



House of Commons  
CANADA

## Legislative Committee on Bill C-20

---

CC20 • NUMBER 003 • 2nd SESSION • 39th PARLIAMENT

---

EVIDENCE

**Wednesday, April 2, 2008**

—  
**Chair**

**The Honourable Albina Guarnieri**

Also available on the Parliament of Canada Web Site at the following address:

**<http://www.parl.gc.ca>**

## Legislative Committee on Bill C-20

Wednesday, April 2, 2008

• (1535)

[English]

**The Chair (Hon. Albina Guarnieri (Mississauga East—Cooksville, Lib.)):** I'd like to call the meeting to order.

Pursuant to the order of reference from the House of Commons of February 13, 2008, the Legislative Committee on Bill C-20 will now resume its study of the bill.

I would like to inform the committee that it shall reserve the last 20 minutes at the end of the meeting in camera in order to discuss internal matters, such as what has been done by the subcommittee on agenda and procedure regarding the list of witnesses, the upcoming calendar, and the adoption of the budget. Moreover, as everyone knows, the bells will start ringing at 5:15 sharp for votes. Therefore, we'll have between 80 and 90 minutes with our witnesses today.

I know all of you are eager after the Easter break, after consulting with your constituents about this bill. So I know you're eager to pose our Privy Council officials many questions. Please allow me first to introduce them.

We have as witnesses today: Dan McDougall, director of operations; Isa Gros-Louis, director; and Grégoire Webber.

Welcome. You have the floor.

[Translation]

**Mr. Dan McDougall (Director of Operations, Democratic Reform, Privy Council Office):** Thank you, Madam Chair.

We are pleased to be here today to discuss Bill C-20 — the Senate Appointment Consultations Act. We would like to review with the Committee the policy framework for the bill, as well as discuss the structure of the bill, and any details of this legislative proposal.

In the first instance, in order to set the context, I think it may be useful to start off with a brief description of what the bill does not do.

[English]

To start with, the bill does not provide for a process for electing senators. Rather, much like the Referendum Act, it sets out a scheme for consultations with Canadians, without binding the Prime Minister or the Governor General to the results of a consultation.

As well, as was discussed briefly with the committee when the minister appeared before you, neither does Bill C-20 amend the Constitution of Canada. Indeed, the bill has been carefully drafted so as not to affect the Governor General's power to appoint senators, the Prime Minister's prerogative to recommend persons for appointment

to the Senate, the constitutional qualifications of senators, or indeed the role of the Senate as arbiter of the eligibility of senators.

However, what the bill does do is provide a bank of names of persons from which the Prime Minister may choose to make a recommendation for appointment to the Senate as vacancies arise. Persons appointed from this list will have the democratic support of voters.

The bill provides that a consultation normally will be held in conjunction with a federal general election. The Governor in Council can make an order for consultation, and the consultation process, which relies extensively on the Canada Elections Act, will be administered by the Chief Electoral Officer.

The bill provides that a consultation could also be held in conjunction with a provincial general election, provided that six months' notice is so given.

Bill C-20 provides flexibility as to whether and when to use a consultation, in how many provinces to hold a consultation during a federal or provincial election, and for how many places. The number of places is not determined by the number of vacancies in the Senate. Even if there are no existing vacancies in a province, a consultation may be held for the number of places specified in the order for a consultation. This flexibility may help to ensure that nominees are available to fill seats as they become vacant.

[Translation]

Canadians may register their nominations at any time with the Chief Electoral Officer. They do not need to wait for an order for consultation to be issued. A nominee must be 30 years of age or older, and must be a Canadian citizen. Of course, prior to being called to take up a place in the Senate, a nominee would need to comply with the other eligibility criteria that are set out in the Constitution.

Once registered, nominees may begin to accept contributions for their campaign. The rules governing contributions are based on the rules applicable to candidates for members of Parliament, as outlined in the Canada Elections Act, with some exceptions. For example, candidates for election to the House must wait until an election is called before they can issue receipts for contributions.

[English]

Given the different role of parties in the Senate, as compared to the House, political parties will have a limited role in relation to Senate nominees. The bill provides that parties may endorse a nominee, but may not endorse more nominees in a province than there are places specified in the order of a consultation. Parties will not be able to transfer funds to Senate nominees. There will be no Senate-only parties. To conduct advertising, parties will have to register as a third party, and parties will not control the order of nominees on the ballot, nor will candidates be grouped on the ballot by party.

Consultations will be province wide, allowing voters to indicate their preferences amongst all nominees in that province. The voter will be able to rank his or her preferred candidates as one, two, three, and so on, expressing as many or as few preferences as desired, across or within party lines employing whatever criteria are favoured by the voter. The designed principle of the bill is to provide as much flexibility as possible to the voter. Complementing that principle, the proposed voting system, called a single transferable vote or STV, is also designed to reflect as closely as possible the intentions of the voters.

The bill provides that, after counting the votes, a list of selected nominees for each province in which a consultation is held will be submitted by the chief electoral officer to the Prime Minister for his consideration. The bill also provides that the chief electoral officer must also publish this report, along with other details of the vote, in the *Canada Gazette* without delay.

● (1540)

[Translation]

In the interests of time, perhaps I could just highlight some of the other key provisions of the bill. There are extensive sections of the bill dealing with advertising and communications, with third-party advertising, with financial administration and, of course, a section dealing with enforcement.

As a general statement, these provisions are complementary to comparable provisions in the Canada Elections Act, taking care always to have the least impact possible on the actual functioning of that Act, and making the necessary adaptations of the provisions to reflect the nature of the process created by the Senate consultations bill.

Madam Chair, I thank you for the opportunity to appear before the Committee. We will now be pleased to take questions from the members.

[English]

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

We'll begin with our first round of questions of seven minutes.

Mr. Maloney.

**Mr. John Maloney (Welland, Lib.):** I'm sorry, I came in, in mid-presentation, so I just have some questions that have jumped to mind.

I understand from your presentation that a panel will be elected and the Prime Minister will then make choices or a choice from that

panel. So in fact the individual who pulled the highest number of votes may not be given the nod, and an individual who pulled the lowest number of votes could in fact be given the nod to assume the appointment to the Senate. Is that correct?

**Mr. Dan McDougall:** Yes, that's correct. The way the process works is that, first off, it depends how many places are being consulted upon for a particular province. It may be the case that there's only one, in which case obviously it becomes somewhat irrelevant because there's only one name that will appear on the list of the chief electoral officer. But should there be more than one, in effect what happens is that every name that appears on that list is there because they have exactly the same number of votes. It may be that they attain those votes at different points in the process. It could be on the first counting of the votes or the subsequent counting of the votes, but everybody on there obtains exactly the same number of votes because of the way the single transferable vote system works. Whereas a quota of votes is determined as to how many votes are required in order to be successful, once you reach that number of votes, that's the number of votes that will appear on that.

If you have more, then the excess votes, the surplus votes, will be transferred to other candidates according to the other preferences that will be expressed by voters on the ballots. So in effect everybody ends up with the same quantity of votes. After that, once the list is developed, there's no obligation on the Prime Minister to make recommendations to the Governor General for appointment based on the order of the list. The flexibility is provided to the Prime Minister to choose whomever he wishes from that list and make that recommendation.

