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## Special Committee on Electoral Reform

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EVIDENCE

**Monday, August 29, 2016**



**Chair**

**Mr. Francis Scarpaleggia**



## Special Committee on Electoral Reform

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• (1400)

[English]

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

Good afternoon, colleagues and guests. Welcome to meeting number 17 of the Special Committee on Electoral Reform. This is our last week in Ottawa before we start extensive travel across the country, visiting 10 provinces and three territories. In three weeks' time, for three weeks, we'll be travelling.

I'd like to introduce our guests. We have with us Dr. Broadbent, who really doesn't need an introduction, but I will give him a proper introduction all the same because I think there are a number of details here that are very interesting and go beyond what we already know of Mr. Broadbent as a political leader.

He is a former member of the Royal Canadian Air Force—I didn't know that, actually—a former leader of the NDP, and the founder of the Broadbent Institute, obviously. Dr. Broadbent spent his early career as a university professor—that I knew—and since 1968 has devoted himself to a life of public service, among other things serving as the member of Parliament for Oshawa—Whitby as well as for Ottawa Centre.

He was the vice-president of Socialist International from 1979 to 1989, as well as the director of the International Centre for Human Rights and Democratic Development from 1990 to 1996. In 1993 he was made an Officer of the Order of Canada and was promoted to Companion in 2001.

Dr. Broadbent was a critic for democracy, parliamentary and electoral reform, and corporate accountability, as well as for child poverty, in the NDP shadow cabinet from 2004 to 2005.

[Translation]

Welcome, Mr. Charbonneau. I often saw you on television as you presided over the National Assembly. It is a pleasure to meet you here in person.

**Mr. Jean-Pierre Charbonneau (Minister for Democratic Reform, Government of Quebec (2002-2003), As an Individual):** Thank you very much.

Mr. Chair, you have seen me on television but now you are seeing me in person. I hope that you are not too disappointed.

**The Chair:** Not at all. We are expecting great things.

Jean-Pierre Charbonneau is a journalist and former Quebec politician. He has worked for a number of press bureaus in Montreal,

including *Le Devoir* and *La Presse*, as well as for a number of magazines and radio stations.

He was elected to the National Assembly in 1976. During his career in public life, he served as the Speaker of the National Assembly from 1996 to 2002, before being appointed as Minister of Canadian Intergovernmental Affairs in Bernard Landry's cabinet, and then Minister for Democratic Reform. In 2002, Mr. Charbonneau announced the creation of the Secrétariat à la réforme des institutions démocratiques. He has also chaired the Assemblée parlementaire de la Francophonie and the Fondation Jean-Charles-Bonenfant.

Welcome, Mr. Charbonneau.

[English]

I'd also like to welcome Professor Yasmin Dawood, who is joining us today from Toronto.

Can you hear us, Professor?

**Professor Yasmin Dawood (Associate Professor and Canada Research Chair in Democracy, Constitutionalism, and Electoral Law, Faculty of Law, University of Toronto, As an Individual):** Yes, I can.

**The Chair:** Yasmin Dawood is an associate professor at the faculty of law at the University of Toronto, and this year was awarded the Canada research chair in democracy, constitutionalism, and electoral law. Dr. Dawood specializes in election law in Canada, the United States, and internationally, as well as comparative constitutional law and democratic theory. Her focus is broadly concerned with improving electoral integrity and democratic governance.

Some of her recent articles have discussed the right to vote, money in politics, political dysfunction, partisanship, electoral redistricting, and the oversight of the democratic process by the courts. She is widely published in a variety of academic and law journals and reviews.

Dr. Dawood also testified as an election law expert in the House of Commons committee examining the Fair Elections Act, also known as Bill C-23, and is a frequent interviewee in various media on election law issues.

Thank you to everyone for being here.

The way we proceed is with presentations for 10 minutes by each witness, and then we have two rounds of questions. In each round, every MP gets to ask questions and obtain answers for five minutes, the five minutes including the answer as well as the question.

• (1405)

[*Translation*]

Without further delay, I would ask Mr. Broadbent to provide us with his ideas on electoral reform.

