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Chair

Mr. Francis Scarpaleggia

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● (1405)

[*English*]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): Welcome to meeting number eight of the Special Committee on Electoral Reform. Today we have Professor Peter Russell, professor emeritus at the University of Toronto, and Professor Patrice Dutil from Ryerson University.

We greatly look forward to what both of you have to say about electoral systems.

[*Translation*]

Thank you kindly for making yourselves available this last week of July. It's greatly appreciated. Your input this afternoon will help us immensely.

Without further ado, I will now turn the floor over to Professor Russell for 20 minutes.

[*English*]

Professor Peter Russell (Professor Emeritus, Department of Political Science, University of Toronto, As an Individual): Thank you, Mr. Chair.

I thank the members of the committee for giving me an opportunity to share my ideas with you on this very important topic you are working on. I congratulate all 12 of you for working on this committee and devoting some real time. I guess it's not just time; it's your head you have to really apply. There are some complicated questions when you get down to alternatives.

I'm here today making a kind of one-dimensional pitch to you. It's set out in my paper, which I'll just skim through, but my one-dimensional pitch is that the one thing, the top thing, the key thing that your committee's recommendations should point toward is creating a House of Commons that represents the political preferences of the people. Now that's quite an idea, isn't it? Imagine an elected assembly representing the people in their political choices.

There are many other values and concerns that go into an electoral system, and they've been set out in various documents to you: accessibility, simplicity, blah, blah, blah. However, members of Parliament on this committee, if your recommendations do not really address this fundamental concern about making our Parliament represent the people, and you might do very well in some of the other concerns, but you will be a failure. You will be a failure because your job is to really deliver recommendations that can make us a representative democracy. That's what we're supposed to be.

So that's what I'm all about and all over.

In my paper I try to explain briefly why the first past the post system, which Canada has had at the federal level from Confederation until today, no longer fits the political circumstances of the country and has not done so since 1921. Why 1921? Yes, I said 1921; that's when things changed. From 1921 on, we did not have a two-party system. Up until 1921 there were two parties. Do the math. One was going to have a majority and the other was not. You were going to get governments that pretty well represented the people—no problem and no issue. It was a natural for our founding fathers—there were no mothers.

Then in 1921, Conservatives under Arthur Meighen actually came third and the Progressives came second to Mackenzie King's Liberals. From that time on we've had a multi-party system, mostly four or five parties, and that kind of party system is really torpedoed, undermined, by the first past the post system. You can see that clearly when you look at the top of page 2 in my brief, where I give the results of federal elections since 1921. We've had 30 elections at the federal level since 1921. Fourteen produced false majority governments. I'm going to come back and defend my use of that term and explain it, but basically, it means governments with a majority of seats in the House of Commons but not supported by a majority of the people. We've had that. That's been the most frequent result, false majority governments.

Just behind it, 13 times, we've had minority governments. Only three times in 30 elections have we had what you could call a true majority government, a government led by a party that won 50% or more of the seats, but also, most significantly, 50% of the popular vote. It was always just over 50%: Diefenbaker's landslide in 1958, Mackenzie King during the war, 1940, and Brian Mulroney in 1984. But they're very exceptional. If you look at our so-called majority governments in the last period, since the late eighties, no government with a majority has had more than 43% of the popular vote, but they have had a majority of seats in the House of Commons and been in a position to control really what happens there and to control government. Indeed, today, 43%, my goodness, party leaders, Liberals and Conservatives, they salivate when they hear that number. They haven't got close to it in recent years. They haven't even hit the 40% mark in the last couple of elections that have produced majority governments.

As I say in paragraph seven, as a parliamentary democracy Canada surely can do better than being most often governed by politicians who were not the first choice of 60% of the people, but who have the power to control Parliament. Electoral reform should, above all, be directed at that situation. That's the number one target I think your committee should have.

I'll go on to talk about some of the concerns people have in a way about what I've just said. I hang out in South Rosedale with Liberals and Conservatives. They're not very interested in electoral reform. When I tell them it's almost guaranteed that no party will have a majority in Parliament, they gasp in horror. “Oh, my God. Oh, my God. Oh, we've got to have a majority in Parliament.” I start the conversation by saying, “Wouldn't you like to have a House of Commons that represents the people, the political preferences of the people?” “Yes, of course, of course, of course. Oh, yeah, give me that. I mean that's what democracy is all about.” Then it's, “Peter, do you mean to say that when they have this sort of system, some proportionality that makes the elected assembly reflect the political choice of the people, they don't have majority governments?”

I say, no, I'm afraid they don't. It's very rare. Why is that? We don't have any popular political parties anymore, not really popular. Popular parties are a rare breed. By “popular”, I mean 50% or more of the population. This is in any of the western democracies. Not just here, everywhere. People have very different views. It's not just Tweedledum and Tweedledee, Tories and Liberals. They have many different ideas. If a country's electoral system and system of representative democracy doesn't respond to that reality—and we haven't for nearly a century—it's really not delivering the kind of representative democracy people need.

With my neighbours and my friends—and they're good people—who are alarmed, and say, “Parliaments with no majority?”, and they shiver and if they have hair it stands on end, I say, “Now, look...”, and then what they sometimes do right away is say, “Italy and Israel, we'd be like Italy and Israel.” Actually, they haven't kept up with Italy. If they did, they'd know it's gone almost the reverse of proportional representation, and Israel has no threshold for its smallest parties. But what they don't know is that almost all of the parliamentary democracy world, that's the countries that practise parliamentary democracy, have some system of proportional representation that represents the political divisions in the country fairly accurately, and they rarely ever have a majority government. They have minority governments or coalitions.

● (1410)

Once you get that out, then you have to ask, what are those countries? Well, they're messy old countries like The Netherlands and Germany and New Zealand, and you can reel off—and I do in my paper and in my book, *Two Cheers for Minority Government*—a dozen or more countries that have governed themselves extremely well with no government having a majority of seats in their parliaments.

In my book I also look at how this has worked out in Canadian history. In my book, *Two Cheers for Minority Government*, I take the minority governments we had from 1921 up until publication in 2006, and I do a profile. Mackenzie King had three. I go on and I do Diefenbaker's and Pearson's and King's and Clark's—a disaster that one—and Stephen Harper's. What I hope I show, and there's lots of evidence in the book, is that these were pretty darned effective governments. They really did get things done. It wasn't a matter of being stalemated and crippled and feeble. They were some of the most dynamic governments we've had.

I take a look at some of the provincial situations where there's been no majority in a legislative assembly and how productive governments have often been in the provinces. My model is Davis' six years. Bill Davis' Conservatives had a minority situation through the 1970s right up to 1981. It was an era of tremendous reform and accomplishment for Ontario. Most of the time Mr. Davis' Conservatives reached out to Stephen Lewis' NDP and they put together a really interesting program of policy reform for the Province of Ontario.

My point here is to underline that those screams of horror at the prospect of no single party having a majority in Parliament, you should be able to deal with those with evidence. We have a very well-educated population, evidence-based thinking is, I hope, really on these days. Ask them to look at the evidence, not the little tidbits they've heard about Israel and Italy, but the evidence. They can start with my book. They don't have to start there but it's the only book on minority parliaments in the English-speaking world right now. Look at the evidence before they lose sleep over the possibility of a proportional representation system giving us no majority in Parliament.

I go on in the paper to say besides governments based on what I call minority parliaments, parliaments in which no party has a majority, Parliament itself works better—there's lots of evidence about that—when no party is in a position to really control it, when there's a real incentive to survive, to put together policies that accommodate more than the plurality party in the House. I think a textbook example, in my opinion, was the first year of Stephen Harper's first minority government. He didn't have a natural ally in the House of Commons, an opposition party that was close to his party, but he managed to reach out on policy after policy, foreign and domestic, to different parties to put together policies that were not an abandonment of Conservative positions but a modification and adjustment of them, and at the same time got through four of his five election priorities.

More often, minority parliaments have two parties that can be more natural allies. My point is that minority parliaments—parliaments in which no party has a majority—can produce strong and effective government but also, and this is so important, they can make Parliament really matter, really be significant from the time it meets until the next election. It's difficult to say that about parliaments in the past—not the present one—that have been dominated by a false majority government.

● (1415)

I promised to explain the falseness. The only reason I call a majority government false when it hasn't been supported by the majority of the people is that I've seen several times both Liberal and Conservative false majority leaders say, “We got a mandate from the people; the people voted us in”. That is—excuse me, members of the public—BS. They did not. That leads to the arrogance that is just lethal in a parliamentary democracy.

I will give up calling them these false majority parliaments when their leaders give up saying, “We got a direct mandate from the people”.

Now, I'll say just a word or two about minority governments versus coalition governments. I have a section on that. I prefer a minority government to a coalition, on the whole, and I think most Canadians do.

We have not had a coalition government, since 1921. We had one just before 1921—Robert Borden's Unionist coalition—but that was a wartime effort when the Liberals split.

I think the advantage of a minority government over a majority coalition...and let me pause to underline what you probably know. Coalitions can be minority coalitions. The one that Mr. Layton and Mr. Dion planned to put together in 2008 would have been a minority coalition.

The disadvantage of a coalition in terms of parliamentary life is that most of the give and take, the reaching out and making broader policies that are more inclusive, takes places in a coalition when the leaders negotiate a deal that brings the two parties together to share cabinet positions. After that, a majority coalition can be as dominating of Parliament as a false majority government. I think we saw that most recently with Cameron and Clegg in the United Kingdom.

On the whole, I prefer the minority government solution.

Let me acknowledge that the downside to minority parliaments is the danger of too many votes in the House of Commons because confidence votes, when you have them often, create a sort of crisis-to-crisis situation. If every vote becomes a matter of the government's survival, you get a crisis situation in the House of Commons—and some of you have experienced that—and you really don't get any interesting and collegial co-operation in making policy. I worry about that.

My answer is that, under an electoral system that's proportional, I think there is less likely to be a lot of votes of confidence. You get a lot of votes of confidence when there is a really good possibility that you can bring the government down, have an election, and get a majority. And oh boy, do party leaders love majorities. I'll be very blunt; I mean Liberal leaders and Conservative leaders. Life is a lot easier, but it's more than that. With Liberals and Conservatives, the gold standard of a leader's success is winning a majority, and that's the way the public and the media gauge them. “He hasn't got a majority yet; he's not really being a great Conservative or a great Liberal leader”.

When you change your electoral system to suit a country in which no party is very popular, in which getting 40% is really as high as you'll get, I think that culture will change and the people, the media, and the political leaders will realize that just bringing down a government to force an election is not very smart because you really don't know what's going to happen with a system that really does accurately reflect the views of the people.

● (1420)

One reform that I urge you, as parliamentarians, to think about in this context is what some of the European parliamentary democracies with PR have developed, the constructive non-confidence vote, requiring that the mover of the non-confidence vote attach to that vote—and this would have to be in your parliamentary rules and the Speaker would have to enforce it—a choice of the next government leader. They say, “Support my motion to bring the government down, and support this political leader.” It's usually the leader of their own party. It would still be a minority party. Indeed, what happens is that if you bring the government down, you would have another government, another combination of political parties that can produce a minority government that can survive in the House of Commons.

European parliamentary democracies with proportional representation have found this to be a very good stabilizing device. That's entirely in your hands. It would be something that a House of Commons, having a adopted a proportional representation system, would want to look at carefully.

● (1425)

The Chair: Professor Russell, these are fascinating and original ideas that we have not heard to this point. I'm sure there are going to be many questions for you to explore them further. Would it be okay if we went to—

Prof. Peter Russell: I'm just going to give you one more prayer.

I get down on my hands and knees because this is just a stabilizing reform—it's my last one, Mr. Chair—if you do change the electoral system.

I think most of the public here doesn't know what I'm going to say. We're virtually the only parliamentary democracy in the world that really has no rule about when Parliament should meet after an election. Think of that. Parliament must have a session once a year, but that means that after an election, when people ask when Parliament is going to meet, no one knows. That's particularly dangerous when no party has a majority, and the public, and indeed the international community, is asking, “Who is in charge in Canada?” Hell, we won't know until Parliament meets, because we must have a majority in Parliament. When is Parliament going to meet? “I don't know” is the response.

Ladies and gentlemen, that's the situation. Once, the country waited five months for a minority Prime Minister, Joe Clark, a wonderful Canadian. I'm not here to malign him.

This is the simplest thing. I've written about the reform in my book. It just requires an act of Parliament. There are models: New Zealand and Australia. One has a one-month rule; the other has an eight-week rule.

The Chair: As you know, the members of this committee are pretty keen on meeting. We're even meeting in the summer.

Prof. Peter Russell: Mr. Chair, it would be just terrible if you get a new electoral system, a proportional representation producing a true representation of the Canadian people, and you elect members of Parliament and don't know when it will meet.

The Chair: I think you're right, professor, in the sense that any change in the system would have to bring along with it many changes to the rules of the House.

Prof. Peter Russell: Yes. I'm sorry to have overstepped my time.

The Chair: No, it was fascinating what you had to say, but we will get to a round of questions. There will be many questions for you, I know for sure.

[*Translation*]

Professor Dutil, you may go ahead.

Prof. Patrice Dutil (Professor, Ryerson University, As an Individual): Thank you, Mr. Chair.

[*English*]

Members of the committee, thank you very much. I'm honoured and delighted to be invited to address this august committee and to discuss the merits and demerits of electoral reform. Your work is very important. It's extremely valuable and it comes at a good time in our history.

