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**Tuesday, April 12, 2005**

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**Chair**

**The Honourable Don Boudria**

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## Standing Committee on Procedure and House Affairs

Tuesday, April 12, 2005

•(1105)

[English]

**The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)):** Thank you, colleagues, for showing up early.

I have just one or two quick items of business before we go to our regular work. I want to transmit a message to you. The Chief Electoral Officer has written to me about the date of his reports. Contrary to what we thought at the second-last meeting, his reports are not just in the fall; there are a sequence of them. That letter has been circulated already, so now you have the itinerary of the various reports he's presenting. I told the Chief Electoral Officer I would brief the committee on that and share the documentation with you.

I'd like to do the rest of the future business later or perhaps do it in camera.

As to committee business before us, we still have, just for your information, the review of appointments. We started working on that the other day. We have the main estimates of Elections Canada, if someone wants to have one day or however many days for hearings on that, and we have the proposal of the Liaison Committee. The Liaison Committee has written a letter to us asking us to change the Standing Orders regarding committee travel, so just be cognizant of that. We'll discuss it at some other time. I'm also told there's a recommendation from the Liaison Committee on the presentation and study of estimates, so as you can see, there's a pile of stuff for us to deal with.

For your information, the private members' business subcommittee plans to report the provisional Standing Orders towards the end of this month to this committee. Those are some of the things going on, and all of this is to say there's no shortage of work.

Of course, the reason we've convened the meeting this morning is to continue our discussion of the electoral process. You will recall that following our visits we had agreed to meet two groups on Thursday of last week. Just as we were returning from all the places we were, we were informed of the passing of His Holiness the Pope, and that led to a condition where at least one member of the committee was not available and a second one was accompanying the Prime Minister to the papal funeral. I consulted both vice-chairs and we cancelled the meeting for last Thursday, because I wanted to have as many as we could get, and hopefully everyone, here for the discussion. So we postponed it until today.

[Translation]

Mr. Guimond.

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** You explained why we didn't meet last week. I don't know whether it's appropriate to raise this matter immediately or whether my colleagues from the other parties are in the same situation with regard to reimbursement for returns from the last election campaign that come from the Office of the Chief Electoral Officer, but perhaps you could write to Mr. Kingsley on the matter or ask him to come and testify. I understand we have to submit our report on changing the representation system, but we might perhaps consider the possibility of calling him immediately because a number of members have not yet received their reimbursement, which is really unusual.

It's obviously taken for granted that a normal term is four years and can run to five years, but an election campaign can be held before the usual four-year period has elapsed. I know that colleagues in our caucus have made a number of complaints about Mr. Kingsley's service. There must be a good explanation.

**The Chair:** Allow me to make a suggestion. I've just told you that, if we wish, we have to consider the estimates of Elections Canada. If you wish, we can hold that meeting as soon as possible. However, that's a subject that relates to discussions on estimates. We know we usually have one meeting a week on the Elections Act: on Tuesdays. If we tried to hear from Mr. Kingsley next Thursday, would that be consistent with what you're suggesting?

**Mr. Michel Guimond:** Yes, absolutely.

**The Chair:** We had planned to ask the Speaker of the House to come and tell us about the estimates of the House of Commons. Depending whether you think it's more or less urgent to call Mr. Kingsley, we can do so next week or later.

**Mr. Michel Guimond:** I think it's more important to meet with Mr. Kingsley—perhaps not in our hearts—than the Speaker of the House.

•(1110)

**The Chair:** It's more pressing, more of a priority.

Ms. Picard.

**Ms. Pauline Picard (Drummond, BQ):** Mr. Chairman, I would like to add that it must also be considered that, in certain ridings, the parties took out loans and expect to be reimbursed as soon as possible because they have to pay interest on those loans. I don't think Mr. Kingsley is reimbursing us for interest. So something's wrong.

**The Chair:** So are you interested in having Mr. Kingsley appear in the context of the study of the estimates? You can ask him whatever you want, of course, you can address this subject, if you see fit.

Ms. Boivin.

**Ms. Françoise Boivin (Gatineau, Lib.):** As Mr. Kingsley is a brilliant man, it might be important to tell him that we also want to talk to him about this subject. Otherwise I'm afraid he'll tell us that he'll come back at another time. I'd like to be able to get answers to our questions the next time he comes. So I suggest that it be very clear that the meeting will concern the estimates, but also the matter of these incredible and inexplicable delays.

**The Chair:** All right.

That said, we'll ask the Clerk to tell him that one of the subjects of interest to us is that one and that colleagues will precisely want to ask him why some—or perhaps everyone, I don't know—have not yet received reimbursement for expenses in the last campaign.

Can we go back to the Elections Act now?

[*English*]

Let's get back to our electoral reform issue.

[*Translation*]

**Mr. Michel Guimond:** I have a point of order, Mr. Chairman.

**The Chair:** Mr. Guimond.

**Mr. Michel Guimond:** Before starting the report on our trip, I have a few questions to ask you. You or the Clerk may be able to answer them.

When the decision was made here in committee to divide the committee so that half of its members would go to Oceania and the other half to Europe, we passed a motion to that effect. Is that correct?

**The Chair:** Yes, of course, and that motion was subsequently passed by the House of Commons.

**Mr. Michel Guimond:** Was there unanimous consent by all parties?

**The Chair:** Yes. I'll explain why. If there isn't unanimous consent, there has to be a debate. But there was no debate.

**Mr. Michel Guimond:** I'd like to know whether the vote in this committee was also unanimous.

**The Chair:** I don't think there was a recorded vote, but we could ask the Clerk to see whether the vote was recorded.

**Mr. Michel Guimond:** That's my next question. I was going to ask whether I had asked that there be a recorded vote.

**The Chair:** The Clerk informs me that, as far as he can remember, there was no recorded vote. It was simply a motion. We could tell you who moved it and who seconded it.

Is that all right?

**Mr. Michel Guimond:** I'd like to know that immediately. I haven't yet stated the question I want to raise. Those were my preliminary questions.

**The Chair:** I have the English version of the motion before me.

[*English*]

On a motion by Monsieur Dominic LeBlanc, that in relation to its study on electoral reform, seven members of the Standing Committee on Procedure and House Affairs be authorized to travel to Wellington, New Zealand, and Canberra, Australia, from March 24 to April 3; and that the necessary staff accompany the committee; and that in relation to its study on electoral reform, seven members of the Standing Committee on Procedure and House Affairs be authorized to travel to Edinburgh, London, and Berlin from March 24 to April 3....

After that there was another motion, this one by Mr. Broadbent, that a travel budget—and I'll spare you the details—be approved for that.

That was from meeting 17, on February 1.

[*Translation*]

**Mr. Michel Guimond:** Was it unanimously approved? No one voted against it?

**The Chair:** There wasn't a recorded vote, so the question of unanimity does not apply.

**Mr. Michel Guimond:** That's good.

Mr. Chairman, unlike many other committees, and in view of the nature of the subjects considered here, I couldn't say that this committee is really a partisan committee, a committee where members engage in political partisanship. Of course each party and each of us has our own political program, which is healthy: this is a democracy. Having sat on this committee since we returned after the 2000 election, I've always noted that there was a great deal of respect among colleagues regarding different opinions and that many decisions were made on a consensual basis, which is the opposite of political partisanship. These two trips were discussed and debated, and motions were decided in a non-partisan and consensual manner.

Mr. Chairman, I want to deplore the behaviour of one of our colleagues, the member for Gatineau, who, in trying to make political hay, trying to appeal to I don't know whom, to the electorate, or to show that she is a populist and that she's still on an open line radio show, or virtually so, denounced that trip saying that she would not take part in it, whereas she was present when we discussed the subject and she never denounced the trips and never said she considered them utterly pointless.

Mr. Chairman, it takes years to establish credibility, but only a few minutes to destroy it. I find the base political partisanship in which the member for Gatineau engaged utterly unacceptable. I can tell you that she'll have to prove herself in this committee. I won't be requesting a recorded vote on each of the decisions we take, and I won't disrupt the climate of confidence that reigns here because someone, perhaps out of inexperience, tried to be appealing to someone by denouncing a decision by this committee in saying that it was a waste.

Try to imagine how that makes us look, we the other members of the committee on both sides of the table. My colleagues opposite and those seated near her must be... I don't know whether they're embarrassed, but I can tell you that, if one of my colleagues did something like that to me, I'd be embarrassed to sit beside him, because, although we've been spattered on this side, each of you on the other side—and you too, Mr. Chairman—has been as well.

