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Chair

Mr. Francis Scarpaleggia

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• (1905)

[English]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): I call the meeting to order. We'll begin.

I don't know what time it is in Australia and New Zealand. It's 7 p.m. here in Ottawa. Thank you so much for joining us for this ninth meeting of the committee. Earlier today we heard about the international experience and specifically how things are done in Ireland, and we'll be very interested to better understand how your electoral systems work in Australia and New Zealand.

We'll start with Australia.

Mr. Rogers was appointed as the Australian Electoral Commissioner in December 2014 for a five-year term. The commission is responsible for conducting federal elections and referenda; maintaining the electoral roll, or what might otherwise be known as the registry; and engaging in a range of education programs and activities about the country's electoral system. The Senate uses the single transferable vote, while the House of Representatives uses the alternative vote.

Am I correct, Mr. Rogers, in my understanding of how things work in Australia?

Mr. Tom Rogers (Electoral Commissioner, Australian Electoral Commission, As an Individual): That's correct, Chair.

The Chair: Okay.

The floor is yours for 20 minutes. As I said, we'll be very interested to learn what you will be discussing.

Mr. Tom Rogers: Thank you very much, Chair, members, and the New Zealand electoral commissioner. Good morning from Canberra. Thanks for the invitation to appear today.

As members of the committee may be aware and as you just said, I am the commissioner of the Australian Electoral Commission, also known as the AEC, which is how I will refer to it today. I'm responsible for federal elections and referendums in Australia. In Australia we also have seven other electoral commissions at the state and territory level. I'm also responsible for certain industrial elections, but I won't be talking about that aspect today.

I understand that your mandate is to examine viable alternative voting systems, mandatory voting, and electronic voting. In my opening statement today, I'll touch on all of those in some way, but first I might just explore the Australian electoral system a little further.

As you mentioned, at the federal level we have a bicameral system, with a lower house that we call the House of Representatives and an upper house that we call the Senate. Both houses are elected by the people, but they are elected through two different systems of voting.

In the House of Representatives, we have a full preferential voting system. It requires voters to individually number and rank all candidates according to their preferences. A candidate is elected if he or she gains more than 50% of the formal vote. If a candidate doesn't gain 50% of the vote based on first preferences, the candidate with the least number of votes is excluded, and the candidate's preferences are then distributed. The process of preference distribution continues until a candidate achieves more than 50% of the vote.

Under this system, a voter must complete all boxes on the ballot paper for the vote to be formal and included in the count. Of course, some voters don't include all the boxes, and we refer to these as informal votes. There are savings provisions in the legislation that can save certain votes in certain circumstances. However, some ballot papers do remain informal.

The rate of informality is relatively low and consistent at about 5% for federal elections for the House of Representatives. For the 2016 election, which we're still in the process of conducting, the informality rate hasn't been determined, but I'm expecting it to be around the same, if not slightly lower in some cases. In some individual seats, the rate of informality remains high, and there are various factors impacting on that informality. I'm happy to expand on that later on if members are interested.

In the Senate, we use a system of proportional representation to elect candidates. Essentially, this system elects a number of candidates to represent one constituency after they receive a set proportion of the vote. For over three decades, group voting tickets were used to support a system whereby a voter's preferences would continue until all vacant positions were filled. However, in March of this year, new legislation introduced a partial preferential system that enabled voters to determine where their preferences flowed and finished. In my view, it was one of the largest changes to the Australian electoral system since 1994, and we had four months to implement it in time for a July 2 election this year.

There are various elements to this reform, including the introduction of ballot paper scanning for the first time at the federal level in Australia and the implementation of a very large national education campaign. Again, I'm happy to discuss that later if the committee is interested.

In recent weeks there's been some commentary—within Australia, at least—about the perception that the AEC is not making sufficient progress in the count of results for the federal election. I want to clarify that the speed of the AEC's count is driven by the electoral act itself and is not a result of the type of preferential and proportional voting system we have. Yes, conducting a count under a preferential system can take longer than a count under the first-past-the-post system. However, the period of time it takes to finalize the result is more due to other aspects of our legislation, most notably that voters can pretty much vote from anywhere in Australia or around the world for their home electorate. To facilitate this, the AEC undertakes a complex exchange of votes after the election.

Votes can also be received up to 13 days after election day, and the AEC is responsible for sending these votes to the correct division, where the voter's entitlement to vote is confirmed. That means you can vote on one side of Australia, but for that vote can be physically counted, I have to send the vote physically over to the other side of Australia to its home division to be counted.

• (1910)

All of that must occur before the counting of those votes can even commence. In addition, the number of early votes now being cast continues to rise, and this has significant logistical impacts. All of those envelopes need to go back to their home division, and this requirement creates difficulties for us.

I'll now move to the subject of mandatory voting. In Australia we refer to that as compulsory voting.

In Australia it is compulsory to enrol and to vote in federal elections. Compulsory enrolment at the federal level for Australian citizens was introduced in 1918, followed by compulsory voting in 1924.

At the last election we estimate that about 95% of all eligible electors were enrolled. That's 15.6 million people. That is the largest number of electors we've ever had enrolled and probably the most complete electoral roll we've ever had in Australia's history. It's the responsibility of every individual to update their own enrolment details; however, we also have a system of federal direct enrolment and update, and that assists the process. We use trusted third party data, such as driver's licence information, to enrol or update an elector's details.

Under current legislation there is no avenue, really, for successful prosecution of eligible electors who are not enrolled. The reason I say this is that enrolment is an absolute defence for any charge of not enrolling, so if we go down the process of taking someone to court, quite often they'll essentially enrol on the courthouse steps, which is then an absolute defence for non-enrolment.

Compulsory voting and enrolment is seen as a normal part of Australian political culture. There is lots of evidence to suggest continued support for compulsory voting: in 2013, the last time we did surveys, about 70% or thereabouts of the population indicated

support for compulsory voting. At the most recent federal election, which we've just had, turnout was around 90%, but we'll have to confirm that over the coming weeks as we finish the processes with that election.

Under our system of compulsory voting, those enrolled electors who did not vote are sent a non-voter letter. It requires the electors to either respond and provide a valid excuse for not voting or pay a very small \$20 fine. A small number of those voters who don't pay the fine are then prosecuted, and I think we went through a full prosecution of about 3,000 people at the last election.

In Australia our electoral matters committee has considered the issue of voluntary voting a number of times; however, the issue has never been pursued by our federal Parliament.

I might move now to electronic voting.

Electronic voting is a matter for the Australian Parliament, not for the AEC, and it would require a change to our legislation. At the federal level we do not use electronic voting, nor do we use Internet voting. In 2014 our electoral matters committee inquired into the topic of electronic voting, and I will just quote from that for one moment. It found that “irrespective of one's philosophical view about electronic voting, ...there can be no widespread introduction of electronic voting in the near term without massive costs and unacceptable security risks.”

However, in recent weeks our Prime Minister and the leader of the opposition have both pledged their support for examining some form of electronic voting, again following perceptions about the length of time it takes for us to return the result. I cannot speculate as to what model would be introduced, how it would be introduced or when, as this is a matter for Parliament.

At the state and territory level, some commissions have trialed electronic voting. In the Australian Capital Territory, where Canberra is located, electronic voting has been used in early voting centres since 2001. They use a system of personal computers. In New South Wales, Internet voting was trialed in 2011 and 2015 for particular categories of voters, those who have a disability and those who are more than 20 kilometres from a polling place. My understanding is that well over 250,000 voters availed themselves of Internet voting at the last New South Wales state election. I am aware of significant media commentary surrounding security aspects of this system, but I'm unable to comment further. I don't own that system.

We don't have electronic voting, but many aspects of our electoral process are already electronic. We've enabled voters to enrol online for a number of years, and voters can also apply for a postal vote online. The increased use of the electronic forms by the Australian community has simplified the process of these transactions without diminishing the controls in place.

•(1915)

We also introduced the scanning of Senate ballot papers for the first time in the 2016 election. As I'm speaking to you, we are still running very large scanning centres in each of the states, scanning Senate ballot papers for the 2016 election.

We've also deployed electronic certified lists at the last two elections. These are an electronic version of the electoral roll, and they contain a list of electors entitled to vote. I think it's a great initiative. It provides the ability to search for and mark off an elector's name, provides a real-time update to a central copy of the certified list, and, where we can, enables the printing of House of Representatives ballot papers on demand. At the recent election, we had about 1,500 devices. It is expensive but worthwhile.

There are two other aspects of our electoral system that I might touch on to provide a flavour for what we do.

Under the electoral act, the Electoral Commission is wholly responsible for undertaking the redistribution of electoral boundaries. It's an apolitical process and has no involvement from political parties or politicians. In particular, changes to divisional boundaries do not require the approval of Parliament. Submissions and objections to boundaries are invited for consideration; however, the ultimate decision rests with the Electoral Commission, a three-person commission chaired by a judge.

Another aspect of our work is managing the funding and disclosure regime of our electoral legislation. It includes registration of parties and party logos and a disclosure of expenditures and returns for an electoral campaign and ongoing expenses during the year. The scheme is designed to inform the public about financial dealings of political parties, candidates, and others involved in the process. We are responsible for managing and running this independent apolitical process. As with other areas of our electoral system, any changes to the funding and disclosure system are also a matter for Parliament.

Thank you very much for the opportunity to appear today. I'm happy to take any questions or provide any other information that the committee may find helpful.

The Chair: Thank you so much, Mr. Rogers.

We'll now go to Mr. Peden, chief electoral officer in New Zealand with the New Zealand Electoral Commission, which is an independent body responsible for administering Parliamentary elections and referenda and providing advice. It also engages in public education programs and publishes reports on electoral matters. New Zealand's House of Representatives uses mixed member proportional representation. The first election under MMP was in 1996, prior to which elections had been held under first past the post.

The floor is yours, Mr. Peden.

Mr. Robert Peden (Chief Electoral Officer, New Zealand Electoral Commission): Thank you, Mr. President.

[*Translation*]

Good afternoon.

[*English*]

Tena koutou katoa. Greetings from New Zealand.

Hello to Tom.

I propose to speak to some of the slides in the New Zealand Electoral Commission's presentation, specifically slide 5, which deals with the electoral reform process that saw New Zealand adopt the MMP electoral system in 1993. Then I will speak to slides 8 to 12, which outline the features of New Zealand's particular form of MMP; then slide 14, on New Zealanders' understanding of MMP; and then finally slide 16, on the impact that MMP has had on the diversity of the New Zealand Parliament.

In the interests of time, I do not propose in these opening remarks to speak to slides 17 to 23 about the 2011 referendum on the voting system and the 2012 review of MMP that occurred as a consequence of that referendum, or to slides 24 and 25, which deal with the issues of compulsory attendance and electronic voting in the New Zealand context.