You're going to find that I'm quite at odds with my colleague. Where he sees vices, I see virtues. I want to say from the outset that I'm not against electoral reform. I had the opportunity of speaking to a committee of the Ontario legislature in May where I argued that the province's municipal election laws should be amended to allow parties to be funded and to operate freely within the parameters of provincial electoral laws.

Sometimes electoral reform is necessary in order to create a legislative assembly or a city council that will offer better government and better governance. However, I am against reforms that are poorly thought out, ideas borrowed from completely different jurisdictions that will bring Canadians to the edge of the precipice. Advocates of electoral reform urge Canadians not to look down, to take a leap. I'm positively shocked sometimes at how their predictions and conjectures about the consequences of the changes to our electoral system are vague. They have clearly forgotten the old dictum that doctors learn from their earliest studies: first, do no harm.

Electing members of Parliament is not just a question of getting the right kind of demographic representation or a perfect match of votes to results. The purpose of elections is also to give Parliament a good chance of supporting an effective, functioning cabinet that can get on with the work of managing a government, an effective one that can capture perhaps not all the votes or even a majority of the votes, but will capture the zeitgeist of the times and respond to it.

There are two tests for elections and they are not divorced from one another.

● (1430)

[*Translation*]

Before going further, I'd like to, if I may, Mr. Chair, share my answers to the questions that have been asked.

I haven't seen any evidence that any other voting system would do a better job than the current one of meeting those two criteria.

The current system will be 225 years old next year. It has stood the test of time. It has shown itself to be flexible by accommodating ideas and new dynamic movements. It has conveyed the will of generations of Canadians to Parliament. It has allowed for changing governments in power, as well as regular turnover within the ranks of the House of Commons. It is stable and accepted by the vast majority of Canadians.

[*English*]

Our national parties have done a good job collectively in keeping this country together. Collectively over time they have delivered good, stable government that was broadly representative of the people. Why get rid of something that has worked well in favour of a complicated system few understand, or of a system that would reward small regional or sectoral interests by giving them the balance of power or the opportunity to hold governments hostage at any given turn? This country is hard enough to govern as it is. Our national parties have been the crossroads of ideas in our country, and the system that has allowed them to flourish should be allowed to continue.

[*Translation*]

I am opposed to mandatory voting. I don't think that someone who hasn't considered the issues or who doesn't care enough about them should be forced to vote. What would be the point? Forcing people to do something they don't want to do isn't a good habit to get into in a liberal society.

[*English*]

We know who does not vote: people who are younger, who earn less, who are less educated in terms of schooling and in terms of democracy. A Statistics Canada study in 2011 asked people why they do not vote. We can talk about the solutions, but let me give you some of the figures.

There were 1.3% of respondents who said it was because of religious beliefs. There were 3.7% who said it was because they were not on the voters' list. That can be fixed. There were 3.8% who said they forgot to vote. That could be fixed a little bit, too.

There were 7.6% who said they didn't like the issues or the candidates. That's your fault. There were 8.5% who said they were ill or disabled. That's something that maybe can be fixed. Elections Canada has done a good job.

There were 10% who said they were out of town or away. That can be fixed. There were 11.4% who said “other”. Maybe among those people, some did not think that their vote counted. Eleven per cent out of 40% gives you about 4% of the population.

There were 22.9% who said they were too busy. There were 28% who said they were not interested.

You have a real problem here that I think can be addressed with good programs. Many programs already exist. It's just a matter of doing a better job. Again, that's a 2011 survey. Changing the electoral system will not change these attitudes.

The third point is that I do support continued research on online voting and its eventual adoption once we are all assured that it is accurate and foolproof.

[*Translation*]

I'd like our parliamentary system to function better. Let me be clear. I want it to have better representation and greater legitimacy. It is incumbent upon parliamentarians to make that ideal a reality and to work within an electoral system that has allowed for the election of stable governments responsive to the issues facing Canadians.

Parties should put forward more female and minority candidates. But you don't need to change the system to make that happen.

[*English*]

If you want Parliament to be more representative of the people, I would invite you to consider the Senate. Remember, it was created to balance out the electoral distortions of the House of Commons. Mostly, we've allowed our governments to make a hash of this noble institution. I don't want it to be elected, and I don't want it to be equal. It has all the attributes to be effective without frustrating the will of the duly elected members of the House of Commons. Imagine an upper house that contains representatives of segments in our society that don't make it to the House of Commons. There should be members of the Green Party and the NDP in the Senate, recognized as such.

I'm delighted that this Parliament has a record number of people from the first nations. There are many other minorities that are represented now in the House of Commons, but there are so many who have no representation in Ottawa, yet the lever is right there and it could be pulled with the next vacancy. The age of retirement guarantees turnover. I urge you to consider this idea.

The problem is politics, not the system. All it takes is goodwill and enlightened politics. There is no need to change the system.

You've been asked to examine the issue of engagement. There is no evidence that alternative systems favour participation more than others, except in two cases. The first one is mandatory voting. The seven jurisdictions that have adopted it typically boast a participation rate of well over 80%. If you want that, consider forced voting. The second one is something you never hear about. It's voting on Sunday, which is a typical practice in Europe. Give people a day off to vote. Vote on a Sunday when most people are not at work, dealing with kids, dealing with school, taking them to lessons, doing all the things that a normal family does during the week. Give them a chance to go vote. Of course, advanced polls are to be encouraged.

I'm on public record already on the idea that any proposal coming out of the government should be put to a referendum. I want to address the issue of the referendum. I made the argument in the *Toronto Star* two days after the throne speech was read. Last month I published a study on the precedents of electoral reform in this country, and it was published by the Fraser Institute. My point was that there's a very rich history of electoral reform in this country, which has established a series of precedents. My argument is that the same principle has to be followed for any electoral reform this government proposes.

In 1981 the Supreme Court of Canada was faced with a particular problem: the federal government wanted to make massive changes to the Constitution, but there was no clear recipe for how to do it. The issue was referred to the Supreme Court, which affirmed the existence of constitutional conventions in Canada. A majority of the justices found that the Government of Canada's plan violated those conventions by trying to act unilaterally. The key point from the Supreme Court's statement was that precedents and constitutional conventions mattered. They are important because they capture a certain idea of political culture and practice.

In the context of the British system, which works without constitutional text and is therefore instructed only by past actions, the British expert Sir Ivor Jennings argued that constitutional conventions “provide the flesh which clothes the dry bones of the law; they make the legal constitution work; they keep it in touch with the growth of ideas”. Jennings articulated a set of questions to test the validity of constitutional conventions. For him, three conditions had to be met in order to do so, and together they became known as the Jennings test. What were those three questions? Question one, were there precedents? Question two, did the actors in the precedents believe that they were bound by a rule? Question three, would there be a constitutional reason for the rule?

The Supreme Court applied the Jennings test, and it judged that there did exist a convention that Ottawa, the provinces, and even the British Parliament had lived up to in order to change the Constitution in the past. The court concluded that the government needed a substantial measure “of provincial consent”, and the rest is history.

● (1435)

I put it to you that the Jennings test applies to this situation. The voting system in practice in Canada is not enshrined in the Constitution. The Constitution Act does specify that members of Parliament must be elected, but says nothing about what system is to be used to choose winners. There is, moreover, no constitutional amending formula that applies to any changes to the way Canadians vote. However, there are precedents and conventions about how elections are determined, and they have been part of the Canadian political culture for centuries. The Jennings test for conventions thus applies.

First, on the issue of precedents, over the past decades four provincial governments, P.E.I., Ontario, New Brunswick, and British Columbia, committed to put the question to the people. In New Brunswick in 2006, the PC government lead by Premier Lord promised a plebiscite on electoral reform, but it was never held because the government was defeated. There will be a second referendum, again on electoral reform, in Prince Edward Island this fall.

On the second issue, all the key actors believed that they were bound by a rule, in Ontario, Premier Dalton McGuinty declared in 2004:

> We're going to the citizens of Ontario. We believe the issue of electoral reform is so fundamental, so basic, that we're asking the people of Ontario for their judgment in this matter.

Kuldip Kular, the parliamentary assistant to the Attorney General, declared:

> Ontario’s electoral system belongs to Ontarians, not to elected officials or appointed commissions. So we are asking Ontarians to decide for themselves how our political system should work and how they want to elect MPPs here to Queen’s Park.

In British Columbia, Premier Campbell even established a minimum level of support for the plebiscite—it was applied elsewhere—to be accepted. For reform to be enacted, at least 60% of the valid votes had to be cast in support of any proposal and a simple majority in favour in at least 60% of all electoral districts had to be achieved. Many people argued that the threshold was too demanding. Premier Campbell defended the decision with these words:

> We believe this is a fundamental and significant change, and we therefore have placed a double approval process in place. There are some who have already suggested that that is too high an approval rating. Clearly, the government disagrees with that. We believe this is a significant change. It's a significant change that should require the kind of approval that says, indeed, a great majority of people in this province feel that they will benefit from this change....

The idea of public approval, and public approval with a supermajority, has been adopted by all other jurisdictions because it is that important. P.E.I.'s House Speaker, Gregory Deighan, put it most eloquently. "It stands to reason", he said, that Islanders "should have a strong voice in determining how these electoral systems work because they do have a significant bearing on the...results of an election".

Other Westminister jurisdictions over the past 25 years have also gone to the people. Australia, which has long made important changes to its electoral system without consulting the public, changed in 1992 when the Australian Capital Territory put the question to its people. It's a small jurisdiction of about 300,000 people. The 1992 referendum in the ACT, the Australian Capital Territory, was an advisory poll that was held simultaneously with the election. The question simply asked if voters preferred the traditional first past the post system or the single transferable vote system. The members of the ACT, the citizens of the ACT, voted in favour of that.

New Zealand went to the people three times, first in 1992, then in 1993, and then in 2011. In all three cases, the premier said, and I'm quoting the premier of 2008, Mr. John Key, "Finally, we'll open our ears to New Zealanders' views on their voting system". Now it has passed in New Zealand. They adopted change.

Following the 2010 general election in the United Kingdom, the Conservative Party led by David Cameron and the Liberal Democratic Party led by Nick Clegg agreed on a coalition government that committed the government to holding a referendum. Prime Minister Cameron emphasized the need for a clear public mandate. In January 2011, the Prime Minister said that a referendum was necessary in order to "allow the people to decide on voting reform and that a referendum was a democratic step".

A month later, the Prime Minister declared, "Far above our beliefs about how the voting system should work, we share a much more important belief—a belief in democracy and the voice of the people being heard".

It's clear that the other Westminster systems have also considered electoral change. What is remarkable is that in the last 25 years governments felt compelled to allow the voters to have a say. The Canadian practice at the provincial level was thus consistent with other systems that have operated under the principles of the United Kingdom, as we say in our Constitution.

● (1440)

The Jennings test on validity of the conventional rule can thus be applied to the necessity of seeking popular agreement on electoral reform. To the Jennings question of what the precedents are, the record is clear. To the question of whether the leaders understood that they were under a rule, the record is also clear.

[*Translation*]

Governments have been convinced that electoral reforms could not be introduced without the express consent of the majority, in some cases, a super majority, of the electorate. National governments, such as the United Kingdom's and New Zealand's, did so. The governments of major Canadian provinces such as Ontario and British Columbia did so, as have smaller provinces such as New Brunswick and Prince Edward Island.

Progressive Conservative-dominated governments felt compelled to consult the electorate, as Liberal and Labour governments did. Minority and coalition governments have used referendums, and so too have governments with total dominance. The referendum has traditionally been the instrument used to consult voters on changes to the way their representatives are elected.

Do I have another five minutes, Mr. Chair?

The Chair: You have less than four minutes.

Prof. Patrice Dutil: I'm getting to my last point.

The way we vote shapes our political culture. Canada is not perfect, and its democracy has its flaws. But we also have to recognize that the system has worked and that, because it has enjoyed the electorate's approval for generations, the electorate must be consulted. The Government of Canada cannot just assume that it can unilaterally change how Canadians vote. It does not have an exclusive claim to the electoral process, and it must respect conventions.

[*English*]

The fact that electoral reform has already been rejected four times by Canadians in plebiscites adds all the more urgency and morality to the matter. The past views that voters have expressed cannot be simply discarded. As is the case in any other jurisdiction, the federal government must conduct rigorous and comprehensive consultations but not simply driven by the self-appointed advocates of reform. Beyond that, the process must include a referendum, no matter how much it costs or how long it delays decisions. Regardless of the result, the government must abide by it. Without going to the people, it can expect no legitimacy to make any changes to the precious process of elections, the very essential tools of our democratic civilization. The way we vote is not a mere trifle. It is structural.

Now I will put my political historian's hat on and tell you more about how this has affected our political culture. There is a danger in wanting to make changes to the structures that correct flaws in our political parties. The Prime Minister indicated that first past the post is a voting system that generates disparities between votes gained and the number of seats secured. Since 1960 we have had 10 elections that resulted in majority governments but only in one case, in 1984, did the winning party receive more than 50% of the vote. They were obviously reading Professor Russell's book. I ask, what's wrong with this? Canadians seem perfectly at ease with the system. What's wrong with giving a group of parliamentarians the right to govern, knowing that most people voted against them?

This is where I come to the issue of political culture. The net effect is modesty. Governments know that they are few years or even months away from being turfed from power. It sharpens the mind. It means consultation. It means gradual change, but it does mean change. It means waiting for consensus to take shape in the population. That's political culture at work.