● (1545)

**Mr. John Maloney:** In effect, the system is not much different from what we have today, except the choice that the Prime Minister can make is certainly a reduced panel.

If we're talking about an elected Senate, it's not an election in the way that we do the House of Commons; it's being elected to a panel, and the Prime Minister then can willy-nilly pick whom he wishes, which would not necessarily reflect the wishes of those individuals who have voted in the Senate elections. Am I correct?

**Mr. Dan McDougall:** It's not an election process, that's correct, in the way we would normally conceive of it. It is really a consultation process. The idea is that the people who are selected from this will have a democratic mandate, but it is not an election process; in fact, the bill is constructed to make sure that the actual selection process and the criteria for selection remain as they are now, because to change to a fully elected process would require a complex constitutional amendment, which this bill doesn't do.

**Mr. John Maloney:** Well, if we're talking about democratic reform, would the latter not be preferable, even though it's very complex? If we're talking about real reform in a democratic way, should we not be looking for a truly elected Senate?

**Mr. Dan McDougall:** As I understand it, I believe the government's position is that they do favour an elected Senate. I believe it's been articulated in their platform, and they have stated so publicly as a policy intention; however, given the difficulty in achieving an elected Senate—which has its own complications, because of the nature of the amending formula—this alternative provides for a democratic process so that Canadians can be involved in the selection process.

**Mr. John Maloney:** So referring to it as an elected Senate is a misnomer. What label would you give this type of system? What would you call it?

**Mr. Dan McDougall:** It seems to me that the title of the bill is actually the appropriate way to refer to it. It's a senatorial selection process, a consultation process. Either one, I would think....

The formal title is “An Act to provide for consultations with electors on their preferences for appointments to the Senate”. That's about as descriptive as we were able to get in terms of what the bill is actually attempting to achieve.

**Mr. John Maloney:** I want to come back to the idea of a single transferable vote, but first I have a quick one. We've reduced the age requirement from 35 to 30. Is there any reason for that?

**Mr. Dan McDougall:** No, I don't believe we've reduced it. I think the age requirement to be a senator is 30, and that's what's maintained here.

**Mr. John Maloney:** Again, perhaps I'm a little obtuse, but could you try to explain the single transferable vote system to all of us again? It seems a little....

**Mr. Dan McDougall:** This one may take a little while, so with your indulgence....

**The Chair:** I think we'd all benefit from the explanation.

**Mr. Dan McDougall:** The single transferrable vote system is a system designed to reflect as closely as possible the preferences of voters. It works in single ridings where you only have one person, in which case it transforms itself into something else called an alternative system—but it works there as well. But its real utility tends to be when there are multiple persons to be selected from a voting process. It doesn't have to be an electoral process; it could be any process that is designed to select anything. That is the intent, to give effect to people's desires.

In terms of how it works, it's actually fairly simple for the voter. I would suggest that it is almost intuitively simple. What it does is that people go into a voting process and express their preferences, one, two, three, etc., in terms of whom they would like to see selected from that process. That's as complicated as it has to get for the individual.

Where it becomes somewhat complicated is for the administrators, who have to understand how the system works. There's a mathematical process associated with it.

The first thing that's done in terms of administrating and counting the votes is that you have to determine the number of votes required for a person to be successful. For members of Parliament and most other elections here in Canada now, with the “first past the post” system, that's fairly easy: it's 50% plus one. When you have more than one member, obviously that number changes. If you have three

places, then you need to get one-third of the votes. If you have four places, then you need to get one-quarter of the votes, etc.

So there is a formula that determines the quota of votes necessary to be successful. All the quota is trying to do is to make sure that when the votes are counted.... Should you arrive at a situation where everybody splits their vote equally among all the candidates, and you have three places to be elected, the quota is designed to ensure that only three people can be successful, not four, just as 50% plus one means that one person gets 51% and the other 49%. There's only one person who can be elected. The quota is designed to ensure that if you have four places, only four people can get that number, not five. If there are three places, only three people can get that number. It's just a simple mathematical formula to determine how many votes you need, so that you're sharing the votes equally.

Once the quota is determined, then you start to look at the ballots and the preferences that have been expressed by the voters on those ballots. As I mentioned, the voter goes in and ranks the candidates on the voting list, one, two, three, four, etc., according to however many preferences they wish to express. And this bill has been designed to try to give as much flexibility as possible to the voter to decide how they want to follow that procedure. So if they only know one candidate and only want to vote for the one candidate, the bill allows them to just mark one and they will still have a perfectly valid ballot. If they know two candidates and they want to express their preferences about one and two, that's fine as well. If there are 17 candidates and they want to go from 1 through 17, they can do that as well.

So the intention of the bill is to give the maximum flexibility to the voters to express their preferences as they wish.

So far, we have determined the quota, that is, how many votes are required for someone to be successful. The next step in the process is to look at the ballots, and the first step is to count up how many first preferences the voters have expressed for all of the candidates. So you would look at the number of first-place preferences on the ballots and count up those. If I'm a candidate and the quota is determined to be 50 and I have 50-plus first-place preference votes, then my name goes on the list automatically. If, for example, there were three Senate places being considered for a province, and they count up all the first-place preferences and three people have more than 50 votes, then all three would go on the list and that would be the end of it.

•(1550)

It gets a little more complicated when you count up the first preferences and nobody makes the list, or one person makes the list and you still have two more. Then as a first step you take the successful person, and if they received more votes than necessary to be selected, you take their surplus votes and transfer them to other candidates who have not yet been successful. So you look at the second preferences on those ballots, and those votes, as expressed by the voter, are then transferred over to other candidates. Once that has been done, you look again to see whether those people have attained the quota, and if so, you stop; if not, you continue the process. And the process just continues on and on.

If at any point after the transfer of surplus votes—that is, I received more votes than I needed as a candidate and those have been transferred to other candidates—nobody has yet attained a quota and you still have places to fill, then you go to the other end and start dropping the candidates who received the least number of votes. You go to the end of the list, and the person who got the least number of votes is eliminated from the counting process. On those ballots, you look at who the second preference was, or the next available preference, and then you transfer those votes to the other candidates who the voters expressed as their second preference.

In this case, it would be number two, but if it were later in the process, the words in the bill refer to “the next available preference”. So it depends on where you are in the process.

•(1555)

**The Chair:** I see that your explanation is provoking many more questions.

Monsieur Paquette.

[*Translation*]

**Mr. Pierre Paquette (Joliette, BQ):** For everyone's benefit, I think it might be useful for you to provide us with an example in writing. I was going through the exercise while you were giving your explanation. Supposing there are five seats to fill in Quebec and some two million voters. You say that you need plus one to ensure that six candidates will not be elected, rather than five. I know it's a matter of doing the math, but why isn't it 400,000 votes in this case, rather than 333,334? I would like you to provide us with an example in writing showing how to transfer the surplus votes. I know that this system is used in other countries.