Obviously I'll be happy to take questions on these and any other things later. I hope that what I propose will meet the needs of the committee.

Shall I proceed on that basis?

The Chair: Yes, absolutely.

Mr. Robert Peden: Please, then, turn to slide 5, which deals with the electoral reform process that saw New Zealand adopt the MMP electoral system in 1993.

The process began with growing public dissatisfaction in the 1970s and early 1980s with the perceived fairness of our first-past-the-post system and its tendency to deliver Parliaments that did not reflect the nationwide vote.

The Royal Commission on the Electoral System was established in 1985. It met for 18 months, consulted widely with the public, considered a wide range of reform options, and reported in 1986. It recommended that a system of MMP be adopted and that a binding referendum be held with the 1987 general election to give the voters a choice between first past the post and MMP.

A referendum was not held with the 1987 election, but there followed a period of ongoing public and political debate, which included an inquiry by a Parliamentary select committee into reform of the electoral system in 1988.

Then, in 1991, legislation was introduced providing for a two-step reform process.

The first step was an indicative stand-alone referendum, held in September 1992, in which New Zealanders were asked two questions. The first question was on whether they wanted to change the electoral system. The second question, irrespective of whether or not they wanted to change the electoral system, was that if there were to be a change, which of four systems—MMP, a supplementary member system, a preferential voting system, or the single transferable voting system—would they support?

The referendum was preceded by a comprehensive public education campaign undertaken by an independent electoral referendum panel headed by the Chief Ombudsman.

Turnout at the referendum was 55.2%, and of those who voted, 84.7% voted for change in question 1 and 70.5% voted for MMP in question 2.

The second step in the process was a binding referendum held with the 1993 general election. Voters were asked to choose between first past the post and MMP. Again the referendum was preceded by a comprehensive public education campaign.

Turnout was 85.2%, and 54% voted for MMP. As a result, the Electoral Act 1993 provided for an MMP electoral system. It had already been enacted by the New Zealand Parliament in anticipation of this possible outcome and came into force by operation of law.

Preparations then began to deliver New Zealand's first MMP election in 1996. A substantial amount of work was required. Not only did the move to MMP require comprehensive revision of the systems and processes for the delivery of elections, but Parliament found the need to revisit the 1993 electoral legislation, and after select committee consideration and public consultations, amendments to the legislation were enacted in 1995.

Electoral boundaries had to be redrawn to meet the requirements of the new system. With regard to the mechanics of government formation, cabinet processes, and Parliamentary processes, consideration had to be given to the implications of coalition governments and the increase in the number of parliamentary parties that were likely likely under the new system, .

Political parties also needed time to adjust to the different requirements of the new system, including fewer electorates, new nomination processes, and the implications of the party vote for electioneering. Again a comprehensive public education campaign was required to prepare voters for the new system.

● (1920)

I now propose to move to slides 8 to 12 and to outline the features of New Zealand's system of MMP.

New Zealand's system of MMP is a moderate form of proportional representation that seeks to balance two important objectives. One is the principle of proportionality, the principle that a party's share of seats should reflect its share of the nationwide vote. The other is the need to ensure that elections deliver effective Parliaments and stable governments by avoiding the undue proliferation of very small parties in Parliament. A further objective, and one that is fundamental to the mixed member system, is to continue to have local electorate MPs. Therefore, the defining characteristics of MMP are a mix of MPs elected from single-member electorates and those

elected from a party list as well as a Parliament in which parties' shares of seats roughly mirror their share of the nationwide vote.

New Zealand has now had seven MMP elections. Each election has resulted in between six and eight parties represented in Parliament. Each election has resulted in some form of coalition government or arrangement between political parties, as is to be expected under a proportional system. Each government has retained the confidence of the Parliament throughout the parliamentary term.

Moving to slide 9, please, we see that under MMP each voter has two votes. On the left-hand side of the ballot paper, they vote for the party they most want to represent them in Parliament. Only registered political parties can contest the party vote. On the right-hand side of the ballot paper, they vote for the candidate they most want to represent them in their electorate. Candidates of unregistered parties and independents can contest the electorate vote.

Let's go to slide 10, please. New Zealand is currently divided into 71 electorates. Electorate boundaries are reviewed after every five-year population census by an independent representation commission. The decisions of the representation commission on boundaries are final. Electorate seats are won, on an electorate-by-electorate basis, on a first-past-the-post basis.

Moving to slide 11, please, we see that the party vote is counted on a nationwide basis. To be eligible for an allocation of the seats, a party must win either one electorate seat or 5% or more of the party vote. These are known as the thresholds, and they are intended to avoid the undue proliferation of very small parties in Parliament. If a party wins 40% of the party vote in an election, for example, the party is entitled to 48 seats in a 120-seat Parliament. If that party's candidates won 30 electorate seats, the party would be topped up with 18 seats from its party list to bring its number of seats in Parliament up to 48. Thirty electorate seats plus 18 list seats equals the 48 seats its share of the party vote entitles it to. If another party wins 10% of the party vote and no electorate seats, it is entitled to 12 seats in a 120-seat Parliament. All those seats come from its party list.

● (1925)

A party's list seats are allocated to its candidates in the order they appear on the party's list, excluding those who win an electorate seat. We have included in the background papers provided for members an example of the party list provided to all voters at the 2014 election.

Moving to slide 12, we see there are a number of mathematical formulas available for the allocation of seats in proportional systems, and the particular formula adopted by New Zealand is the Sainte-Laguë formula. We have included an explanation of the method in the background papers provided for members. The explanation uses the 2014 elections results, an example that I think nicely illustrates the process.

One thing to note is that the New Zealand system does not prescribe a 120-seat Parliament. The current New Zealand Parliament, for example, has 121 members. This happens when a party wins more electorate seats than it is entitled to under the party vote. When this happens, the party keeps all its electorate seats and the number of list seats allocated to other parties is increased by the number of what we call overhang seats. Hence, the current government has 121 members.

Turning to slide 14, New Zealanders have, since the adoption of MMP in 1996, demonstrated a practical understanding of how MMP works. We can see this through low levels of informal voting and relatively high levels of split voting or strategic voting—that is, a voter casts a valid party vote and then casts a valid electorate vote for a candidate from a different party. We can see this also through the fact that the overwhelming majority of voters consider the ballot paper layout to be clear, concise, and easy to use.

As illustrated on slide 16, one of the benefits advanced for proportional systems like MMP is that it leads to a more diverse Parliament than tends to result from first past the post and from majoritarian systems. Certainly, as this graph shows, the New Zealand experience is that MMP has resulted in more women and more Maori elected to Parliament, the majority of them elected as list MPs.

For example, of all members of Parliament elected to Parliament from party lists, 43% have been women; by contrast, only 24% of MPs elected from electorates have been women. Also, 21% of all list MPs have identified as Maori, compared with 14% of all electorate MPs.

Representation of Pacific and Asian peoples in the New Zealand Parliament has also improved.

By way of conclusion, I would suggest that the key lessons from the New Zealand experience are that it is possible to successfully introduce a new electoral system, but at least in the New Zealand context, the process of reform is very important to public trust and confidence in the outcome, and the process needs to involve plenty of opportunity for public input, public consultation, and public education.

Our experience is that the design and development of different electoral systems raises many points of principle and many points of detail. These points are all important to people.

Again, at least in the New Zealand tradition, final decisions are confirmed by the voters at a referendum in which they have access to all the details necessary to make an informed decision, and this all takes time.

● (1930)

Finally, our experience is that once a decision is made, the time needed for careful planning and implementation to transition to the new electoral system is not to be underestimated, not just for electoral officials but also for those involved in the administration of executive and parliamentary processes and in the administration of political parties.

Mr. Chairman, that concludes the introductory comments I wanted to make. I also am very happy to take questions on any of that or any other matter.

Thank you.

● (1935)

The Chair: Thank you so much for that very interesting description of how the electoral system works in New Zealand. It's the first time, actually, I think we've had a witness from a jurisdiction that uses mixed member proportional, so it's very enlightening.

The way we proceed is through two rounds of questioning wherein each member of the committee gets five minutes per round for questions, but that five minutes includes the answer. It's a five-minute Q and A per member, and there are two rounds, each round covering all members.

We'll start with Ms. Romanado, please.

Mrs. Sherry Romanado (Longueuil—Charles-LeMoynes, Lib.): Thank you.

I'd like to thank you both for joining us from far away. After spending the day listening to talk about many different types of electoral reform, I think I've just received a crash course on quite a few of them.

My first question is for Mr. Rogers.

You mentioned that for your upper house, your Senate, you moved from a proportional representation to a partial representation, and you had four months to implement that. You also implemented ballot paper scanning and had to conduct a very large education campaign.

Can you elaborate a little bit on why you decided to move from proportional representation to partial representation, and can you elaborate on the decision for the ballot paper and the large education campaign that was required?

Mr. Tom Rogers: Certainly.

I should put on the record that this was a legislative change that was mandated for the Electoral Commission by the Australian Parliament, not a desire for us to do that ourselves. I'm not making a judgment either pro or anti; it was just a requirement.

There was debate in Australia about the Senate voting system at the last election. Again, I'm just reflecting. There was a concern that some members of the Senate were elected with quite a small amount of the primary vote, so a system was implemented to change the way Australians vote.

The Senate paper is very long. I think it's over a metre long. There is a line, and above that line are party names and boxes, and below the party boxes are the individual candidates for each of those parties. Previously Australians could cast a valid vote just by voting "1" above the line, and then their vote was allocated according to a pre-lodged ticket by the party. We did a very complex preference allocation according to the party's wishes.

It changed at this election. For a valid vote, a citizen had to number at least six boxes above the line or 12 boxes below the line.

In the 2013 election, 97% of Australians chose the option of just putting a number "1" in their preferred party box above the line, and only 3% of Australians voted below the line. That made the count for us significantly simpler. The count is done by state. The Senate is a states House. In New South Wales, our largest state, it meant that only 100,000 people voted below the line, but each of those 100,000 votes then had to be taken to a place we call Central Senate Scrutiny in each state and individually double-data-entered to make sure that there were no errors. It was very complex. For 100,000 ballot papers, it took a lot of time.

This time, just in New South Wales, it meant that every Senate ballot paper had to go to Central Senate Scrutiny, so it meant that we had to physically count 5,000,000 ballot papers in the one spot, just in New South Wales, with a very complex series of preferences.

I had two options. We did a big project for this. Our assessment was that for me to be able to enter the data in time to return the writ to the Governor-General, we would have to have 900 data entry operators working virtually 24-hour shifts to come close to making it—just in New South Wales—or we could implement a semi-automated solution involving scanning, but still with human involvement. It has meant that right now, as I'm speaking to you, we have, just in New South Wales, 19 scanning pods with custom-made scanners and some 300 data entry operators, who at times have been working 24-hour shifts, to enable us to double-data-enter, for integrity reasons, the Senate ballot paper.