Mr. Broadbent, you have the floor.

[*English*]

**Hon. Ed Broadbent (Chair and Founder, Broadbent Institute):** Thank you, Mr. Chairman.

I wonder if you will permit me briefly at the outset to say one word about Mauril Bélanger, and I wanted to explain why it's particularly pertinent to this committee.

I arrived from England on Friday evening only to wake up Saturday morning and learn that my former colleague and friend had died, and that there was a funeral that morning. I very much regret that I was not here to be able to attend.

The comment I would like to make is that he was a minister in the minority government 2004 to 2006 for democratic institutions. During that period he was very accountable and attentive to the equivalent of this committee, which was meeting during that period. He listened to members from all parties. He was fully consultative. I worked closely with him at that time, and he piloted through the cabinet and then the House of Commons a report that came out of the committee, and he gave it his strong support. He was an immensely decent, thoughtful, and good man, and he did superb work of the kind that everyone around this table is involved in. I wanted to say on this occasion that I think it's appropriate, given the nature of this work, that his fine work in the past be recognized.

That's all, Mr. Chairman.

**The Chair:** Thank you very much. Thank you for those insights into the great work that Mr. Bélanger did. He was a model in many ways, as you mentioned today, and he's a model for us here who are studying electoral reform, so thank you for those kind words.

**Hon. Ed Broadbent:** Okay.

Mr. Chairman, I'll continue now.

Members of the committee will have received a brief from the Broadbent Institute. I don't intend to go over in detail everything that you will readily see in that. I will highlight only a few points that I think are important, and then I want to come to one particular issue that I want to talk about and that I think is important to all members of the committee, whatever their ideological orientation, whatever their partisanship, or whatever—simply as members of Parliament.

The first few points are about support for proportional representation. As members of the committee will know, when the large majority of experts—not only those who have made their presentations to this committee, but also those around the world who have studied democracy and democratic institutions—make up their minds about electoral systems, they come down on the side of some form of PR.

It is also the case that among the vast range of civil society organizations in Canada that have been involved with the Broadbent Institute—some 60 organizations, from the YWCA to human rights

organizations to trade unions—a great cross section of Canadians have supported, if I can put it this way, the principles that were found in the brief by the Broadbent Institute in support of proportional representation.

There are four particular points on why I think that any variety or type of PR is by far to be preferred over first past the post.

First, every vote does indeed count. With the PR system, we do not get what appropriately have been called the “false majorities” that have occurred, whether with Mr. Trudeau in the most recent victory, when some 39% of the vote resulted in a substantial majority of MPs, or before that, in the election of Mr. Harper with roughly the same vote, when 39% of the vote got more than a majority of MPs. In more than 80% of the democracies in the OECD, that would be impossible. To get a majority government in most of the democracies, you have to have a majority vote. Therefore, the first thing to be said about the PR system is that every vote does indeed count, and you don't get false majorities.

Second, I would say that the first-past-the-post system distorts both national and regional outcomes. For example, in the 1997 election, the Reform Party, if I recall correctly, got 40 more seats than the Conservatives, even though they had roughly the same percentage of the vote in that election, but their vote happened to be concentrated exclusively in western Canada, and the Conservative Party vote was spread right across the country. There was a distortion because of the first-past-the-post system.

Similarly, my colleagues in the Bloc Québécois may well remember that in one election, indeed they got two-thirds of the seats in the province of Quebec with less than 50% of the vote. Many Canadians across the country were unaware of the fact that a majority of Quebecers, in fact, voted for federalist parties, but the governing group, the majoritarian group, was the Bloc Québécois. Once again, the electoral system distorted that outcome.

The third point I would make is that first past the post does discourage a number of people from voting for their first choice. A survey undertaken by the Broadbent Institute following the most recent federal election found that 46% of Canadians voted for a party that was not their first choice. I'll repeat that. In the most recent election, 46% of Canadians said they voted on their ballot for a party that was not their first choice in order to avoid electing, in their view, another party that was even less favourable to them. The system does not encourage people to vote for their choices; it encourages them to do strategic voting right off the top, instead of getting their basic democratic wish.

