you could almost draw the map based on the criteria that have been put in there. So we've heard that.

We've heard the suggestion that somehow the concerns about this amendment put people in league with the United States of America. We've heard such virulent anti-American rhetoric from the government benches that I daresay our American visitors may come to feel that they're not welcome in this part of the world. The fact is that from the days of the Declaration of Independence on, the United States of America has been a champion of political democracy, and I believe that most people in this Assembly are committed to that.

We heard that somehow this provision was the result of expert testimony, that the government didn't need to do it, the commission members didn't need to do it, the experts made us do it. Well, I think it was adequately explained by the Member for Edmonton-Highlands that in fact the experts asked for nothing like this. They asked for clear direction, but asking for clear direction doesn't mean that any old direction will do. If somebody asks for direction and they tell them to go to hell, you know, that's not the type of direction they necessarily want. So I think the idea that the experts were involved in putting this provision in the Act is wrong.

I think the member herself put it quite well this evening when she stated that we the people in the Legislative Assembly are responsible for this and we will be the ones to draw the rules. She said something very similar to that in debate on December 5 as well. Well, I think that's quite a revealing comment. That gets us right down to the nub of the matter. The members of the government feel that they, as the majority party in this Legislative Assembly, should have the major hand in drawing the map, and the commission members, who would become quite literally RoboCommission under this Act, are merely the instrument for the guiding hand of the members of the committee as they draw the map.

In fact, I will go a little bit further than that and read into the record a comment made by the Member for Taber-Warner, who's in his place this evening. He talks about some problems in Manitoba by way of justifying the gerrymander contained in this Bill, about how, and I quote:

. . . a commission made up entirely of members from the city of Winnipeg — we saw two rural seats disappear, one in the northern part of the province held by the New Democratic Party and one in the southern part of the province held by the governing Conservative Party, and two more seats added to the city of Winnipeg.

And this is the good part, Mr. Chairman:

That didn't have to happen. They didn't have to do that. They could have redistributed the seats and stayed within the parameters as outlined.

End of quote.

Well, here we have the real agenda. The member says that it's to protect somebody's seats. The whole purpose of this thing is to keep the status quo in place as far as possible. And you look at it. You bet you've got status quo. Edmonton frozen. Zap. They're frozen right where they are. Calgary: okay, they're going to give Calgary one more seat. They're going to take one from the city of Red Deer itself and include it in the surrounding area. Otherwise, it's the status quo. It's the same Legislature you're looking at, Mr. Chairman. That's the agenda.

You know, he talks about how in Manitoba they eliminated a seat. Well, isn't that the crime of the century?

AN HON. MEMBER: Two.

MR. McINNIS: Two seats, the hon. member says. So what if a seat ends up being eliminated? It just so happens that the province changes in population. It just so happens that we in this Assembly represent people. That's what we represent. We don't represent municipal councils. We don't represent trees. We don't represent fence posts, mountains, rocks, or any other such thing. We are a rather species-specific Assembly, we are representatives of the people. In fact, traditionally it has been those people who vote in elections. Now the government wants to extend that, and I suppose one needn't quarrel with that.

But the member has come right out and said that the object of this exercise and the reason we have all of these cleverly written rules, the rules of practice and proceeding which we're trying to get out of this Bill, is so he can protect seats, and in this case, it so happens, rural seats. Well, if that's the agenda, why don't they come out and say it instead of saying, "Well, it's because . . ."? This was a beauty, it came out this evening: they had to do it because it was in the old Act, the old Act that came out in 1980 and was amended in 1983. It came forward from this government. You know, that's not a good reason to do it.

This virulent anti-American rhetoric has nothing to do with it at all, nothing whatsoever. I mean, there is absolutely nothing in the nature of being Canadian that requires us to have a maldistributed electoral map. In fact, if you asked Canadians from one end of this country to the other, "What is it that makes you feel proud about being Canadian?" nobody would tell you that "It's because the Legislative Assemblies are distorted in their representation," because that's not what makes us feel like Canadians. Not at all.