Given that there was a change to the voting system, we ran a very large public education campaign to educate the public about how to cast a formal vote. That took TV, radio, Internet, and a whole range of other forms. It was very extensive. I would have to tell you that it was very expensive. I have not yet provided a public costing for it, so I can't provide that to you today, but it was in the many, many millions of dollars. It was to educate the public to ensure that the rate of informality remained low.

The other change, for us at least, was that for the first time ever it was a requirement for us to register party logos and for party logos to appear on the ballot paper. Again, all of this, the entire project, had to be done within four months. The figures I gave you were for one state, for New South Wales. You need to multiply that around Australia, which means that we needed to scan essentially 15 million ballot papers or thereabouts, and be able to produce an outcome from that.

● (1940)

The Chair: Thank you very much.

We'll go to Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you very much. Thank you to both presenters for being here today.

My questions are going to be for Mr. Peden. Just before I do that, I want to say to Mr. Rogers that I'm a former resident of New South Wales myself. I was there during one election and also at the time of the constitutional convention. I actually went to Canberra and sat in on—I think I'm right in saying this—more of the plenary session than any other non-Australian. Some would regard that as a disturbing sign of obsessive-compulsiveness.

Voices: Oh, oh!

Mr. Scott Reid: At any rate, I very much enjoyed the time I spent in your remarkable country.

Turning to Mr. Peden, I wanted to ask a few questions regarding MMP. First, just to make sure I understand this, I got the impression from your comments that it is possible for the same individual to be a candidate both in an individual electorate and on the party list under your system. Is that correct?

Mr. Robert Peden: That is correct. In fact, 70% of candidates are dual candidates, standing in an electorate and also on a party list.

Mr. Scott Reid: If you are on both, and you are high enough on the list to have been chosen, do you nonetheless get pulled off the list and wind up becoming an electorate MP? Is that how it's done?

Mr. Robert Peden: That's right.

In the background material, we provided a description of the process we use for allocating the party seats and electorate seats. It follows the Sainte-Laguë formula. Essentially we determine the total number of seats a party is entitled to in the Parliament on the basis of the share of the party vote. We then take the party list and we work through it. In the New Zealand National Party, the current main party in the government, number one on the party list is the Prime Minister, who won an electorate seat. That person does not get a list seat; he won an electorate seat. We go to the next person on the list, the Deputy Prime Minister. He also won an electorate seat. He does not get a list seat. The next person didn't contest an electorate seat and was elected from the list. This goes on until they get their fair share of the seats in Parliament.

● (1945)

Mr. Scott Reid: You say in your presentation that "MMP is a proportional system - the party vote largely decides the total number of seats a party gets in parliament".

I got the impression from your remarks that the party vote, on the left side of the ballot paper, determines entirely the number of seats that the party will be given. That is, if you get 15% of the votes on that list, you get 15% of the seats regardless of how you do in the electorates. Is that correct, or have I misunderstood?

Mr. Robert Peden: That is correct. We describe MMP as a moderate form of proportional representation. It's unlike such systems as the Israeli system. We have quite high thresholds for parties to pass before they become eligible for allocation of the seats. You have to win at least one electorate seat or 5% or more of the party vote. If you don't win an electorate seat and you win only 4% of the party vote, you don't get any seats in Parliament. If you get 5% or more, you are eligible for an allocation of list seats. If you don't win an electorate seat but you win 10% of the party vote, you're entitled to 12 seats in Parliament.

Mr. Scott Reid: Thank you. That's fine.

The Chair: Thank you, Mr. Reid.

Mr. Cullen is next.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Chair, and my thanks to both of our guests. I think this is very interesting.

We talked a little earlier with some of our expert witnesses about representation and diversity in parliament. I noticed that this was mentioned in the case of New Zealand, Mr. Peden.

Mr. Rogers, the two houses are an interesting example for us here in Canada, because you have one country and two electoral systems being used at the same time. I was sent a graph earlier today through Twitter suggesting that the representation of women in the House chosen by proportionality versus the alternative vote system is almost double. First of all, is that correct? Second, is that a more or less consistent result over time?

Mr. Tom Rogers: I would have to take that one on notice. I'm sorry; I don't have those statistics with me.

I also noticed what Mr. Peden said about the increase in diversity as a result of the voting system. I'd have to say, from the Electoral Commission's perspective, it's not something that figures in the electoral act. I know that the major political parties have each set themselves targets for diversity in various categories and report occasionally on how they're going with that, but I'm afraid I don't have those statistics for you.

Mr. Nathan Cullen: Mr. Peden, can you give us the New Zealand example? Is it mandated at all under the elections act, or is it something that parties voluntarily put forward to increase that level of diversity? I'm noticing that change over time as well with what goes on in New Zealand.

Mr. Robert Peden: One of the benefits that was advanced for MMP by the royal commission was that it was likely to result in a more representative parliament, because of the feature of the party list, and for whatever reason, it seems to be the case that it's more difficult for candidates who are women or candidates who are Maori to win in an electorate. It seems to be easier for parties to be able to put women candidates or candidates who are Maori or Pacific or Asian in winnable positions through the list. Therefore what we see in the New Zealand experience is that MMP has had the effect of increasing the diversity of the New Zealand Parliament because parties are able to put a wider range of candidates in winnable positions on the list.

One thing I would emphasize is that in our legislation there are no quotas, no requirements. This is something that is driven by political parties.

Mr. Nathan Cullen: You mentioned the incorporation of logos on the ballot. I believe this was happening in the Australian example as well. Out of curiosity, was there a particular reason? We don't do that. We have the party name alongside the candidate's name. Was the logo included for any particular reason?

Let's start with Australia and then go to New Zealand afterwards.

• (1950)

Mr. Tom Rogers: For a whole range of reasons, that's a political question, but it was to aid voter identification of the political parties. I'll leave it at that.

Mr. Nathan Cullen: In New Zealand's case, my suggestion was that it was to overcome literacy barriers or any other issue that voters faced by providing a more recognizable symbol for anyone who was struggling with literacy issues.

Was this the reason, or was there something else?

Mr. Robert Peden: It was introduced first in 1995 in the first MMP election. One of the things about MMP is that it recognizes as a system the importance of parties, so Parliament's intention was to make the ballot paper easier for voters to use by identifying more recognizably the party and also the candidate who represented that party.

Mr. Nathan Cullen: I have a last question. Is there a distinction made in the functioning of Parliament in New Zealand between so-called list MPs and MPs who are elected directly? Second, is there any distinction made—this is perhaps more a cultural question within the New Zealand community—so that list MPs and direct MPs are ranked differently or viewed differently?

The Chair: Answer very briefly, please.

Mr. Robert Peden: Formally, no: a parliamentarian elected from the list has exactly the same entitlements and responsibilities as a member elected from an electorate.

The Chair: Thank you. Thank you very much.

We'll go to Mr. Thériault.

[*Translation*]

Mr. Thériault, go ahead.

Mr. Luc Thériault (Montcalm, BQ): Thank you very much.

What strikes me in your presentations is the keen interest in education, in awareness-raising. You are ensuring that citizens are involved in those reforms. New Zealand, in particular, has an 18-month time frame between the beginning of the committee's deliberations and the submission of its report.

Yesterday, experts told us that representative democracy was a legitimate way to take action without holding a referendum. But I see that two referendums have been held in New Zealand, and they were supported through information campaigns. I assume the idea was to ensure that the people can be involved in those reforms.

Some individuals have told us today that a referendum is certainly necessary given how important the change is.

Our term will be up on December 1. I feel like we are in 1985, at the planning stage. After everyone has decided to change something, a committee is struck that will have to issue a report. But the committee will have to submit that report by December 1. It will have to consult the entire Canadian population in a few weeks.

As we know, it is not in the practice of the Chief Electoral Officer and his staff to either take sides or criticize other countries. That said, in light of your experience, would you not say that our approach is a bit reckless?

[English]

Mr. Tom Rogers: I think my friend from New Zealand should take that question.

Voices: Oh, oh!

Mr. Robert Peden: Thank you, Mr. Rogers.

I am able to speak with authority on the New Zealand context and tradition. I'm not at all in a position to comment on what might be appropriate for Canada. That is very much something for the Canadian Parliament and people.

In the New Zealand context and tradition, when a fundamental reform of the electoral system has been proposed, it has been supported by comprehensive debate and education campaigns and has been confirmed by way of a referendum.

● (1955)

Mr. Tom Rogers: I'd simply say that the Australian Electoral Commission is funded for three main functions. One is to maintain the roll, the second is to conduct elections, and the third is to ensure there's an educated electorate. We go out of our way on the third area to make sure that Australians have as much information as they possibly can have to make informed choices.

[Translation]

Mr. Luc Thériault: Thank you.

[English]

The Chair: We'll move on now to Ms. May.

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

I want to thank our colleagues from New Zealand and Australia for joining us.

In addition to being the member of Parliament here for Saanich—Gulf Islands, I'm also the leader of the Green Party of Canada, so I want you to know that I've been delighted to work very closely with New Zealand Greens such as Kennedy Graham, James Shaw, and Metiria Turei, and in Australia with Bob Brown, Christine Milne, and now Richard Di Natale. I have a rough familiarity with the voting systems from them.

That leads me to ask a question of Mr. Rogers from Australia. I mentioned the Australian parliamentarians with whom I work. As you know, they're all senators and they're elected under a system that is different from the one we spent most time on this evening. They're elected under single transferable vote. Do you have any comments on why Australia went to an elected senate with a single transferable vote system while leaving the lower house with a majoritarian winner-take-all system?

Mr. Tom Rogers: I think there were some historical artifacts there. With the Senate, I'm not sure about the way the process works in Canada, but theoretically the Senate in Australia is known as the states' house, as you may be aware, and was originally established to be a house of review for the states, so a different electoral system was developed.

Each state has a constitutionally guaranteed minimum number of senators. A quota system was developed to help fill that number. The only difference is that each of the six states has 12 senators who complete a full term of six years, and the two territories—the Australian Capital Territory, where Canberra is, and the Northern Territory—have two senators who complete a three-year term. It's just a different process that emerged, and people seem broadly comfortable with it, as noted in the comments I made previously about the recent changes to the Senate electoral system.

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

I'll turn to Mr. Peden. One of the unique characteristics of the New Zealand system is having specific seats and districts designated for indigenous peoples, for the Maori people. How does that work? How do you determine them? Is it a geographical Maori district? Is it seats reserved across the country for Maori people? I know, of course, that Maori candidates are electable under the other seats as well. Could you shed some light on how Maori representation works?

