

Brief submitted by: Mike Chalker

Electoral Reform Meets the Prime Minister's Past Comments

Our Prime Minister has stated in the past that he has admiration for the "basic dictatorship" in China¹. As China is a dictatorship and a communist country, the previous statement does not reconcile with Prime Minister Trudeau's aspiration for democratic electoral reform. More recently our Prime Minister said that if any province or territory does not implement one of the two options (for carbon pricing) by 2018, then "the government of Canada will implement a price in that jurisdiction."²

The focus of this paper is to discuss electoral reform. The reference to this recent statement provides context to our Prime Minister and the Liberal Government's decision making. The perceived choice through compromise and negotiation has limits, so long as the outcome is consistent with the Liberal Government's agenda. It reminds me of the Henry Ford quote - "Any customer can have a car painted any colour he wants so long as it is black."³

My interpretation of the Prime Minister's recent comment on carbon pricing is there is the appearance of choice and consultation but in the end, there is no choice, similar to the Henry Ford statement. In my opinion this is same agenda with the electoral reform consultation – a committee has been consulting with a variety of stakeholders across the country and beyond and I believe the final outcome will be - our electoral reform decision will be a car that is painted black.

With the preceding as context, I would like to examine the structure of the committee. We have five Liberals, three Conservatives, two New Democrats, one Block Québécois representative and one Green party member. If the opposition members of the committee were suspicious of the Liberal Government's intentions, and the opposition parties decided to vote as a block to prevent a majority decision, it would appear that there would be seven opposition members and five government members. The opposition would then control the final decision. On closer inspection, it is in the best interest of the one Green Member of Parliament and the Green Party to have any system that is not first past the post (FPTP). In the 2015 federal election, the Green Party received over 600,000 votes across the country that produced one Member of Parliament. I could reference previous elections to illustrate the same point. The FPTP electoral system has not provided substantial gains in the House of Commons for the Greens - a relatively new political party. If the electoral system was reformed to be one that is proportional, the Green Party would have received more seats in the 2015 federal election based on their 600,000 votes. Under FPTP, it must be impossible for new federal parties to succeed? Yet a party called Reform and another party called the Block Québécois both were successful in forming the official opposition as new parties so to suggest that FPTP makes it impossible for new parties to succeed in Canada, clearly is not accurate.

Therefore, if I am to speculate and without citing Elizabeth May's previous comments on electoral reform, it is safe to say that for the Green Party, any system that is not FPTP will better serve their interests, given their history in not achieving the same success as the Reform and the Block Québécois parties. Point being, technically while Elizabeth May represents the Green Party for the purpose of the Electoral Reform Committee, Elizabeth May looks very much like a Liberal Government member, as I strongly suspect Elizabeth May will be voting in lock step with the Liberal Government on the Committee, which would result in a six to six decision. Speculating that the Liberal Government would not create a split

¹ <http://www.cbc.ca/news/canada/toronto/justin-trudeau-s-foolish-china-remarks-spark-anger-1.2421351>

² <http://globalnews.ca/news/2979285/trudeau-announces-liberal-carbon-price-at-10-a-tonne-in-2018-rising-to-50-by-2022/>

³ https://en.wikiquote.org/wiki/Talk:Henry_Ford

vote with no majority, the Liberal Chair would break the tie in favour of the Liberal Government. This could occur if all the opposition parties decided to vote in unison against the Government, with the exception of the Green Party. There is an appearance of negotiation and compromise but in the end, the Liberal Government would resort to painting the car black if required.

My next concern about this process is - what happens next? I attended the committee's public hearing in St. John's Newfoundland. After the session I had an opportunity to have a discussion with a committee member about how the process continues and what the next steps would be. As far as I could determine, a report will be written which could be a unanimous report or there could be a majority report with one or many dissenting reports. The report(s) are submitted to the House of Commons who will in turn develop legislation and then ask the House of Commons to vote on said legislation.