I want to take the opportunity to congratulate you, Mr. Chairman, on the way you direct the business of this Standing Committee on Procedure and House Affairs. You have a concern to rise above partisanship. I've previously seen you acting in a more partisan manner in other roles, but I have no criticism to make of you in the performance of your duties as the Chair of this committee. I know you can't make any comments on the subject, but even you know, in your heart of hearts, that you've been spattered to a certain degree by this comment.

I'm still furious. I was enraged before leaving. I don't mean that prevented me from gathering information calmly and freely, but I'm still enraged and scandalized by the attitude of the member for Gatineau.

Mr. Chairman, I can't speak on behalf of the others—they'll react the way they wish—but I'll make a note in my mind to remember that the member for Gatineau tried to promote herself in an utterly unacceptable manner.

• (1115)

**The Chair:** The member may wish to react; that would be normal. However, I wouldn't want us to devote the entire meeting to this. I think we've done important work that is important for us to discuss, while what we've learned and what our colleagues have learned on the other trip is fresh in our minds. We shouldn't devote a number of meetings to this. We already missed one last week, so I wouldn't want us to dwell on this at length. However, if she so wishes—I imagine that's the case—I'm going to let the member take the floor. I hope we'll then be able to come back to the orders of the day.

Ms. Boivin, please.

• (1120)

**Ms. Françoise Boivin:** I'll try to be very brief, Mr. Chairman.

First, I don't know if it's because my colleague is required by his duties to leave regularly, but you'll remember that I expressed objections from the start of our discussions on the travel question, having regard to the terms of reference. I can still see myself showing the literature that we had received from both the people working on law reform and some of the specialists who appeared before us. So I had questions in that regard. I didn't have to vote because no one requested a recorded vote and because it seemed to me the committee had decided to make the trip.

That said, this was a personal decision. What I criticize in my colleague's attack is that he attributes intentions to me. In response to a journalist who asked me why I was not taking part in the trip, even though I was a member of the committee, I simply answered that, on reflection and after expressing objections about the trip, I wouldn't feel honest with myself if I took part in it. So it was an extremely personal decision and I didn't judge any of my colleagues. I hadn't been comfortable about the travel idea from the outset. I said it. At

one point, my colleague talked about travelling in economy class. I'd even made my reservation in economy to ensure that expenses were reduced as far as possible, but that was really a personal decision. So I find it extremely offensive, as the member for Gatineau, who will have to appear before my electorate. If I say something in a committee—and anyone who knows me knows I was doing the same thing in my telephone forum—I try to be consistent. So that's why I decided not to go. It wasn't the result of me thinking about anyone.

I felt very uncomfortable taking part in the discussions on this report in light of the information we received. That's a personal observation that belongs solely to Françoise Boivin, the member for Gatineau. It's not a thought. If anyone felt concerned by that, I am definitely not among them, especially now that the media are laying it on thick. If some felt that put us in a contradictory situation, that's their problem. I don't have to earn the confidence of Michel Guimond, the whip of the Bloc Québécois; I have to earn the confidence of my electors, whom I've promised to represent honestly and in my own way, and that's what I did on this issue. When he says I never spoke about it here, I'm sorry, but perhaps he doesn't pay attention to what I say because I'm a new member. I've always said the same thing, even to our witnesses, in an attempt to comply with the committee's terms of reference.

So I won't allow anyone to suggest that I intended to tarnish anyone's reputation at that time. I wouldn't want that to be misinterpreted, but the difference may be attributable to the fact that I had already read all the literature that had been given to us. Perhaps I felt even worse about travelling in that case. It's as simple as that. It was a personal decision, not a reflection on others. I find it extremely insulting, for both the population of Gatineau whom I represent and for their member, that someone should attribute intentions to me before even talking to me. This is something that I too will make a note of in my mind. I judged no one.

Did I say that my colleagues were wrong and that we're doing something wrong? I said I wasn't going for a particular reason, period. For the benefit of those who might fear that I wouldn't be ready to take part in the discussions on the report and for the benefit of journalists, I explained that no one should be concerned about that. It was really a very personal position.

I don't object to the fact that journalists report on other committees. The Standing Committee on Official Languages travels to meet with the communities. I have a lot to learn about this because I'm a member from Quebec and Quebec protects its linguistic minority very well. So I admit to you that I have a lot to learn in this matter.

However, I don't think it would have been hopeful for me to go to London or elsewhere to learn more about the other issue. That's a very personal opinion. I find it very insulting that intentions were attributed to me. This wasn't populism? It was "Boivinism". Since she expressed objections on the matter in committee, Françoise Boivin would have felt very badly about taking part in the trip. If I had, I would probably have been criticized for doing the contrary. Thank you.

• (1125)

**The Chair:** With your permission, colleagues, I would like us to go back to our orders of the day. While it is true that our work is important—and I believe we all agree that's the case—I think we should deal with it quickly.

From the outset, I would propose that we ask the person who headed the delegation that covered the European leg to provide a brief summary of the people met. Then I could do the same and we could then have a discussion. Does that suit you? This wasn't agreed in advance. I didn't consult Mr. Johnston on the matter, but it was he who led the other leg.

[English]

Mr. Johnston, do you feel ready to give us a bit of an overview, or perhaps have the researcher who worked for you give us an overview of the London, Edinburgh, and Berlin leg?

**Mr. Dale Johnston (Wetaskiwin, CPC):** I think I prefer a combination of the two, Mr. Chair.

**The Chair:** Why don't you start, if that's suitable with our colleagues. Then we could go to Megan to give us a bit of a report. I'll try to do the same thing, ably supported by the information Mr. Robertson will give us.

Mr. Johnston.

**Mr. Dale Johnston:** We started off in Edinburgh—I didn't bring any notes with me today—and talked to several groups of people there, including legislators and administrators. They explained to us how their system worked. As you know, it's a fairly new circumstance that they find themselves in. We found that all very interesting, but the circumstances there are considerably different than they are in Canada. The country is a lot more compact, and their ridings are a lot smaller. The first thing I noticed was the difference in the size of their constituencies.

From there we went to London and met with Baroness Gould, other professors, and members of the electoral reform branch. They gave us their take on the way it's done in London and Great Britain. That certainly gave us something to compare our system to.

I don't know whether it's incumbent on me to share my personal take on the information we got, so I won't. I think we should allow the researcher, Megan, to fill in the details, because I know she took very good notes.

In Berlin we also met with people in the elected arena, and also university professors and other academics from the Bundestag. We went to the Bundesrat as well, which is their equivalent of the Senate, and met with officials there. We actually had a great tour of the Bundestag. The first thing I noticed was that the configuration of their House is completely different from ours. Whereas we have

benches on both sides, their benches are set up in horseshoe. It appeared to me that all decisions were basically agreed to before they met. Their meetings are quite brief, and the decisions all seem to be predetermined.

As far as the findings of the committee without my particular preference or political bent on them, I will defer to Madam Furi.

• (1130)

**The Chair:** Okay. Do you want to have questions now, or do you want to listen to the full briefing first?

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** I was just going to ask what system you propose for questions. Should we save them until the end?

**The Chair:** I thought maybe we could listen to Megan's summary and then have questions on that leg. Then I could do the same for the other leg, if that's suitable.

**Mr. Scott Reid:** Okay, that's fine.

**The Chair:** Is that perfect? Of course it isn't, but is that okay?

Megan.

**Ms. Megan Furi (Committee Researcher):** I'll just do a brief overview, rather than going through every detail of each meeting we had.

In Scotland it was interesting because we heard a little bit about how the additional member system was decided on, which was on the Scottish Constitutional Convention. It was a civic-based group, so there was public involvement but not extensive public consultation. So I think that was interesting.

We heard a little bit about how it's working from a few members, unfortunately not as many as we would have liked. There were only one or two. We heard about some of the challenges they had. In addition, we heard about the move to STV. There are some people who are now interested in moving beyond the additional member system into the single transferable vote, so even though they have a proportional system, there's still pressure for more reform. I thought that was an interesting element.

In London we heard from a number of different groups. We heard about the Jenkins commission, which was interesting, and we also heard about other reforms that were taking place. We heard a little bit about postal voting, how to get to the youth, what the electoral commission was doing, what the constitutional unit was doing, and other ways they're trying to make the electoral system more accessible to people.

In Germany it was interesting because we heard about the federal system, and we're both federal systems. There are a lot of similarities and differences. It was interesting to see how their electoral system worked, how it could be applied to our system, and do a little bit of comparison there.