Supposing a candidate does not meet the quota. I want to go back to my example. There are five Senate seats to be filled in Quebec, and two million people are voting. There are several candidates, but none meets the quota of 333,334 votes. What happens then? Do we abolish the Senate?

**Mr. Dan McDougall:** It will be impossible to arrive at that result, because the quota is determined by the number of votes. That is the first step. In each case, it is clear that one candidate will be elected.

**Mr. Pierre Paquette:** Yes, but supposing these Senate seats are highly sought after and there are 100 candidates for five seats, but only two million voters. It is highly unlikely—unless a high-profile star decides to run—that many candidates will receive more than 333,334 votes. What happens then? Supposing all the candidates only receive 200,000 votes or less.

**Mr. Dan McDougall:** In each case, it is the number of votes that determines the process.

**Mr. Pierre Paquette:** That would mean that the quota would no longer be applicable. Number one would be the person with the most votes. Then, there would be the second choice, perhaps with a transfer. But at that point, there is no longer...

**Mr. Dan McDougall:** At that point, the quota would be lower than in other circumstances. It is not necessarily associated with the number...

**Mr. Pierre Paquette:** I would like you to provide us with a simple and instructional simulation. I'm sure the Privy Council Office is capable of doing that.

I also have some other questions for you. In terms of advertising, if a party decides to support candidates—Bloc Québécois candidates, for example; we can always dream—under what conditions could it do so? Could there be direct transfers? I would be very surprised if there were Bloc Québécois candidates, but let's just say they are Conservatives, Liberals and—we're dreaming in technicolour again—New Democrats. Can a party make a direct transfer? How can that support for a candidate be expressed?

**Mr. Dan McDougall:** First of all, restrictions apply to the parties only with respect to Senate nominees. The party must be registered in the House of Commons in accordance with the Canada Elections Act.

Also, there are restrictions of a financial nature. For example, it would be illegal for parties to transfer funds to a given candidate. In order to engage in advertising, the party must be registered as a third party.

**Mr. Pierre Paquette:** So, the rules are the same as for interest groups.

**Mr. Dan McDougall:** Yes, exactly.

The idea is to reduce the power of the political parties because in the Senate, the focus is more on individuals than on political parties. The parties are subject to a number of restrictions with respect to Senate nominees.

Another reason is that the intention is to ensure an ongoing balance in terms of the process for electing members to the House of Commons. It is important to consider the repercussions of one process on the other.

•(1600)

**Mr. Pierre Paquette:** That being the case, spending limits will have to apply to all the candidates.

**Mr. Dan McDougall:** To candidates running for the House of Commons, yes, but not those running for a Senate position.

**Mr. Pierre Paquette:** Why is there no spending limit?

**Mr. Dan McDougall:** There are several reasons for that. First of all, there is no limit for the Senate because the process applies to all the provinces; it is much more extensive than the one that applies to the House of Commons. Also, a number of other restrictions apply to contributions, the same restrictions that are laid out in the Elections Act.

**Mr. Pierre Paquette:** Because contributions to candidates are limited, they will be unable to spend amounts of money that could, in some cases, hinder the democratic process.

**Mr. Dan McDougall:** Yes. Contributions are subject to restrictions, given that the selection process extends to all the provinces, and to both at the same time, and that there is no contribution limit.

**Mr. Pierre Paquette:** I want to come back to my example. Supposing there are five seats to be filled in Quebec, which is entitled to 22 senators, as I recall. The day after the election, one decides to retire and a second one resigns.

Will those seats remain vacant for four years, until the next election?

**Mr. Dan McDougall:** It would depend on the circumstances surrounding the selection and the consultation order made by the Prime Minister. As I said at the outset, it is the Prime Minister who determines in advance the number of seats to which the process will apply.

**Mr. Pierre Paquette:** It would be possible to establish a bank of potential senators who could be appointed if... Even if there are five seats to be filled, the Prime Minister could decide to have an election for eight or nine candidates, for example.

**Mr. Dan McDougall:** Yes, exactly.

**Mr. Pierre Paquette:** Is that specified in the bill?

**Mr. Dan McDougall:** Yes.

[English]

**The Chair:** Mr. Angus.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Thank you very much.

I must admit that I'm really trying to picture the animal we're creating here, with the chihuahua's legs, the cat's tail, and the donkey's head. I'm just not quite sure where we're going to put the budgie's beak, so I'll have to ask a few questions to see if this actually looks as ugly as I see it.

Do these elections happen when the Prime Minister calls them? At what point do we decide that there's an opening and we need an election?

**Mr. Dan McDougall:** The general process articulated in the bill is that the process would normally be held in conjunction with a federal general election. The bill also provides that the process could be run in conjunction with a provincial general election, but in those circumstances it would have to be published in the *Canada Gazette* at a minimum of six months in advance. But normally it would be with a federal general election.

**Mr. Charlie Angus:** We're talking about places being open. Is that because we know four senators in Saskatchewan are going to retire, that they've left, and then we're going to get their names. What if some of them, who have said they're going to leave, decide they like taking a pay cheque and having a 40% absentee rate? They might just continue with that process. At what point do these officially become places that are now open?

• (1605)

**Mr. Dan McDougall:** Officially, they become places that are open when senators resign, for example, or when they attain the age of 75,

or when they leave for the other reason: some people die before the age of 75. What's provided for in the bill is that the Prime Minister... obviously for the ones that are attaining the age of 75, it's possible to look forward and anticipate what would happen there.

**Mr. Charlie Angus:** So Senator Joe Blow retires in Ontario. Is that an Ontario-wide selection?

**Mr. Dan McDougall:** The selection process for any of the provinces is province wide.

**Mr. Charlie Angus:** Province wide, okay.

I represent a riding the size of Great Britain, and there are very clear restrictions on how much money I can spend to get into various parts of my communities, many of which I need special flights to get into. So we have one election for a spot in Ontario. Did you say there is no limit on how much someone can spend to get their name known in every town in Ontario, and on radio, and in newspapers, to get ahead of anybody else who's on a very limited budget?

**Mr. Dan McDougall:** There are no limits in terms of the expenditures, but there are limits in terms of the contributions.

So, for example, if you are a candidate you cannot spend more than \$1,000, the normal contribution limit, plus, as is the case for members of Parliament, there's a doubling-up provision, so that as a candidate you can spend an extra \$1,000 out of your own—

**Mr. Charlie Angus:** But you can receive as much money as you want?

**Mr. Dan McDougall:** You can receive as much money as you want, as long as the persons giving you that money... Each individual can only give you \$1,000 indexed—so it's \$1,100 now—as in the Canada Elections Act. The reason there is no—

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** I'm sorry to interrupt the testimony.

**Mr. Charlie Angus:** I hope it's not coming off my time.

**The Chair:** No, I'll make sure I give you the time.

**Mr. Tom Lukiwski:** Charlie, I hope this will help you, because I think Mr. McDougall was misspeaking. He was saying you could only spend \$1,000. There's no spending limit, correct? There are contribution limits, constraining limits. You can't give more than \$1,000 to a candidate, but there's no spending limit as far as the senatorial candidates are concerned. I wanted to clear up any confusion.