Mr. Robert Peden: There have been separate Maori seats since 1867 in New Zealand. People who identify themselves as being of Maori descent are eligible to enrol either on the general roll or on the Maori roll. Depending upon the exercise of that choice, when it comes to defining the boundaries, we have a Maori electoral population and a general electoral population. New Zealand is divided into 64 general electorates and seven Maori electorates. The number of Maori electorates will increase depending upon the choices exercised by people of Maori descent as to whether they want to go on the general roll or the Maori roll. All electorates represent the same number of people, so there are seven Maori electorates because, if you divide the Maori electoral population by the electoral quota, you get seven.

Does that answer your question?

● (2000)

Ms. Elizabeth May: It's very, very helpful to have the historical understanding that it dates back to 1867.

I also wonder this. You mentioned that you've done a lot to educate the New Zealand population about the electoral system. I'm wondering what you regard as the most effective methods of education that New Zealand undertook to change from our current system of first past the post, which we want to remove, and move into proportional representation. What were the most effective ways in which this transition was made in terms of public education?

The Chair: Answer briefly, please.

Mr. Robert Peden: In relation to the decisions made in 1992 and 1993, they were in the context of ongoing debate that had been under way since the mid-eighties. This was an issue of much public discussion.

The Chair: Thank you very much.

Go ahead, Mr. DeCoursey.

Mr. Matt DeCoursey (Fredericton, Lib.): Thank you very much.

Thanks to you both for joining us from afar.

I'll direct my first question to Mr. Peden. My colleague Mr. Cullen asked about the differences in theory and perhaps in practice in the role that MPs from an electorate may play versus the role of MPs from a list. Adding on to that, is there any evidence to suggest that the public perceives a difference in their roles or that they interact differently with the two different types of MPs?

Mr. Robert Peden: List MPs often attach themselves to particular areas or particular constituencies, but in terms of public perceptions, I think it's fair to say that there is evidence that the New Zealand public regards electorate MPs, the people they can go to, as having a higher status than list MPs. However, this is an evolving situation.

The other thing that's been found in research is that when people are asked about particular MPs, whether they're list or whether they're electorate, if they know them and they deal with them, questions of whether they're a list MP or electorate MP are less important.

Mr. Matt DeCoursey: What sort of evidence do you have on how complete or partial ballots are filled out under the MMP system? What percentage of voters check both sides, check one side, check the other side, or spoil the whole thing?

Mr. Robert Peden: We have very comprehensive data on that because we report on the level of informal votes.

Somebody can cast a party vote and not mark a candidate, so that's a valid party vote and an informal candidate vote. They can also—although this happens less—mark their candidate vote but not the party vote.

On average, about 0.45% of party votes are informal and just over 1% of candidate votes are informal, so the level of informal voting is very low. The level of candidate informal voting is higher because often people will find a party they want to vote for but don't have a candidate standing in the electorate for the party that they want to vote for. As a result, often you will find that the party vote side of the ballot has been marked but the candidate vote side has not.

At the 2014 election, 31% of New Zealanders voted strategically; in other words, in the party vote they voted for a certain party and in the candidate vote they voted for someone from a different party.

Mr. Matt DeCoursey: Is there any perception of a difference in legitimacy of candidates who appear on a list but don't run in an electorate, versus those who appear on a list and do run in an electorate, whether they win or lose the electorate and are then given a seat on the list?

• (2005)

Mr. Robert Peden: There have been very high-profile politicians who were list only—for example, the current Deputy Prime Minister is list only, and a previous Deputy Prime Minister and Attorney General was a list MP—so I don't think so. Often if a member of Parliament has aspirations of being a Speaker, they will seek a list-only role.

Mr. Matt DeCoursey: Okay. Thanks very much.

Perhaps I'll turn to Mr. Rogers in the brief time I have left and I can follow up again later.

What level of exercise do voters provide for preference one through four, one through five, one through six, or whatever it might be, in the alternative vote for the lower house?

Mr. Tom Rogers: If you're talking about the overall level of informality, I think it's about 5% nationally. We, like the New Zealanders, do a very comprehensive survey after each election to work out whether those votes were deliberately informal or accidental. Our research shows that the vast majority are accidental. It's very clear when people deliberately leave all the boxes blank or write special messages for either the Electoral Commission or members of Parliament on the ballot paper, but that's a different thing.

The Chair: Thank you very much.

Go ahead, Mr. Kenney.

Hon. Jason Kenney (Calgary Midnapore, CPC): Thanks to both of our expert witnesses from the Antipodes. Thanks for your time.

The first question I have, for Mr. Peden, is with respect to the development of the current system in New Zealand. Please correct me if I'm wrong, but I understand that in 1992 there was a referendum on the general question about whether or not to pursue a different electoral system, and then options were given in a subsequent referendum in 1993, after which the current system was adopted, which was then further tested by a subsequent referendum in 2011. Is that correct?

Mr. Robert Peden: Not quite.

The referendum in 1992 was a two-part question. The first question that was posed in 1992 was whether they wanted to retain the current system of first past the post or change it. The second part of that 1992 referendum asked them to indicate which of four options they would prefer if there were to be a change.

Then, at the next general election in 1993, because the majority of people who participated in the 1992 referendum voted for change, there was a binding referendum in the 1993 general election.

The 2011 referendum was an opportunity for New Zealanders to, in the words of the Prime Minister—"check the tires" and decide whether or not, after six MMP elections, they continued to be happy with MMP or they wanted to consider a change. That was also an indicative referendum.

Hon. Jason Kenney: Is the New Zealand electoral system entrenched in statutory or in constitutional law?

Mr. Robert Peden: There is a provision in the Electoral Act 1993 that provides, for some parts of the Electoral Act, a requirement that for amendment to be made, it requires either a 75% majority of Parliament or a majority of voters in a referendum. You can find that at section 268 of the New Zealand Electoral Act.

The things that are covered are the term of Parliament, the makeup of the Representation Commission, the process for determining boundaries, the voting age, and the method of voting. Those are some of the things that are prescribed as requiring a special majority before they can be amended.

Hon. Jason Kenney: So it's statutory, but insofar as amending these provisions requires a super-majority, they might be referred to as quasi-constitutional.

• (2010)

Mr. Robert Peden: Well, I think we would regard the Electoral Act as a constitutional document. Unlike Canada, what we have in New Zealand is a Bill of Rights Act, but it is not a supreme law in the way that your Constitution is.

Hon. Jason Kenney: Right; it forms part of the unwritten constitution.

Mr. Robert Peden: Yes, it does.

Hon. Jason Kenney: Thank you.

Mr. Rogers, could you answer the same sort of question about whether electoral law in Australia is of a constitutional or an ordinary statutory status?

Mr. Tom Rogers: Essentially, it's an ordinary statutory process. In fact, the recent major change to the Senate legislation was passed with a majority from both houses of Parliament.

Hon. Jason Kenney: I understand from a witness we had earlier today that in recent years the ACT, the Australian Capital Territory, held a referendum on a change to its electoral system. Is that correct?

Mr. Tom Rogers: I'm sorry. States and territories have their own electoral commissions and we love each other like brothers and sisters, but I am not particularly aware of what they may or may not have done in the ACT.

Hon. Jason Kenney: The commonwealth system was effectively adopted nearly a hundred years ago. Is that right?

Mr. Tom Rogers: That's correct. It was upon federation.

Hon. Jason Kenney: Right.

While I gather there's no law requiring a referendum for amendments to the electoral system, would it be fair to say that there would be a widespread public and political expectation that any significant change to the electoral system would require approval through a referendum or perhaps through something like a super-majority, as is the case in New Zealand?

The Chair: Give a brief answer, please.

Mr. Tom Rogers: Again I'm not trying to be unhelpful, but I think that's more of a political question. I relate back to the recent changes to the legislation that occurred only some three months ago. That was a simple majority in Parliament and a major change to the legislation.

The Chair: Thank you.

Go ahead, Ms. Sahota.

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

I'd like to start with Mr. Rogers from Australia. The first question that comes to my mind is why there are different systems for the Senate and the House of Representatives. Also, has there in your opinion been a lot of debate about moving towards one system for both? What's the reasoning for this, and what are the pros and cons?

Mr. Tom Rogers: If we go back in history with the Senate system, one of the reasons that the current Senate system has developed is that at various times there has been quite a high level of

informality in the Senate vote. I'm looking here at some dates. I think we went to what we would recognize as the modern Senate voting system in about 1948, with some changes in 1984, and it was in response to the complexity of the Senate ballot paper. It's still a complex ballot paper with many candidates and each state paper is different, so I can't give you the statistics for this in any meaningful way.

That's why we went to that system. There has been no overarching public debate about bringing both of these systems into line, and it would be very difficult to do. People broadly accept where we are. The level of informality still remains an issue in both houses, as far as I'm concerned. We've just completed, or are in the process of completing, a recount for one seat in the House of Representatives for the election we've just run, and I think the level of informality was close to 7% in that particular election. It was quite high. We try to work to bring it down as low as possible.

There is, then, no great public clamour for those two systems to be the same, but there were changes recently to try to make the Senate system clearer for the public.

Ms. Ruby Sahota: Clearer? How so? Has there been confusion?

I know you have mandatory voting and everyone has to go out, so how can you tell that there's been confusion?

Mr. Tom Rogers: Part of the debate that occurred in Parliament here was on the fact that previously we had the ability for citizens to vote "1" above the line in the Senate and their vote would then be transferred according to a very complex preferential system with each party. This system was linked to what some people perceive to be odd results, with some senators being elected with a very small primary vote.

Parliament mandated the changes to the Senate voting system to give people more control over where their preferences went. That's probably a better way of describing it.

• (2015)

Ms. Ruby Sahota: Okay.

We talked to academics from Ireland and other academics throughout the day, and there was a lot of talk about mandatory voting and that it could lead to...no offence, but "donkey voting" is what they were calling it. The idea was that we shouldn't be forcing people to vote if they choose not to vote. If they're not educated on the matter, then what good is their vote?

What is the perception of that? From your perspective, how do you feel about your mandatory voting system and the results you receive?

Mr. Tom Rogers: I think I mentioned previously that our consistent data shows that over 70% of Australians support compulsory voting. I think we had about 90% turnout in 2016, the election just past. It does have an impact. I don't have statistics about donkey voting.

From time to time, some people say they don't like compulsory voting. There are some members of Parliament who don't like it. There is a debate that's fairly low level; however, broadly, there is large-scale support among the populace for the current system of voting.

Ms. Ruby Sahota: How much more time do I have?

The Chair: You have about 35 seconds.

Ms. Ruby Sahota: Okay.

Mr. Peden, I want to follow up on my colleague's question about the electorate system and then the list system. A candidate who loses in the electorate system could then possibly be chosen in the list system.

You spoke a little about legitimacy. I think that's the one scenario that plays in my mind that may question the legitimacy of that particular candidate. Overall, the party, of course, has received that percentage of votes, so you would want that many members representing them under your system. However, for that particular candidate, since he has lost, there has been some will to not elect him and see him serving as a member of Parliament.

Is there illegitimacy when you see that happen?