The other effect, of course, is that it creates genuine competition among parties to improve their results. Look at the progress this country has made since 1960, most with governments shaped with less than 50% of the vote. We are the envy of the world. People risk their lives to live in a system where a party that receives a minority of votes rules. It's not an accident. People in Parliament ignore it at their peril. Canadians favour a political culture that allows for a clear transfer of power from one party to another. We like turnover. It's painful for you, I know, but we want to be able to kick the "bums" out when they stop listening. Canadians favour this system.

Are there riots in the street when electoral results are delivered? No. Why? Because the system did its job. It elected a representative for the riding, not a representative for a political brand. Our political culture holds you to serve your constituents. There are regulations that govern your constituency offices. You're not allowed to show your colours. I know some of you do and you're not supposed to. You do it at your own peril. Our political culture is not harsh. We don't expect the parties to deliver on all of their commitments, only the important ones. A system that creates modesty, a system that does lead to arrogance, but the arrogant have discovered that they don't stay in power very long because our system allows people to remove governments.

In conclusion, Mr. Chair, my advice is fourfold.

Remember, first, that the key purpose of elections is to allow Parliament to form effective and efficient government.

● (1445)

[*Translation*]

Second, you should seriously consider holding voting on a Sunday or public holiday.

Third, you should use this as an opportunity to ask Canadians whether they think it should be mandatory to vote.

[*English*]

Finally, agitate to make the Senate more representative, starting now.

[*Translation*]

Thank you for giving me an opportunity to speak to you today.

The Chair: Thanks to both of you for making such passionate presentations and explaining your respective points of view. I think we are about to embark on a lively and thought-provoking discussion, which is what we want.

We will stick to what has become the committee's standard practice, in other words, two rounds of questions with each member allotted five minutes for questions and answers.

We'll start with Mr. Aldag.

[*English*]

Mr. John Aldag (Cloverdale—Langley City, Lib.): That's great, thank you.

I'm going to start by just noting that many of us are following feedback from Twitter. One of the early pieces I just wanted to pass on is that Jennifer Ross wanted to thank Professor Russell for posting his brief on the website so that others would be able to follow along. I just wanted to pass along that thank you. As well, I appreciated your light way of presenting very excellent content. I really thank you for that.

For the first question, I'm going to go to Professor Dutil. You've made your comments and your thoughts on referendums very clear, and I appreciate that. In a *Toronto Star* December 9 article—something that popped up when I Googled your name—you talked about this idea of electoral reform. You noted that our government "must conduct true consultations—rigorous and comprehensive consultations that are not simply driven by the self-appointed advocates of reform."

Our government hasn't made a clear decision yet on whether or not a referendum will happen. We're in the information-gathering stage now. We're looking at the benefits, pros, and cons of that. I'd like your thoughts on what those other "true consultations", from your perspective, would look like. What else can we do to make sure we're gathering a range of perspectives and true input from Canadians on this very important issue?

● (1450)

Prof. Patrice Dutil: Thank you for your question. I wrote this in December. I think that what has happened, what has transpired, is very good. I like the composition of this committee. I think you've set very high objectives. You have a good budget to get the job done. My only worry is that the kind of people who come to these meetings are likely to be convinced that electoral reform is necessary. People who don't think it's necessary are not likely to take the trouble to defend what they think is obvious. That's what I'm saying.

You have to make an effort. It's not easy, and I appreciate all the efforts being made. But you have to seek out as many voices as possible, not just the people who are in favour of electoral reform. Let's be blunt. The people who are in favour of massive electoral reform, of proportional representation or other systems, have been at this for a generation now, 25 years. The people who want to support the system are the silent majority—call them what they are—the people who think the system is actually functioning quite well and really doesn't need very much reform.

I think if you can come up with practical ideas, ideas that are realizable, that are possible, that could be done, you might actually come out of this exercise with something genuinely good. The issue of mandatory voting is an example. Use the opportunity to ask people if they think this is a good idea. I've told you I'm not in favour of it. I don't think it's consistent with our values, but maybe Canadians are in favour. There's a good reason, by the way, why you might want to consider that. The experience of western democracies is that mandatory voting will boost your participation rate by about 8% to 10%.

Canada has an average of about 70% participation rate going back to 1867. That's not bad. It's not great, but it's not bad. If you want to add mandatory voting to that, you can put an extra 8% to 10%. That would bring you up to 80%. Then if you want to vote on Sunday, there are studies that show that Sunday provides you another premium of about 6% or 7%. That's Sunday mostly, but also Saturday. The third most popular day is Monday. When do we vote? We vote on Tuesday, Wednesday, or Thursday. Try Sunday voting. Ask people; that is my point. Ask people if they would mind voting on a Sunday. It used to be an idea that was received with a great deal of hostility. I think times have changed. Again, with the combination of mandatory voting and Sunday voting, you might be looking at a premium of 10% to 15%. Who knows? All sorts of people have different reasons not to vote, and there are all sorts of variations on that.

Anyway, I think good, practical ideas can actually lead this committee to deliver something that's tangible and applicable quickly.

Mr. John Aldag: I'll leave it at that. Thank you.

The Chair: Thank you.

Go ahead, Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you.

Thanks to both of our witnesses.

I've read with great interest Professor Dutil's paper, “The Imperative of a Referendum”, and also some years ago I read with great interest Professor Russell's book, *Two Cheers for Minority Government.* In fact, Professor Russell, you came and spoke about this book to a committee that I sat on a few years ago. I'm sure you don't remember me, but your presentation was very memorable, so I remember you.

I did want to start by going to Professor Dutil, and I have two questions for you. The first one is this. You said in your presentation today, “Regardless of the result [of a referendum], the government must abide by it.” Those are your exact words. I just want to be clear that, when you say this, you do not mean that if there is a referendum and it rejects a new proposal, this ends the discussion, or alternatively, that if a new method is adopted, approved by the people, this eliminates the possibility for further reforms. That is to say, I assume you are not saying that the results of the second referendum in British Columbia, the proposed second referendum in P.E.I., or the 2011 referendum in New Zealand, all of which are different versions of looking at the same question again, are illegitimate.

● (1455)

Prof. Patrice Dutil: I could add a lot more subclauses to what I wrote. I would assume that the question will be clear. I would favour a supermajority on these issues, quite frankly, as the provincial governments did in Canada and as they did in Australia and New Zealand, because these matters are very important. It can't just be decided by 50% plus one.

I think if you meet all those conditions, if you have a fair vote, yes, I think governments have to abide by them. I'm a democrat. I think governments should have to abide by them. Am I understanding your question?

Mr. Scott Reid: Yes, abide by the decision to either implement or not implement a system. I'm just saying that revisiting the question at a future date is not something you're actually precluding as a possibility, or am I wrong?

Prof. Patrice Dutil: Well, no. I would not want our system to be making a habit of turning to the people every few years and asking them if they're happy with the electoral system. No. I think that maybe once a generation, maybe once every two generations, or maybe once a century might be a good idea. Who knows what our democracy is going to look like with electronic voting in 15 to 20 years' time? I really can't speculate into the future. I wish I could.

Mr. Scott Reid: Let me ask you a different question regarding the Jennings test. My own teacher regarding constitutional conventions was the writings of Albert Venn Dicey, a generation or two before Sir Ivor Jennings, and I haven't read Jennings, so let me just ask this question. He lays out his three rules, one of which is whether the key actors in the precedents felt they were bound by a rule. This appears to assume that conventions grow over time and that they can't be eroded, so I have to ask this question.

We today face a Prime Minister who says, “I reject a convention that other provincial actors in Canada and other actors across the Commonwealth have accepted exist. I say that whatever they felt bound them, I am not bound to go to the people. I have my mandate from the 2015 election. I will proceed forward without a referendum.” He then goes on to criticize referenda in various ways, but let me ask the question. How does all this work when you are faced with an actor who takes that point of view toward what appears to have been an established convention?

Prof. Patrice Dutil: I raised the Jennings test because, again, it was specifically applied by the Supreme Court of Canada in 1981. It's not something I just pulled out of a hat. The Supreme Court applied the Jennings test, and I think the Jennings test applies itself again in the situation where you are trying to change a fundamental aspect of our Constitution. It's an unwritten aspect, but we've been voting by the first past the post system since 1792. That predates everything. The first election in Lower Canada was in 1792. We've been using this kind of system ever since.

You're touching on a pillar of our system, and we don't have any constitutional amendment formula for pillars of our system. In a situation like that, you have to identify whether this is in fact a convention. The Jennings test gives you a test to determine whether it's a convention. I think it meets that test, but it's not going to be my decision. I suspect that what should happen is that either you or the government refer it to the Supreme Court and let the Supreme Court decide: does this Jennings test apply in this case? We're all going to have to live by that kind of decision.

[*Translation*]

The Chair: Thank you.

It is now Mr. Cullen's turn.

[*English*]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Chair.

Mr. Dutil, are you making the contestation that minority parliaments are not effective?

Prof. Patrice Dutil: Oh, no. I would never say that.

Mr. Nathan Cullen: But you raised the four horsemen of the Apocalypse, if we go to a minority situation out of some sort of proportional representation. You described people as willing to die for the right to have minority parliaments and—

Prof. Patrice Dutil: False majorities.

Mr. Nathan Cullen: —yes, false majorities, as Professor Russell.... Yet minority parliaments are a likely outcome of proportional-type systems, would you agree?

● (1500)

Prof. Patrice Dutil: Yes. I just don't like proportional systems. I'm afraid that proportional systems focus—

Mr. Nathan Cullen: Please, allow me this. If the committee were to adopt a recommendation for Canada to have a proportional system, one of the outcomes...because I like this conversation, where we're talking about outcomes to the voters, to the policies that may come out of Parliament.... You like this committee.

Prof. Patrice Dutil: I like this committee a lot.

Mr. Nathan Cullen: It's interesting that this committee is made up of the voice of Canadians in the last election, mostly. The representation you see here is the outcome of the way Canadians voted in the last election.

Why we wouldn't want that to manifest in Parliament writ large is an interesting question. Minority parliaments have been far more productive over time, in terms of what Canadians want and cherish. Let me run through a quick list that I'm sure you're familiar with: public pensions, employment insurance, the flag, the Accountability Act, post-secondary funding, bilingualism, health care. These are all things that I think Canadians cherish quite a bit and are all the result of minority parliaments, which again would be much more likely out of systems that are called proportional.

Why be so opposed to an electoral system that would produce, often, governments that have, in Canadian history, produced better results for Canadians?

Prof. Patrice Dutil: The answer is simple. These were minority governments that were formed out of national parties, not out of small sectoral parties, regional parties that can somehow put together a coalition and each divide up the spoils in terms of what they want out of government policy. We have, in those minority governments —

Mr. Nathan Cullen: Hold on; allow me this.

We just saw, in the last British election, a regional party, the SNP, take virtually every seat in Scotland. We've had the experience in this country of the Bloc Québécois forming the official opposition. We've had this under first past the post. We all recognize, I think, and all of our witnesses have, that there's no perfect system out there. It's about what you prioritize and what things you think are more valuable.

We think that systems that reflect the will of the voter, as this committee does from the last election, are inherently driven towards more co-operation. We've had testimony from other esteemed witnesses from countries that have operated under these that the regionalism you talk about is actually the opposite result of more proportional systems.

I want to turn to Dr. Russell for a second. It was suggested earlier that all we need is goodwill and enlightened politics. We wish for such things all the time. The effectiveness of connecting voters geographically, so that there's local representation, so that you know who your representatives are, along with what's called fairness in the voting system....

You talked about making Parliament more relevant in people's lives, giving it more connection, under the proportional systems that you've advocated. Can you elaborate on that?

Prof. Peter Russell: Yes. I've been thinking a lot about that. In my own little odyssey, I was pretty stuck on mixed member proportional —I think this committee is getting to know all this technical talk— whereby you have lists to top up the first past the post members. As I read more and look more at other countries in the world, I'm becoming pretty interested in a multi-member constituency model, the STV model. I notice that some of the more creative Canadian political scientists—you're going to hear from them—are coming up with more STV models in which you have larger districts or constituencies, with maybe as many as five members, but you retain that geographic connection.

You haven't heard yet from Jean-Pierre Kingsley—

Mr. Nathan Cullen: We have.

Prof. Peter Russell: I'm not up-to-date on what you've heard.

He combines what is a very interesting idea: having single-member constituencies in more rural parts of Canada and multi-member constituencies in the cities.

Mr. Nathan Cullen: Again, back to the second piece of my question, which was—

The Chair: We're out of time. Sorry.

Mr. Nathan Cullen: I'll ask it in another round.

The Chair: Absolutely.

Monsieur Thériault.

[*Translation*]

Mr. Luc Thériault (Montcalm, BQ): Good afternoon, gentlemen.

I'm going to take advantage of your conflicting views to ask two short questions.

How do you explain the emergence of voter cynicism towards politics?

What do you make of the unwritten parliamentary rule of party lines?

● (1505)

[*English*]

Prof. Peter Russell: I'm afraid I didn't catch the question.

[*Translation*]

Mr. Luc Thériault: How do you explain the emergence of public cynicism towards politics?

What do you make of the unwritten rule of party lines?

[*English*]

Prof. Peter Russell: There's a lot of it, but I don't have any data. My guess is that we're a less cynical citizenry in Canada, less cynical about democracy, than in most other countries. But I don't see excessive cynicism out there, do you, sir? Do you think a lot of people are cynical? Maybe I mix with a very optimistic group of people.