**The Chair:** It's quite clear.

I'm allowing latitude, because I know we're all after correct information.

Mr. Angus.

**Mr. Charlie Angus:** So you have to be 35, you can spend as much money as you want, and then when you get there....

Is it 30 or 35? You have to be 30, you can spend as much money as you want and then when you get there, you're not even guaranteed that your democratic votes count, because it's still an appointment.

If we're talking about democratic reform, doesn't the word "democratic" come first? It seems to me we're putting in a lot of window dressing, because what you said earlier is that there's "difficulty" in achieving an elected Senate. So are we just walking our public around in a whole bunch of circles to take them nowhere, because you can't come back to us and tell us we can get an elected Senate? The senators, number one, will say they're not going along with it. We're going to have to go back to the provinces, and the provinces are going to say no.

So we're back to the situation where nothing is really going to change. Is that why we're not dealing with the issue of an elected Senate and going down this route?

**Mr. Dan McDougall:** I think perhaps a bit of clarification on the pending point might be useful for members.

The spending limit was something that was looked at in constructing the bill. The reason there's no spending limit is this. In a province-wide election, if you take your case of Ontario, as an example, there's roughly a population of voters in Ontario of 12 million or so. If you apply the spending limits that are currently in place for an MP, it works out to be roughly 80¢ per voter. If you take 80¢ per voter and multiply that by a province-wide population of 12 million, you have a spending limit of roughly \$9 million or \$10 million. If you compare that to the restrictions on contributions, and the fact that I, as a candidate, can only contribute \$2,100 to my own campaign—there are no corporate donations, no third-party donations, no union donations—the possibility of raising \$9 million, as an individual candidate, becomes rather difficult, it would seem to me, at least.

•(1610)

**Mr. Charlie Angus:** Raising \$800,000 and someone else managing only to raise \$80,000 because they're up in Red Lake, Ontario, certainly makes a huge difference, right?

**Mr. Dan McDougall:** Indeed, but if we're talking about spending limits—one needs to consider all the spending limits—at least from my perspective, it seems difficult to contemplate that you would have a more restrictive spending limit for a province-wide campaign than you would for the campaign of an MP in a much smaller geographical area.

**Mr. Charlie Angus:** Three people run in an election in Newfoundland or Ontario and one person wins. They obviously come out with the most votes, but the Prime Minister doesn't appoint them. The Prime Minister picks the one he likes, which is our tradition right now. Then eight months go by and another senator kicks the bucket. Do we pick from the people on the list or do we do the election again? Is there a stale date on these people sitting who actually run?

**Mr. Dan McDougall:** There is no stale date on the list, no.

**Mr. Charlie Angus:** So someone who ran, like Senator Brown, three years ago can get appointed now?

**Mr. Dan McDougall:** That's correct.

**Mr. Charlie Angus:** Okay, I'm done.

**The Chair:** Mr. Reid.

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** Thank you to our witnesses—all three of you—for coming here.

I have some questions about the single transferable vote system, but before I do that I just want to inquire....

Mr. Angus suggested one candidate might raise \$800,000. As a practical matter—I guess this is more in the way of a comment than a question—we can all as MPs raise money for our riding associations from anywhere in the country. I'm unaware of anybody who has raised anywhere near \$800,000 through their local campaign, and of course that information is all publicly available. I think a little perspective is required. The impositions we've put, particularly with the elimination of corporate fundraising, make it unlikely that anyone could simply buy their way to office through running massive advertising campaigns funded by massive spending. It's a practical matter.

I want to ask about the voting system. On the single transferable vote system, you didn't say this, but I gather this is the same system, in rough terms, that was voted on in British Columbia, in the referendum a few years back.

**Mr. Dan McDougall:** It's very similar to the system that was proposed in B.C., yes.

**Mr. Scott Reid:** Okay.

I used to live in Australia, so some of the things you're mentioning have some familiarity to me. The alternative vote system.... You said in a place where there's essentially one vacancy being contested—and of course what I thought of was one of the territories—an alternative vote would occur. That's a term we used in Australia for how they elected their lower house. It's a preferential vote, but with only one winner. Is that essentially right?

**Mr. Dan McDougall:** It's essentially that, yes. It follows the same rules, so the process that's set out in the bill for the rules that are followed in the process is the same.

Going back to your previous comment—the practicality of contribution limits and what it means—here the practicality of the way the system works means that it becomes an alternative vote system. What happens obviously when there's only one candidate—

**Mr. Scott Reid:** You mean one vacancy, not one candidate. You'd have candidates from various groups.



**Mr. Dan McDougall:** Indeed. Sorry, I meant one vacancy. There's no transfer of surplus, because obviously once someone attains the quota, they become the person who is the successful candidate. When there's only one candidate, obviously when you determine the quota, the formula means that the quota becomes as the quota is for a "first past the post" system. It's fifty plus one.

So if you get half the votes, you win. As you go through the rules and apply them in the process, it's the people with the fewest votes who drop off at the bottom, as I was mentioning earlier. You keep dropping them off and transferring their votes until the person attains a majority. So it's not only a preferential system, but it's a majoritarian system in that instance.

•(1615)

**Mr. Scott Reid:** Right, and then I guess the other thing is—I realize this doesn't apply to a large province like Ontario, but it does to a small place like Nunavut—effectively the way in which you collect funds is virtually identical to what it would be in a regular by-election.

**Mr. Dan McDougall:** Essentially, yes.

**Mr. Scott Reid:** The other thing I want to ask about is as a result of having watched the system operate in Australia, where they have a single transferable vote system for their senate. This has produced a highly partisan upper chamber, but that hasn't been the case in some of the Australian states, which also use the single transferable vote.

What seems to drive it in the upper house in Australia to be highly partisan is that effectively most people simply tick off for one of the parties. There's a requirement that you have to vote for every single candidate, rank them in order, or else your ballot is declared invalid, or you have the option of simply saying you vote for the labour party list, the national party list, and so on. They call it above-the-line voting.

Is anything like that contemplated here?

**Mr. Dan McDougall:** Maybe before I answer that directly, I would say that we looked closely at the Australian situation when we were designing this bill, because we thought it was very instructive of the way a system could work. They are on the Westminster system. Their traditions are very similar to ours. Their legislation has worked very effectively over a number of years. They've had it for a very long time in Australia, so we looked closely at their rules, and to the extent we could, we actually followed them as a model.

We did differ in a number of instances here, though, in this bill and precisely in the ways that you're suggesting. The emphasis in Australia is very strongly oriented towards the party. As you mentioned, there's an option on the ballot in Australia, so that instead of making your selections of one, two, three, or however many candidates you want to select, you can simply tick off the box that says you vote for this party, and then the party determines the order of the candidates that they would like to see.

There was a conscious policy decision taken by the government here that that wouldn't be the case here, again in keeping with the desire to try to diminish the influence of parties in the process and make sure the Senate retained a degree of independence from what's happening on the Commons side, on the lower house side.

So this bill does not contain provisions comparable to those found in the Australian model.