My question to the Liberal committee member was – how would you feel if you spent all this time and effort and then you are whipped into a position of supporting the Government's position on electoral reform or do you think it will be a free vote? The member indicated that he thought it would be a free vote. Upon reflection and in referencing the Henry Ford comment, I immediately think of the Rolling Stones lyric – "I see a red door and I want it painted black". In my opinion, there will be no free vote in the House of Commons, and the Liberal Government will whip the caucus into the position it has for electoral reform. What brings me to that position? The Prime Minister's recent comments on carbon pricing - the government of Canada will implement a price in that jurisdiction, if that jurisdiction does not comply with the two options by 2018. Is this democracy?

Another aspect to this entire process is what happened to the discussion on the process to reform the senate – the triple E (equal, elected, and effective) senate? We still have an unelected senate which will remain based on the rules governing change and to implement change for an elected senate it requires – "agreement from Parliament and at least two-thirds of Canada's provincial legislatures representing half of the population".⁴

So let me see if I have this correct – the rules and process to change an unelected Senate requires agreement from at least two-thirds of Canada's provincial legislatures representing half of the population but to change the election process for the democratically elected House of Commons requires a lesser standard – merely Parliamentary approval? Canadians should be shocked that the same standard to change the Senate is not applied to our Elected House of Commons.

This brings me to my next point – where is the ground swell of public support for changing FPTP? As far as I could determine there was a meager turnout in St. John's, so how many Canadians know this is happening and more to the point, how many Canadians will understand what has happened before the Liberals whip their caucus into the desired outcome for electoral reform?

Let's review the Liberal's perceived mandate. The Liberal Government has a majority of seats in the House of Commons but only received 39.47% of the popular vote.⁵ Part of the discussion I heard from the public forum involved the complexities of decision making in casting the ballot in a federal election – there are many factors involved in making a decision for voting. One of the Liberal's election platform proposals was electoral reform. So of the 39.47% of those that voted for the Liberals, how many voted for the Liberals with the primary consideration that the Liberals would implement electoral reform?

Let's be overly optimistic and statistically speaking irrational, and assume that every Liberal voter of the 6.9 million voters, voted for the Liberals because their primary consideration was electoral reform. Even

⁴ <http://www.cpac.ca/en/highlight/major-senate-reform-requires-provincial-approval-supreme-court/>

⁵ https://en.wikipedia.org/wiki/Canadian_federal_election,_2015

with an improbable assumption than 4 out of 10 people who voted, voted for electoral reform, does this mean that more than 6 out of 10 people who voted did not vote for electoral reform? That is entirely unclear and would serve to promote the next phase of my recommendation – hold a national referendum / plebiscite to let the people of Canada decide. There is no clear mandate on this topic – the Liberals received less than 50% of the popular vote and if they are so convinced of their position, and the merits of the decision, then let the Canadian public decide - seems reasonable. If we were to changing the senate to a triple E senate, we would need two-thirds of Canada's provincial legislatures representing half of the population. To achieve the Liberal's electoral system preference, a national referendum / plebiscite would need more than 50% of the national popular vote. Thus a national referendum / plebiscite would be a more difficult standard to achieve, which is reasonable since the House of Commons is elected and has the legislative might in our Parliamentary system.

The logical next question would be, "Why not hold a referendum?" One can only speculate but if you review a recent national referendum, the will of the public may not be in keeping with Prime Ministerial aspirations. Let's review the Brexit vote in the United Kingdom. More than 50% of the United Kingdom voted to leave the European Union which caused Prime Minister David Cameron to resign, as Prime Minister Cameron was advocating that the United Kingdom remain in the European Union. As the current Canadian Government has been very free with expenditures, their response to a referendum request should not be related to the associated cost.

Are Prime Minister Trudeau and the Liberal Government fearful that the Canadian public will not make the decision they would advocate? A rejection of the Prime Minister and the Liberal Government's plan would also represent a failure to deliver on a Liberal campaign promise for electoral reform. When I appeared before the committee, I asked the following questions: Does the Committee and the Liberal government believe that Canadians are wise stewards of our nation? Does the Committee and the Liberal government believe that the majority of Canadians can make quality decisions in the best interest of our country?

I certainly believe the answer to those questions is yes. The committee did not respond, but this could have been their protocol for the process.