I think several speakers have made reference to the fact that there is plenty of scope for variation and plenty of room to insert criteria and factors that the commission should consider. But this Bill does no such thing. It gives a quota of 19 electoral divisions to the city of Calgary regardless of whether the population warrants 19, 14, 25, 30; you name it. I'm surprised that a member from Calgary stands up and justifies that in the name of being Canadian, of being un-American, if you like. The city of Edmonton quota: 17 seats for the city of Edmonton regardless of whether they're entitled to 20 or 12 or what have you. Those are all political criteria. In the words of the member: we as legislators are responsible for this type of thing. That's the real justification for doing this.

I really think we're starting to get down to the nub of the matter. When the Member for Taber-Warner says that commissions need instructions so they don't eliminate rural seats, he's articulated exactly what the hidden agenda of the government is in this. There are no two ways about it, it's out in the open, and the Member for Red Deer-North can no longer accuse me or anybody else of imputing motives, because he came out and said it right out loud. It didn't have to happen, he says; they didn't have to do that; they didn't have to eliminate seats. And they won't have to eliminate seats, because that's the way they're drawing the rules.

Now, I want to return to this question of rural/urban splits, because I've heard so much nonsense about it from the government side in this debate. There are those who say that there is no rural/urban split in this legislation. There are those who say that actually we should look at it this way there wouldn't be any urban areas without the rural areas, so they're dependent on

us; therefore, we need more representation, and all the rest of it. This government has promoted rural/urban splits from the beginning.

I believe the whole purpose of this committee, this road show, was to inject a fear into the hearts of rural people in Alberta that somehow if we had a fair electoral map, they would lose something, somehow they would be diminished, somehow they would not have something that was important to them. And it was done by members of this government who have an interest not in fair representation but rather an interest in maintaining the type of distribution of seats we have now. That's what's happened. You spend months and months on the road, giving people literature, and telling them, "You know, if you don't come here and talk to us in a certain way, you're going to lose your member." Then of course people are going to start to think: "Jeez, maybe we are going to lose something that's important to us. Maybe that MLA who doesn't do much for us most of the time is the only thing that stands between us and absolute rack and ruin."

9:30

I want to go right back to the remarks of the Minister of Health, who spoke at the Progressive Conservative policy seminar on September 29, 1990, in the city of Edmonton, long before this report was released, long before we commenced this debate on these criteria. She stated on that occasion: The boundary redistribution issues must be dealt with quickly and decisively, the fear of an urban-rural dispute is party-wide; we cannot avoid this and must get into it. Why must we get into it? Because the government feels that's the only way that they can preserve an electoral map which is to their liking.

Now, I've never said, and I don't believe any member of our caucus has ever said, that the Conservative Party is a rural party. I want to debunk that myth altogether. The Member for Calgary-Foothills said that we had referred to them as a rural party. I think we've referred to them as morally bankrupt, not fit to govern, but we've never said that they're a rural party. I think it's a myth to suggest that they will do better in rural seats than they will anywhere else in the next election, because I don't believe they're going to do very well anywhere. But it is apparent that they feel their chances are somewhat better under this set of rules, and it's a set of rules that has no justification other than a desire to protect the status quo. That's where we're at. It's a status quo operation from beginning to end, and I believe the Member for Taber-Warner has come out and said it.

So don't give us any of this anti-American nonsense. Don't give us the idea that it is fundamental to the Canadian identity that we need to have a poorly distributed Legislature. Don't give us the idea that this is an Alberta tradition. Don't give us the idea that it comes from experts. Don't give us anything other than that it's your desire to preserve the status quo and you're going to use your privilege as representatives of the people to vote in rules that allow you to keep your seats. That's what this is all about.

MR. CHAIRMAN: The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I want to get back in so I can respond to my colleague from Calgary-Foothills on a couple of matters that she spoke of earlier. Quite frankly, you know, I've listened to her carefully and usually appreciate her remarks. Indeed, this time I appreciated them as well, but there is something that was sort of left out.