[*Translation*]

Prof. Patrice Dutil: We don't have any data on cynicism. It's important to recognize that.

As a trained historian, I tend to put things into context historically.

Having read what politicians experienced in the past, I don't have the sense that people are more cynical today than they used to be. There were times in history when prime ministers lost in their own ridings. It hasn't happened in Canada in a long time, but it occasionally happens at the provincial level, mainly in Quebec.

I don't have the sense that a particular brand of cynicism is plaguing the system. I admit that, in the 1980s, a drop in voter turnout was noted among Canadians, but keep in mind the entire western world experienced that trend. The statistics on that are very clear. Whether you're talking about France, England, Canada, Belgium, or the United States, all of them have seen a decline in voter turnout since the early 1980s, but it's starting to improve.

As Professor Russell mentioned, we may be seeing a rebound. Cynicism is less prevalent than it used to be. But that's just my impression.

Mr. Luc Thériault: Contrary to the argument some are trying to make, there's no relationship between the voting system, in other words, the mechanism, and a high degree of cynicism that needs to be tackled. Some people are claiming that changing the voting system would inevitably influence people's cynicism and their confidence in the political system.

You are proposing two voting, or political, systems. What is your take on the issue of party lines?

[*English*]

Prof. Peter Russell: Part of my presentation mentioned the danger in minority parliaments, parliaments with no majority party, of a very strict discipline coming into play, because on every vote the government stands or falls and it's do or die. My suggestion is that if we had a system that more accurately represented the people of Canada, I think that would go away because you wouldn't have crises, one confidence vote after another. Parties would be less inclined to move them. The party leaders on the government side would be more inclined to make more issues free votes, and I think the constructive vote of non-confidence, which has come into play in some of the European parliamentary democracies, is well worth looking at to make for a parliament that doesn't just reel from crisis to crisis. That, you don't want. That, you do not want.

We know from comparative studies—and I hope you're talking to political scientists who know about these other countries—that they don't reel from crisis to crisis in the countries that have a proportional system.

● (1510)

The Chair: We will go to Ms. May.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you.

I have to say it's an enormous honour to be in the position of being a member of Parliament at this table and putting questions to one of my heroes of academia, and of political science, Dr. Russell. It's extraordinary and I'm grateful to you for being here in person and answering questions.

I also think that it's wonderful to have someone—and no offence—but you're sort of an éminence grise in the field and there is no "grise" about you at all. You've made us laugh, you've entertained us, but you've made it really clear what you think.

In the written submission you touched on something that you didn't mention verbally and I find it intriguing. To put it to you, I take it that there is an additional risk in what you term "a false majority" when, as you point out in your paper, Canada has "the world's most centralized parliamentary democracy" and you go on to say "in a minority parliament there is likely to be a diminution of its officials' capacity to interfere with parliamentary activities"—by which I suspect you mean the executive of the Prime Minister's Office.

I wonder if you want to comment on whether there is a benefit in constraining excesses of power.

Prof. Peter Russell: We developed, really from Pierre Trudeau's time—and he really began the process—a very large and very powerful Prime Minister's Office.

Most Canadians are unaware that it's much bigger and more powerful than in London, England, than in Canberra, than in Wellington and other Westminster democracies. It became, I think, the elephant in our democratic room when unelected people, whose main purpose is the re-election of the government, have so much power over policy and even begin to interfere with cabinet government and parliamentary government, telling cabinet ministers what they can say and when they can speak, "helping"—that's a nice word for it—MPs during question time to give the right answers.

An international study of the centralization of power in parliamentary democracies done 10 years ago—it's quoted in my book and it was very carefully done—found Canada was much the most centralized. I should add, all that research was done before 2006. I mention that because some say that was just a characteristic of Mr. Harper's way of governing. But no, it had come in under the Liberals and had been carried on by Conservatives and intensified.

I say to my friend, Patrice, Canadians don't go out in the streets saying, "Damn it, let's bring down.... Let's throw stones. We've got unelected people telling cabinet ministers and MPs what to do". We are a quiet people. We put up with awful situations.

I'll just give you one example. It almost made me weep. The book, *Tragedy in the Commons*, is of interviews with members of Parliament of all parties and their experience over 10 years, not quite the last 10 years but 10 years in this century. They were miserable years.

I say to Patrice, sure, we can live with that. We can still be a great country and we are a terrific country, but I just think, democratically, we can do better. We can do a lot better and we should try to do better.

Ms. Elizabeth May: Thank you, Professor Russell.

I want to also ask you.... You haven't touched on this question and I haven't even asked you because I think it's not really something we should waste our time talking about a great deal. However, since referendums keeps coming up, I wonder if you have a view on whether there is a constitutional requirement that we hold a referendum.

Prof. Peter Russell: I've written a lot about constitutional conventions and have spent a good deal of my life with them, and I certainly like the Jennings test, but as Sir Ivor Jennings would be the first to acknowledge, they're really identified in the political process. If a prime minister says, “I'm not doing that anymore”, unlike the case with a legal rule in statute or in the Constitution itself, that's the end of the convention. In other words, conventions live or die in the political arena.

My own sense of where we are with this question of having a referendum is that if this committee brings forward such a recommendation—I think it has to be a recommendation with a fair consensus behind it—the answer is yes. This is not for any sophisticated constitutional reason, but I'll predict that if you didn't do that, the issue won't be the merits of your recommendation; the issue will be Patrice's point, that you're not doing it democratically enough.

● (1515)

The Chair: Thank you.

We'll go to Ms. Romanado now.

[*Translation*]

Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.): Professors Dutil and Russell, thank you kindly for being here today and giving us your valuable insight.

[*English*]

I always like to have some direct and frank conversations.

My question is for Professor Russell.

With your suggestion of proportional representation, would you suggest that minority governments would be formed, or would a new precedent of coalition governments be the expected result?

Prof. Peter Russell: I think coalition has become a bad brand. It got branded “bad” in 2008 by leaders of the Conservative Party. I thought that was very misleading. I've already said that I prefer a minority government arrangement to a coalition, but it's not “bad”.

The one thing to be sure about, even though there was a lot of criticism of the Liberal-NDP proposed coalition, is that there was not a convention established that to have a coalition you have to announce it before the election. That was the argument that some of the Conservative leaders made: if you're going to have a coalition, you have to say beforehand to the people that you are going to have a coalition, and then you can have one. I don't know a single country that has such a rule. Certainly we never have had one. You're free to have a coalition even though you didn't advertise it during the election.

I like the play in Parliament in minority government situations a little better than that in coalitions. New Zealand has a very interesting combination of both. It usually has minority coalitions, and the Green Party usually stays out. Because the minority coalition is a minority, there is a lot of interplay between the Greens and some others. There is now a separate Maori party, besides Maori seats. There's a lot of interplay even between parts of that coalition.

I like to see give and take in Parliament so that the outcome of parliamentary debates is not preordained. Everybody knows that, even if they talk all night, such and such is going to be the policy. I think that in a real Parliament, to be deliberative means they're really going to deliver.

I remember what I call the textbook example, Harper's first minority government. On foreign policy, we were divided about Afghanistan. We had a terrific parliamentary debate. It split the Liberals, but it created a modified Conservative policy. Then I think on the budget, the NDP negotiated some changes in child welfare policy with a Conservative government and got, at least for a while, a better policy out of it. It was the give and take in the House. I like to see that happening in the House of Commons.

● (1520)

Mrs. Sherry Romanado: One area that is really important to me because of my background is youth engagement. We did see an increase in youth participation in the last federal election, and I'd like your recommendations on how we can maintain that engagement both in terms of voter participation but also in engaging that next generation of folks who want to run, which I'm concerned we're not doing enough about. I'd like your suggestions on how we can increase not only youth voter participation but also their willingness or interest in running for office.

Prof. Peter Russell: That's a really important question. We're getting to know a lot more about youth in politics. We know the bad news that the youngest cohort of voters, aged 18 to 25, has the lowest turnout.

Nonetheless, we have some very resourceful colleagues—Paul Howe of the University of New Brunswick and Henry Milner at the Université de Montréal—who have been looking worldwide at the same phenomenon, particularly in western Europe. I suppose what they are really coming up with is improving how schools handle the teaching of politics. If you read their books, it isn't just a matter of teaching; it's the type of teaching. It should be interactive and not not just having the teacher saying, here's what Parliament does. It should be very creative and interactive, having mock parliaments and so on.

We don't do enough of that in Canada. We don't have enough push to do that. The teachers institute, which some of you know, is part of that. They bring high school students here every November, but only about 110 of them. I've helped raise money for that. It's a wonderful initiative but we have to really help the schoolteachers. Something that I found out to my horror is that Ontario, my province, is the only province in which a civics course is mandatory in high school

The Chair: Thank you very much.

We'll go to Mr. Kenney now.

Prof. Peter Russell: That's not good news.

Hon. Jason Kenney (Calgary Midnapore, CPC): Thank you, Mr. Chair.

Thank you, Professors Russell and Dutil, for your compelling testimony before us today, and in the case of Professor Russell, your lifetime of work on these and other issues in particular.

I have a couple of perhaps editorial notes to make, which you're free to respond to, Professor Russell. You mentioned the 2008 NDP-Liberal coalition. I would submit that one of the reasons polling indicated that 70% to 80% of Canadians rejected that proposed coalition was in part that it was not advertised as a possibility prior to the election and in part because it involved the Bloc Québécois. You will recall Mr. Duceppe signing that accord. Just as you have suggested there is a political requirement for a referendum in order to grant the process democratic legitimacy, I would submit that parties who prospectively will create a coalition must at least admit the possibility of that, given our long-standing history of not having formal coalitions.

More specifically, on one other point of information, I gather that Israel does have a floor in their PR system of 3.25%—so the most marginal part. That's part of the reforms that Israel made I think about 15 years ago.

I wonder if both of you could comment on the following. Professor Dutil has outlined the Jennings test as it may apply to the question of a constitutional convention for a referendum on electoral reform. He also suggested that perhaps the government may want to refer the question of whether or not there is a convention to the Supreme Court.

Would either of you care to comment on this as it relates to the Supreme Court decision on the Senate reference case two years ago, in which the Supreme Court suddenly seemed to adopt a very strict originalist jurisprudence with respect to the original intention of the founders vis-à-vis the Canadian Senate. Essentially to paraphrase it, the court said that the founders had a particular idea of what the Senate ought to be, which would be violated by elections to the Senate.

Do you not think it's also possible that, following the same kind of jurisprudential line, the court would say that the founders had a particular idea that the House of Commons would be based on first past the post?

● (1525)

Prof. Peter Russell: I think an MP would run the risk there, because it produces two kinds of members of Parliament. That phrase in the Senate reference about the architecture of the constitution, you would agree with me, is not a precise phrase, and creating two kinds of members might be found to be a deviation from the architecture. However, having multi-member ridings in various versions of the STV system, I think, would be okay. We've actually had that in Canadian history. That's another reason why I've moved from MMP to STV, because I think there's less of a constitutional doubt about the latter.

Prof. Patrice Dutil: Depending on what is being proposed, the Supreme Court would have to make a decision and determine whether it applies or not. I think it's very hard to predict at this point what they would finally decide. I find this Supreme Court particularly difficult to decipher anyway. But I think the Jennings test does compel the government to make its case to the people, because we would be moving away from precedence and we'd be moving away from an established practice in this country that has lasted far longer than this country.

I'm not really sure I've answered your question very well.

Hon. Jason Kenney: Yesterday we had other political scientists on the panel, and when I posed the question: “Is there not a convention for referenda on electoral reform?”, they simply answered no, but they never presented any reasons. What arguments against the convention would exist? I haven't heard anybody actually offer any arguments.

Prof. Patrice Dutil: There is no argument against the convention. When the Supreme Court of Canada was asked in 1981, they said these conventions matter and the Government of Canada has to abide by those conventions, the government has to work to build substantial agreement among the provinces. The government, therefore, had to abide by that rule. It's not something you can simply dismiss. Conventions matter a great deal.

Let me quote Peter Hogg.

[*Translation*]

Do I have enough time to read the quote, Mr. Chair?

The Chair: Not really.

Prof. Patrice Dutil: All right, I'll come back to it.

[*English*]

Hon. Jason Kenney: Can he just finish the sentence? I'll give up my next—

The Chair: Okay, go ahead. But we are going over five minutes for each one.

Go ahead.

Prof. Patrice Dutil: Peter Hogg said, in his *Constitutional Law of Canada*, “there is a stronger moral obligation to follow a convention than a usage, and that departure from convention may be criticized more severely than departure from usage.”

Convention matters.

The Chair: Okay, thanks.

Mr. DeCourcey.

[*Translation*]

Mr. Matt DeCourcey (Fredericton, Lib.): Thank you, Mr. Chair.

I'd also like to thank the witnesses.

[*English*]

My question is for Professor Russell.

In the very first sentence of your brief, you talked about the goal or the value or the result of any change to the electoral system producing "a House of Commons that represents the political preferences of the people". I wonder what weight or value you think voters place on their political preference around electing someone from a local constituency, someone they would have a link to, maintaining the value of local representation in any form of electoral system.

Prof. Peter Russell: We have quite a bit of data on that. Not from me. I don't do that kind of research. There are those who do psephology, which is the study of voters and why they vote one way or the other. My colleagues who do that in Canada for some time have shown that the party for most people is more important than the individual candidate in their riding, and that hasn't changed for a very long time. Often an outstanding candidate, or a really lousy candidate, can make a big difference and blow an election or win it. But the majority of Canadians are thinking in party terms when they walk into the booth.