The Chair: Briefly, please.

Mr. Robert Peden: Indeed, the royal commission saw the capacity of people to stay on a list as well as be an electorate candidate to be one of the real strengths of mixed member proportional representation. It enables parties to have strong candidates contesting an unwinnable electorate but being able to be elected through the list, thereby improving the overall quality of the electoral contest.

The Chair: Thank you.

Mr. Blaikie is next.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thank you very much for joining us for what is our evening and for talking about your various electoral systems.

One of the witnesses we heard today, who is not an advocate for any form of proportional representation, said that one of the real dangers—and he seemed quite worried about this—was that under a proportional representation system of any kind, you would get a serious fracturing of the political landscape. He went so far as to suggest that every major municipality in Canada would develop its own political party that simply put the interests of that municipality first.

In New Zealand under the MMP system, or in Australia for the upper chamber, I'm wondering, is it the case that every major municipality in your country has its own political party that simply puts the interests of the municipality first? Was that a consequence of adopting the new system?

Mr. Robert Peden: Well, the MMP system relates only to Parliament and the New Zealand Electoral Commission is responsible only for parliamentary elections. We don't govern local body elections.

As I said in my opening remarks, there have been seven Parliamentary elections using MMP, and there have been six to eight

parties represented in each of those Parliaments. Each of those Parliaments has been able to form a stable government and to retain the confidence of the House throughout the parliamentary term.

● (2020)

Mr. Tom Rogers: I think the party system in Australia is quite strong, with four major parties and a number of minor parties. Even the Senate, which is a states house, is essentially run along party lines, and the party system is strong. What you refer to has not been the experience in Australia. I would say it's probably the same at the state level and less so in local or municipal government.

Mr. Daniel Blaikie: So even in the New Zealand case, switching to a proportional system didn't mean the end of national parties. National parties continue to be relatively strong and haven't been usurped by regionally interested parties.

Mr. Robert Peden: No.

Mr. Daniel Blaikie: I'm curious about the Australian case because the two houses are elected by different methods. Is there a sense in Australia that the verdict of the house that's elected by the alternative vote system is more legitimate? Do Australians relate differently to the two houses based on the way that those seats are elected?

Mr. Tom Rogers: Australians are conscious of the role of the two houses, but Australians respect both of them. I'm giving you an answer that I gave before my joint select committee, which has both senators and members in it.

Mr. Daniel Blaikie: In Canada it's usually thought that the Senate, because it's not elected, should not impede the will of the lower house in any significant way. There's no corresponding priority rule in Australia, given the different way they're elected. Is that right?

Mr. Tom Rogers: Government is formed in the House. The upper house is an elected house, and it's a requirement for legislation to have a majority in both houses. Government has to work with that.

Mr. Daniel Blaikie: How does the government relate to that second house? The government is formed in the lower house, presumably on a majority or as a result of a coalition or as a minority government supported by other parties. How does it represent itself in the other house? Is it often the case that the governing party in the lower house will have something near a majority in the upper house?

Mr. Tom Rogers: Actually, in the last few years there was the reverse of that. The government may have a majority in the lower house or a coalition to deal with, and the upper house will have to rely on some pretty strong negotiations with a range of parties to get its legislation through.

There are ministers in both houses. You can be a senator and still be a minister. I can't remember the last time a government had a majority in both the House and the Senate, but it would have been quite a few years ago.

[*Translation*]

The Chair: Thank you.

It's now Mr. Deltell's turn.

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

Gentlemen, I'm very honoured to be speaking to you. We are here, in Ottawa, and you are in Australia and New Zealand. This shows how strong the Commonwealth is.

[English]

Mr. Peden, it's a real pleasure to talk to you in the first round. In the second round, I will have the privilege of speaking to Mr. Rogers.

Mr. Peden, your country has undertaken a long journey to achieve what you have done in the last two decades, which all began with the royal commission in 1986. We're talking three decades. I would like to know why you took 18 months to complete your work on this royal commission. Why was it 18 months?

Mr. Robert Peden: The terms of reference of the royal commission were broad. They included consideration of the electoral system and many other matters of democracy, and the report was broad-ranging. It began by identifying 10 criteria by which they would judge electoral systems. In the material we have provided to the committee, we included the report that the electoral commission undertook in this review of MMP in 2012.

We reported to the New Zealand Parliament. We attached as an appendix to that report the 10 criteria that the royal commission used in judging different electoral systems. I would recommend it to the committee. Notwithstanding that this report was undertaken 30 years ago, it remains a very relevant and helpful piece of work. The report in general would reward your consideration.

It took 18 months because it's a comprehensive and thorough piece of work that included considerable public consultation together with visits to international jurisdictions.

• (2025)

Mr. Gérard Deltell: You achieved a lot in 18 months. You were very busy, but you were very effective.

What surprises me is that it took almost 15 years to put the question to the people before a decision. Why so long?

Mr. Robert Peden: From 1985 to 1993 the two major parties that were then in Parliament supported first past the post, and as I said in my introductory comments, there was considerable public and political debate between the royal commission report in 1986 and the decision in 1991 to introduce legislation to provide for a referendum in 1992, which initiated the process that saw the adoption of MMP in 1993 following a binding referendum, and then the first MMP election in 1996.

One other thing I would say, sir, is that after the decision to move to MMP in 1993, it was a very busy three years preparing for the first MMP election in 1996. A lot of work had to be done.

Mr. Gérard Deltell: Just before going to the three full years for preparation, let's get back to the two referenda, not referendums. In French we say *référendums*, even if we are talking about two referenda, but I learned that in English it's like Latin, and it's "referenda". It reminds me of 1976, when I had some Latin lessons in high school.

You had two referenda. Why two?

Mr. Robert Peden: The first referendum was to provide New Zealanders with the opportunity to indicate whether they wanted change, and if they did want change, which alternative system they would prefer.

Mr. Gérard Deltell: I recognize again that you took your time because it's a very interesting and very important issue in democracy.

Then you took three full years before—

The Chair: We're almost done, Mr. Deltell.

Mr. Gérard Deltell: Okay, so I'll come back in the final minutes. Thank you.

Thank you so much, sir.

The Chair: Go ahead, Mr. Aldag.

Mr. John Aldag (Cloverdale—Langley City, Lib.): Thank you.

I'm going to pose one quick question for each of you, but they're different questions. Then I have something that I'm hoping will take a bit more time.

I'll go to Mr. Rogers for the first one. The issue I want to look at is mandatory voting.

When I was out door-knocking during our election campaign, I came across two religious groups that do not vote. I wonder, in your case, if you have any sort of allowance for circumstances in which people, for religious reasons or others, do not support voting. How do you deal with that?

Mr. Tom Rogers: There is no blanket exclusion from mandatory voting, but the electoral act is clear that you may be able to provide what is referred to as a "valid and sufficient reason" for not voting, and generally a religious conviction would be one of those valid and sufficient reasons.

Mr. John Aldag: What else would fall into that kind of category related to mandatory voting? Sorry; I'm going into a second question, which I wasn't going to do, but I'm interested.

Mr. Tom Rogers: No problems.

It's written in a way that the valid and sufficient reason is at the discretion of the local divisional returning officer, but essentially the reasons are that you were not able to be released from work that day, you were ill, or you were genuinely travelling. A whole range of things may be valid and sufficient reason for not voting.

The way that's uncovered is we write to every non-voter after the election and they write back to us and explain why they may not have voted.

Mr. John Aldag: Could physical or mental incapacity be reasons?

• (2030)

Mr. Tom Rogers: That is correct.

Mr. John Aldag: Okay. Thank you.

Moving to Mr. Peden, I want to pick up on Ms. May's question on the Maori seats. You've indicated that the specific seats have been in existence since 1867. Has it always been seven Maori seats, or is it based on percentage of population? Do they grow over time or change over time?

Mr. Robert Peden: They grow over time.

In 1867, four seats were established. There continued to be four seats up until 1993. That was the first occasion when the number of seats would grow according to population. Since then the number of Maori seats has grown to seven.

Mr. John Aldag: Along with that, you indicated that there is not a constitution in the way that we have one, but those seats and that growth would be protected in some sort of legislation or a constitutional equivalent. Is that where those come from?

Mr. Robert Peden: No. There is an entrenching provision in the Electoral Act, section 268. It only entrenches a limited number of provisions, and the number of Maori seats and the distribution of Maori seats is not one of those entrenched provisions.

Mr. John Aldag: Thank you.

Here's a question I'd like to throw to both of you. You seem to have, in the case of New Zealand, a new system that you brought on board, and in Australia, it seems a bit of a complex system to somebody coming into it. Building on Ms. May's earlier questions about education, how do you build voter awareness and support?

I'd like to hear from both of you briefly about what sort of education campaigns are used, or perhaps what role the state plays in helping people shift to understand these kinds of changes as they take place over time.

Mr. Tom Rogers: I'll start off, if that's helpful. Briefly, we do a number of different things. First, we run a national electoral education centre in Canberra, and more than 100,000 school kids a year come through that centre. We reach out to schools and run elections in schools—not all schools, but the schools that want us to do that—and there are a range of other factors focused on youth.

At each election, we run a significant electoral education campaign based both on awareness of the election and on how to complete a valid vote. We use a range of media: social media, advertising, TV, radio, etc. For the recent change to the Senate, we did a separate campaign to alert the public to those changes. Again, it was a very comprehensive, targeted campaign.

We do those sorts of campaigns at every election. We also provide other services at election time, including language-appropriate voter information officers in polling places where there may be a heavy element of people with English as a second language, etc.

Mr. John Aldag: Thank you.

Mr. Tom Rogers: All significant materials are translated into about 28 different languages.

The Chair: We're out of time, unfortunately, on this one, but we'll jump now to our second round, beginning once again with Ms. Romanado.

Mrs. Sherry Romanado: Thank you so much, all.

Actually I'll ask Mr. Peden from New Zealand if he could respond to my colleague's question regarding educational outreach. I know that Ms. May also asked this specific question.

You didn't have a chance to answer, so if you could elaborate on that aspect, that would be great.

Mr. Robert Peden: Sure. In relation to the previous question, before every referendum on the electoral system, there were

comprehensive campaigns delivered by independent panels. For the referendums in 1992 and 1993—remember, this was before the Internet was really a thing—public education campaigns focused on radio, TV, newspaper, and brochures. There was a brochure delivered to every household.

For the education campaign delivered before the 2011 indicative referendum on the voting system, the electoral commission was responsible for delivering the education campaign there. We recognized that different people would have different interests and information needs, so we used a variety of channels and a variety of levels of detail of information to cater to the variety of needs we knew would be out there.

Mrs. Sherry Romanado: That's great.

I have one question for Mr. Rogers. You mentioned that at the federal level folks can send in their votes 13 days after election day and there are millions of ballots to be counted and so on.