**Mr. Scott Reid:** In some of the state models in Australia, STV is widely used, and I'm thinking here particularly of the Tasmanian model, which is really seen as the precursor for others who are trying to break away from this party-centric model. It includes things such as randomization of the placement of candidates on the ballot to ensure that the parties can't essentially direct first preferences to their preferred candidates, those who have been the best at winning the favour of the party bosses and so on. I have forgotten the name of that particular process, but it's a process of ensuring that that doesn't occur.

They also allow you to mark down fewer vacancies. If there are, say, five vacancies and you only mark down four, or if there are 20 candidates on the ballot and you only mark down your top three, your ballot still counts. What about those provisions in this law?

**Mr. Dan McDougall:** The Australians use what's called the Robson rotation for the way the candidates' names appear on the ballot. We use a similar provision, but it's slightly different in its construction.

The provision suggested in the bill is that the candidates' names be rotated. That's because studies have shown that the order of a person's name on the ballot can have a significant effect on voter reaction to that name. If you're fortunate enough to have a name beginning with the letter A and you're at the top of the ballot because it's alphabetical, there's a demonstrated benefit of about 3% to 5% associated with that.

So the bill provides that there be a rotation of names on the ballot here as well, to try to diminish the effect of that across a province for all of the ballots. Each candidate's name would come to the top approximately the same number of times over the course of the ballots as they're distributed across the province.

•(1620)

**Mr. Scott Reid:** Can independent candidates contest Senate elections?

**Mr. Dan McDougall:** Yes, independents can contest the selection process.

**Mr. Scott Reid:** Right.

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

We'll begin our five-minute round.

Madam Folco.

[*Translation*]

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Thank you, Madam Chair.

Mr. McDougall, I would like to come back to the very beginning, when you were describing the system at the request of my colleague. There is one thing I don't really understand, and it has to do with transferring votes once the quota has been determined. The surplus is transferred to the individual who has ranked second. His excess is transferred to the person ranked third, and so on. Subsequently, you start the process all over again starting from the bottom.

I would like to present you with a scenario. Supposing we are talking about a candidate for a Senate seat from Quebec. Quebec is very large and we all know how expensive it is to visit all the communities, particularly in Northern Quebec. A person might wonder what the point is of travelling all across Quebec to meet with people and get as many votes as possible when, in any case, the quota is only 555 votes, for example. All the candidate has to do is make sure he or she will receive 600 or 700 votes, without having to go up to Northern Quebec. The candidate may decide just to stay in Laval, the area he or she knows best, and get the 500 votes there.

What is the logic behind this idea of transferring votes from the top-ranked candidate to the one in second place, and from the second-ranked candidate to the one in third place? Doesn't that take away from the democratic nature of the process, as we were talking about earlier?

**Mr. Dan McDougall:** I would say the process is democratic. It is used in many different countries.

**Ms. Raymonde Folco:** But that is not an explanation as to why we are doing this. Did someone sit down at 2 a.m. one day and suddenly decide that he had the answer—transferring votes from the person in first place to the one in second place? What is the logic behind that decision?

[English]

What is the rationale behind it?

[Translation]

**Mr. Dan McDougall:** The votes are transferred because of the quota. The first step is to determine the quota, but it is not necessary to get more than the quota. If nobody receives more votes than the required number, the idea is to avoid an unused vote.

[English]

Maybe I'll try to explain it in English.

[Translation]

**Ms. Raymonde Folco:** It is a lost vote, not an unused vote.

[English]

**Mr. Dan McDougall:** The idea is to try to avoid wasted votes. There are a lot of complaints that the “first past the post” system doesn't function well because there are a lot of wasted votes.

**Ms. Raymonde Folco:** I understand that. I understand the “first past the post” system and all the weaknesses. That's fine. I'm not trying to argue against this new system; I'm trying to understand the logic behind it.

If we're talking about wasted votes, then I could say, well, if I voted for number one and my vote was surplus, and then my vote went to number two, I didn't want my vote to go to number two; I wanted it to stay with number one.

**Mr. Dan McDougall:** If you just want to vote for number one and nobody else, you can certainly do that. So you just mark the one.

**Ms. Raymonde Folco:** I understand that. You still haven't explained the rationale behind the fact that you want to transfer the votes from one to two, from two to three, and so on. That's really the point I'm trying to make.

**Mr. Dan McDougall:** The rationale is that if you're a voter and you vote for number one, number two, and number three, obviously that indicates that you have preferences other than number one, in the first instance. There's someone else you would like to see selected. You'd like to see this person selected first, this one selected second, this one selected third, etc.

You determine the quota. So your first person got to number one and has surplus votes. The idea, then, is to look at those ballots that are surplus to that and ask, what were the second preferences for those persons, and transfer those votes out so that those votes are no longer wasted. In a “first past the post” system, with the votes, once you get over the 50% threshold, whether you get 51%, 87%, or 98%, anything above 50% doesn't count any more.

• (1625)

**Ms. Raymonde Folco:** Excuse me. I think I finally got hold of it.

Are you then counting, for number two, how many votes he got as number one or how many votes he got as number two?

**Mr. Dan McDougall:** Maybe I can explain. There are three ways you could do this for the ones with the surplus number of votes. You could just look at those surpluses and ask what are the numbers on those, for number two, which would be the next instance. So of those surplus, you ask who is number two, and we'll give the votes there. That would be one way.

A second way would be to do a random selection. The problem with doing it that way is that you don't know that the number two preference on the 52nd ballot that is over the surplus isn't the same as the first person. Maybe the first person who contributed to your surplus had very different ideas as to who should be number two.

So what the process has provided for in the bill here is that you look at all the ballots, every one of them, and you look for that candidate who has received more than a surplus. You look at each ballot, and you look for what was the second preference for all of those persons. So every ballot is in play.

Then what you need to do is to determine what is the value of those. So the process here is that you calculate what's called a “transfer value”. The transfer value is simply that you would essentially consider the vote to be a whole number one, so what portion of that vote of the first preference would have been necessary in order to just achieve the quota and nothing more?

If, for example, I needed only 75% of every person's vote in here in order to reach the quota, that means that 25% of everybody's vote in here can be used for the second preference that everybody in here expressed.

**The Chair:** Excuse me, Madame Folco, your time has expired.

Mr. Lukiwski.

**Mr. Tom Lukiwski:** Thank you, Chair, and thank you, Mr. McDougall.

I have to admit that while I'm very familiar with the concept of preferential balloting, I'm a little confused on the STV. In one of my former lives, for several years in Saskatchewan we used the concept of preferential balloting for nomination meetings. That's when you select, at the end of the day, only one candidate. It's fairly simple, although the administrators, the people counting the ballots, have to do so manually, and it takes some time if you have many candidates running.

So I would agree with Mr. Maloney's suggestion that perhaps there be some further explanation, either written or otherwise. It may be worthwhile, actually, to show in a demonstration how this thing works, because it does get a little confusing.

The one point I would make...and this we found out in Saskatchewan when we set up our own preferential balloting system. We examined the process in Australia and New Zealand, and we did a lot of field testing. I think Mr. McDougall mentioned the proposal that voters would mark on the ballot their preference among multi candidates by saying one, two, three, or four, indicating their first choice, their second preference, their third preference, and their fourth.