Part of that is also the media campaign. The majority of citizens, for maybe unfortunate reasons, don't go to all-candidates meetings. I'm crazy about all-candidates meetings. I think, like the little town halls, they're exciting. I always see the same people from my neighbourhood there. Most people's experience in an election campaign is on television, and now the Internet, not even reading the papers, and they don't talk about the local candidates. In fact, they even don't talk about people who might be in the cabinet very much. They talk about party leaders and the party, and that's the conversation.

I knocked on doors in the last election and I didn't hear much about candidates. I just heard about Mr. Harper and Mr. Trudeau, Liberals and Conservatives. I tried to say a little bit about the Green Party, but they weren't very interested. So there you go.

● (1530)

Mr. Matt DeCourcey: I guess I asked because we had presentations yesterday from professors citing citizens' assemblies and law commission work and others who cited the value expressed by citizens in those processes around fair representation, around more choice and more preference in balloting, and the need to maintain a link between elector and elected.

I guess I want to follow up on my colleague Mr. Aldag's question that Professor Dutil was able to answer. Professor Russell, do you see any means that we, as a committee, should consider to ensure that we broadly consult with people in going forward with this committee process?

Prof. Peter Russell: Oh boy, you have a tough assignment. I know there's been talk that you should do a citizens' assembly, and I know that's not going to happen.

On the other hand, they're well written up. What's interesting about the B.C. citizens' assembly and the Ontario one is that they really were genuine efforts to get a cross-section of people in their respective provinces, most of whom had never even thought about electoral reform, to apply their minds to it for a month or so and to just keep on and think about it, and they came out very much for a proportional representation change: STV in B.C. and MMP in Ontario.

You haven't had one of these assemblies, but to me these are very impressive. All you can do, though, when people come before you and proclaim that this or that will happen, is to keep asking them for evidence. I think the more evidence-driven you are, the stronger evidence you'll have for a recommendation.

[*Translation*]

The Chair: Thank you.

We now move on to Mr. Blaikie.

[*English*]

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thank you very much.

I want you to maybe speak a little more to the question of what has been one of the themes of Canadian politics over the last number of decades, the concentration of power in the PMO. I think having a system that produces what you've called "false majorities" certainly contributes to that.

What are some ways in which you could see a different electoral system help mitigate the centralization of power in the PMO?

Prof. Peter Russell: Well, the PMO is not going to shrivel and go away. We have—Patrice has used a useful phrase—a "political culture". We have really as a country, of all the Westminster parliamentary countries, built it into our culture, as we have with political staffers for ministers. We've changed the political culture of our parliamentary democracy, and a lot of it has been fairly beneficial. I'm particularly supportive of political staffers helping ministers, and I think the PMO has lots of good work to do.

But there are a couple of things we can do. First of all, if the government is in a minority position, the tendency to push government members to do what, as they call them, boys—and might I say "boys and girls"—in short pants are telling them to do.... I think some of that will come off; I really do.

I'm not naive: there's still going to be a strong PMO, but I found it very distasteful. I watched some question time, and I again come back to that fine book *Tragedy in the Commons* and what experienced MPs told the Canadian public through it about their subservience to young people who had never run in politics. Their counsels weren't coming directly from the Prime Minister: the Prime Minister is too busy. They figured out what they thought would be the right answer at question time or the right thing for a cabinet minister to do if he were going to have a press scrum. I think there will be some relaxation of that.

The one legislative change, however, is to overcome a Supreme Court decision. The Supreme Court of Canada, in 2011 on a quiet June day when everybody was asleep, decided by eight judges to one that the Prime Minister's Office is not an institution of government and therefore is not under the Access to Information Act. Now, if ever an office was an office of government, it's the PMO. One judge, LeBel, a wonderful Quebec judge, wrote a ringing dissent.

This is a governmental institution; it should be open to access to information on such things as budget, the structure, the job descriptions of the people in it, the use of polling—what polling they do, and what is done with that polling.... We're not going to have private conversations, which must go on between the Prime Minister and his staff or her staff, but we should grow up and acknowledge, as the Supreme Court did not, that this is a public institution, and we should know as much about it as about any other institution of government. I've written much about that, but I'm afraid the rest of the country thinks that, like my idea of having a time by which Parliament must meet after an election, this is an academic idea that just goes floating away like a leaf on the river. I hope, however, that you've heard it.

● (1535)

Mr. Daniel Blaikie: I just wanted to ask this very quickly, Professor Dutil. Correct me if I misunderstood, but you had said that one of the principal goals of an electoral system is to produce a stable government that essentially doesn't have to worry much about being defeated in Parliament. What is the effective distinction between the legislative branch and the executive branch of government if the electoral system is really just meant to produce a legislature that is going to be uncritically, often, in the case of false majority, supporting the executive branch?

Prof. Patrice Dutil: What I meant was that we want a Parliament that will support a government, where the government is responsible and where it can get the support of a majority in Parliament. Whether it comes from one party or a variety of parties doesn't really matter. You want to have a system that is as stable as possible. That's all I'm saying. In theory, we elect people to Parliament so that they get together and form parties, form a unity of opinion that will in turn support an executive. They can come from one party. With time, we've created parties to facilitate that understanding, but they are very separate.

The Chair: We're going to have to go to Mr. Deltell, please.

[*Translation*]

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Thank you, Mr. Chair.

Thank you, professors, and welcome to your Parliament. As my colleagues pointed out earlier, it's fascinating to hear two respected academics with such opposing views debate the merits of the issue alongside one another. It's a wonderful example of democracy in action, and we are very fortunate to have you.

I believe the two of you bring the tally of academics who have appeared before the committee to eight. I would like everyone to carefully consider hearing from the academic who said, and I quote, “Precedent makes holding a referendum necessary in Canada: changing the voting system would require popular support.” That great scholar is none other than the Honourable Stéphane Dion. I encourage all of my fellow members to seriously consider that possibility.

Before going any further, I'd like to pick up on what my NDP colleague Mr. Cullen said a few moments ago about the makeup of this committee reflecting the will of voters during the last election. From a numbers standpoint, I don't agree with that statement.

The Green Party received 600,000 votes, corresponding to one committee member. The NDP has two. Does that mean the NDP garnered 1.2 million votes? No. It received 3.6 million votes, six times as many as the Green Party. Now, in our case, it was nine times as many. We have three members on the committee, and they have one. The committee's makeup is indeed different from that of the House of Commons, but it does not at all reflect the will of Canadians in the last election.

I have many questions for you.

● (1540)

[*English*]

First of all, I will start with you, Mr. Russell. You said earlier that it's very tough times, if we listen to you, that during the last 150 years, and especially in the last 100 years, only three times did we have majority governments. Two of them were Conservative—Diefenbaker and Mulroney, the good old days.

Prof. Peter Russell: That's since 1921.

Mr. Gérard Deltell: Mr. Russell, what I want to say to you is that, sure, it's not perfect; it's not crystal clear; there are no perfect systems.

Prof. Peter Russell: I agree.

Mr. Gérard Deltell: Don't you recognize that at least the majority of the vote belonged to the government, except under Joe Clark's government in 1979 when we got fewer votes than Mr. Trudeau? All the time, in the last 100 years, at least, the majority of the people were in power.

Prof. Peter Russell: You mean you had a plurality of the vote.

Mr. Gérard Deltell: Yes, I'm talking about the majority.

Prof. Peter Russell: Yes, but that's only a plurality, around 40%. I just don't think government should be controlled tightly by an administration that only 40% of the people think is what they want.

Mr. Gérard Deltell: What was the wrong result of that for the Canadian economy and for Canadian democracy? What went wrong in the last 100 years with this system?

Prof. Peter Russell: Well, there are several things. You'd have to go back to the false majority times. We just had a false majority before this government, and I think we're seeing that Canadians, for instance, supported parties that take global warming very seriously. Yet, they were under a government that did not seem to do that. The students I interact with—I'm still teaching at the University of Toronto—and even my neighbours in Rosedale were alarmed that our government was not reflecting their concerns about that issue. I think the majority of Canadians were alarmed.

Mr. Gérard Deltell: Sir, we're talking about policies now.

Prof. Peter Russell: I give that as one example.

Mr. Gérard Deltell: If you want to go in that field, I can go in that field, too. It's not the case here. It's not the place for that.

What I'm asking you is, what went wrong in this country for the last 100 years because of this political system? What were the decisions with terrific effects on our democracy because of the system that we had in the last 100 years?

Prof. Peter Russell: I think my colleague would like to answer that.

The Chair: We have 30 seconds to go through the history.

[*Translation*]

Prof. Patrice Dutil: Mr. Deltell, I'll give you a single example: the riding creation, in 1917, and the electoral system distortions at the hands of the Conservative government and the Unionist government. Otherwise, in most cases, there is justification for the policies that were chosen by governments and supported.

When people grew angry with the Conservative government—that's the example Mr. Russell would like to use—it had chosen to ignore Canadians' wishes regarding the environment, and the government partly suffered the consequences.

The Chair: Thank you.

Ms. Sahota, you may go ahead.

[*English*]

Ms. Ruby Sahota (Brampton North, Lib.): Thank you.

Professor Russell, you were speaking about elections earlier, that we don't vote or place emphasis on the candidate but, rather, the party when we are electing our members of Parliament. I would agree to that to some extent. I saw that in my election as well. But I also feel that post-election the emphasis is different. Post-election, people tend to place a lot of emphasis on their members of Parliament and they want to hold somebody accountable and they want to be able to have a connection with somebody and they want to be able to go and see somebody.

It's self-proclaimed, but I think my constituency office is probably one of the busiest constituency offices in the country. I know that my constituents think it's very important to be able to reach out to me. They definitely point out, “We voted for you, not necessarily the Prime Minister but for you, so we hold you accountable to hear us out, whether it's on Canada Post or the environment or whatever it may be.” What are your thoughts on that, having that local connection to a member of Parliament?

● (1545)

Prof. Peter Russell: It's a very important dimension of parliamentary government and you people experience it every day, particularly when you're not in Ottawa. One of the things I like about the STV system is that it retains that and broadens it. Let me give an example from my own part of Canada, the middle of Toronto. We've hardly ever had in recent years a Conservative member of Parliament. My area of downtown Toronto is full of Conservatives, and under an STV system the Conservatives would have a member of Parliament—I'm just convinced of it—and maybe even two, and not always a Liberal or an NDP.

I could reverse that in other parts of the country, in Redmonton, as I love to call it, where for a long time...it's a little bit easier now for a Liberal to get elected, not very easy, but there are a lot of Liberals in Edmonton and they have not had a member of Parliament.

I think also of aboriginal people who rarely have the numbers in any given riding, a single riding of the size of our ridings now. But under an STV system, it's likely that there could be scope and opportunity for an aboriginal candidate, much more than under our one member simple plurality system. I think it would even strengthen the ties between elections between the member of Parliament and the people.

Ms. Ruby Sahota: What system do you think allows for the most accountability for members of Parliament, to be able to hold them accountable? Not for one member, but like in a district where you would have five or so members that you were speaking of earlier, what if one member shrugs off some of their responsibilities and the other...? How do you hold them all accountable?

Prof. Peter Russell: If I understand your question, and I'll use the technical word, I'm a Burkean when it comes to the role of the MP. I don't see the MP as simply a representative of the people in his or her riding. You elect a member of Parliament because you think that person has good judgment on the issues of the day. The people in any constituency, any of them in Canada, are divided. They don't have a single view, and I don't believe in the accountability of the member of Parliament to the electorate in his or her riding.

I think it's important to spend lots of time in the riding and meet the people. And again, with STV there is likely to be not only one flavour of political MP in the area, but several. But I don't believe in the accountability of the member of Parliament to the people in the riding. I say that publicly.

At election time, of course, if you've done a lousy job, they may throw you out, to the extent that is an issue in the election.

The Chair: Thank you.

We'll start the second round now with Mr. Aldag, for five minutes.

Mr. John Aldag: Thank you.

Professor Russell, one of the things I've heard from previous witnesses is that we're going to need to narrow things down at some point. Don't consult on 18 different models, choose three or four. So as I try to understand what those three or four models might best be suited to our system, I'm looking for whatever wisdom I can get.

In your submission you indicated looking at MMP or an STV system, with a preference for STV.

If I understood your opening comments, you made some sort of reference to a possible constitutional issue. I don't know if I misunderstood that or if there is something there related to MMP.

There is a Twitter question I'll get to, but first of all I just want to know if you want to expand on why you're saying that STV is perhaps best suited to Canada, given our unique...whatever those values and attributes are. Could you take a minute on that?

● (1550)

Prof. Peter Russell: STV retains the one kind of member of Parliament. It means at the local level there are multi-party MPs to represent the distribution of political preferences in the neighbourhoods. So it's not just the plurality, there is not just the political preference that more people like than any other single preference.

In my part of Toronto we have lots on the left, we have lots on the right, we have lots of Greens, and I like the idea of a number of MPs representing districts of Toronto rather than single ridings with only one MP. I like that idea very much.

Mr. John Aldag: Okay. Actually, when you were giving that explanation I think it was in the context of having two different types of MPs that you might have alluded to that there might be some sort of issue.

Prof. Peter Russell: Oh, on the constitutional issue.