How long does it take from the day after an election to get the results? We heard from Ireland that they love the 24 to 36 hours of intense election day results, but if we're talking about two weeks, I think my nerves would be shot, so I'm curious about the turnaround time to get an election result.

● (2035)

Mr. Tom Rogers: Certainly the 2016 election is the gift that keeps on giving in that regard.

In most elections in which the result is clear, the result of the primary vote on the night of the election makes it clear as to who will form government. It only takes longer when the election is very close, when it comes down to a couple of seats, and this election is one of those. The government has already been formed and has been formed for a couple of weeks, but it's down.... The seat that we're now recounting is a very critical seat. Government has a one-seat majority, so every seat is important.

However, in most elections, people will go to bed at some point knowing the result.

Mrs. Sherry Romanado: I have one last question.

You also mentioned that in your compulsory voting, you get some data through a third party. For instance, you use driver's licence information. Here in Canada we have various jurisdictions, and driver's licence information would be under provincial jurisdiction, so there would be some issues in that respect.

If we were to do something like compulsory voting, how would we capture this information while respecting the jurisdiction of the provinces?

Mr. Tom Rogers: Driver's licences in Australia are one of those things for which there is a common database. This one is called NEVDIS, the National Exchange of Vehicle and Driver Information System. For other sources of data, sometimes we have to have individual agreements with the states. This is for births, deaths, and marriages data. However, we use—I don't know what the equivalent is in Canada—Centrelink data, the data on our unemployment benefits and those sorts of issues. We get that data federally. Passport data we get federally. We use all of that data to help us work out who's entitled to be on the roll. When that data provides the information, we then contact those individuals.

Mrs. Sherry Romanado: Do I have any more time?

The Chair: Yes, you have about 45 seconds.

Mrs. Sherry Romanado: Okay. You know what? I'll leave it for another.

The Chair: Okay, we'll throw it into the pot.

Go ahead, Mr. Reid.

Mr. Scott Reid: Thank you very much.

I thought this time I might start with a question for Mr. Rogers.

I'll start with this. In the most recent election, votes for senators were done using an optional preferential system, in which I gather the key change from past practice is that you do not have to fill out every single name if you're voting below the line. Is it still the case that for House of Representatives seats, there is still a full preferential system, and you must fill out every name or your ballot will be rejected as informal?

Mr. Tom Rogers: Essentially that is correct.

Mr. Scott Reid: Okay.

You mentioned that there's a 7% informal vote in the Division of Herbert, where currently there's a recount under way in order to determine the winner. Is it possible for you to tell what share of that 7% is the result of voters not having filled out all of the ballot, as opposed to other causes? You mentioned other information being added to the ballot and that sort of thing, but can you tell?

Mr. Tom Rogers: Yes, we will. Once we've finished the entire process, we'll go back and do a survey of those ballot papers. We'll be able to tell what's deliberate and what's not, and we'll make an estimation about what that is.

Mr. Scott Reid: All right. Thank you.

I wanted to ask Mr. Peden a question on the subject of overhangs.

I think I'm correct in saying that of the various alternatives to Canada's first-past-the-post system, the one that has the most organizational momentum, if that's the right way of putting it, is a mixed member proportional system. Your country is frequently cited as an example that Canada ought to follow. As a practical matter, however, we are a federal system, and the number of seats that is assigned or allocated to each province is constitutionally laid out. It doesn't mean you couldn't have MMP operating at the federal level; it's just that you'd have to treat each province as a little New Zealand.

The number of seats per province is absolutely critical. For example, it actually says in our Constitution that there are 78 seats for the province of Quebec, and some of the other provinces have

similarly constitutionally entrenched numbers. I raise all of this because it means that the issue of overhang seats becomes constitutionally problematic for Canada, and this question therefore arises: are there examples of mixed member proportional systems that do not involve overhang seats?

If such a creature exists, then that solves our problem. I realize you don't have that in New Zealand, but are you aware of that existing?

• (2040)

Mr. Robert Peden: I'm not aware of it. I know that the German system is federal system, and they have a provision of overhang seats. In the New Zealand context, one of the recommendations that the Electoral Commission made in 2012 to the New Zealand Parliament was that the one-seat threshold, which currently exists, should be abolished. If that recommendation were to be adopted, one of the consequences would be that the number of overhang seats might increase to an unacceptable level. We therefore recommended that provision for overhangs be removed. Our advice, on the analysis that we did, was that the impact on proportionality would be minor.

Mr. Scott Reid: It would be minor?

Mr. Robert Peden: It would be minor. The short answer is that it would be possible to have any of these systems that don't provide for overhangs and you'd be able to do the analysis, which can give you insight as to what impact it would have upon proportionality.

Remember that MMP is a moderate form of proportionality. It's not an absolutely pure system. There will be levels of disproportionality, and the question will always be how acceptable that is and where it would fit in the balance between proportionality and the desire for stable, effective parliaments and stable governments.

The Chair: We'll move on to Mr. Cullen.

Mr. Nathan Cullen: Thank you, Chair.

Mr. Rogers, earlier today we heard from some Irish experts that when looking at another country's electoral systems, it's often commented that understanding how the ballot works from the outside appears very complicated and difficult. There's often a fear expressed by those who seek not to have electoral reform take place that any new system brought in will be so complicated that people won't understand it and in a sense might be disenfranchised because they don't know how to perform their enfranchisement the way they want.

You've made changes. Has there been any evidence, perhaps not in this past election—it may be too soon to tell—but in previous elections, that the complexity of the system has led to lower voter turnout or to more of these ballots that we've talked about not being able to be registered? Has there been any evidence? Have you looked for any? Does anyone do any research to find out whether the complexity of the system has led to any negative consequences?

Mr. Tom Rogers: It hasn't affected turnout, because we have mandatory voting and mandatory enrolment.

Our research shows that there are three factors that impact upon informality. One is those electorates in which there is a high level of English as a second language. The second of those factors is simply having a large number of candidates on the paper. Specifically for Australia, the third factor is having our electoral event occur close to a state electoral event that may use a different voting system.

There are, then, three factors that impact upon informality, but with the recent change to the Senate we really have done a very extensive education campaign. The initial results show that people were well aware of what the requirement was, but we'll have to do a wash-up at the end of it to see whether the informality rate for voting for the Senate increased at this election.

Mr. Nathan Cullen: That entire campaign from start to finish was, education-wise, a process of more than four months, so people were able to pick it up in time and exercise their rights.

I want to turn to online voting for a moment. I don't know whether it was in the beginning presentation or in response to a question, but you commented that there were massive costs and unacceptable security risks.

Where does that comment come from? Is that a personal observation? Is it something Australia has looked at in any specificity? It is one of the things this committee is charged with doing here in Canada.

● (2045)

Mr. Tom Rogers: No, that certainly wasn't personal; it was from a 2014 report of the Australian Parliament's Joint Standing Committee on Electoral Matters, which is our parliamentary oversight committee. They did a comprehensive hearing into this topic and have written a comprehensive report on it. That quote came from that report, in which at that point in 2014 they acknowledged that whilst it may be inevitable at some point, they pointed out the significant risks that might accrue from electronic voting or Internet voting if it weren't done properly.

Mr. Nathan Cullen: The question around this is a risks-versus-rewards question. Those who have promoted or proposed online voting have suggested what rewards there may be—ease, younger demographics becoming more engaged, higher turnout potentially—versus the risks that are in place. These may involve a lack of confidence on the part of the electorate as to what the results actually are, and we've heard a number of times already about counting physical paper ballots and whether, if the ballots are scanned, there's some physical back-up mechanism to give people confidence. Another risk is that the system might be hacked. The risk of an electoral system actually being hacked and the consequences of that would be difficult to ever know, and you could have in effect illegitimate government.

Is that what the committee struggled with or addressed in their report?

Mr. Tom Rogers: I think you summarized the two camps. One of the quotes from the report was that younger people allegedly would prefer to be online rather than in line and queuing up at a polling place, but there are also those risks and rewards that you pointed out.

Mr. Nathan Cullen: Here is a question to Mr. Peden regarding the lists.

One opposition to the idea of having party lists concerns the party's control, the idea that effectively, in some backroom somewhere, each of the parties is constructing this list. There is a certain feeling that people are being undemocratically placed, very much as our Senate is right now.

Has New Zealand looked at other ways for this list to be constructed? We've had the suggestion of regional nomination meetings that would be done through a democratic party process. Has New Zealand looked at any of those other approaches, or is it simply done party by party by their own preference?

The Chair: Briefly, please.

Mr. Robert Peden: The question of an open or closed list is something that has been considered throughout, from the 1985 commission throughout. Currently party lists in New Zealand are closed. When we looked at it, our conclusion was that any benefit to be gained in voter choice through open or semi-open lists was outweighed by the resulting complexity. However, there is a provision in the New Zealand legislation that requires parties to have democratic processes in the selection of party lists.

The Chair: Thank you.

[*Translation*]

Mr. Thériault, you have the floor.

Mr. Luc Thériault: I have a few quick questions.

Mr. Rogers, there are two voting methods for forming the Senate and the House. Does that affect the percentage of independent candidates, be they senators or MPs?

[*English*]

Mr. Tom Rogers: It's hard for me to answer that question other than to say that the number of candidates who are standing for the Senate vacancies continues to increase. The Senate ballot paper is becoming very complex. I think at the election we just had, the font size for the New South Wales Senate ballot paper was either six or seven, which is very difficult to see, to the extent that we had to provide plastic magnifying sheets in the polling place to cope with the size of the ballot paper.

[*Translation*]

Mr. Luc Thériault: This may have already been mentioned, but if so I missed it. Can you tell me what the voter to member ratio is?

● (2050)

[*English*]

Mr. Tom Rogers: The size of the electoral roll is at this stage 15.6 million people. There are 150 members of the House of Representatives and 76 senators.

[*Translation*]

Mr. Luc Thériault: Okay.

I will tell you about a situation I am familiar with. In Quebec, an attempt was made to reform the voting system between 2003 and 2007. One of the criticisms of the first-past-the-post system was that the party line was rigid.

Mr. Peden, did you hear the same criticisms during the debates that yielded the voting system reform? If so, was the rigidity of the party line behind them?

Could the same difficulty arise with coalition governments?

[English]

Mr. Robert Peden: I think the question you asked, sir, would really be better directed at a political scientist or a political commentator rather than an electoral administrator.

[Translation]

Mr. Luc Thériault: I wanted to know whether the population expressed the same sentiment with regard to the rigidity of party lines during the deliberations that led to the voting system reform. I assume that is recorded in your documents.

That is the first part of my question.

[English]

Mr. Robert Peden: It was the case that the impetus for electoral reform, beginning in the 1970s and early 1980s, was around dissatisfaction with the way in which first past the post was operating in New Zealand. Neither of the two main parties, which continue to be in existence and now are operating very successfully under the mixed member proportional system, advocated moving to a proportional system. Notwithstanding that, we went through a process that saw the New Zealand public have a say, and they exercised a choice to move to MMP. That was the New Zealand experience.