She referred to a number of jurisdictions in Canada that have established a variance or an outside permission for constituencies to fall, and she referred to Ontario. Ontario has those 15 constituencies in northern Ontario that are so-called special circumstance constituencies. Indeed, they do. But you know, Mr. Chairman, Ontario had its last redistribution in 1986. Now, in 1986 we didn't have the McLachlin decision, so it wasn't an issue to have any number of constituencies fall outside the variance. Nova Scotia: they have a permitted variance of plus or minus 33 percent, but again their last redistribution was 1981. Not only was it pre-McLachlin, it was pre-Charter of Rights and Freedoms, so it didn't matter at all what that province did. Newfoundland: there again, plus or minus 25 percent, except Labrador where they can have an absolute variation. What year was their last redistribution? In 1983, after the Charter but before McLachlin.

Mr. Chairman, what we have done is gone out and listened to the representation of people, because we have a decision out of the Supreme Court of British Columbia that said you had to have relative equality, you had to have representation by population, you could no longer have a formula where seven urban voters equal four rural voters. But it wasn't the case. The Deputy Premier stood up and said he believed, quite frankly, that the current boundaries wouldn't withstand a Charter challenge. So we went out and we listened, because we had the McLachlin decision that made some significant changes to how representation is going to be affected post her decision.

Now, you know, Ontario will probably soon have to go out and have boundary redistribution, and it will be based on the McLachlin decision, I'm sure. If not the McLachlin decision out of British Columbia, and we get through this nonsense and we have a reference to the courts – we may very well end up at the Supreme Court – Ontario may have a Supreme Court of Canada decision to go out and have to redistribute boundaries upon. So, too, will Newfoundland, New Brunswick, and Prince Edward Island. We may ultimately find what those rules are, but right now we have to deal with McLachlin. So the reference to Ontario having X number of constituencies outside the variance, Nova Scotia having X number of constituencies outside the variance – Newfoundland, Prince Edward Island, and all the others that have had redistribution prior to the McLachlin decision – is an argument that just doesn't carry any weight. It doesn't carry any weight. The weight of the argument's now in those jurisdictions that have redistribution post-McLachlin. Those are the rules we have to follow, the McLachlin rules, because they are the most current, they are the most up to date, and that's the law. That's all it is. It's just the law.

If we want to try and find a way to skirt around it, skirt through it, get under it, get over it, we can do that. I think, quite frankly, that we've tried to do that with Bill 57. I don't want to do that; I quite frankly don't want to do that. I don't want to have to go through all of that work again, to go through the committee process, to hear representations on how representation is going to be affected. I want to make sure that if we refer something to the courts, it will withstand a Charter challenge. I tell you quite frankly, Mr. Chairman, that what will withstand a Charter challenge is the amendment that my colleague from Edmonton-Jasper Place has moved. This is constitutionally correct. Bill 57 is, in my opinion, not constitutionally correct, and what I just hope is that we adopt the amendment. Let's get on with the reference, and have representation as we deserve to have representation under the new rules that have been set down by Madam Justice McLachlin.

MR. CHAIRMAN: The hon. Member for Taber-Warner.

MR. BOGLE: Well, Mr. Chairman, it's been a most illuminating evening. The first speaker tonight, followed in quick succession by one other New Democratic member, suggested that we were really tying the hands of the commission, that we were putting them in a straitjacket, leaving the impression that we were moving away significantly from past legislation. Then we had the hon. Member for Calgary-Foothills get up and quote from the 1980 and 1983 statutes and point out that if anything we're giving more flexibility to the commission now than the commission had at that time, but reminding the members that in the 1983 legislation the urban constituencies – and there were 42 in number – were within the plus/minus 25 percent range for population, within the range, and there were 41 rural constituencies named. The hon. Member for Calgary-Foothills made a very convincing argument.

Suddenly, Mr. Chairman, the next speaker, again a New Democratic member, said: well, we agree, and we're not saying that the new legislation is tying the hands; what we're really saying is that the old legislation was wrong too, so it's a continuation. So the argument moved. At 8 o'clock this evening the argument was: you've moved significantly; you're tying the hands of the commission. When it was pointed out that it just was not so, the next argument from the Official Opposition was: well, that's right. We didn't really mean it that way. It was wrong. It was wrong in 1983 and it's wrong today.