The final point I would make in defence of PR—and it's a very important one to me—is that almost without exception around the world, where you have PR systems, you have more women elected. That is the other half, in gender terms, of the population, and I think this is a very important consideration in a democracy.

• (1410)

Canada ranks 62nd in the world today in terms of percentage of women elected to our House of Commons. In New Zealand, when they introduced the system of PR, they went from having 21% women in their House of Commons up to 29% women in the first election with PR, and in the one after that—the most recent election—up to 31%. The evidence is quite strong that if you adopt a PR system, you're bound to get more women elected than is presently the case.

The other point I want to make—and I can't elaborate, because I want to go on—is that the PR system is conducive to more civility in politics. I had experience following my political life with, for example, German politicians in both the CDU and the SPD. They both say, as people familiar with the Scandinavian situation, that with multi-party systems in which it's taken for granted that you're going to have multiple parties forming governments, the politicians are more civil with each other before elections and during elections because they know they're going to have to work with somebody afterwards. That isn't a trivial point.

In the last speech I made in the House of Commons in 1989, I talked about the problem of civility. It is a serious issue for democracy. The fact that PR systems are not unequivocally clear on this but tend to be historically more conducive to civilized debate than first-past-the-post systems is another advantage.

Let me come to the point I really want to mention today, because it has had relatively little attention; that is the national unity question.

Whatever the ideological persuasion of members around the table—and there are differences, and there should be in democracy—or the partisan differences—and they are real, and they should be in a democracy—all members of Parliament, with the possible exception of my colleague, in the Bloc Québécois, whom I respect but differ from—all federalist members—have a pronounced commitment to the national unity of Canada and are very sensitive to policies that would be conducive to disrupting that unity.

The personal experience that shifted me away from strict PR, if I can put it that way, to favouring a mixed system of PR and electing your own member was my conversation with the current Prime Minister's father, Mr. Pierre Trudeau, in 1980. After the election, when he regained a majority, he wanted me to come into the cabinet, even though he had a majority. Not only that, he wanted a number of my colleagues in the New Democratic Party to join him in cabinet.

Now, why did he do this? This was not because he thought I was a splendid fellow or because he was madly in love with the NDP, though there was obviously some policy overlap relevant to the proposition. His concern was, and it's an appropriate one, that he was going to bring in, as he told me in private conversation at the time, what turned out to be the national energy program and effect the repatriation of the Constitution with a charter of rights.

He knew that in both of these areas I was in considerable agreement with much of the policy; for some of it, that turned out to be not the case. Notwithstanding the fact that he had a majority—and this is the point—he had 22% of the vote in B.C., but no seats; 22% of the vote in Alberta, but no seats; 24% of the vote in Saskatchewan, but no seats; and 28% of the vote in Manitoba, with

two seats. In short, in the national energy program he was bringing in a measure that was going to have a profound effect, particularly in western Canada, but he had only two seats in all of western Canada, notwithstanding a vote in excess on average of 25%. He had only two seats.

He was concerned about this, as he ought to have been. He knew that when governing it's desirable to have representation, not only in caucus but also in your cabinet, from all regions.

What happened then, and we don't need to go into all the details of it, was that a national energy program was brought in that had, to speak bluntly, an alienating effect—not all of it, but a good part of it—on western Canada and was objected to not only by a Conservative government in the province of Alberta but also by an NDP government in the province of Saskatchewan.

• (1415)

The point I'm trying to make is that through goodwill, if you do not have in the cabinet people from different regions who are going to be making crucial policy affecting those regions, then you can make serious mistakes. The first-past-the-post system distorts the electoral system in Canada, and the 1980 election is a perfect example: a majority government could be formed, and yet the prime minister of the day had to look elsewhere, to other parties, because he only had two seats. If he had had proportionality, then he would have had many times that number. He would have had seats in Alberta, he would have had seats in Saskatchewan, and he would have had seats virtually in all the western provinces.