The Chair: Thank you. We're more or less out of time.

[Translation]

We will now go to Ms. May.

[English]

Ms. Elizabeth May: Thank you.

Thanks to Mr. Thériault, I have a segue into the question I want to ask Mr. Peden.

In the deck that you've provided to us, page 5 starts with this issue of voter dissatisfaction with first past the post in New Zealand, saying it had intensified after the 1978 and 1981 general elections. I wonder if you could tell us how first past the post operated in 1978 and 1981 and the nature of perverse results that led to the voter dissatisfaction.

Mr. Robert Peden: Well, in the 1978 election at least, at a national level the nationwide vote was in support of the party that didn't form government. In other words, you had the wrong-winner scenario, which sometimes occurs under majoritarian systems.

Ms. Elizabeth May: On another of your charts, the one at page 15, we see the diversity in Parliament over the years 1990 to 2014 and the spike in diversity of Asian, Pasifika, Maori, and women representation. What would you say the chances are that the increase was pure coincidence after adopting MMP?

Mr. Robert Peden: I think the chance would be very low, and I direct you to slide 16, which shows the same information but takes account of the impact of the list and where people are elected from. What you can see when you look at that slide is that women are predominately elected from the lists. Of all MPs elected to Parliament, 43% were elected from the party lists and only 24% were elected from electorates, and so—

• (2055)

Ms. Elizabeth May: That's terribly helpful—oh, sorry, continue; I didn't mean to cut you off.

Mr. Robert Peden: I was just going to conclude that I think that demonstrates the impact of party lists enabling parties to put women, Maori, Asian, and Pacific people in electable positions into Parliament.

Ms. Elizabeth May: Thank you.

I don't think any of the questions this evening—and forgive me if I've missed one—dealt with the issue of voter turnout. Has New Zealand experienced any change in voter participation since adopting mixed member proportional?

Mr. Robert Peden: New Zealand has been experiencing a significant decline in voter participation since the early eighties. There was a spike in participation in 1996 and 1999, but since then the overall trend of declining participation continues, which is of concern to the commission, to the New Zealand Parliament, and to the government.

There has been research on the impact of the change in participation by Professor Jack Vowles; it indicates that the change to MMP has had a neutral effect on participation.

Ms. Elizabeth May: Was the initial spike viewed as associated with voter interest in MMP, or was it seen as not connected?

Mr. Robert Peden: I think it was interest in the MMP. We survey voters and non-voters after every election, and the reasons given for not voting are that people don't believe their vote is important or they aren't interested in politics. It amounts to people not valuing democracy and not valuing their vote.

The New Zealand Electoral Commission has done a significant amount of work around voter participation in New Zealand and what's driving it and what we might do about it. It's information that we can provide to the committee, if it's of interest.

Ms. Elizabeth May: Yes, I think that might be of interest, if it was possible to have further information come to us. We've heard a lot of witnesses say that regardless of the voting system, there's going to be a small increase in voting, if anything, under mixed member proportional or STV proportional systems, and that in western democracies generally, interest in politics per se is on the decline, which I think is very troubling.

Is that your experience? I ask that of both Australia and New Zealand, if there's any time left to say anything.

The Chair: Very briefly.

Mr. Robert Peden: I think the point you make is right. It's an issue of concern generally to western democracies.

Mr. Tom Rogers: Clearly we're in a different position with mandatory voting. We've taken a slightly different perspective. In the last election, we prosecuted more people for non-voting than we've ever done previously. We are dealing with it slightly differently.

The Chair: Thank you.

Go ahead, Mr. DeCoursey.

Mr. Matt DeCoursey: Thanks very much again. I'll start with Mr. Peden again this time.

We've heard from some witnesses of the need for reform to be delivered in a "made in Canada" style should we go that route here, and that we should be considering certain values that underpin any system that we may propose. Given the differences in the geographic reality here, Canada being upwards of nine million kilometres square and New Zealand 270,000 square kilometres; the differences in population, 35 million to just under five million; and the differences in divisions of power, the constitutional differences, what values underpin the system in New Zealand and where are some of the compatibilities to Canada?

• (2100)

Mr. Robert Peden: Again, what I would do is commend to the committee the 10 criteria that were identified by the royal commission in 1985 for judging electoral systems. When the New Zealand Electoral Commission came to reviewing MMP in 2012, we referred to those, and we found them to continue to be relevant. They are available as appendix B in the 2012 report that has been provided to the committee.

They include things like fairness between political parties, recognizing the fact that political parties are an important feature of modern politics, although the first-past-the-post system, for example, operates as though they don't exist. Another is effective representation of minority and special interest groups. In the New Zealand context, that means effective Maori representation.

Another is political integration, the extent to which the system brings together diverse opinions. Others include effective representation of constituents, effective voter participation, effective government, effective Parliament, effective parties, and the legitimacy of the system.

Those are just briefly the 10 criteria that the New Zealand Royal Commission used to judge the systems that it considered, and it judged that for the New Zealand context and tradition, MMP was an appropriate and preferable alternative to what we then had.

Mr. Matt DeCoursey: Great. Thanks very much. Lots of that content will be helpful.

I'll finish with Mr. Rogers.

Delving more into the relationship between the elected member of the lower house and the electors that person represents, what is the general role played by that person vis-à-vis their local constituency, and is it your sense that there's general satisfaction amongst members of a constituency with the person who gets elected under an alternative vote system?

Mr. Tom Rogers: Again I'm projecting a bit here because everyone is going to have their own view.

I think the system itself is broadly accepted by the community, and there hasn't been a huge clamour, as far as I'm aware, to change that system that you're discussing there. It's a very traditional system. It's a local member who is very much the local member and represents the local community.

Mr. Matt DeCoursey: Great. That's all I have. Thanks very much. It's been an enlightening day.

The Chair: Thank you.

Mr. Kenney is next.

Hon. Jason Kenney: Mr. Chair, I was so transfixed by Mr. Reid's questions about overhanging ballots that I'd like to cede my time to him.

Mr. Scott Reid: By a happy coincidence, I have a further question regarding overhang seats.

Actually, my question is pretty simple. Mr. Peden, you were just saying in response to my final question to you that you had given advice discussing how it would be possible to adjust the system so that there would be no overhangs. I was going to ask if that information is publicly available. If you could direct us to where we could find it, it would be enormously helpful to us. You can understand that our level of expertise on this matter would be a good deal less than yours.

Mr. Robert Peden: As a consequence of the 2011 referendum, where New Zealand voted to retain MMP, the electoral commission had a responsibility to review MMP and to recommend to Parliament any ways in which it thought, after public consultation, how the system of MMP might be improved. Our findings are contained in our commission report on the review of the MMP voting system, which was tabled in the New Zealand Parliament in October 2012. We've provided a copy to the committee, so it should be available to you. We discuss the question of overhang seats on page 20 of that report.

Mr. Scott Reid: Thank you for that. We'll consult with our analysts, who probably have it in their hands or in their offices right now.

Mr. Rogers, when I lived in New South Wales, there was a distinction made between the giant ballots in New South Wales, the largest state with the largest population, and those in other states. I think the problems you had in that state were worse than the problems in other states. I'm assuming that's still true. Can you tell me how many names are on the New South Wales ballot?

• (2105)

Mr. Tom Rogers: It's essentially true, but unfortunately, at least from an administration perspective, some of the other states have now caught up. I mentioned earlier the need to have magnifying sheets. I think we also had to have them for the Victoria Senate ballot paper and for Queensland. The eastern seaboard states, the most populous states, have large ballot papers, over a metre long. I think in 2013 there were 180 candidates on the Senate ballot paper for New South Wales. It's a lot of choice.

Mr. Scott Reid: One of my impressions was that the barriers to entry, to getting your name on the ballot, are relatively low, and this leads to what I would think of as prank candidates. I remember a candidate called Pauline Pantsdown when I lived there. It was a person who had actually changed his name in order to mimic the name of another politician. I think the real purpose that Pauline Pantsdown had for getting on the ballot was to promote a song that was currently playing on Triple J, one of your radio stations.

Am I correct that higher barriers to entry—a larger deposit, for example—might push some of these candidates off the ballot and help to resolve that problem?

Mr. Tom Rogers: This matter has been examined in detail by the Joint Standing Committee on Electoral Matters. Everyone has a view on this. It depends on where you sit. There are some who say the barrier should be very low to encourage participation, and there are others who say the barrier should be quite high to make sure we have serious candidates. No matter how you look at it, we have a system that gives us some very interesting candidates at every election in Australia.

Mr. Scott Reid: There's no doubt about the interesting candidates. It sounds as if people recognize that low barriers to entry create a problem, but that people feel that's better than raising those barriers and potentially freezing out legitimate candidates. Would that be a fair assessment?

The Chair: Please be brief.

Mr. Tom Rogers: I think you summed it up pretty well. That's probably the prevailing opinion.

The Chair: Go ahead, Ms. Sahota.

Ms. Ruby Sahota: Thank you.

I'd like to move to a Twitter question that I got a little while ago. This is to Mr. Rogers: Can you explain the difference between elections in the lower and upper house in terms of number of women, in terms of aboriginals, minorities, and those with disabilities. What are the differences you see between the two houses?

Mr. Tom Rogers: I couldn't tell you off the top of my head the proportion of female, indigenous, or other candidates, but I would tell you that indigenous Australians are under-represented on the electoral roll. We are separately funded to try to assist indigenous Australians to participate in the electoral process. We have mobile teams that go around remote parts of Australia trying to encourage indigenous Australians to get on the roll and remain on the roll and vote.

However, a lot of this is subjective. We don't ask Australians on their enrolment form to identify their ethnicity. We do a lot of surveys to work that out. Young people are also under-represented on the roll, but we probably have the greatest level of youth enrolment that we've ever had at the moment, so we've had some success in that regard.

As for the differences in the two houses, I'm afraid I don't have that for you, but I know the parties have targets that they're aiming for, and they report on those targets occasionally.

Ms. Ruby Sahota: I forgot to give credit to the person who asked that question. It was Jennifer Ross.

Moving on, Mr. Peden, I'd like to ask you about the period after the change that took place in 1996. When you moved to the MMP system, were there any unintended or unanticipated consequences that you saw after the change?

• (2110)

Mr. Robert Peden: From an electoral administrative perspective, no. From the perspective of the formation of government, it took something like two months to form the first government in 1996. There was a lengthy coalition negotiation to establish the first MMP government. Since then governments have formed very quickly.

In relation to the way the New Zealand system works, I should just say that by 10:30 on election night, parties and the public are usually in a position to know the result of the election, and government formation negotiations can begin at that point.