By way of example, our legal system has a concept called the jury system and I offer the following quote, as further consideration –

"The jury is considered as fundamental part of the English legal system, albeit only a minority of the cases is tried by the jury in these days. In a sense it plays a vital role in ensuring that the criminal justice system works for the benefit of the public rather than for the benefit of unjust leaders. It promotes not only a healthy criminal justice system but also a healthy society, where political leaders cannot abuse criminal justice system to silence their opponents.

It has attained such an importance that Lord Devlin wrote in 1956:

"Trial by jury is more than an instrument of justice and more than a wheel of the constitution; it is the lamp that shows that freedom lives."⁶

My final comment to the committee was that if the Liberal Government decides not to hold a national referendum /plebiscite, then it sends a message to Canada that the average Canadian cannot make quality decisions in the best interest of our country and would signify an elitist mentality that only the Liberal Government knows best for Canadians. Referencing the above quote, if the Liberal Government decides not to hold a national referendum /plebiscite and whips caucus in supporting agenda driven legislation, this may be an example where "political leaders" are abusing their power to "silence their opponents"?

Perhaps our Prime Minister and Liberal Government may have the strength to give the Canadian public choice and hold a national referendum /plebiscite on electoral reform as "an instrument of justice" to show that "freedom lives" in Canada?

⁶ <http://www.lawteacher.net/free-law-essays/criminal-law/the-jury-system.php>

While I am not entirely against electoral reform, I have no idea what the Committee and the Liberal Government are proposing. In completing the survey that the committee offered to elicit Canadian opinion, we are offered examples of esoteric and academic electoral systems that should require greater analysis by way of comparing them with nations that currently have such electoral systems. We cannot properly assess the economic, political, social and legal stability of countries unless we know what electoral system(s) the government intends to emulate. According to a short briefing document the Committee interviewed individuals who are experts on the electoral systems in Germany, Australia, Ireland, New Zealand and Scotland. Does that mean we are advocating those electoral systems? Who knows? As I said to the committee, without context and further understanding living examples of successful electoral systems in other countries, completing the survey was similar to selecting a value meal at a fast food restaurant – an unhealthy exercise in futility.

Before I attended the public forum, I did a quick Google search and discovered that there are 46 countries in the world that use FPTP as their electoral system and 11 countries that have a hybrid of FPTP and another system.⁷ There are 194 countries in the world.⁸ Included in the 194 countries, there are communistic countries and dictatorships, so of the democratic countries in the world, what percentage use FPTP? Seems to me that if FPTP was so egregious, why are so many countries in the world still using FPTP? I would also like to point out that the two largest democracies in the world use FPTP – India and the United States and FPTP remains in Britain.

When I queried the Liberal Committee member after the public forum, I advised that there are 57 countries in the world that still use FPTP. His surprise was obvious – apparently the Committee has yet to complete a Google search – I am not sure if that is a reflection of omission or agenda driven politics?

In closing, will Prime Minister Trudeau and the Liberal Government recognize that there is no ground swell of support for electoral reform further highlighted by the fact that the Liberals have no mandate by virtue of their popular vote in the last election? Perhaps after Prime Minister Trudeau and the Liberal Government decide not to hold a national referendum / plebiscite, I suspect Prime Minister Trudeau will whip his caucus to support his agenda driven electoral reform legislation? I look forward to being wrong but with past comments and recent events, I expect Prime Minister Trudeau and the Liberal government will act in accordance with agenda driven politics as opposed to taking the right approach which would be to have a national referendum / plebiscite.

Democracy is based on choice and to deny the people of Canada the right to choose is denying democracy and is consistent with the Prime Minister's past statement of his admiration of the basic dictatorship in China.

I will end with our Prime Minister's past quote as detailed by CBC news - "There's a level of admiration I actually have for China. Their basic dictatorship is actually allowing them to turn their economy around on a dime."⁹

⁷ <http://www.idea.int/esd/type.cfm?electoralSystem=FPTP>

⁸ <http://www.worldatlas.com/nations.htm>

⁹ <http://www.cbc.ca/news/canada/toronto/justin-trudeau-s-foolish-china-remarks-spark-anger-1.2421351>