Do people want to ask more specific questions? I want to make sure there's time for everyone to talk.

**The Chair:** Okay. If you agree, maybe we could have 15 or 20 minutes of questions—or if we run out first, that's fine. After that we could do the other presentation and do the same thing, with more general discussions after.

Mr. Broadbent.

**Hon. Ed Broadbent (Ottawa Centre, NDP):** A point of order, Mr. Chairman.

I just want to raise a process question. As all members know, our mandate is not to approve or disapprove of any particular electoral system; our mandate is to recommend a process. It became obvious from your introduction to the meeting that this committee has to deal with a number of things, and we have set a deadline for ourselves of April 22.

I just want to raise for brief discussion the necessity of having these discussions on the substance. I want to make it clear that I'm not at all disagreeing with the comments that were made. But from the point of view of utility for this committee, do we need to go into the substance of what we heard about the different systems at this point? Shouldn't we be focusing on the process we're mandated to do by what was presented to us by the House? Wouldn't it be more useful to do the latter, rather than spending much time discussing our mutual reactions to what we heard about existing systems?

**The Chair:** Thank you, Mr. Broadbent.

Members might want to bear that in mind when asking their questions. However, I imagine the different threshold one would use to consult the population would be different, depending on the magnitude of the change one proposed. For instance, if someone had a fully proportional system, it might be necessary to have a different—I don't know, I just raise it as a hypothesis—level of consultation with the public than if someone did something much smaller, if one thinks it's smaller, such as a preferential ballot on a single-member district. It's a less intense change, and presumably it would have less consultation.

But I still think you're right, Mr. Broadbent, that members should focus on the process in the questions they ask, and the same thing for those who will be doing the next part.

Is that okay? Can we now have Mr. Reid's question?

• (1135)

**Mr. Scott Reid:** Thank you.

Actually, I take Mr. Broadbent's observations quite seriously. My questions relate to the process considerations and how these jurisdictions arrived at, or more particularly how Scotland arrived at, its present system, rather than to the merits of the electoral system itself.

When we were in Australia, we looked at the constitutional convention they had several years ago. It had some good points and some bad points and is a potential model for us.

I'm just wondering about some of the specific aspects of the Scottish constitutional convention. I'm not really sure which person would be best suited to address this. I understand it was partly elected and partly appointed, or perhaps it was all appointed. I'm not sure.

The first question is what the mechanism was by which people were chosen for the convention. Was there merit to the way it was done as opposed to alternative ways of selecting people to be delegates to a convention?

And secondly, did slates emerge? That is, were people essentially locked into supporting a particular model going into the convention?

What we found with the Australian constitutional convention was that slates were pre-established, and this greatly limited the ability to manoeuvre and negotiate among the members. It also meant that effectively, instead of having a couple of hundred free individuals who could act as they wanted, they tended to focus and work as groups. And that had, I think, a substantial impact upon the outcome of that convention.

So I'm just curious about how these things worked in Scotland.

**The Chair:** Madam Furi.

**Ms. Megan Furi:** In Scotland it wasn't the constitutional convention in the same sense that it was in Australia, where it was a mechanism and there were rules set out. It was more that civic groups got together. There were the major parties at first and then they ended up backing out, so it was some of the minor parties, church groups, interested parties. It was sort of done on an informal basis initially. There were no bills and it was all spurred by talk of devolution. So it was the whole process. It wasn't looking just at electoral reform—or electoral systems rather, because there wasn't actually a reform of the system. It was just part of the process.

The additional member system was basically adopted because, using the expression used by one of our presenters, it was a concession to the Liberal Democrats, who actually favoured a single transferrable vote. The whole idea was to make sure the Scottish National Party wouldn't get a majority, if there was a Scottish Parliament, without actually having a majority. It was choosing the lesser of the two evils, I think. Maybe that's a bad expression.

The Liberal Democrats wanted an STV. The other parties weren't necessarily prepared to give in to that, so they met in the middle with the additional member system. That's a succinct way of putting it.

**Mr. Scott Reid:** I'm sorry, it sounds like there was an attempt to pre-establish the outcome to the extent that they wanted to ensure minority governments, as opposed to majority governments, after the fact. Would that be correct?

**Ms. Megan Furi:** Not necessarily. In order to get by the Liberal Democrats, they had to give in to some sort of electoral system they were willing to support. The electoral system wasn't really high on the agenda at that point; it was something that was built in as things went along.

I don't know if Mr. Broadbent—

**Hon. Ed Broadbent:** Could I just add a footnote to that?

The decision about having a form of PR at all was made by the Labour Party, the Labour government of Tony Blair, as part of the devolution process, because it was clearly understood, given the strength of the Labour Party in Scotland, that it could win every seat. If you went by first past the post and you established a new legislature in Scotland, then Labour almost certainly would have won every seat.

So Labour understood that if they were going to set up a new devolved system in Scotland, they had to go for some form of proportionality to get consensus from the other parties, particularly in the case of the Conservative Party in the U.K., to support devolution.

That's something we have to learn from, it seems to me, too. Parties had to listen to each other. But it was, if you like, from my own preference point of view, an important concession of Westminster to understand that they are not going to create what we would call a quasi-provincial legislature in which their party would win every seat, because then the other parties would not go along with establishing a new legislature.

It was part of the serious compromise and discussion. I just add that to what was said.

• (1140)

**The Chair:** Any further questions of Megan?

Madam Redman.

**Hon. Karen Redman (Kitchener Centre, Lib.):** Thank you. I'm focusing on the fact that we've set a fairly ambitious agenda for ourselves. I have two questions that come to mind. I was not one of the people who got to see these things firsthand, and I would like to thank the people who took the time and effort to go there.

I believe it was the Jenkins commission that was referred to. Everything I have read says it's academics that are driving this quest for change. You mentioned in your comments that there still is an appetite for change. My question would be, what's continuing to drive this? From my perspective, it's very interesting to sit here and have this dispassionate academic discussion as to the best electoral form. What would motivate me is getting greater electoral participation. You mentioned youth in passing.

In any of these countries, are they assessing their stated goals, why they made these changes, and whether or not they are getting the desired result, if in fact there were stated goals affecting this electoral change?

**The Chair:** Madam Furi.

**Ms. Megan Furi:** The only place it's really possible to evaluate that is in Scotland, because they are the ones who implemented the new system. In Westminster, there's been a lot of talk about changing the system, but nothing has actually happened as yet as far as the voting system is concerned.

One of the things we did hear was that people are looking for change; they're moving to single transferrable votes for more equality and more representation of people. We heard that changing

the electoral system isn't necessarily going to increase voter turnout, which is one of the main concerns we've had at this table.

As far as the stated goal in Scotland, I think it was party representation so you could ensure that one party wasn't constantly dominating. One of our witnesses said there were foreseeable consequences of changing a system, such as coalition governments. That was a given; if it's going to be proportional representation, it's probably going to be a coalition government. She also said—I'm talking about Dr. McEwan, who's a member of the Arbutnott commission in Scotland, which is looking at voting systems and boundary differences. She also said there were unforeseen consequences, such as fragmentation of a party system. She said this may have happened anyway, but there's no real way of knowing. This could have been furthered by the electoral system; they don't really know. They're in the process of looking at that now.

One of the things the Arbutnott commission will look at is the state of the additional member system: Do they want it further reformed? What's going on there?

I'm not sure that really answers your question.

**The Chair:** Mr. Johnston.

**Mr. Dale Johnston:** Maybe I could add to that, Mr. Chairman. I heard several people say that the changes were almost exclusively driven by politicians and political parties and academics, as opposed to being something the electorate had demanded. I think we heard that over and over again.

**The Chair:** I have a question, if everybody else has asked theirs.

Oh, I'm sorry. Mr. Simard.

**Hon. Raymond Simard (Saint Boniface, Lib.):** On that point, it was interesting that for the most part, increased voter turnout was not a criterion of these constitutional...it wasn't one of the objectives they wanted to obtain. I'm not sure if I'm getting the right read, but it did not seem to increase voter turnout considerably. I was really surprised. I would have thought that would have been one of the objectives, but in fact it was not in the three countries we visited.

**The Chair:** Mr. Johnston.

**Mr. Dale Johnston:** I'd like to add to that too, if I may, Mr. Chairman. In Germany, we were given statistics that showed that in the last ten years voter turnout has dropped even under that system. So there's no guarantee that any particular system is going to ensure higher civic participation.