We found that voters are far more used to marking Xs rather than one, two, three, or four. So what we did on our ballots, if you can kind of imagine this, is put the names of the candidates vertically down the left-hand side, and horizontally across the top of the ballot would be first choice, second choice, third choice, fourth choice. People would just mark an X corresponding with the name and the choice they wanted. They didn't mark one, two, three, or four. We found that this avoided a whole bunch of confusion.

So if this is introduced in the form you're suggesting, I think there would have to be a whole bunch of education for voters on how to cast their ballots. I would just put that out as a suggestion. You may want to take a look at designing a system so that people can actually mark their preference with an X rather than a number. It might prove to be a little easier.

I have a couple of other comments, just based on some of the conversation and questions around the table. One question was that if there's not really an elected Senate and the Prime Minister still has the ability to appoint whomever he wishes, where's the democracy in that? Well, I think it's because of the constitutional challenges that could occur. Right now, to my understanding, in order to have an elected Senate you'd have to change the Constitution. But I know we'll have constitutional experts coming in later as witnesses.

There's no way the provinces would agree—I think Mr. Angus is quite correct, you wouldn't see seven provinces and 50% of the population agree—to an elected Senate, so this would still be the next best thing. It would allow the voters in each province to express their preference of who they would like to see as their senator, or senators, without having them elected. The Prime Minister then would appoint them, as in the current process, but probably based on the votes received by each of the candidates.

I would suggest that if a prime minister wanted to appoint someone other than the person who received the most amount of votes in the consultation process, then he would be doing so at his political peril. If he wanted to do that, if he wanted to appoint whomever he wished, then why would he go through this whole process of having consultations?

I think what the minister is trying to do here is to at least allow the people of each province a chance to express their preference. I think it would be natural to assume that the Prime Minister then, regardless of who received the most votes, will say, well, I'll appoint that person because the province expressed its opinion through a consultation process. That's the fail-safe system, I believe. I would like your comments on that.

• (1630)

If in the design of this system the bill were put together to allow constitutional challenges...because I can see that if we had straight elections, we'd be in a morass constitutionally. This is the next best system, I guess, to avoid getting into a whole constitutional crisis. Would that be an accurate statement, that this is something that will not—in your opinion, at least—result in any constitutional problems but will still allow voters to express their preference?

**Mr. Dan McDougall:** That would certainly be our opinion. To begin with, we were very conscious of the way the Constitution is constructed and what is necessary if one wishes to change the method of selection. That requires an amendment to the Constitution, as you mentioned, with seven provinces representing 50% of the population agreeing to that. As we have seen in the past, multilateral, complex, comprehensive constitutional change with respect to the Senate has been impossible to achieve. Indeed, the confederation of the provinces studied this for several years and were unable to come to any conclusion themselves as to how they would proceed with Senate reform.

As you suggest, from a democratic reform perspective, this would be the next best thing, where you're working within the existing system with the powers that are currently provided to the Governor General to appoint senators and the prerogative of the Prime Minister to make recommendations to the Governor General. This bill certainly respects those parameters and was designed with that in mind.

There are a number of ways, as I mentioned earlier, and some of the flexibility that we've designed into this process is designed to reflect those constraints as well.

The Prime Minister decides whether to invoke the process in the first instance. There's no obligation on the Prime Minister to have a consultation. The Prime Minister decides for how many provinces a consultation will be held. The Prime Minister decides whether it will be with a federal general election or in conjunction with a provincial general election. There is no obligation on the Prime Minister that forces the Prime Minister to make a recommendation to the Governor General. The flexibility is left with respect to the Prime Minister to do that. All of those design parameters are to reflect the constraints we have in the Constitution.

So yes, very much so.

To comment on your earlier point, in terms of the simplicity of design, the complexities, as I mentioned earlier, are really for the administrators. In terms of the voters, I think everywhere the STV system has been deployed—Australia, the United Kingdom, in some of the emerging democracies, and in the former Soviet Union—there's been no instance of the voters having difficulty following the system.

It is important that the voters have confidence that the process is well designed and properly administered. I think we have some strong degree of favour here in that Canada has a very well-regarded electoral system and electoral process with Elections Canada. We're a leg up on many other jurisdictions, if you will. Voter education I think will be particularly important on this. And everywhere this system has been deployed for the first time, the focus of voter education has indeed been on the simplicity of the system from a voter's perspective rather than from an administrator's perspective.

• (1635)

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

Madam Picard, you have five minutes.

[*Translation*]

**Ms. Pauline Picard (Drummond, BQ):** I would like to raise two points, Mr. McDougall. In subsection 54(1) of the bill, it says:

54. (1) [...] the nominee having obtained the smallest number of votes shall be eliminated from subsequent counts.

I would like clarification with respect to your response to questions from my colleague, Mr. Paquette, and Ms. Folco. I don't know whether it was a mistake or not, but you say that the votes are transferred to nominees ranked second, third and fourth, whereas in the bill, it says that the nominee having obtained the smallest number of votes shall be eliminated—in other words, starting from the bottom.

**Mr. Pierre Paquette:** If the quota has not been met.

**Ms. Pauline Picard:** If the quota has not been met.

**Mr. Dan McDougall:** There are two possibilities when it comes to vote transfers.

First of all, there is the situation where there are surplus votes—that is, a candidate has received more than the required number of votes. In that case, all the ballots are examined to determine who would be the second or next possibility.

There is an additional situation where no one, in a given step, meets the quota. That is a separate case. In that circumstance, the

person having received the fewest votes is eliminated. According to the process, the votes cast for each nominee are examined and their votes are transferred to other nominees.

**Ms. Pauline Picard:** You mentioned that you could explain the system of transitional measures. Could you do that?

**Ms. Isa Gros-Louis (Director, Democratic Reform, Legislation and House Planning, Privy Council Office):** The system of transitional measures will be the same as the one currently in place for elections to the House of Commons. The Chief Electoral Officer is being given a two-year timeframe in which to implement a single transferable vote system.

So, for the first election, if the single transferable vote system is not yet in place, we will use the same voting system as exists for the House of Commons.

Is that what you are referring to?

**Ms. Pauline Picard:** Yes.

**Mr. Pierre Paquette:** Just to be practical, let's come back to my example of the five seats to be filled. If there are ten candidates, which ones will be chosen? The first five?

**Ms. Isa Gros-Louis:** It will be the ones with the majority of votes. So, the five nominees with the highest percentages of votes will be elected.

**Mr. Dan McDougall:** There will be less precision in that system, but it will work.

**Ms. Isa Gros-Louis:** Voting will be done by writing an *x*, rather than number 1, 2, 3, 4, 5.

• (1640)

**Mr. Pierre Paquette:** Could we also have...

**The Chair:** Do you wish to share your time?

**Mr. Pierre Paquette:** Actually, it would be helpful to have an illustration of that as well, because it isn't clear.

**The Chair:** Have you finished? Thank you.

**Ms. Pauline Picard:** Yes, unless my colleague has another question.

[*English*]

**The Chair:** Mr. Moore.

**Mr. Rob Moore (Fundy Royal, CPC):** Thank you, Madam Chair, and thanks to the witnesses.

I have to tell you that the most interesting thing I've heard so far is the placement on the ballot. I want to run against someone like a Z rather than someone whose names starts with A. Is that what I'm to understand?