This had a serious impact on my personal thoughts about electoral systems. First past the post can have a negative effect on our national unity politics through no bad intention of prime ministers or opposition figures because of the results and the importance of having representation from all regions.

Mr. Chairman, can I ask how much time is left?

**The Chair:** Would you like another minute?

**Hon. Ed Broadbent:** Okay. I think you're being generous, but I'll conclude with this.

I mentioned the problem of 1980, and maybe we'll have another discussion about that, but I could shift to the most recent election and ask you to look at Atlantic Canada, with 32 seats, and they've all gone to the Liberal Party of Canada. This is not good, I would argue, for the Liberal Party of Canada, and it's not good for Canada. If we had a proportional system, instead of being wiped out in Atlantic Canada, the Conservatives would have six seats, the NDP would have six seats, and the Green Party would have one.

This would mean, as the law commission pointed out some years ago, that opposition parties would be represented from all parts of the country, as they need to be if they want to know what they're talking about. One time, coming from a town called Oshawa, I had to make a speech on the spur of the moment about something called the Atlantic fishery. I knew as much about that as I know about walking on the moon, but all of you, as MPs, would have been in similar positions, I suspect. The point I'm making is that it's desirable for all parties, whether in opposition or on the governing side, to have representation from regions, and a PR system does that in a way that first past the post does not.

I'll leave it at that, Mr. Chairman. I thank you, and maybe we can have a discussion later.

• (1420)

[*Translation*]

**The Chair:** Mr. Broadbent, thank you very much for giving us a new way of looking at some events from our political history.

We will now continue with Mr. Charbonneau, for 10 minutes.

**Mr. Jean-Pierre Charbonneau:** Mr. Chair, ladies and gentlemen of the commission, good afternoon. You will have to excuse my language, but I spent 25 years in the National Assembly where we call a committee a commission parlementaire.

I am happy to be here with Mr. Broadbent today. I do not know if he remembers, but between my two political lives, when I was chair of the board of Oxfam-Québec, we led an observer mission to the elections in Honduras, if memory serves. We spent a lot of time together then. We did not talk about this matter, but I have realized today that we still are on the same wavelength on a lot of subjects.

I only have 10 minutes, with the rest of the time spent on discussions with you. First of all, I would like to tell you that, before we started, Mr. Cullen came to say hello; he asked me if I had been mulling over this question for long. When I said yes, he asked me why reform did not work in Quebec. I told him that it was because the elected elite had not kept their campaign promises.

Put another way, in our political system, first ministers have enormous power. If, in an election campaign, a party leader promises to change the method of voting from top to bottom, for example, the way in which that will be done will largely rest with them, or rather with the people they choose to take on that portfolio and the way in which their troops will behave.

In Quebec, we have been talking about reforming the method of voting since 1909, but there have been some real campaign commitments. Since it was formed, the Parti Québécois has had this commitment in its program. Only in 1981 was René Lévesque able to be hopeful about putting the program, the commitment that was close to his heart, into action. But unfortunately, subsequent events did not allow him to do so.

We had to wait until 2003, when Quebeckers again began to be interested in the matter, for the leaders of the three parties to make the same promise that Mr. Trudeau made in the last election, to change the method of voting used in general elections. The Liberals had just had a painful experience in 1998, when they found

themselves as the official opposition while we, under Lucien Bouchard, took power with 35,000 fewer votes.

Today, in 2016, I am here before you as a former minister responsible for the file, and still nothing has budged in Quebec. Yet everything was in place. The chief electoral officer had issued a notice, Quebeckers had participated in a special parliamentary commission and, before that, I, as the minister responsible for reforming democratic institution, had got everyone on board. But Mr. Charest, the premier at the time, decided to put a stop to it.

In Quebec today, we are using the excuse that Ottawa has reopened the file to mean that we are going to wait and see what happens before we decide if we will reopen it as well. But with the exception of the party in power, all parties in the National Assembly now have reopened it.

Personally, I favour scrapping our system for the same reasons that Mr. Broadbent gave and for the same reasons you have heard from a number of witnesses.