**The Chair:** The question I have is on the consultation process—getting back to the wise advice that Mr. Broadbent gave us a little earlier in the meeting. The German model, as I understand it, is one that has evolved and has been subject to a lot of changes. For one thing, one-quarter of the country wasn't even there until ten years ago, or at least not there in terms of being part of the same political jurisdiction. That must have resulted, since the end of the Weimar Republic, in a number of changes that created this system.



What kinds of consultations took place before establishing these models, for instance, in East Germany? Did they simply use what was in the rest of the country to begin with and said, well, this is the way this country is built and that's the way it is, or were there consultations of any kind? Was there a referendum? Was there any other way that the people were consulted, either in the reunification of East Germany or at any other step before that? I don't know if others want to know that. It's something that attracts my curiosity.

Mr. Johnston, and then Megan.

• (1145)

**Mr. Dale Johnston:** This system that they have in place is basically the same one they've had since the end of World War II, with maybe with some slight modifications. It is not clear to me, though, how the system came about. Maybe Megan has a better take on it.

**The Chair:** Madam Furi.

**Ms. Megan Furi:** It was something done within the parties at the Länder level. It was driven by a council that looked at the constitution and the electoral system and they took examples from what the Länder had implemented. There were certain criteria. They didn't want the fractionalization of the full PR system in effect before the war. But they weren't ready to go to full first past the post. So it was a way of sort of coming to terms with the two. As far as I understand it, it wasn't done through a public consultation process; it was done at the political level.

**Hon. Ed Broadbent:** It was imposed by the occupying powers. This was part of the settlement after the war. Britain, France, and the United States, with consultation from the Christian Democratic Party and the social democrats, imposed the system.

It was done to create conditions of proportionality between the parties. They wanted proportionality of representation. They wanted some stability. So there were very interesting rules that were brought in and are still there now. You can't vote down a government in Germany. You can't vote out a chancellor without voting in a new one simultaneously.

They were looking for proportionality and stability. This underlay the model they built. They didn't go for first past the post. Nor did they go for pure PR. They went for the first real mixed system. Most of the rest of the world that has moved in this direction has followed them. New Zealand and Scotland built on the German model in a way that reflected their own traditions. In 1945 in Germany there was no citizen consultation.

**The Chair:** Yes, Mr. Robertson.

**Mr. James Robertson (Committee Researcher):** So far as we know, when reunification occurred and East Germany rejoined, there was no reconsideration given to the electoral system. It was assumed that East Germany would join West Germany at the time and would adopt the same form of electoral system. There was no re-evaluation done at that time.

**The Chair:** All right.

If colleagues agree, I could maybe now do the second part, if that format is acceptable.

Well, the first part of what we did, of course, was New Zealand. There were extensive consultations. There were no fewer than two referenda in that particular country.

In my estimation, the initiative there was driven by the people. It seems to be a little different from other models in that regard. There were, in fact, a lot of people who wanted the system to change. I also think they came pretty close to if not outright telling us that they didn't mind minority governments, that they kind of liked them. Not everybody said that, but there was a school of thought towards minority governments whereby they were expected and...well, almost virtuous or some such. They were seen as being something they didn't mind very much. They knew that's what they would get themselves into, and seemingly that suited them reasonably well.

In terms of the two referenda, the first one in New Zealand was on the broad principle of whether they wanted this or not. On the second one, it was a rather curious thing, because they presented the bill by referendum, if I remember it correctly. And in presenting the bill by referendum, of course—if any of us remembers either Meech Lake or the Charlottetown accord—there's a school of thought that if there are 181 clauses and you don't like one of them, you're against; you have to like all 181 in order to be in favour.

Anyway, for either that reason or another, the level of support from the first referendum to the second one dwindled considerably. There may have been other reasons why the support dwindled, such as the fact that the first referendum had a low participation rate, which led some people to speculate that those who wanted the change voted, and those who didn't, didn't bother.

On the second one, where they were voting on the real thing, those against increased considerably, but the referendum still made it carry, albeit with somewhat of a smaller margin.

From my memory, one of the things they told us in New Zealand was that they have one half of the MPs with a district and one half without. The MPs who don't have a district still have the same entitlement as MPs who do. There are small changes in that, such as that their so-called constituency office budget is a little less, but largely it's the same thing. This leads to the situation where MPs who don't have ridings decide they're going to open a constituency office across the street from the MP who does in his riding, almost advertising, "Don't deal with him, come to me, because our guys are much better at serving constituents"—stuff like that. There's quite a campaign to almost attract business to their constituency offices in that regard.

Those are basically some of the things we saw there.

There is another element that's very important, and that is to say that New Zealand is of the opinion that they have a protection for the South Island. Of course, they don't have provinces. They have the North Island, which is smaller than the south one, but that is where much of the population lives. The South Island is somewhat colder and has a smaller amount of the population. The North Island grows faster than the South Island, and they're concerned that the day the South Island gets below a certain threshold of population, the mathematical formulas that give proportionality won't work in the South Island.

We'll get to that in Australia. They were very concerned about that in Australia.

Anyway, that's basically my overview for New Zealand.

In Australia, well, there we saw both the federal system as well as their newest legislature, which has a proportional system and which they've now changed twice in two elections. That is the Australian Capital Territory. It is a territory like Northern Australia, except it's smaller; it's just a capital territory. But it is a territory. It's like a city state, but it's not a city government. It's more like a province.

•(1150)

**An hon. member:** Like Washington, D.C.?

**The Chair:** No, it's much larger than D.C.; it's not just one square mile or some such size, but a larger peripheral area, which operates more like a province or a state, in the Australian language.

In any case, because they've had their system for a very long time at the national level, the Australians have never really had public consultations of the kind with which we would be familiar—at least that's the sense I got.

For the senators, basically each state is like a huge riding, and they have a proportional system that elects 12 senators, if they're a state, and six, I think, if they're a territory. Anyway, it's some such thing.

**An hon. member:** But that's six at a time.

**The Chair:** They elect half of them every election; in other words, you never elect more than six at an election.

When they vote, the residual votes are calculated as fractions, using what they call the Hare-Clark formula, or some such thing, so a vote is calculated by.... Because you don't elect one person at a time, but six, if you're eliminating the ones who fall off the end of the ballot, you don't give them one vote, but you give them one-sixth of a vote, which is added to the others.

It's quite a sophisticated formula, so I asked, "How do you explain this to", as I put it, "the guys at the truck stop?" They were saying, "Well, look, we've always had this formula, so this exercise never really happened in our country, because it's the one we've had all along."

In terms of the House of Representatives, they have single-member districts, but with a unique feature—at least I think it is—whereby everyone is elected with at least, arguably, 50% of the voters saying they wanted them as the MP, because they have this preferential ballot. They have two versions of that in the country. The preferential ballot exists; the people put their preferences down—one, two, three, four, five, and so on—and eliminate the last one, and you take the second choice and add it on to the other, until you get to someone who has 50% of the vote.

There are two schools of thought on that. One of them is that you have to vote for everybody on the ballot—one, two, three, four, five—and the other one says that providing you have at least a critical mass, such as one, two, or three, or some such, the ballot should be good anyway. They have both systems in the country, depending on the state in which you're operating.

The question I asked in that regard is, "If there are 19 people running, how do you even know who is your 18th favourite choice versus your 19th?" Presumably, everybody knows who their first and second choices are, but when you get down to those little numbers, why do you reject a ballot for something like that? They said, "Well, the two schools of thought work". They say that the preferential ballot is, in some way, damaged if you don't vote all the way through. That's the argument that some jurisdictions use in Australia, and the other is the argument I just presented, that beyond a certain threshold it's almost none of the above, once you get beyond a certain number, and it shouldn't really count anyway. That's basically the element we had there.

Of course, we had interesting discussions about the convention they had some years ago and the referendum they had dealing with the issue of the monarchy. This is a very hot topic in Australia, and even today, everybody has an opinion on whether or not to become a republic. It's not a hot subject in our country, generally, but for them this is what people talk about all the time, seemingly, or at least a lot of people added that as part of their comments.

Mr. Johnston is raising the issue that it is hard to say whether it is only people in elected office and academics who are driving that particular debate or whether the average citizen is even interested in it. That is a very interesting one, and I don't know the answer to that.

In the Australian Capital Territory, they have established a proportional representation system, and in their first election it took weeks to count the ballots. It got to be so complicated that the first thing those who were elected decided to do was not to use the same electoral system in the next election, because it proved to be unworkable. I think they were using the Sainte-Laguë system.