**Mr. Dan McDougall:** That would be the case if there weren't provisions for rotation on the ballot, but the bill actually provides that there is.

**Mr. Rob Moore:** I'm thinking of individuals I've run against in the past. Paul Zed...that explains some things.

I would like to get your comments. I heard a lot of questions in the first round about why don't we just do this or that. Everything we're dealing with and everything you've been tasked with in drafting this piece of legislation has to be seen through the filter of the constitutional constraints we have.

You did touch on this a bit in response to Mr. Lukiwski, but I'm wondering if you could hit the high spots on where flexibilities have to be left in place and where, in the case of the Prime Minister and the Governor General, necessary discretion has to be left, without getting into constitutional amendments. So in light of our current constraints, how does this bill have to be shaped in a way that we have some genuine consultation and democrat input while respecting the limits we're currently faced with?

**Mr. Dan McDougall:** In the first instance, I guess the Constitution currently provides for the process for selecting senators. When I say "process", it's not much of a process. The Governor General summons persons to the Senate, and it's by constitutional convention that the process of the Governor General doing so is on the advice of the Prime Minister.

The Constitution also provides that if you're to change the process of selection of senators—as I just said, it's set out in the Constitution—that would require what's called a complex constitutional amendment with the engagement of the provinces. As I think we've indicated, there's little prospect of that happening in the short term. So the next best approach, from a democratic reform perspective, is to ascertain as strongly as possible the wishes of Canadians directly as to whom they would like to have represent them in the Senate, recognizing that Senate appointments currently, except in Quebec, are province wide. Of course, in the case of Quebec, there are provisions in the Constitution that senators are appointed for electoral districts—24 electoral districts in Quebec.

Those are the general parameters surrounding the Constitution and what's required currently within it. This bill is certainly designed with those in mind. As you mentioned, the bill is crafted so as to ensure we don't trip over those provisions and provide for a process that's not respecting those.

The bill provides a number of areas of flexibility for the Prime Minister in terms of when to use the consultation instrument and how to use it. It's the Prime Minister who's deciding the type of advice he would like to get from the Canadian public—it's advice to him—and then he can make his decision in terms of recommendations to the Governor General. It's a political imperative that's created, as Mr. Lukiwski mentioned, rather than a legal imperative. There's no obligation on the Prime Minister to select anybody from the list. Presumably there may be political consequences for a prime minister deploying an instrument such as this and then not relying on the results from it.

In that way it's very similar perhaps to another bill that's been passed by Parliament in this session, with respect to fixed election dates, where the prerogative of the Prime Minister has some self-imposed constraints put upon it. That's certainly what's happening here, again, respecting as that bill did, the constitutional limitations as to what the Prime Minister, the government acting alone, can do.

• (1645)

**The Chair:** Thank you for respecting the time imposed.

We'll go back to Mr. Angus, please.

**Mr. Charlie Angus:** Thank you.

I accept the argument. It's been the New Democratic position that an elected Senate is not going to happen simply because there's enough entrenched interest to say it won't happen.

I'm interested in following this little side puppet show we're creating here for a consultation process. Given that the Prime Minister can't deal with real democratic reform and we're going to go down a consultation route, why is the Prime Minister and the government writing into the bill that they don't have to bother to even use this consultation process? Why does it not say in the bill that if a senator resigns, there will be a Senate election either at the first provincial election, if the province is willing, or the federal election? Why is it a matter of choice?

**Mr. Dan McDougall:** The matter of choice is again in relation to the previous question. I guess that may well be seen as fettering the discretion of the Governor General or the Prime Minister with respect to the appointment process and require the use of an amendment process to the Constitution itself.

**Mr. Charlie Angus:** So we can go willy-nilly on a consultation process or not at all, and that won't intervene with anything? Could we not say, given the constraints of the Constitution Act, that whenever a senator retires there will be a consultation process with the public and the choice of the consultation process will be the person the Prime Minister accepts? You're saying the Prime Minister doesn't have to do a consultation process. He or she can pick any failed political candidate he wants, he or she, to that position, and this consultation process just sits by the side of the road. It's a matter of choice. Why is that in the bill? Why is it not guaranteed that there will be a consultation?

**Mr. Dan McDougall:** I will ask my colleague to comment on that.

**Mr. Grégoire Webber (Policy Analyst, Democratic Reform, Legislation and House Planning, Privy Council Office):** A distinction should be drawn, I think, between constitutional considerations and political considerations. Some of the matters you outlined could perhaps be speaking to political considerations, but as a matter of constitutional compliance it was thought prudent to ensure that the Prime Minister not be obliged to hold the consultation nor be obliged to appoint names submitted to him as a result of the consultation. Otherwise, it could be seen as fettering the prerogative of the Prime Minister to recommend according to the dispositions or constitutional conventions set out as matters of convention and the powers for summoning persons to the Senate set out in the Constitution.

The bill is currently drafted in such a way as to ensure that the prerogative of the Prime Minister and the powers of the Governor General are not in any way fettered. Matters of political practice may develop, but the bill cannot and does not speak to that.

**Mr. Charlie Angus:** Choosing not to accept the candidate who was democratically consulted by the people is fine. Choosing not to hold a consultation process at all.... You're saying that this is so that we don't get into any constitutional problems. Is that it?

**Mr. Grégoire Webber:** I'm not passing judgment as to whether or not it is fine—

**Mr. Charlie Angus:** But your opinion is that this would be the sole reason that the Prime Minister can invoke or not invoke at will?

**Mr. Grégoire Webber:** That was the primary consideration at play for ensuring constitutional compliance, yes.

**Mr. Charlie Angus:** For me, the issue of democratic form is based on the notion that the democratic vote actually counts. “Democratic consultation” went out with King John and Robert Mugabe. We're telling the Canadian public that they can participate in this consultation process, and the Prime Minister might choose them, but he might not; he might choose somebody else.

Do you think there's going to be a lot of public buy-in on this?

**Mr. Grégoire Webber:** An analogy could be drawn with the Referendum Act, in which a lot of the structure of thinking behind consultation in this bill is provided. A referendum, when held, does not bind any of the powers to which the referendum results are submitted.

• (1650)

**Mr. Charlie Angus:** Certainly, but in a referendum you can't take the second choice. You're going to recognize that there is a public will, right?

**Mr. Grégoire Webber:** As the voting method outlined in this bill provides for, the expression of the democratic decisions by voters—the simple transferable vote—is a democratic process in terms of expressing the preferences of voters, no more and no less than the results of a referendum on a yes or no question.

**Mr. Charlie Angus:** But this isn't an election. This is a consultation about possible choices by the Prime Minister.

I have to ask you a question here, because I want to get it clear. We have one spot open in Ontario. What's the size of the quota that person needs?

**Mr. Dan McDougall:** It will depend on the number of completed ballots, to go back to an earlier question, whether or not someone could get in with  $x$  number of votes.