9:40

Then we've drifted back into the concept of representation by population, and we're back to the equality of voters. I think we have to go back to McLachlin. We have to go back to McLachlin. Hon. members keep straying from McLachlin. McLachlin did not say one person, one vote; on the contrary. On the contrary. McLachlin didn't say that at all. McLachlin 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.

Now, the British parliamentary system in a unicameral House blends together the concept of representation by population and regional representation. One-half of the American system is rep by pop; the other half is an upper House with equal representation from all jurisdictions. So you have the House of Representatives in the U.S., which is elected on a purely one person, one vote concept, and the Senate, where regardless of whether it's Rhode Island or California, there are two Senators per state.

I suggest to members of the Official Opposition that if they really want to get back to a fair system in a unicameral House, we should go back and examine one of the concepts the committee looked at, and we could further reduce the size of this Assembly. We could go from 83 seats down to 80 and divide the House in half and elect 40 members on a strictly representation by population basis and 40 members on a regional basis. Now, if we did that, we would see approximately 10 members elected from the city of Edmonton – 10 members – and we would see approximately 11 members elected from the city of Calgary and 19 from all other parts of the province. That's on the representation by population side. Then we would turn over to the other side of the House, which is elected on a regional basis, and recognizing that no one municipality should have more than one seat, you would then increase the share proportionately. [interjections] Yes. And do you think that would stand up in court, my friend?

MR. TAYLOR: No.

MR. BOGLE: Oh, you don't, eh? [interjections] Oh, is that right? Is that right?

You see the reaction we're getting, members of the Assembly? It's the same reaction we received in the committee, because when some members realized they had something to lose, they became a little excited. But as long as the fear was, "Oh, no, we're going to take; we'll take seats from other parts of the province to add them to ourselves," then it was all right. But the moment you're talking about a new redistribution that ensures fairness and equity regardless of where you live, that would see one-half of the House elected on a rep by pop basis and one-half on a regional representation basis, suddenly there was fear, and you've just seen it. We've just seen the same thing today.

So I suggest, Mr. Chairman, that those members who are hanging on to a thin ray of hope that maybe the courts will strike down this legislation should not wrap themselves around the concept that, aha, that means we'll be back to one person, one vote. Yes, that's one concept, but there are others. There are others, and one of the other concepts that the Assembly should seriously look at if, heaven forbid, we did not withstand a Charter challenge would be a new 80-seat Assembly, reducing our size by three members, with one-half of the Assembly being elected on rep by pop and one-half on a regional basis. That would be exciting, Mr. Chairman.

Thank you.

MR. CHAIRMAN: The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I think it's important to respond to the comments that were made by the Member for Taber-Warner. As chairman of the committee he certainly presented that argument, and indeed we did have some wonderful discussion around this proposal.

AN HON. MEMBER: Who said it was wonderful?

MR. SIGURDSON: Oh, I thought it was wonderful. I always enjoy getting into discussion on matters that are philosophical. But, you know, when you have representation by population as he proposes, and you have absolute representation by population, indeed Calgary in his scenario would probably have 10 seats and Edmonton would have approximately 10 seats, leaving the other 20 seats scattered throughout the province. Then you have representation by area according, again, to the hon. member's scenario, and Calgary and Edmonton have a total of 22 seats out of an 80-seat Legislature. The problem with the argument that I think we found, though, is that it still proposes to be a unicameral Legislature, not a bicameral Legislature, where you've got the purported triple E concept, where you have equal, effective, and whatever.

MR. BRADLEY: What about Prince Edward Island?

MR. SIGURDSON: The Member for Pincher Creek-Crowsnest, the man with the special subsection, wants to pipe in on this about Prince Edward Island. Well, let's go back. Let's have a little history lesson. And speaking of history, Mr. Chairman, you know, the other day when the Member for Red Deer-North stood up and said that I was wrapping myself *in* the American flag because we had a Boston Tea Party, he didn't know his history. The Boston Tea Party happened before the American war of independence; indeed, what was part of the British

Commonwealth. It was those people that were upset about taxation without representation; they were upset. And the Member for Red Deer-North says, "Oh, well; here's the Member for Edmonton-Belmont being upset and wrapping himself in the American flag." Wrong, wrong, wrong. What he was way off in his history lessons. He spent too much time in the pool hall, perhaps.