•(1155)

**Mr. James Robertson:** No, they were closer to the Hare-Clark system.

**The Chair:** Oh, that was the Hare-Clark, and now they've changed to the Laguë system of counting—

**Mr. Scott Reid:** No, the Laguë system is used in New Zealand for calculating the—

•(1200)

**The Chair:** All right, but anyway, we're basically arguing about which Belgian mathematician to listen to in some of these discussions, because most of these formulae were invented, seemingly, in that jurisdiction.

I would now like to ask Mr. Robertson to go through this with maybe a little fuller presentation.

**Mr. James Robertson:** I'll just add a few things.

In New Zealand we met various people—academics, politicians, and people from the electoral commission—who all took us through the chronology of events. The basic chronology is the same, but their take on what was important and what factors were relevant differed.

I think it's very significant that New Zealand is a fairly small country; it is not a federal state, has no upper House, and no written constitution. One of the big things in the 1980s and early nineties was the feeling that the executive or cabinet was not open to checks and balances; there was no control on executive decisions, which was one of the reasons for this public desire to move towards some different system for electing governments. As Mr. Boudria said, there was a predisposition towards coalition governments as being more of a check on the power of the executive.

The other thing that became very important in our discussions was that the party lists are the central element of their electoral system. Members of parliament, or any candidate, can run in an individual constituency, but they can also have their names shown on the lists; in fact, all of the sitting members of Parliament run, or most of them run, in a constituency, and all of them are on their party lists, usually at the top. So even if they are defeated by their electors, they can still be returned or be elected if they're properly located on the list.

The only thing that becomes important in their system, or the most important thing, is getting the party list. Voters get two votes: one for their riding and one for the party. The really important one is to get the party vote up higher, so you get more, or are guaranteed greater representation in the parliament.

On Australia, I don't think I have much to add. The House of Representatives does have this alternative or preferential vote, and at the federal level you must complete all of the names, or numbers for all of the names. In their senate, if you receive over the requisite number of votes, they take the additional votes and reallocate them, and that's where the fractions come in; it's a complicated system.

Their senators are often not known for two weeks after the election, in part because they have postal ballots; as long as it's post-dated or mail-dated the day of the election, then you are entitled to have your vote counted. But because senators do not take office until July 1 of the next year, there's no urgency. Also, of course, the senate is not a confidence chamber; it doesn't matter who is in the senate, in terms of who forms the government.

Regarding the head of state, half of the members of the constitutional convention in the mid 1990s were elected by postal ballots. As Mr. Reid said earlier, there were slates put forward by the pro-republicans and the pro-monarchists. The other half were appointed by the governor in council, some of whom were put forward by state governments and some by the parties in the federal parliament, and some of them were selected by the government of the day, based on a desire for representation by certain groups in the community.

Under their constitution, all constitutional amendments must be passed by Parliament and then be ratified by a referendum, or a vote of the people, unlike our electoral system. In this case, because they were talking about changing the head of state, it was a constitutional amendment, and it was therefore required to go to a referendum.

It is an interesting model, somewhat different from the British Columbia model of a citizens' assembly, because there was provision made for representation, including by politicians and political parties, and so forth.

**The Chair:** There are a couple more points I've just thought of. New Zealand, because of the way they do this, does not have a fixed number of seats. Roughly half of the MPs have ridings, but the other half is not fixed, because if you get a certain percentage of the vote, you top it up with the proportional seats. They call that hanging votes or something. You may end up in fact with a House that, instead of having 120 members, has 123 for a Parliament. It changes, not in a major way, but still the point is that the number is not fixed.

We asked in the consultation when they did the referendum. Did they do it at the time of an election or did they do it independently? The answer was that they did it at the time of the election, which then led to the following question: how do you disassociate that from the government? If we remember the Charlottetown accord in our country, whatever the government was wearing—and in that particular instance it was very bad press—the accord tended to get the same kind of support, in other words not very much. In the parts of the country where the government was more popular, the accord had more votes; where it was less popular, it had fewer votes, and so on. All of this was meant to say, how did you avoid having this? For whatever reason, they say it wasn't an issue in their country. People separated the constitutional amendment from the politics. In their political culture, that seems to have worked well.

One interesting element, I think, is that part of the deal is that whatever change you propose takes effect one election later. In other words, you decide now, but not for this election. You decide now for three years from now, for the election after that, which is an interesting twist. I don't know if it exists in any of the European jurisdictions.

• (1205)

**Mr. Scott Reid:** Mr. Chairman, I think that actually is something we're seeing prevailing increasingly in Canada. The British Columbia referendum, which would occur next month, would not have any impact on this election; it would have an impact on only the subsequent election four years from now. I believe the same thing applies to the citizens' assembly and the referendum that is to occur with the next Ontario election. It will only impact the election of, I guess it would be, 2011. So there's a delayed impact, yes.

**The Chair:** Yes, that's a good point. Of course, if you're having it at the same time as the election, I guess it's automatic that it can't take place at that time because you've already voted for somebody else on the same ballot, but anyway....

I have one last note on Australia. When we asked them why they don't have proportional representation for their lower house, their argument was that Tasmania has 4% of the population, and there's a huge change to the largest state, in terms of population, which I think is New South Wales, at 25% or 28%, or something like that, to which I responded that we have one province in Canada with one-half of 1% of the population and one with 39%. Their argument was, how do you ever think you'll make this work?

**Hon. Ed Broadbent:** Creatively.

**The Chair:** Anyway, I'm only giving you what they said.

Madam Longfield, you have the first question. I'm sorry, it's Mr. Reid and then Madam Longfield.

**Mr. Scott Reid:** I have a couple of additional comments that I think are worth mentioning. As I say these, I have an eye on the fact that Mr. Robertson has to write a report for us, and I think these are relevant considerations to the process we'll be involved in.

One is to observe that it seems to me that in the case of New Zealand—this is not so true in Australia—what occurred was largely the accidental result of a process on which, while it was initiated by the government at the time, everybody we spoke to seemed to agree, that the process of two referenda was initiated with the purpose of defeating electoral reform as opposed to making it happen. The general consensus is that the unpopularity and lack of legitimacy of both of the governing parties caused what they were campaigning for to fail, which was the retention of the status quo. Had they not participated, there would have been a better chance of the option failing.

I mention that because it's hard to replicate that kind of model intentionally. You certainly see the point, though, if you look at the two referenda.

I just did a little calculation. In the first referendum there was a 55% turnout. Of those, 84.7% were in favour of changing the system, and of those favouring change, 70.5% favoured MMP, which would indicate a massive majority in support of the multi-member proportional system.

The second referendum had an 85.2% turnout, which was vastly higher, and a vastly lower percentage in favour of MMP, 53.9%.

To make the point here, 46.1% of 85.2% of voters voted in favour of first past the post in the second referendum, and in the first referendum, only 15.3% of 55% participating voters. That means the support went from 8.4% of the total electorate of all eligible voters up to 39.3% for the status quo, which makes the point that if you don't design your system right, you might wind up creating either false support for a new system or false support for one kind of option. I simply think that ought to be observed as a potential problem.

I have been an advocate of what I've called using the Rawlsian veil of ignorance in the past, when you're trying to design these things—that is, to try to make sure that you can't tell, when you go into the system to look at change, what kind of specific change you're going to get out of it. One thing I think I got from this trip is that it's actually fairly difficult to achieve that veil of ignorance. This was brought home to me both in New Zealand and Australia.

In New Zealand, the observation was made by the chief electoral officer of the country that the different systems you choose under MMP for allocating votes can either favour small parties, medium parties, or large parties on the extra marginal seats. That obviously makes a difference as to who is going to hold the balance of power in a country like New Zealand where you have a large number of small parties—not an insignificant feature given that in New Zealand, under their system, they seem to form coalitions not with parties at the centre that fit between the two major parties, which would be the Labour Party and the National Party in their case, but rather with parties of the left or parties of the right. When the National Party is in power, they tend to link up with the party at the right. With the

Labour Party, it tends to be the party at the left. Obviously that has, I think, a considerable significance in how one designs that.

I thought our experience in the Australian Capital Territory was revealing. They have multi-member constituencies there. Specifically, they have three multi-member constituencies: two have five members each and one has seven members. In the upper house, in Australia as a whole, they have six-member constituencies, because six senators are elected at a time.