Mr. John Aldag: Yes, the question on that one comes on Twitter from James Crown. He says that your brief states preference for STV but he wants to know if an MMP system with regional open lists would fit the bill and avoid that constitutional issue.

Prof. Peter Russell: Yes. Again, we have this cloud hanging over us. The Supreme Court created a new kind of concept—Mr. Kenney alluded to it—of the architecture of the Constitution.

It's a little hard for those of us who parse every word of Supreme Court decisions to tell you, “Well, here is what ‘architecture’ means”. But my guess would be that if someone said that having two kinds of MPs changes the architecture, they might get a case up, and it would be embarrassing to have a new electoral system under a constitutional cloud.

I don't think you'd have that problem with STV, but I think there would be an argument about constitutionality with MMP. That's all, and that worries me.

Mr. John Aldag: Thank you for that.

Professor Dutil, do you have any thoughts on systems that would —and maybe others, if you would be so bold—go beyond first past the post? Are there any other systems that we could be looking at?

Prof. Patrice Dutil: I always see complications with the other systems. At the end of the day, I'm not sure what they bring to the table that's fundamentally different, if you have a larger riding and have three members of Parliament for it and all three of them from different affiliations, rather than one riding that has a member of Parliament for it who is directly accountable.

I believe that for many people, the MP's presence is important; I think it's one of the things Canadians hold to most dearly. They may not support you personally; they may like the fact that they voted Liberal, voted Conservative, voted NDP, or voted Green; but they like the fact that you're there.

At Ryerson I started a program a few years ago that actually puts our fourth-year students in politics in your office. You may not be a part of it, but it's offered to all members in the GTA. To answer your neighbour's question—how do we educate our students?—that's one of the ways we do it.

Anyway, I'm out of time.

The Chair: Thanks.

Mr. Reid.

Mr. Scott Reid: Thank you, Mr. Chair.

I want to return to the question of political conventions and their strength in directing or mandating a prime minister who has indicated a willingness to override them. To do this, I want to state what I believe the greatest danger to be, first of all, and then I'll turn to Albert Venn Dicey, who discusses a particularly interesting parallel.

As you know, in the 2015 election the Liberal party won 39% of the vote but 54% of the seats, which gave it 100% of the power. Specifically, it won 184 seats.

A calculation done based on that data and upon exit poll information as to the second and third and fourth preferences of voters indicates that, had they used a preferential ballot in single-member districts, Liberals would have won 224 seats. That means, of course, that they would have had 70% of the seats.

But you can play this the other way. The question is how low their percentage of the vote could drop and still allow them to get more than 50% of the seats and 100% of the power, given that this particular system predictably causes the party of the centre to do best. That's the fundamental, underlying issue, if that is the direction in which the Prime Minister steers, and he has indicated that so far that is the direction in which he plans to steer.

Turning to conventions, Albert Venn Dicey writes in the *Introduction to the Study of the Law of the Constitution* about the Septennial Act. This was an act passed in 1716 by the British Parliament, which at that time was elected for three-year terms. The law changed the term of Parliament so that it could now continue to govern for an additional four years—it passed this when it had a year left to go—and there was no court remedy against that act. Some members of the House of Lords protested and wrote or said at the time:

> ...the House of Commons must be chosen by the people, and when so chosen, they are truly the representatives of the people, which they cannot be so properly said to be, when continued for a longer time than that for which they were chosen; for after that time they are chosen by the Parliament, and not the people, who are thereby deprived of the only remedy which they have against those ...[members of Parliament]

You can see what I'm getting at. Effectively, Parliament rewrote the terms of its own contract unilaterally, gave itself extra power, and the people had no remedy. Likewise, if Mr. Trudeau rewrites the election law so that the next election is conducted under rules under which he can lose a significant number of votes, then the classic test of a convention, which is whether it will cost you the next election, is subverted.

I thus submit that question to you: what do we do with a situation in which the issues of legitimacy are so clearly separated from the direction in which a government is trying to go?

● (1555)

Prof. Patrice Dutil: I'll say this about what would likely happen in that kind of scenario. If the government unilaterally changes the rules by which Canadians elect their Parliament, and if this is accepted, you are going to be setting a precedent whereby the next government can change the rules also—it's as simple as that—and we're going to wind up in a situation in which potentially any government that is not happy with the result may roll the dice, change the system again, and may win big or may win less big.

I'd be concerned about that kind of situation. Again, in terms of providing what Canadians want—good, stable government that is flexible and that can be turfed out—this would raise cynicism. To come back to Mr. Thériault's question, it would raise cynicism a great deal more than anything else. That would be my worry.

Prof. Peter Russell: I think it's a matter of legitimacy. Looking for a convention may sound very erudite and intellectual. I just think it would be a bad idea to change the electoral system and not have a referendum. It could go down very badly with the Canadian people.

But I think what you have to think about—and I'm sure you have—is the referendum legislation. The Referendum Act we have now will not work. It was designed for the Constitution; it didn't apply to Quebec.

You have to look very carefully at spending rules. You should look at the New Zealand referendum of 1993. Spending rules are absolutely crucial—and whether you're going to have yes and no teams.

A lot of thought has to go into the referendum. If you look at the 1993 referendum in New Zealand—the second one they had, after the 1992 referendum—corporate New Zealand poured millions of dollars into hair-raising ads saying that it would be the end of civilization as you know it, if MMP went through. In the earlier election, the popularity of MMP was 86%, and it fell to 53% with unlimited spending by corporate New Zealand.

● (1600)

The Chair: We'll have to go to Mr. Cullen now, for five minutes, please.

Mr. Nathan Cullen: Thank you, Chair.

I want to talk about the role of women in politics.

There was a dramatic change in the last election in Canada, but no dramatic change in terms of women's representation in Parliament. The Parliament only changed, in fact, by 1% of the total, net. I'm looking through the list of countries in the world at women's representation in the legislature, and Canada sits at 62nd. I suppose we congratulate ourselves by not being 96th, as the United States is, but 62nd is nothing to brag about.

I look through even the top 10, and there is one country that doesn't have a proportional representation system that is in the top 10 for women's representation, but that's Cuba. I'm not sure we're going to cite that example.

There's a question about women's participation in proportional systems. The vast majority of countries that do well in terms of women participating are elected through proportional systems.

You asked for evidence earlier, so I'm trying to use it in this discussion today.

Mr. Dutil, do you have any comment on that?

Prof. Patrice Dutil: Yes. There's absolutely nothing that prevents you in this system from running more women as candidates.

Mr. Nathan Cullen: There seems to be, because even—

Prof. Patrice Dutil: There isn't; it's a choice you've made.

Mr. Nathan Cullen: Certainly within the parties, the NDP is coming through with 42%, but we have seen a barrier to women being successful in politics. Is that not fair? Unless you agree that 26% representation is a good result, obviously the system is failing us to this point. The political parties.... You can blame whoever you'd like. Blame the voters, if you will—

Prof. Patrice Dutil: No, I'm going to blame the parties.

Mr. Nathan Cullen: —but to suggest that the DNA, the actual mechanism by which people run as candidates and by which they are elected to office, is not a factor would be false, isn't that correct?

Prof. Patrice Dutil: I think it's actually wrong to blame the system for political failures.

Mr. Nathan Cullen: I'm not blaming the system.

Prof. Patrice Dutil: You're blaming the system. You're saying—

Mr. Nathan Cullen: Not at all. I'm asking, is there not a correlation—?

Prof. Patrice Dutil: —that another system yields naturally more women. It doesn't, and I'll point you to another example.

The Chair: I can't even follow now. Why don't we let Mr. Dutil answer, and then you can have a supplementary?

Prof. Patrice Dutil: Thank you, Mr. Chair.

I'll simply say that in Ontario there has been a dramatic increase in the number of female MPs, and that's been done under a first past the post system. If the parties are serious about making sure that women are well represented, then they should run more women as candidates.

Mr. Nathan Cullen: I cited evidence that there's a correlation, it seems, at least on the surface; that under proportional systems women do better. You agreed with that statement, is that not true?

Prof. Patrice Dutil: It's coincidence; it's not causal.

Mr. Nathan Cullen: It's coincidence? It's only coincidence that the vast majority of countries that succeed in having better women representation also are countries that have proportional systems? That's just coincidence; that's not evidence?

Prof. Patrice Dutil: It's coincidence.

Mr. Nathan Cullen: Right.

Prof. Patrice Dutil: Run more women as candidates.

Mr. Nathan Cullen: There was a question earlier about representing the will of voters.

This is a question to you, Professor Russell. This one comes from Twitter, from Jennifer Ross, who asks, “do you think a referendum could be held after the voters have tried... out” and understand what the new system is? You've talked about not so much a convention as validating the process that we are engaged in right now, by hearing the democratic voice of Canadians through a referendum.

Prof. Peter Russell: I would not go for a trial run. I really would go into town halls and other places for simulations. I think one of the best ways of getting people who haven't really thought much about these alternatives to do so is to have simulations. It's the best way of teaching.

I've experienced this. When you stand up and tell people, even though you have very clear language, what STV or some other system is, it goes in one ear and out the other.

Mr. Nathan Cullen: Sure.

Prof. Peter Russell: If you take a Saturday afternoon off and have a couple of votes, one under one system and one under the other, not only do they learn something, but they have a lot of fun. Do that; have simulations.

Mr. Nathan Cullen: What we're trying to overcome is that barrier of fear of the unknown, or the fear of change—

Prof. Peter Russell: Sure.

Mr. Nathan Cullen: —which is a natural precept.

It was something about the outcomes again. I think we need to return to this, because all we talk about here in terms of the mechanism, and I think in terms of understandability for Canadians, is what kind of results they are going to see.

My Conservative colleague earlier was attempting again to make a vice out of cooperation and coalitions and whatnot, which is strange, because Mr. Harper in 2004 attempted to make what he didn't call a coalition government but a "co-opposition" government. He used that different term when he sat down with Mr Duceppe and Mr. Layton to try to oust the minority Liberal government. I remember it well. I was here.

What's valid when it's introduced by one party becomes invalid. I think we need to make a virtue out of the idea of parties sharing ideas and sharing power.

Is this not something that we should encourage?

● (1605)

The Chair: Unfortunately, our five minutes is up. Perhaps we could save the answer for another questioner.

We'll go to Mr. Thériault.

[*Translation*]

Mr. Luc Thériault: So much to say! You're quite inspiring, gentlemen.

A number of people have raised the issue of regional voting or regionalism. I wonder a lot about that. Some claim that the current system leads to regional aberrations such as what happened in 1993 and that a proportional representation system is necessary because of that. I can come back to that. Others argue that a mixed member proportional system, or compensatory mixed system, would promote regional voting.

What do you think?

Since we have only five minutes and I have another element I'd like to discuss, I'd appreciate a short answer.

Prof. Patrice Dutil: Experience shows us that, under a proportional representation system, a growing number of parties will represent narrower and narrower interests. It's as simple as that, and the math backs it up.

Mr. Luc Thériault: Where do you stand, Professor Russell?

[*English*]

Prof. Peter Russell: I don't think it will; I think the opposite. I think it will encourage parties to be national.

Right now it's tempting for parties that run consistently second or third and don't get any representation in the House of Commons to focus just on the region in which they have strength. That has always been a temptation. Fortunately, the Conservatives have resisted that temptation and have worked hard—in Quebec, for instance—to make themselves a national party. It's the same with the Liberals, who almost got locked out of the west for a while.

I think a PR system would really encourage national parties. The threshold level is very important. When you're taking your evidence in on other systems—we talked about the low threshold in the Israeli PR system—you should consider that, and you should look at the evidence of the proliferation of parties: it's not there. It should be evidence-driven.

There are not big proliferations of regional parties in the countries that have adopted PR, and first past the post countries have even more. That point has been made.

[*Translation*]

Mr. Luc Thériault: My apologies for interrupting, but that wasn't the point I wanted to discuss.

[*English*]

Prof. Peter Russell: So, let's be evidence-driven.

[*Translation*]

Mr. Luc Thériault: Earlier, you quoted Judge LeBel in the Figueroa decision. He said, "Perhaps the most significant manifestation of the importance of political representation of regional interests in Canada is our federalist system." He went on to quote the Fathers of Confederation, specifically John A. Macdonald, whom you are familiar with, Mr. Dutil. During the Confederation debates, John A. Macdonald said that "any proposition which involved the absorption of the individuality of Lower Canada…would not be received with favor by her people" and that "there was as great a disinclination…to lose their individuality, as separate political organizations".

Wasn't the outcome of the 1993 election simply the manifestation of the disinclination to lose that individuality as separate political organizations? Would you call that narrow interests?

Prof. Patrice Dutil: The historical context in 1993 is similar to that in 1917, when Quebec voted almost unanimously for Wilfrid Laurier. In both cases, the outcome reflected people's outrage over an extraordinary political situation.

They are narrow interests in the sense that voters were delivering a scathing condemnation of a situation that obviously required a near-unanimous response, one that would ensure a Quebec-centric voice in Parliament.

With proportional representation, I guarantee you there would be a regional party in every single region of the country. In Ontario, I guarantee you there would be sub-regional parties, including a Toronto-centric party. A Vancouver-centric party would emerge.

● (1610)

The Chair: Thank you.

It is now over to Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

[*English*]

I want to pick up on something for Professor Russell. In testimony here yesterday, Professor Nelson Wiseman, whom I assume you know, said there's really nothing new to learn about this; that we should go back and look at the law reform commission and look at the citizens' assemblies; and that if the government were serious about electoral reform, this committee wouldn't exist; that they would have just announced what they wanted to do and would be doing it.