**Mr. Charlie Angus:** So if 10% of the people vote, or 50%...?

**Mr. Dan McDougall:** The formula is the total number of ballots, divided by the number of vacancies, plus one.

**Mr. Charlie Angus:** Do you have a sense for Ontario? If there's one position open, what's the difference with a quota for six people?

**The Chair:** This is your last question, because your time has expired.

**Mr. Charlie Angus:** Yes, I know. I'm just trying to get this clear.

**Mr. Dan McDougall:** If there is one position, you'd have to assume how many people voted. Let's say there are 10 million who vote. It would be 5 million plus a couple of voters.

**Mr. Charlie Angus:** That would be the quota.

**Mr. Dan McDougall:** That would be the number of votes you need in order to—

**The Chair:** Mr. Angus, please.

Mr. Hill.

**Hon. Jay Hill (Prince George—Peace River, CPC):** I find it unfortunate that when we have an issue like this where it should be so easy for us to be at least respectful, we have one committee member who decides he has to use terms like “puppet show”. I don't know how that feeds into our trying to operate in a respectful manner. Unfortunately, it's increasingly how the standing committees operate. I was hopeful that perhaps a legislative committee wouldn't be subjected to that. My apologies to the witnesses.

I'd like to pick up on some of the comments Mr. Angus made. I've been here for almost 15 years. I'm a strong advocate for Senate reform—I've said this before—and I find it extremely disturbing that the fallback position for many of my colleagues from other parties always seems to be that if you can't go all the way toward an elected Senate—in other words, change the Constitution.... We know all the hurdles. Many of us, even if we weren't here, certainly viewed the country seized with the machinations of Meech Lake and the Charlottetown accord and where all that led, frustratingly so, in the end.

I find it disappointing that we can't view this, discuss this, and debate this as an improvement, because that's how I see it. It's a step in the right direction. It's not the whole enchilada, so to speak, but at least it would give Canadians some choice.

Mr. Angus asked how do we know that electors are going to buy into this and suggested that perhaps there was no benefit. From my window, I think they will buy in because they're going to be given some choice that they don't have now at all.

The default position is to go back to the system we have, whereby traditionally a Liberal prime minister appoints Liberals to the Senate and a Conservative appoints Conservatives to the Senate. If we want that archaic system in this country, that's what we can have. But I think Bill C-20 is an honest attempt to do what we can, respecting the confines of the Constitution. That's what I hear from the witness as well.

He asked, "How do we suggest the public would buy in?" I don't remember the exact numbers, but I think somewhere around 300,000 Albertans voted in a Senate selection there—far more than the 100,000 or so who ever voted for any single MP in a riding. We're lucky if we get half of the eligible voters out to vote any more.

I think this constitutes a good step forward, and it is a step toward democratic reform. We should try to discuss that within those confines.

I would like to ask the witnesses to comment further on this whole notion that somehow the public wouldn't buy in if they were given an opportunity. I think the experience in Alberta—and I don't think it would be dramatically different in other provinces—suggests otherwise.

• (1655)

**The Chair:** Would you like to respond?

**Mr. Dan McDougall:** Perhaps I can respond on the last point about the public buying in.

Certainly any indications we have seen in terms of public will on Senate reform show that there's a very strong inclination among the public that the Senate be reformed in some manner. I think it's fair to say that following some unsuccessful constitutional reforms, the public was weary of reform and that maybe following on that they're now wary of reform. So incremental reform does seem to be somewhat appealing to them.

The government undertook some national consultations over the past year. One of the topics was Senate reform. There were citizens selected from across each province and from the territories to participate in a day-and-a-half session on democratic reform. One of the topics was the Senate. Overwhelmingly in those sessions there was a strong inclination expressed by the participants, who were randomly selected from the public, that the Senate be reformed. Indeed, they were wary of complex constitutional reform, fearing that it would end up, as many other attempts at Senate reform have done, going nowhere. That came out strongly right across the country, in every province.

Similarly, there was a corresponding national poll conducted to try to assess whether the views among the general public, which didn't participate in the forums, were different from those who participated.

Again, the results were very similar. It was strong, as I recall, up in the 60% or 70% range. Here it shows that it was 79% of Canadians who support Senate reform in some manner. And there was strong support for incremental reform, that is, getting done whatever can be done.

**The Chair:** Thank you for your insight, Mr. McDougall.

Unfortunately, we're running out of time. As I mentioned at the beginning, we're suspending at five to deal with committee matters.

We have two minutes left. Are there any quick questions?

Go ahead, Madam Fry.

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Thank you very much, Madam Chair. I'll be quick.

I think it's kind of sad, when we talk about respecting and disrespecting each other, that anyone who questions or disagrees with a particular point of view is seen as causing trouble. I have never seen it that way. I think there's room for disagreement around the table, and at the end of the day, we can come up with what we agree on. It should be done in a respectful manner, but disagreeing in itself is not necessarily disrespectful.

I wanted to ask a question, because I think the issue of democracy and democratic reform is obviously at the heart of what everybody is trying to talk about. I would suggest to you that when the majority of people said they wanted to see Senate reform, I think they meant they wanted to have a say in how senators get to where they are. I would think that most people would believe that this is an extraordinarily expensive way to find out what people think. To then have someone decide that they don't even like their choices, I think, is not democratic.

Second, it's very undemocratic to suggest that in order to run, you have to find \$4 million. You're self-selecting a whole bunch of people who cannot run because they can't ever achieve that kind of money. So while I understand the need for reform, accept it, and understand that you don't want to go the whole route for constitutional change, I think there is a way of discussing how this can become more democratic.

To have people believe that the cost of going out and doing this is acceptable, they would have to know that it wasn't just, "Thank you very much, but I don't think I like any of these guys". I know why they say you couldn't do that and that nobody would do that, but we have seen instances when this government has done things that we believe are undemocratic. For me, there's an issue of trust here, and there's an issue of actually being democratic.

•(1700)

**The Chair:** That sounded like a comment. Thank you, Madam Fry.

On that note, I'd like to say that there is nothing more illuminating than a technical briefing, so I want to thank you for lighting up our Wednesday here. I'm sure everybody has many more questions. But you have enhanced our knowledge on the bill, so I'd like to thank you.

Go ahead, Mr. Maloney.

**Mr. John Maloney:** I don't want to ask a question, just whether we could have this panel back again. There are some members of the committee who haven't had an opportunity to ask one question, and I

think there are others who would like to ask more too. Could we continue this briefing at another meeting?

**The Chair:** There will probably be an opportunity to have you back, if you're willing.

Mr. Reid.

**Mr. Scott Reid:** We're about to discuss the glacial pace at which this committee is scheduled to move here, and I can't help but observe that Mr. Maloney never bothered to ask whether he could split his time with anybody.

**The Chair:** Mr. Reid, we're about to go into committee business, where we're going to be discussing the schedule, so I'd really just like to thank our—

**Mr. Scott Reid:** We're discussing the schedule publicly right now.

**The Chair:** Okay.

I'd like to thank our witnesses very much.

We will suspend for two minutes. Thank you.

*[Proceedings continue in camera]*

---









**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**