What came up in our discussions—actually I have a little map that I can pass around—was that the two five-member districts tend to always produce three Liberals and two Labour, or three Labour and two Liberals, depending on which way the political wind is blowing in that particular election. Therefore, one would tend to have a majority government of either of the two parties.

● (1210)

The seven-member district produces one candidate from a minor party, which means that person will typically hold the balance of power if you design with seven-member districts as opposed to five-member districts.

What I'm getting at here is that it's hard to go into your designing of the system without either favouring, by design, majority or minority governments on a systemic and ongoing basis. I think we have to go into this realizing that it would be very hard for us to design a system without coming to some kind of consensus as to what we favour in this regard.

The last thing I want to point out is that when you're looking at either a multi-member system, an STV system, or an MMP system, you can structure your system to favour greater party control over the individual MPs or lesser control and greater independence for members of Parliament. One way in which the Australians deal with the fact that either of these party lists, and even recommendations from the party as to who to vote for among the other parties as your second choice...they have a system used in some places, including the Australian Capital Territory, of what's known as the Robson rotation, which is named after Mr. or Mrs. Robson—I'm not sure which—who developed this idea essentially of randomizing your ballots. So if Judi, for example, and I go into vote one after another at the same polling station, our ballots won't look the same, and this is meant to defeat what's known as “how-to-vote cards” in which my party might produce a list—you vote in the following order of preferences. If one puts that kind of thing into effect, it has the effect of defeating the more disciplined nature that the system of preferential ballots tends to produce.

My experience was those who have been elected under systems that have the Robson rotation think it's great and that it's good to defeat this kind of discipline. Those who have been elected to the federal house, where they don't have the Robson rotation and so very highly party-controlled lists are in place, tended to think that was better.

At any rate, we have the ability presumably to lay out some of these concerns in our report.

Thank you.

• (1215)

**The Chair:** All right.

Now, let's go back to asking the various questions.

Madam Longfield, I have you next.

**Hon. Judi Longfield (Whitby—Oshawa, Lib.):** It became obvious that the only way we were going to effectively increase voter participation was to adopt mandatory voting, as is done in Australia. It was interesting. There were some saying, "Don't do that under any circumstances". Others said, "Do it, because then elections would be more focused on policy development than on the strategic get-out-the-vote thing". I thought, "Oh, it would be nice not have to worry about the vote".

On the idea of referendums, one elderly, well-respected academic said, "You'll never have any change if you have to do the referendum thing". He urged us, "Just make up your mind, decide what you're going to do, set it out there, and proceed to defend your actions".

When we're doing consultations, we need to decide what it is we're trying to fix. If we don't know what we're trying to fix, then it doesn't really matter what we're doing. With consultations, you have to take into consideration your own geography. What works in one place may not work in another. We talked about the numerical threshold, whether to go MMP and the list thing. We wondered whether this meant increasing the size of ridings or the number of members in the House.

When it comes to consultation, we'd better be clear about what it is we're trying to fix. We need to be realistic about whether we're going to give people an opportunity to decide. I don't know that we want to make the decision about what we're going to do, but if they're going to have different models to choose from, then we'd better have a clear understanding about what it may or may not fix.

Some of the most interesting and helpful stuff I found was the off-the-record discussions with party officials. We had a number of leaders of political parties who were very frank about what they were trying to achieve and whether they had achieved it. They talked about how they had learned to manipulate the system to achieve their results, which did not necessarily coincide with electors' results. Their idea was, "Show me what the rules are and I'll find a way to use them to get the best result for my own political persuasion." A couple of others said, "If it's not broken, don't fix it". This takes us back to asking what it is we're trying to fix.

So in talking about process, we need to be honest and realistic about what we're asking people to do.

**Hon. Ed Broadbent:** Mr. Chairman, I hope we'll get on to process soon, but since we're commenting, in general and specific ways, on matters about the two different trips, I'd like to offer some observations on that, which will go into our report too. Having listened with care to our colleagues who were in New Zealand and Australia, I want to make the following observations.

Contrary to what Dale said, my finding is that people promoting change in the countries we were looking at were not "academics". There was a real sense of crisis in New Zealand. There was a crisis in Germany that had to be resolved. That's why they brought in their system. The devolution in Scotland was an action of *realpolitik* of

serious proportions for the United Kingdom. So serious politicians worked at an electoral system that they thought would work.

So I repeat, electoral change in most places in the world, including Canada I would add at this point, is not being driven by academics as such. Indeed, I would add that the Labour Party, the dominant party in the United Kingdom for some years, was instrumental because an active group within the Labour Party believed the first past the post was simply unjust. That was what drove it in the case of the United Kingdom.

It's interesting to note that in the United Kingdom, the first past the post is a disappearing entity. We now have Scotland. We now have Wales. We have Northern Ireland. We have the Republic of Ireland. We have the city of London. All have shifted in recent years out of the first past the post because it was an unjust or an unfair system. That was told to us by a number of people on the trip too.

I might add here, as a Canadian—because I think some of my colleagues think this is driven by academics—the Pepin-Robarts commission, a serious instrument of *realpolitik*, first recommended to Canada, for national unity reasons, a change in the system to embody an aspect of PR so that our caucuses would be representative of the country in all its regional dimensions. It's a point that I've certainly focused on personally as being my main concern with changing the electoral system. So I'm just giving part of the historical record of what has led to changes in the countries we visited.

The second point I would make is that we didn't hear many people commenting one way or another, but the new system in Scotland has been well-received. People did say that. They don't call it minority government, as we do here. Throughout most countries in the world they're called coalition governments. The coalition government in Scotland, as we were told a few times anyway, is popular with the people of Scotland, based on the new system.

I guess the only thing I would add in summary is that of all the countries we're looking at, none has first past the post, except Westminster where it is dwindling now. Whether it's Australia, New Zealand, Scotland, or Germany, they have a mixture of systems. By and large, they're popular systems now. I would add, just parenthetically, I find them more democratic than our system. We'll have a subsequent discussion on that.

I hope, Mr. Chairman, soon we'll get around to talking about the process.

Thank you.

• (1220)

**The Chair:** Now, those colleagues who have gone to the European leg.... I know we didn't go to France, but we're being told of the influence that France, which had proportional representation in the Fourth Republic, had in establishing the German model that exists today, and France has itself abolished it in the Fifth Republic. Did anybody gather any information as to how that happened? France does not have PR; they did away with it deliberately. Does anybody know anything about that?

It was just a question that struck me as someone was talking a little earlier today about how the French may have influenced that process actually happening in Germany after World War II. After having presumably helped to design one of those, they undesigned the one they had for themselves.

Mr. Reid, in one element he mentioned earlier, talked about the Australian Capital Territory and how adding seats changes the proportionality of those elected. That comment was made to us in New Zealand as well. They gave us a magic number, and they said that according to all these mathematical calculations, unless you get to a certain threshold of numbers, proportionality isn't proportionality.

To use the Canadian example of the Law Reform Commission report for P.E.I., which said you had one first-past-the-post seat and proportionality for three, we're told that getting 18% of the votes and not getting any seats is unfair. Under that system, somebody could have 24% of the votes in P.E.I. and get no seats, because there's not a critical mass. There are only three. In other words, under a system like that, with four candidates, the fourth candidate could get 24% of the votes and not be elected.

There is that threshold, which the New Zealanders brought to us initially, and their reference was to the South Island. They said if they got below that particular number, no matter what you called it, they wouldn't have a proportional system any more. That's one of the challenges we'll have to face.

I looked at the notes of the Law Reform Commission report and they don't refer to that at all. They don't even have the examination of the mathematical models, let alone the fact that provinces where you would have fewer than 10 seats would include all of them except Ontario, Quebec, B.C., and, arguably, Alberta. If you have half of them or two-thirds of them with ridings, or whatever the number, then there isn't the critical mass left of the other in order to achieve the proportionality.

Anyway, it's a reflection that comes from having examined some of these formulas.

Have I lost everybody here? No? I know I haven't lost Mr. Reid, because he always made these mathematical formulas all over the place when we were travelling.

• (1225)

**Mr. Scott Reid:** It's an interesting problem. Think of the elections of 1993, 1997, and 2000 in the province of Nova Scotia. In the 1997 election, the Liberal vote went down, but not enough to justify going from holding most of the seats. It might even have been all the seats in 1993.

**Hon. Ed Broadbent:** All the seats.

**Mr. Scott Reid:** All the seats, to zero seats, and then back up to holding the majority of the seats. It's not really called a random result, but it's certainly an exaggerated result. It's something that I think you can successfully deal with in a big province like Ontario or Quebec with a variety of models, but in a province like Nova Scotia, or anything smaller than Nova Scotia—and Nova Scotia is not our smallest province by a long shot—it's a problem.