Since you were an expert in the 2004 law commission report *Voting Counts: Electoral Reform for Canada*, would you be willing to reflect upon what you think we can learn that's new from 2004 to 2016, or do you agree with Professor Wiseman that we should just go back and look at what other bodies have done?

Prof. Peter Russell: Several things have happened since 2004. I mentioned the citizens' assemblies. I know they weren't all the Canadian citizens, but they were cross-sections. They were extraordinary efforts to involve ordinary Canadians from all walks of life. You should look at their work. You should look at their report. They worked on it hard and thought it through. That's new since the law reform commission.

I think we have further evidence about the effectiveness of governments in countries with PR in dealing with the fiscal crisis. The year 2008 posed a tremendous challenge to the democracies. If governments based on PR with minority parliaments—no party with a majority, according to the old bias—can't do anything, then how do you account for the very effective performance of minority governments and coalitions during the years of fiscal crisis, every bit as good as in countries with false majority governments?

I'd say the same on what I think is the biggest issue of our time: environmental issues and global warming. Again I think the record of countries based on PR is very impressive.

We've mentioned, as Mr. Cullen did, that the participation of women in elected legislatures has built up since 2004. That argument, by the way, was put forward as well as anyone by the founder of Fair Vote Canada, the late Doris Anderson, to explain why it was not a coincidence. It's still in my mind a tremendous bit of work, and it got Fair Vote Canada going.

Prof. Patrice Dutil: I would only say that there's been an explosion of studies over the last 10 years on voting behaviour. Most of it is showing that there is less and less of an obvious link between voting methods and the turnout rate: the turnout rate has gone up and down independent of the electoral systems that have been chosen.

More and more work has been done over the last 10 years on this. They were looking at other factors. The two factors that do seem to be making a difference, as I said in my opening presentation, are mandatory voting and voting on Sunday.

Ms. Elizabeth May: I think the statistics still show an uptick of at least 6% to 7% in those countries that have PR.

I want to ask you a different question, Professor Dutil. In your article that appeared—I didn't see the thing in the Fraser Institute, but I did see the *Toronto Star*—you said that our electoral system has forced politicians to compromise.

One of my beefs with first past the post, and particularly under false majorities, is that it does no such thing. I find that what parliamentarians seem to want to do in recent years is find an issue that could be solved and deliberately not solve it.

I'll give you the example of the long-gun registry. The late Jack Layton had a proposal for solving the long-gun registry through compromise. The governing Conservatives under Mr. Harper had no interest in that whatsoever, because they saw in the long-gun registry the classic wedge issue by which they could defeat decent MPs in their ridings, if they made it a single-issue campaign that this MP or that MP hadn't stood up to kill the long-gun registry, instead of fixing it wherein it was flawed.

I wonder if you'd comment on that.

● (1615)

The Chair: Unfortunately—

Ms. Elizabeth May: Doesn't first past the post encourage wedge issues?

The Chair: —we've hit the five-minute mark, but you have made your point.

Go ahead for 10 seconds, please.

Prof. Patrice Dutil: There are wedge issues in every jurisdiction, and I really regret that, and it should have been fixed better. I'm certainly not in agreement with the way things happened.

But what is the political solution? Should there have been an anti-gun party in a proportional system, which would hold the balance of power and would have fixed the issue right away? You get into all sorts of scenarios.

The Chair: We have to go to Ms. Romanado, please.

Thank you.

Mrs. Sherry Romanado: Thank you very much.

Thank you, gentlemen.

We've heard a lot over the last couple of meetings about our current system and the fact that the reality is it doesn't work; that millions of Canadians feel that their vote doesn't count, which adds to voter cynicism, low voter turnout, and so on and so forth. When I myself ran—my first time running—there were seven candidates, and I won with 35% of the vote.

The reality is that 65% of the population of Longueuil—Charles-LeMoyne did not vote for me. Now, post-election, I represent all 103,000 of them, regardless whether they voted for me or not.

How in good conscience, however, do we say to the millions of Canadians who feel that their voices don't count under the current system that we should maintain the status quo because we've always done it that way? We've been tasked to make sure that it is equitable, that folks feel when they go to the ballot box that their vote counts. I'd like you to elaborate a little bit on how we can as a committee make sure that those folks who are listening feel that we are in fact going to make sure that their vote counts.

Prof. Patrice Dutil: I have to be blunt. I think this is a wrong image. Every vote counts—every vote. Everybody's vote was counted. You came out first, and you know full well that it illustrates the point I made at the beginning. You know full well that most people voted against you, which makes you, I would expect, a much better member of Parliament, because you are open to hearing what other people have said to you. It makes you more sensitive to the needs of the population. It makes you more sensitive to their difficulties with government. It makes you more aware of how your office back home can be helpful to them regardless of whether they voted for you.

I think this is what Canadians want. This is a fiction that their votes don't count, or every other system is going to have a system in which their votes don't count. It can be PR: If you're going to raise the level to 15%, you're practically where we are now. If you're going to lower it to 3%, then you're going to run a huge risk of having all sorts of regional and sectoral parties emerging.

I don't think there's something wrong with your getting 35%. It may sound ugly, but at the end of the day you're a good member of Parliament, you're going to do a great job during the four years that you're there, and maybe you'll be defeated and it's going to hurt and I'm really sorry.

I had a former MP who came to my class. I wanted to talk about budgets, and she talked for an hour about how she was heartbroken by the fact that the voters turned her away and did not vote for her party or for her. It wasn't personal. Thank goodness, she's been re-elected to Parliament and she's one of your colleagues, who will remain nameless.

Some hon. members: Oh, oh!

Prof. Patrice Dutil: It's a hard thing, but Canadians want good, responsive government. They know your name; they know you're the MP; they know that no matter how they voted—because you don't know how they voted—you will serve them, and I'm sure you do and I'm sure all of you do.

That makes for good government. It makes for good governance. I think our system has demonstrated that it can deliver on that. To take a chance on another kind of system in which you have a number of MPs for the local region and nobody really knows who's accountable to what.... People know exactly: if they have a problem with government, you're the one who's accountable and you're the one who's going to have to fix it for them. You'll do the best you can, and if you can't, you can explain why.

I wish you continued good luck.

● (1620)

Mrs. Sherry Romanado: Thank you.

Professor Russell, do you have any comments?

Prof. Peter Russell: With great respect to Fair Vote Canada, this expression of “every vote counts” I don't think is a good slogan. You've just heard how it can be turned around. Every vote is counted, and in a system of proportional representation, lots of votes in a different sense aren't counted. They're not represented, in part. There have to be thresholds.

So I don't rest my case for a proportional representation system on making every vote count. I don't think it's a good slogan.

The Chair: You have very little time left, Mrs. Romanado. You have time for a 20-second statement, if you like, but I don't think we have time for an answer.

Mrs. Sherry Romanado: I just wanted to say, in terms of coalition or minority governments, do you feel that possibly having that collaborative approach would help diminish some cynicism?

The Chair: I think we have to go on to the next questioner. To finish more or less on time—we're going over as it is—is it okay if we just leave that one out there for now?

Mrs. Sherry Romanado: Sure.

The Chair: Thank you. You did break some new ground on that “every vote counts” question, I found. It's something we hadn't really talked about.

Mr. Kenney.

Hon. Jason Kenney: Thank you, Mr. Chair.

First I have a question on process, then on substance.

On process, Professor Dutil, you testified about the process followed by three provincial governments, and in addition the commitment by a former New Brunswick government to hold a referendum. In the cases of British Columbia and Ontario, the process involved citizens' assemblies that studied the issue and then framed a question that was referred to voters, which I think is analogous to the approach taken by New Zealand.

In this case we have eliminated the intermediate step of a citizens' assembly. Now we have politicians discussing how politicians should be elected, and the government is seeking to eliminate the second step, which is a referendum to ensure democratic legitimacy, or political legitimacy, for the outcome.

To both witnesses, don't you think that at the very least we should have one of those two intermediate steps? Don't you think that many Canadians, regardless of their substantive views on electoral reform, would find that politicians deciding...?

I mean, let's face it; in the context, as Professor Russell has testified, of the power of the Prime Minister's Office, the ultimate decision at cabinet will reflect the Prime Minister's preference. Would it not be preferable, at least in terms of democratic legitimacy, to have either a citizens' assembly or a referendum, or both?

Prof. Patrice Dutil: How do you get cynicism? You get cynicism when politicians look after their own interests purely. That's the answer. People will turn cynical against politicians when they see that you're only defending yourself and your own personal interests or your own collective interests. It has to go to a referendum; whether you do it with a committee or with some sort of electoral college or whatever, the people have to have the last word. If you want to defeat cynicism, then you have to show that it's not just about the incumbents protecting themselves. It's about opening up the system so that Canadians can voice their opinions on it. So I think you have to do it.

I need to address the idea, because it's been a subject of my research, that the Prime Minister's Office suddenly got stronger under Mr. Trudeau. I have a book coming out next year that demonstrates vividly that this goes back to John A. Macdonald in 1867. The times have modernized, but the Prime Minister in this country has been very powerful from the get-go. It's nothing new. It's adapted to modern times, undeniably. John A. Macdonald did it one way, Laurier did it one way, Borden did it one way, Mackenzie King did it one way. It's nothing new.

Parliament's not going to change that. There are other ways that can perhaps contain the Office of the Prime Minister. I think the Australians are teaching you guys a really good lesson, that when you have strong ministers, strong members of Parliament who can defeat their Prime Minister—

Hon. Jason Kenney: Thank you. I have to get my second question in after.

Prof. Peter Russell: Just on your referendum question, I hope the proposal is not the Prime Minister's. I hope it's a recommendation from this committee with a strong cross-bench consensus behind you. That's what the people of Canada want from you. They don't want just Justin Trudeau's preference. They want this committee's preference. You have a real obligation to take something to them that you've really thought through and have a consensus on. They don't want a voting system that's favourable to just one party or two parties. They want one that's good for all Canadians. I just can't emphasize that too much. Then you can have a decent referendum. But do look at the referendum rules.

● (1625)

Hon. Jason Kenney: In the past, I have been open to different kinds of electoral systems as being preferable to first past the post. I've never had a doctrine or view about this, but I must confess to a certain degree of cynicism in this process, because the governing party has made no secret about the fact that it has a preferred outcome, which is a transferable vote. We're obviating a citizens' assembly. We're obviating a referendum.

If the objective is for every vote to count, then we move in the wrong direction with a strict STV system, because under an STV system, it's estimated that the Liberal Party would have won 66% of the seats in the last election, as opposed to the 54% that it did.

Could you comment on a single riding STV system, because the centrist party tends to win the second-choice vote?

Prof. Peter Russell: Are you sure you're talking about STVs? That's not a single member system. You're talking about alternative voting, preferential voting. That's different. That has nothing to do with STVs.

Hon. Jason Kenney: Does not the alternative vote system end up meaning that actually fewer votes count than with the status quo?

The Chair: Quickly please, because we're over time.

Prof. Patrice Dutil: That is a possibility. The other possibility is that some people are going to have more votes than others. If you vote for one of the candidates who reaches second or third position, your vote is counted, but if you vote for somebody who falls lower on the calculations, you get to vote twice: you have your vote, and then you have your second vote counted.

The Chair: Thank you.

Mr. DeCourcey.

Mr. Matt DeCourcey: Thank you, Mr. Chair.

I'm just looking for some clarity and to perhaps build a bridge between this idea of causality and coincidence and the way the electoral system precipitates the look of Parliament.

All the other witnesses who have come before us have said in one way or another that the current electoral system is one of a number of factors tied into a larger political culture, including the way Parliament operates, certain policies available to members in Parliament, and a number of other things that factor into the way Parliament looks and feels to Canadians. Would you agree that the system is one of a number of factors that lead to the Parliament we get?

Prof. Patrice Dutil: Of course. The system is pivotal, and it's certainly one of the factors. But if you're looking for representation, I think you have to dig a little deeper. If you're looking for representation, you have to ask yourselves, as a party, if you are running enough women, if you are running enough people who represent the country.

This Parliament has made tremendous inroads. We have much greater representation of the Canadian population in this Parliament than ever. There are not enough women, I grant you. You're absolutely right. At the provincial level, we're doing a lot better, and at the municipal level, not so much. I think it's a question of your own culture as a party. You have to work towards that.

In terms of representation, if you're going to run a list, and you put a whole bunch of women on the list, you're dealing with a different kind of system. You could also have that kind of system and have a lot of men on it. It's a choice you make as politicians. It's really a political choice. And I think political enlightenment.... People might think of it as kind of idealistic. I still believe in political enlightenment: you represent this for me.

Mr. Matt DeCourcey: Professor Russell, what is your view as to whether the system is one factor among a number of other factors?

Prof. Peter Russell: With MMP, it is clearly easier for many women who have, particularly, domestic responsibilities, to be list candidates than to do the very heavy-duty door knocking, which you people all know you have to do to be an MP elected in a constituency. You've all done that. In STV, where you have, say, five for an urban district of Toronto or Montreal, the major parties pick five candidates for each of those seats. That gives women a much better chance, because very likely, all the parties will want to have women evident on their list. That's also seen in the Finnish system of STV, and so on. So it's not just a coincidence. These systems seem to bring out more women, even in parties that are trying their darndest to get more women candidates.