But to get back to the Member for Pincher Creek-Crowsnest, when he talks about . . . [interjection] Not likely. God, I had the Laurence Decore sign. What a foul taste.

[Mr. Jonson in the Chair]

Anyway, the Member for Pincher Creek-Crowsnest goes on about the matter in Prince Edward Island, where they have four seats. Indeed they do, but it's a constitutional question there. They have four seats because in the Constitution, the British North America Act of 1867, "You shall not have fewer Members of Parliament . . ."

AN HON. MEMBER: The provincial Legislature.

MR. SIGURDSON: Well, we'll get into that too.

"You shall not have fewer members in the House of Commons than you have Senators." That's why they've got four. Now, you want to talk about the provincial Legislature, where they have Assemblymen and councilmen, where they've got 16 constituencies and one Assemblyman and councilman per constituency? Let's talk about that. You know what? Again the argument is bogus; the argument is irrelevant, because they haven't had redistribution since Madam Justice McLachlin handed down her decision in 1989. There goes that argument.

Now, to get back to the proposal that was put forward by the Member for Taber-Warner, what he was arguing about was this newly formed, this new concept, a tad sort of West German, a concept that talks about rep by pop and rep by region. [interjection] Well, I'm sorry; it's now . . .

MR. DEPUTY CHAIRMAN: Order please. Let's address the Chair and other hon. members cease engaging in conversation with the speaker.

Please proceed.

MR. SIGURDSON: Thank you, Mr. Chairman. I need all the protection I can get.

But, you know, what we've got here is a proposal to have that concept in a unicameral House, and therein lies the problem because you've got two different forms of representation. One form represents people. The other form represents area; it represents interests that are outside the total population. It might represent fence posts and flag posts and lampposts, but that form of representation doesn't represent people. That's the bottom-line problem with the concept. Now, if we had a bicameral House in Alberta, the concept may very well work. We may very well have rep by region, and those people that are in one Chamber can come in and talk about taxation and the "pole tax" perhaps, for those poles that are set out in rural Alberta, fence posts, and those people that are from urban Alberta can get out and talk about "pole tax" for the lampposts. But they may very well have different responsibilities inside their Chamber, in the same way that the upper House in Canada can't introduce a money Bill. The House of Commons, which represents people, has that power. So what we've got here is a proposal that sort of confuses two concepts into one House, and

that's where the hon. member and I happen to disagree a little bit.

9:50

Now, the hon. Member for Taber-Warner happened to quote Madam Justice McLachlin where she said, correctly, that she didn't talk about absolute representation by population. No, she hasn't; indeed she hasn't. But here, you know, on page 17 of the justice's decision, what does she talk about?

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 . . . 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 . . .

and hence, I underline:

. . . risks thwarting the purpose of democracy.

Mr. Chairman, that's the purpose that's missed in Bill 57. We've missed it altogether. I would suggest, quite frankly, that if we were to take Bill 57 to Madam Justice McLachlin or any other members of the Supreme Court of Canada, they would say that this is "attenuating the expression of the popular will" and is "thwarting the purpose of democracy."

So again I encourage – again I encourage – hon. members to adopt the amendment. Let's make sure that when we refer it, it's constitutionally correct.

MR. DEPUTY CHAIRMAN: Hon. Deputy Government House Leader.

MR. STEWART: Mr. Chairman, I move that the committee now rise and report progress.

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills, and the committee reports progress on the following Bill: Bill 57.

MR. DEPUTY SPEAKER: Having heard the report of the hon. Member for Ponoka-Rimbey, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

MR. FOX: No.

MR. DEPUTY SPEAKER: Carried.

[At 9:54 p.m. the Assembly adjourned to Friday at 10 a.m.]