**The Chair:** Mr. Broadbent.

**Hon. Ed Broadbent:** I was going to add that no system is perfect. That's one of the things we learned, that if you're trying to maximize proportionality, or you're trying to look at some other value, no one is going to get a perfect system. It has to be a mixture of values.

That's the only point I would make.

**The Chair:** All right.

Again, I'm just trying to help us focus in on the discussion here, not that I have any magic wand in achieving that. It seems to me that such things, for instance, as preferential balloting, at least in some jurisdictions.... The Australians argue that you can at least claim that whoever is sent there was somebody's choice—first, second, or third, mind you—but it's the accumulation of the votes of at least 50% of the population between first, second, and third ballot. I'm not saying that's the way to go, but it's at least, shall we say, more doable in the kind of federation we have than any of the others. It's not as complicated to achieve, I think, is what I'm really thinking.

Secondly, let's say this does happen. Then the level of consultation probably to achieve that, for instance, would not require something as large as a referendum or something like that. Other models would probably require a much higher threshold.

The other thing is that many people have had various commissions put in place. Australia has done so. It was a form of a commission...they had their constitutional question.

We had in Canada the Lortie commission. We had been told before that the Lortie commission had not recommended proportional representation. In fact, what we learned from the researcher, the professor who was here the other day, is that they were never asked to do that. So it's not surprising they didn't come up with that recommendation.

So the information that was given to us wasn't wrong; there was just an absence of truth in it. It was just misinterpreted. It wasn't correct. I was a minister and I had that in my briefing notes at one point, how they hadn't recommended it. Small wonder. They weren't told to look at it. That part was never told to me.

If we want to go to anything beyond that, is that an avenue that should be considered, saying, look, if you're going to do anything beyond such a thing as preferential balloting, don't touch it unless you have a royal commission or some sort of commission like that before?

Anyway, those are my thoughts.

Mr. Hill.

• (1230)

**Mr. Jay Hill (Prince George—Peace River, CPC):** First of all, I apologize for being in a meeting and not being able to be here for the earlier part of the discussion. But I would like to hear, Mr. Chairman, from those who attended the meetings in Europe, what they found in that regard. Certainly the word we received in both New Zealand and Australia, as Judy said earlier, was that if we were to advocate considering substantive change, and certainly any form of proportional representation, whether it's MM or something similar to what they're advocating in British Columbia, it would be necessary to go to the people in some form, probably in a referendum.

The word we heard during that trip, very clearly, was that unless there was a widespread view, and I think Mr. Broadbent used the term “crisis”, that could be identified by polling, that the general public viewed the present system as very broken—and as Judy said, we constantly heard that “if it ain't broke, don't try to fix it”—you'll go through this exercise, at considerable cost, and in the end it will be defeated unless there's a widespread view of crisis, to use Mr. Broadbent's term.

I wonder if they heard the same type of thing during their travels in Europe as we heard in both New Zealand and Australia. As my colleague, Mr. Reid, suggested, when you look at the changes that have happened recently—I think it was in 1989 in New Zealand, if I recall—it was by accident, almost. It was as a pushback against the reigning two parties. There was widespread belief on the part of the population that if the parties were pushing the status quo, then the people should vote for the opposite, because the damn politicians were all out to look after themselves anyway, so people should vote for the opposite point of view.

In Australia, of course, most of their changes—other than the referendum you remarked on, Mr. Chairman, which was on whether or not Australia should become a republic—were instituted years and years ago when there was a much different political climate in which to get something accepted by the general population.

So I'm just curious to hear from my colleagues who went on the European part, their reaction, because it seems to me that we either go the route you're suggesting, where for a minor change Parliament could probably make it and defend it, or we go beyond that, in which case we're going to have to put a very elaborate process in place. And from the reaction we got in both New Zealand and Australia, it is probably doomed to failure unless there is a widespread view that there is something seriously wrong with our present situation. I don't sense that as yet.

**The Chair:** Mr. Broadbent.

**Hon. Ed Broadbent:** I would just like to comment on my use of the word “crisis”. I referred in that instance to New Zealand, where for reasons that we don't need to go into—we got a brief report—there was a certain crisis of confidence in the electoral system among the population that provoked change, even if the change they got was an unintended consequence, in part.

Then of course in Germany, after the war, there was that kind of crisis, when they were trying to embed a democratic system in Germany.

There was not, in that sense of the word—and I don't think I said it—a crisis in setting up the system in Scotland. It was part of a devolution process in which the leadership of the different parties—because ultimately it was agreed upon by both major parties, I think, in the U.K.—agreed to introduce a new system in Scotland when they brought in a new system of parliamentary representation.

I'm at a bit of a loss, Mr. Chairman. Maybe we should look at the interpretation of our mandate, because I'm happy, at some point—but I don't think it's my responsibility as a member of this committee—to talk about the system that either I favour or, speaking for my party, how much or how little change we want to recommend for our parliamentary system. As I interpret this resolution, this is pretty

crucial. It's not up to us to decide that as a committee. What is up to us to decide is a process that engages citizens in Canada and parliamentarians in an examination of our electoral system, with a review of all the options.

In other words, whatever system we recommend that involves both parliamentarians—however we decide to do it—and citizens, it's up to them to conduct the examination and come up with recommendations. It could be for the status quo. It could be for minor change. It could be for major change. But my reading of this resolution is that it's not for us to decide. It's up to us to recommend how we think parliamentarians should be engaged in this and how citizens should be engaged in it, and then it's up to them. I repeat—and I'll shut up on the point—it's up to them to decide whether we want any change. The review of all the options includes the status quo, minor change and major change.

• (1235)

**The Chair:** I will recognize Mr. Hill in a second, but I'd like to get back to a point I made a little earlier—I know that some colleagues have arrived a little late. For instance, if our committee says we don't recommend a proportional system, presumably that requires no consultation.

**Hon. Ed Broadbent:** It's not up to us, I must say.

**The Chair:** Anyway, as the committee sees fit...

For instance, if we said if the government undertakes to change anything, it should only consider preferential balloting, and that the consultation for that kind of initiative should be a parliamentary committee—if that's deemed to be appropriate, in the event the government undertakes broader changes that we may or may not favour, then it shouldn't do so before a referendum, a royal commission—fill in the blanks as to whatever you think it would be.

Unless you identify some sort of change, how can you identify the consultation that goes with it? There's nothing that goes with it. There has to be a “with it” in order to make the changes.

Mr. Hill.

**Mr. Jay Hill:** I think all of us very clearly understand what the mandate of the committee was, with respect to Mr. Broadbent's comments. And I agree that our mandate was to suggest a process to engage the electorate on the issue of possible electoral reform. But at the same time I think what you are driving at, Mr. Chairman, if I can be so bold, is that it's at least part of our responsibility as parliamentarians to put what we found in our travels as part of our report.

Perhaps in our travels we found that the likelihood of the electorate having an appetite for any substantive change was very small. If we're advocating for an elaborate form of consultation, whether it's a citizens' assembly, a very expensive royal commission, or whatever, and the likelihood at the end of the day is minuscule that anything would ever be adopted from it, we would be remiss if we didn't communicate that.

• (1240)

**The Chair:** Okay.

Mr. Reid.

**Mr. Scott Reid:** I just want to suggest that we do have a mandate, of course. I don't think there would be any harm in starting a report with a clarification of our understanding of our mandate. I'm thinking here of a few things that are implicit but perhaps are not stated absolutely clearly in the mandate.

Presumably we're only looking at changes to the electoral system that can be effected without constitutional amendment. That rules out a variety of potential options. Presumably we are only talking about systems that can be applied in each province, notwithstanding the considerable variations we have between provinces with 106 members and provinces with four members. I raise that because I actually raised the subject. We could do P.E.I. differently. I remember some of our witnesses, and I sensed there was very considerable opposition to that.

We could make sure to be clear we're not trying to deal with problems that I think are important but are probably outside our mandate, like the way in which Ontario, B.C., and Alberta are systemically underrepresented, in that we have much larger ridings than other provinces due to our redistribution formula. We could make it clear that these things are not there.

I suspect, although I'm not certain, the committee would want to skip over and not deal with the subject of whether mandatory voting should be considered. Presumably we're dealing with changing from the first-past-the-post system to some other system. Putting that in the beginning of a report would actually be helpful.