● (1630)

Mr. Matt DeCourcey: Professor Russell, can I dig a bit further there, because I've heard other witnesses and members talk about the list in a potential MMP system still being drawn from candidates who have also run and done the door knocking and that that can lead to more legitimacy in the process.

Would you share that view, or would you share the view that it's all right to just be on a list and receive—

Prof. Peter Russell: You know what you should do? You should look at some of these lists.

Don't take it from me. Look at some of the lists that the German parties and the New Zealand parties have. You will see that they've put terrific people on there. They put stars on there—outstanding people—in the arts, in business, even in sport. The geographic constituency is not the only constituency. Take aboriginal people. That's a constituency in itself. One of the advantages of lists is that you broaden the kind of representation you can have in Parliament. It doesn't all come down to geography.

However, take a look at the lists. Don't just have a vague idea. You have research from the parliamentary library, and they'll give you some samples.

Prof. Patrice Dutil: If I can I add one more thing, I urge you to take a look at the Senate.

Why not use the Senate as a House that would compensate for the distortions inside the House of Commons? Why not have more women in the Senate dictate to the Prime Minister—

The Chair: You've made that point before, and it's a good one.

Mr. Blaikie.

Mr. Daniel Blaikie: I think because it's a committee on democratic reform, making recommendations about the Senate is just out of scope.

That might be one reason why we wouldn't do it.

Prof. Patrice Dutil: The Senate is a house of Parliament.

Mr. Daniel Blaikie: We talk about political enlightenment being the way to get more women in politics, despite what I think is an obvious correlation, at least, which doesn't imply causality or coincidence between PR systems and the participation of women in politics. However, then we switch to talking about a PR system and how we would have a proliferation of small parties and it would be unworkable.

I wonder where the call to political enlightenment is there. If political enlightenment is an efficient way of delivering more women into politics, I don't see why, if we're capable of being politically enlightened in that sense under a first past the post system, the same kind of goodwill and political enlightenment wouldn't mitigate toward less regional politics within a proportional representational system.

I've been struggling with the presentation of your concepts that are meant to do work, on the one hand, which is to get women into politics. We don't need any particular systems or rules about that. We're going to do it because we're great politicians and we care about the country and this is important, so let's get it done. However, under a PR system, all that political enlightenment and goodwill would evaporate. We wouldn't have it anymore, and we would revert to petty regional politics.

I'm finding it hard to square your optimism about our capability as politicians with your pessimism about a proportional representation system.

Prof. Patrice Dutil: Thank you for the question.

I think that under the system now, where you are elected with most people voting against you, it is incumbent on you to work hard and be mindful of what people are thinking and to do the best job you can, knowing that most people have voted against you.

A PR system, a proportional representation system, is fundamentally different. Parties are going to form because they represent a rather narrower perspective. This is not just conjecture. Look at every jurisdiction that has used proportional representation and you will see it. You will see it in the Netherlands, in Belgium, in Spain, and in Greece. Everywhere that has used proportional representation, parties will emerge that will cater to a particular—

● (1635)

Mr. Daniel Blaikie: Yes, so you have regional parties.

I mean you have regional parties under the first past the post system. You had the Reform Party, which I think quite arguably was a regional party—

Prof. Patrice Dutil: Indeed.

Mr. Daniel Blaikie: That's why it had to engage in.... You know, the right had to come back together. You have the Bloc Québécois, which is a regional party.

The idea that somehow we would be introducing regional parties to Canada because we adopted a proportional representation system is just wrong.

Prof. Patrice Dutil: Here's my point. They're no longer there.

Mr. Daniel Blaikie: Well, I'm sitting beside someone from the Bloc Québécois, so they are indeed here.

Prof. Patrice Dutil: He's practically no longer there.

Mr. Daniel Blaikie: I submit to you that there may be some Reformers who are—

The Chair: Excuse me, Mr. Blaikie, I really enjoy the back and forth, but can we keep it a little more linear?

Go ahead.

Who was speaking? Was it Mr. Dutil?

[*Translation*]

Prof. Patrice Dutil: My apologies.

[*English*]

Again, I'm simply pointing to the reality.

In jurisdictions with PR, you're going to naturally have more people emerging to represent particular interests. They're not interested in looking after other people's interests because they're guaranteed a certain percentage of the votes, and they're going to cater to that goal and it will be reinforced.

The great merit of the first past the post system is that that kind of behaviour is not encouraged. You are encouraged to open—

Mr. Daniel Blaikie: I'll claim my piece of the linear pie here and say that it may well be true under a pure proportional system, but it's important not to.... I mean, part of what we've been doing is hearing about the various kinds of proportional systems that you can bring in. For instance, a mixed member system would include individual MPs, potentially, in individual ridings.

Now, that's not the case for an STV system, but the idea that by adopting some kind of proportional system at all you would have to abandon the idea that you will have local MPs who are held to that kind of account, and maybe even elected with a plurality within their riding, isn't incompatible with the idea that you would have a system that overall, when you look at the Parliament, would be balanced out so that the views of Canadians are represented adequately and proportionally in their legislature. It's not a one-or-the-other.

So when you say “a proportional system”, part of the work of this committee is figuring out the extent to which you can't make that kind of general claim. I'm sure, given your profession and your area of study, you know that kind of general claim is impossible. I just don't see—

Prof. Patrice Dutil: I wish you good luck in trying to sell that to the Canadian people.

Mr. Daniel Blaikie: I think the argument is too general.

Prof. Patrice Dutil: The idea of having two classes of MPs I don't think will jive with our political culture, where you have one class of MPs who will cater to the needs of the constituents and another class of MPs who are always on the list and who are always going to be there. I think Canadians like to have their members of Parliament accountable. When it's time for the party to go, when it's time to defeat the government, Canadians know exactly what lever to pull, and they pull it.

Mr. Daniel Blaikie: But for demographic representation—

The Chair: I think we had a really good exchange, Mr. Blaikie—

Mr. Daniel Blaikie: —you like the idea of using senators, who aren't accountable to anyone.

The Chair: —and I'm sure Mr. Deltell will also regale us with a very good exchange.

Mr. Gérard Deltell: Thank you so much, Mr. Chairman.

Yes, I'm very happy to be here.

I can assure this committee that the Bloc Québécois is still there. I can assure you of that.

For our part, yes, maybe we have different roots. I'm very proud to show in this House my 1981 member card from the Progressive Conservative Party of Canada when I was 17 years old. I'm very proud of my roots.

I'm very proud to be Conservative, too, as I'm sure you're proud to be NDP, and proud to be Green, and proud to be Bloc Québécois, and proud to be Liberal.

Professor Russell, you said it's your wish that this committee will make a recommendation and the government will follow this recommendation. This is what you said. Well, sorry for you, pal, but this will not be the case, because a few weeks ago, in exactly the same place, in the same room, the minister—she was sitting in your chair—said that she is not attached to the decision of this committee.

Prof. Peter Russell: Oh. I didn't know that.

Mr. Gérard Deltell: At the end of the day, the shot will be called by one guy, the Prime Minister, who controls the cabinet and who controls the majority of the House. Don't you think it will be a necessity to have a referendum to let the people decide instead of the call of one guy?

Prof. Peter Russell: Yes, there's even more necessity to have a referendum in that situation.

I'll have to look into what Minister Monsef said. I will do that and see if it's as crystal clear as you suggest. If it is, I'd be extremely disappointed.

I have to catch a plane to get to a boat. I don't want to be rude, but I think I must make my departure. Please forgive me for leaving before the end.

● (1640)

The Chair: We understand. We really appreciate your testimony here today.

Prof. Peter Russell: Okay. Thank you very much.

The Chair: We're almost done, and Professor Dutil will answer the remaining questions. Thanks again for coming, Professor Russell.

Mr. Gérard Deltell: I'm very pleased I made the statement before Mr. Russell left. I'm very surprised to see the Green leader with him. I'm very surprised.

[*Translation*]

Mr. Dutil, I'd like to talk to you about the importance of citizen engagement.

The current government would like us to hold town halls to consult the public. Do you think those kinds of meetings are an effective way to take the public pulse, as compared with a referendum, which all Canadians can participate in?

Prof. Patrice Dutil: The answer is no, because it's not representative. Typically, the people who will attend those meetings are in favour of the change. Those who are satisfied with the current system—the vast majority of people—won't go to the trouble of taking part in that kind of exercise, or at least very few of them will.

For confirmation that the public is truly in favour of change, a referendum has to be held. As I see it, there's no way around it.

Mr. Gérard Deltell: How would you respond to those who argue against a referendum because they might lose?

Prof. Patrice Dutil: It's up to them to defend their views, their position, against the backdrop of a referendum, and to prove to Canadians that the system they are advocating is better than the one that has been in place for 225 years. It's up to them to convince us, to convince Canadians, and I wish them luck.

The referendum conditions must be fair and must give people the opportunity to make a choice, as was the case in New Zealand, Australia, and Great Britain. People have to be given the opportunity to express their support for the current system. The question must be crystal clear and must give Canadians the option to choose the status quo.

If all of those conditions were met, I think the result would be a healthy referendum and an outcome worthy of respect.

The Chair: Forty or so seconds left.

Mr. Gérard Deltell: I'd like to come back to a point I've raised a number of times.

Members of the general public didn't mention this issue to me during the last election campaign, they haven't mentioned it to me since the start of the mandate, and they haven't uttered a peep about it to me since the committee began sitting. The only time people mention it is when I tell them that I'm going to Ottawa for a week in July to discuss electoral reform. They ask me what I'm talking about, and once I explain it, their response is “really”.

Apart from political activists, who certainly have their place in our democracy, people aren't concerned about this. If we are going to make a major change, the least we should do is hold a referendum.

The Chair: Very good.

We'll wrap things up with Ms. Sahota.

[*English*]

Ms. Ruby Sahota: Thank you.

I didn't know I'd actually get the opportunity. My question was framed more in terms of Professor Russell's work, but perhaps you can also comment, Mr. Dutil. I wanted to learn a little bit more about the Jenkins Commission, and the process they undertook. Is that something you're familiar with? If not then I can rephrase it.

Prof. Patrice Dutil: The Jenkins?

Ms. Ruby Sahota: The U.K. commission. I know that Mr. Russell had looked into that a little bit as well. They also went through the process of looking into reforming the electoral system. Could you comment on their outcome? They had looked a lot into AV+. That's a system we haven't really talked a lot about; we've been looking at STV.

Prof. Patrice Dutil: Quite frankly, I didn't follow the results of that commission closely. What I followed was the referendum that was held afterwards, and that's what mattered to me. I think the British did it correctly. They organized a committee, they put the question to the people, and they got the result.

Can I respond to the question you asked Professor Russell? I didn't get a chance to talk.

Ms. Ruby Sahota: Absolutely.

Prof. Patrice Dutil: I think you asked the question about, what can we do, or it might have been your neighbour, to better connect MPs to their constituents.

● (1645)

Ms. Ruby Sahota: That was my question.

Prof. Patrice Dutil: There are two things that I have been aware of because I spearheaded them. One of them was the Parliament to campus program that was run by the Canadian Association of Former Parliamentarians. Unfortunately, that program was cut off because of lack of funding a few years ago, but I ran it as a director for three years, and my job was to bring former members of Parliament to university campuses and to share with students in politics the life of the MP. One of the motivations there was to get people to understand the role of the local MP, and what they do, and to entice younger people to consider a career in politics. That's one thing.

The second thing, as I mentioned earlier, was at Ryerson I started a program where we placed students in members of Parliament's offices for a credit. They work with you for a day a week during 10 weeks and they write a paper about it, and they get a credit for it. It's unique in Canada, but again if you want to build awareness of the very important role you play it sometimes has to be done one by one, but these kids are fantastic, and it's a great way of motivating people.

A third thing I want to bring out a little bit if I have a second is Samara Canada. We talked about Samara earlier. It has put together a pilot project where they get together with recent arrivals to Canada and they teach them about our political system. We know that recent immigrants once they become citizens do not tend to participate in elections. It's one of the reasons why the rate is a bit lower. This is, again, a great project that could be continued with the proper funding to help those new arrivals, new Canadian citizens, learn more about our system. There are a lot of things that can be done, without changing the system, to better educate Canadians about their political life and political institutions.

Ms. Ruby Sahota: I think those are great ways to engage our population. I definitely participated in similar programs at the high school and university levels. We've heard from other witnesses that teaching this in school, and Mr. Russell was talking about it, and having these types of programs at a young age, tends to engage them at that age, and they become lifetime voters.

Prof. Patrice Dutil: It's absolutely fundamental. Again, Professor Russell indicates that Ontario is one of the few provinces that has a civics course required in high school. Ontario is one of only four provinces that teaches history in high school. We have a lot of work to do to educate our population about the institutions that govern us, and I think, again, that it is something that needs to be addressed. Now, from a federal perspective, it's obviously difficult, but you can also make an argument that this needs to happen.

Ms. Ruby Sahota: Absolutely. Thank you.

I just want to thank you for all your testimony here today. It was quite enlightening.

[*Translation*]

The Chair: Indeed.

Thank you very much for being with us today, gentlemen. It was quite a lively discussion, and we certainly learned a lot.

I want to remind the committee members that we will be meeting this evening at seven o'clock in room C-110 of the building located at 1 Wellington Street. We'll be hearing from representatives of New Zealand's and Australia's electoral commissions by video conference.

Thank you for your co-operation. See you shortly.

The meeting is adjourned.

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