Ms. Ruby Sahota: Do you find that having more coalition governments causes instability in your country, or more frequent elections? I'm not quite sure how often you have an election there. How long is your term?

Mr. Robert Peden: It's a three-year term in New Zealand.

We've had seven MMP elections, and to date each government elected under MMP has been a coalition government or has had arrangements with other parties, and each government has retained the confidence of the Parliament for the duration of the parliamentary term.

Ms. Ruby Sahota: Really? That's quite interesting.

How much more time do I have?

The Chair: A little more than a minute.

Ms. Ruby Sahota: Another question or thought that has come to my mind is that we've talked a little bit about having integrity in our system. We have a lot of confidence in the Canadian system currently as it is.

Mr. Rogers, this question is for you. Has the length of time it's taking to come to an election result and the issue that happened in 2013 caused people to lose trust in the system? That's something we hold as very important, and I'm sure you do as well. We wouldn't want to come across those types of problems in the future.

Mr. Tom Rogers: I think it would be fair to say, and I have said it publicly, that the issue in 2013 with 1,370 lost ballot papers in the state of Western Australia created great difficulty for us and did impact on our public reputation, but we still have a broad degree of public support. We're a trusted institution and we've worked hard to overcome that difficulty.

The longer the results take, though, and every time there's increased scrutiny, as there was following the incident in 2013—and I'm sure it's the same in Canada—the more some of the media commentary strays from the reasonable, nuanced, calm, and informed level of public debate we would like to have. We have to deal with that as well.

The Chair: Thank you.

Go ahead, Mr. Blaikie.

Mr. Daniel Blaikie: Keeping with the tradition of the committee, I'm going to take a question off Twitter from Julien Lamarche, who asked what I think is an interesting question. In the MMP system in New Zealand, the question is essentially what happens if a list MP decides to leave the party. Do they take the seat with them, or are they really just resigning from the legislature at that point, and the seat gets reassigned?

Mr. Robert Peden: The short answer to your question is that if a member chooses to leave the party after having been elected from the list—or from the electorate, for that matter—they remain a member of Parliament. There's no legal consequence, but, of course, there are political consequences. The New Zealand experience is that the electorate takes a very dim view of people leaving their party without good reason. Those members who do tend to be punished at the next election.

Mr. Daniel Blaikie: It's kind of reminiscent of a question we dealt with a little earlier with some other witnesses on the STV system. What happens in the event of the death or resignation of a member? How do you proceed with a by-election under the STV system if a member who was elected in the general election is no longer there?

• (2115)

Mr. Robert Peden: In relation to a list member, it's simply a case of electing the next person from the list. Obviously, if it's an electoral member, there's a by-election.

Mr. Daniel Blaikie: Right.

In the Australian upper house, where it's an STV system, how do by-elections work?

Mr. Tom Rogers: There's an appointment by the state to the house.

Mr. Daniel Blaikie: Is it the state government, then, that determines who would fill that seat?

Mr. Tom Rogers: Essentially, yes, and there are a whole range of conventions around that based on a very long history in Australia, as you can imagine. It has occurred over many years with various things that have occurred, but there is a convention, and the state nominates a member.

Mr. Daniel Blaikie: In Australia, for the lower house that's elected by the alternative vote system, do you get the data on how the ultimate results, in terms of the percentage of seats, compare to people's first choice?

Mr. Tom Rogers: Yes, we do.

Mr. Daniel Blaikie: One of the themes we've been discussing a lot is false majorities. Some of our witnesses have suggested that an alternative vote system may not only not alleviate that but might actually exacerbate the problem of false majorities. Is that something you guys watch, and if so, what has tended to be the effect in the lower house in Australia?

Mr. Tom Rogers: We do a full distribution of preferences, and all of that data, both current and historical, is available through our virtual tally room. Each state is different. There's an absolute majority in some, depending on where the seats are located, while in others there's a hugely complex preference flow to end up with the final result. We do that at every election, and it's very transparent, and everyone's able to see it.

Mr. Daniel Blaikie: How often would you say parties tend to form a majority in the lower house without having a majority of the popular vote on the first-choice round?

Mr. Tom Rogers: I would say that would be rare. I'd have to examine that.

There are two major parties. If the Conservative Party is in coalition with another partner.... It's very difficult for me to answer that question in any statistically meaningful way. I can take it on notice and maybe give some thought to it and provide you with an answer later on, if you like.

Mr. Daniel Blaikie: Sure. Thank you very much.

The Chair: Okay. We'll go now to Mr. Deltell.

[Translation]

Mr. Gérard Deltell: Thank you very much, Mr. Chair.

[English]

I would like to get back to the very interesting conversation I had with Mr. Peden.

In our journey, we were just past the referenda. In New Zealand, we had three full years of political debate or more as political preparation to set the table for the first election. Why did it take you three years to prepare people for the new way of electing members?

Mr. Robert Peden: The decision to move to a new electoral system was made in 1993. The first MMP election was meant to be in 1996, and there was a great deal of work to be done between 1993 and 1996 to prepare for that election. Electoral boundaries had to be redrawn. There was a complete revision of the chief electoral officer's processes and procedures, and the systems necessary to deliver it had to be designed and developed. There was a comprehensive electoral information campaign that needed to be developed.

The public officials who supported the cabinet processes, the executive processes, and the parliamentary processes also needed to review what difference coalition governments and a greater number of parties would make to the way cabinets worked and the way parliamentary processes worked. For example, there were amendments to standing orders of Parliament to make allowances for the new system.

Political parties also needed to adjust. There was a new nomination process that political parties needed to get their heads around. A new campaigning style was required, because the party vote became a very important feature of election campaigns. It was a new thing for political parties to understand.

All of those things required time.

• (2120)

Mr. Gérard Deltell: We all recognize that you didn't lose time. You had a lot of aspects to face, to address, in order to achieve the confidence of the people before going to a new electoral voting system. Is that correct?

Mr. Robert Peden: That is correct, yes.

Mr. Gérard Deltell: I have a quick question for Mr. Rogers from Australia. You said that you spent a lot of money and a lot of time on education to educate people before the election. Why?

Mr. Tom Rogers: It's one of our three roles. We need to have an educated electorate, so before every election, we have a campaign that we run in a number of different phases to make sure people are informed about where to vote and how to vote. Those are two very important things.

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

Thank you for much, Mr. Peden.

[*Translation*]

Mr. Chair, what we just heard is extremely insightful, but it most importantly benefits our own work.

The New Zealand representative told us that they needed 11 years to make the required electoral reform: 18 months for the royal commission, four years of political debates, two years for the referendums and three years to prepare and inform the population. From 1985 to 1996, 11 years went into painstaking work, political debates and informing the public before an electoral reform was made.

Mr. Chair, I think that the current government should learn from New Zealand's experience before it makes any changes whatsoever.

The Chair: Okay, it's duly noted.

Are you done, Mr. Deltell?

Mr. Gérard Deltell: I think so.

The Chair: You actually had another 45 seconds left.

This was a long day filled with very insightful testimony.

We will close our meeting with Mr. Aldag.

Go ahead, Mr. Aldag.

[*English*]

Mr. John Aldag: Mr. Peden, I'll start with you.

You might have touched on this. In the referendums done in New Zealand, what threshold was used? Were the thresholds all the same, or did they change?

Today we've heard that if we're doing a referendum, we should look at a 60% threshold, yet I don't think I've seen that. Did you use 50%, 50% plus one?

Mr. Robert Peden: Our threshold is 50%, the same basis for the elections of members of Parliament. That's our democratic tradition. A simple majority is sufficient to carry a referendum result. No special majority is required.

Mr. John Aldag: I also had a note that any changes going forward, such as the introduction of online voting, would also require a majority support and referendum. Would that again be 50%, a simple majority?

Mr. Robert Peden: No, I'm sorry. That wouldn't be right. Referenda are required for fundamental changes. When I say they are required, if it's an entrenched provision, one of those provisions contained in section 268—for example, the method of voting—that would require either a 75% majority of members in the House or a referendum to confirm. Any other amendment to the Electoral Act can be made by way of a simple majority, but the tradition in New Zealand is that if it is a fundamental change either to the overall

electoral system or to some feature of it, such as a term of Parliament, then that needs to be confirmed by a referendum of voters.

Mr. John Aldag: Okay.

Thank you to both of you for all of the information you've shared with us today.

I'm going to conclude with a chance for you to reinvent your systems. The scenario is simply this: if you could change your electoral system, what would be the one element you would keep, and what would be the one element you would part with? Perhaps you could give a quick reason as well.

That may help us look at the elements to keep and lose as we move forward. Maybe you could finish with those thoughts.

Mr. Tom Rogers: I'll focus on administration rather than anything else.

For us, the big issue that kills the Australian voting system is the vast number of envelopes that we have to deal with at election time without the access for people voting everywhere. If there were a better system for us to deal with that, it would lead to much swifter results, much greater certainty of results, and a better system overall.

I'm focusing purely on the administration of the act rather than a more philosophical approach to elections.

• (2125)

Mr. Robert Peden: As far as the New Zealand Electoral Commission is concerned, our role is as administrator of the system that has been adopted by the New Zealand Parliament in consultation with the people of New Zealand. The commission is not an advocate of any particular system. We are here to explain the system that we have.

However, to provide the kind of guidance that you're seeking, again I would simply commend to you the report of the 1985 royal commission, as well as the report that we did on the review of MMP in 2012. We made a number of recommendations in relation to the particular system of MMP that we have and how we saw that it might be improved.

Mr. John Aldag: If the 1985 report comes through the committee, I guess we would deal with translation. With regard to entering it into evidence to be able to draw from, how can we do that?

To both of you, if you have material that you would like us to draw from, you can submit written material. This report is one that's been mentioned a few times, and it seems that it might be useful for us to look at it.

I will throw it out to the chair and the clerk: how can we legitimately have a look at that document without taking years of translation time?

The Chair: The best approach would be to receive it first. We'll look at it and make some kind of determination.

Are you able to send the 1985 report to us? There is a link, obviously.

Mr. Robert Peden: We can send you a link to that, sir.

The Chair: Yes, that would be wonderful.

Are you finished with your line of questioning?

[*Translation*]

Mr. John Aldag: Yes.

The Chair: Thank you so much, Mr. Rogers and Mr. Peden.

I think I speak for all members of the committee when I say that I've learned so much, not only about your electoral system but about your political culture, and obviously that means about your country as a whole. It's been very informative. You've made a very significant contribution to our study, and, as I said, it's been a pleasure to learn about your systems and your countries.

Thank you for joining us.

We will meet at 9:30 a.m. tomorrow. We will be hearing from three witnesses: Henry Milner, Alex Himelfarb and Professor André Blais.

I want to point out to the committee members that the green shuttle bus that services the Hill will be available tonight from 9:30 p.m. to 10 p.m. So you don't have to worry about transportation.

The meeting is adjourned.

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