[*Translation*]

**The Chair:** Mr. Simard.

[*English*]

**Hon. Raymond Simard:** I don't know if Mr. Broadbent wants to talk about process. But we found that it was difficult to differentiate between substance and process out there. I thought it was important for us to hear the substance; I learned a lot anyway.

With almost every witness, either Madam Picard or I would ask what process they would recommend for us in Canada. It was interesting. One person told us we should engage citizens. I asked what weight they would put on citizen consultations, and the answer was 5% to 10%. It was just to give the inquiry legitimacy. They didn't really think citizens should be deciding this. That's the impression I got.

Another person told us that the B.C. model was excellent. Only citizens should be deciding. But most people told us that parliamentarians, the people most affected, should be involved in a large way. That was the consensus in every country we went to. Whatever decision is made, the people feeling it on the ground are the parliamentarians.

I feel that it's difficult for us to propose a process. We didn't get a straight answer about what the right process should be. It's difficult for us to propose a process without first setting out our objectives. For instance, I thought increased voter turnout was an important objective. But what we discussed does not seem to have affected it much. Before we establish a process, we should establish the three or four or five objectives we want to achieve. We should also know whether it'll have an impact with Canadians.

It wasn't very clear. A lot of countries and a lot of provinces are going towards proportional representation, for various reasons. We saw a lot of difficulties with proportional representation, but they're still moving towards it. So we have to examine the whole situation.

**The Chair:** Colleagues, we have a vote on one of these situations in just a few weeks, and we must bear that in mind. Do we want our report to come out just a few days before, or do we want to delay it till afterwards? Our mandate says we're supposed to do it before. Anyway, we have all these things to think of. Don't forget, this is not just a referendum. It's a provincial election too, and it's taking place on the same day. Let's bear that in mind.

**Hon. Ed Broadbent:** Again, it's a matter of interpretation of our mandate. I don't think we can set the framework at all. We can set the process. I'm looking at the words, which I didn't draft. I would have been happy if we had been given a mandate to recommend a system, but we weren't.

We are supposed to recommend a process that engages citizens and parliamentarians. Then it's up to them to examine our electoral system, with a review of all options. So it's up to them to decide. We're going to have a role. Everyone told us that parliamentarians should be involved. So whatever we recommend—whether it's to establish a parliamentary committee or whatever—it's up to the parliamentarians and the citizens. They are the ones who will decide whether, for example, they want a constitutional amendment or not. I don't see how we can set the parameters ourselves, other than to recommend a process and leave it up to them.

● (1245)

**Hon. Judi Longfield:** It probably would have been easier if the mandate had been to come up with a system and then go out and see if there was enough support for it, but that's not what it was. Our mandate says we have to use politicians. Perhaps, given all we heard about making clear what we're trying to fix, a parliamentary committee should undertake hearings across the country to determine what the problem is and whether there's an appetite for change. We may need a two-step process. If there's an appetite for huge change, then our consultation process is going to have to be very grand. But if we find out that they only want us to tinker with it a little, then the process will be different.

**The Chair:** Okay. Please remember that in ten minutes we have to adjourn and get back. I'm not saying we'll arrive at conclusions strong enough in the next ten minutes so that our researcher can say he has everything we think, but maybe he's already heading in that direction.

Let's see how far we can get, and then after that, of course, we're going to have to adjourn and come back next week.

I have one correction to what I said earlier. I'm glad Mr. Guimond is still here.



[Translation]

Mr. Guimond, you asked that Mr. Kingsley be invited to appear before us. In fact, this week, we already have the Speaker of the House on our schedule, but I suspect that, if we called Mr. Kingsley this week, giving him only 48 hours' notice, he might not really have enough time to give us answers to the questions we want to ask him. Perhaps then we should call him for next week, as we planned at the start of the meeting.

**Mr. Michel Guimond:** I have another proposal to make to colleagues. I understand that we've tried to devote the Tuesday meetings to the electoral reform consultation process, but would colleagues agree, in view of the scope of the problem concerning Mr. Kingsley—your colleagues must no doubt be talking about it in your respective caucuses—that we hear Mr. Kingsley from next Tuesday on an exceptional basis and instead devote the Thursday meeting to work on the reform of the voting system.

**The Chair:** We agreed on the present way of operating because one of the members in the group is not a regular member of the committee.

So I'll speak to you, Mr. Broadbent. I know you're not a regular member of this committee. Since this is part of their duties, the other committee members are always here, but that's not your case. If we alter our schedule to study electoral reform on Thursday, rather than Tuesday, would you see any problem with that?

[English]

**Hon. Ed Broadbent:** It would not be at all, Mr. Chairman, as long as we keep our end-of-April deadline in mind.

**The Chair:** Well, if it's in the same week, I don't think it changes much, but let's try to see if we can get Mr. Kingsley here Tuesday, depending, of course, on whether he's around. If he's out of the country or something.... Obviously I'm not familiar with the details of his calendar, if he's here or not here, and I don't want to get into that.

• (1250)

[Translation]

**Mr. Michel Guimond:** So will you try to call him for this Thursday?

**The Chair:** No, we'll call him next Tuesday because, if there's too little time, I'm afraid we won't get answers to our questions. I don't want it to be that way; I want us to get real answers. Is that all right?

[English]

Okay.

We still have maybe five minutes left. I know the staff are starting to wheel in for the next meeting, starting to prepare the room and so on. Let's have maybe another five minutes and then we'll adjourn.

Mr. Reid, you've been waiting very patiently. Go ahead.

**Mr. Scott Reid:** I have a response to Mr. Broadbent's last intervention.

Ed, I take your point that we are limited in how we can restrict our mandate. Perhaps we could do something a little bit different that doesn't violate our mandate. We could simply point out that in the mode of consultation we're proposing, whatever group it is that

winds up dealing with this has to figure out their own parameters pretty quickly, and figure out whether they're trying to amend the Constitution, which itself launches us into something that's unlikely to rectify any situations in the current system in the short term.

If they want to get into other things, such as mandatory voting, we should instruct them to hive off and deal with that question separately as opposed to in some kind of committee of the whole. Otherwise, I suspect what will happen is the primary question we're dealing with here, which is reform to the first-past-the-post system, is likely to get lost in the shuffle and will not be dealt with.

**The Chair:** There is one thing for colleagues to consider. I want to make sure I understand this correctly procedurally. Within the mandate we have, there's nothing that I see to prevent us from commenting further. I think, though, that if we are narrower than what was asked, then we haven't done the full job. But if we say more, I don't see how that's a violation of the mandate that's been assigned to us. Maybe the clerk could advise us on that. Under Standing Order 108(2), we can do whatever we like anyway, but if we were narrower than what the House asked us to do, then we wouldn't be doing our job. If we say more than what they ask us to, they're always free not to listen to all of the advice we give.

Am I correct in that interpretation?

**The Clerk of the Committee:** That would probably mean having two different reports—one under Standing Order 108 and one under the mandate that was given by the House.

**The Chair:** Mr. Hill, we'll let you have the last word, and then we'll have to adjourn.

**Mr. Jay Hill:** I was just going to add to what Judi was saying earlier, that perhaps we should look at recommending an initial step of holding committee hearings across the country. When she was making that comment, I couldn't help but reflect upon the advice we got during our trip to Australia. Prior to the process they launched to consider moving to a republic, as opposed to their present system as a member of the Commonwealth and with the Queen as the head of state, they travelled around, and they had a really hard time getting anybody to engage their committee; in other words, to show up for the meetings. I remember that.

We could view our mandate very narrowly, and if we were to recommend the formation of a committee and they were indeed to travel across the country and they did find that, then obviously there's no great hue and cry for change, and that might be the end of it right there. I don't know. But at the present time, if we have to make a recommendation, judging by what we've learned and what I heard in New Zealand and Australia, I would say that would be a responsible first step to consider.

**The Chair:** We're going to have to end on that note.

I invite colleagues to think about the following. The report we're going to produce cannot just say we finished doing our work as a committee and we recommend the formation of another committee. I think many people will find that to be unsatisfactory. Having a committee engage Canadians is a process, I suppose, but I don't think it's a very fulsome answer, and I think we need to think about it just a little more. If we answer in a way that is too narrow, I think we won't have done the full job. That's an editorial comment on my part,

maybe unwarranted, but I invite us to think about that between now and the next meeting.

Would someone please propose the adjournment? Mr. Hill so moves.

The meeting is adjourned.

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