As René Lévesque wrote in 1972, it is a democratically rotten system that produces governments, which, most of the time, are not built on popular majorities, but on distortions in representation. We live in a representative democracy, but representation is distorted and falsified.

Some parties and some ideas are over-represented, while others are under-represented or not represented at all, while a considerable part of the population, whether in Quebec or in Canada as a whole, support those ideas and voted for them.

In addition, as Mr. Broadbent said, in a system like ours, an ancestral system, we also generate an excessive culture of confrontation.

More could be said about the flaws in the system, but I hope that members who have recently made a campaign commitment to modify the system are convinced about it and are not in the process of studying the matter simply in order to decide to maintain the status quo. When you make a campaign commitment, you live up to it and you take steps to do what it takes—my apologies for putting it so bluntly—otherwise you are disrespecting the people, as was done in Quebec. We disrespected the people and ended up not living up to our political and campaign commitment. That is even more important when you are the premier or a party leader.

• (1425)

I support the mixed-member proportional voting method because it is the replacement system that most meets the needs and expectations of Quebeckers and Canadians in general. We would keep direct representation with the constituency members but the representation would also be fair and equitable.

Last year, in April 2015, the research chair in democracy and parliamentary institutions at the Université Laval organized a seminar at the National Assembly in cooperation with the National Assembly; the polling firm CROP conducted a survey for the university. The result was that 70% of Quebeckers agreed that a change was needed in the method of voting in order to have fairer and more equitable political representation.

Compared to all the other systems that have been tried, studied and even designed in theory, this system has the advantage of providing a transition. Does that mean that, in Canada, we would be forced to live for 100 years with a new way of voting, such as the compensatory mixed-member proportional system, for example? No, not necessarily. But the transition would make it easier for people to achieve their two objectives: to have fair and equitable representation and, at the same time, to keep constituency members.

We must be very frank about this. People, including some members here, have said that, with that system, there would be two kinds of elected members. There are not two kinds of members; the same citizens are responsible for and masters of the electoral system and those same citizens would, using two mechanisms, choose their own representatives and party representatives. That means that, when you are elected to Parliament, whether you are a member from a list or a member as a result of the current first-past-the-post system, the reality in the caucuses such as we have in Parliament is that the two classes of members become one. They all represent the people and they all also carry their party's banner. To claim that there would be two classes of members is a false argument.

There are no problems in countries that do it that way. Why would we have problems here when they do not have them in Germany, in Scotland, in New Zealand and in a lot of other countries? At some point, the argument has to be based on facts, not on some kind of abstraction.

One of the reasons why it did not work in Quebec is that most MNAs, including those who had made the promise through their leaders or their political programs, were afraid of losing their seats.

Second, a significant number of MNAs, especially those who were in the government or those who hoped to be able to get there, thought at the time that they would not be able to control the political program as they wanted. That is to say, to do what they wanted to do with a minority of popular support. As soon as you get a majority in Parliament, the process becomes accelerated by cutting off debate, whether at the National Assembly or here, with mammoth bills and with other parliamentary mechanisms. The parliamentary majority, resting on a minority of popular support, is used to gag Parliament and rush processes along, though there is no legitimacy for doing so.

There is a third and final reason why this did not come about in Québec. It is because the Parti Québécois considered that it would lose control of the referendum program, given that, in 1976 and in 1994, it took power with a minority of popular support.

Today, however, the Scottish model and the Scottish experience have proved that this did not hold water. A country is not won and formed by an election, but by a referendum process. You need a majority. So it is all very well to control the referendum program, but, if you do not have a popular majority, it will not get you much.

• (1430)

Even for those not calling for independence, it is ideally preferable to have a political mechanism that allows for the development of something fundamental in democracy: a culture of collaboration, compromise, and coalition. Coalition does not imply that our governments are unstable. That argument is soundly thrashed in any country with a proportional system, more specifically in those with

compensatory mixed-member proportional systems. Having to make compromises with political opponents, just as with people whose ideology is closer to our own, actually creates a favourable political climate. When it comes right down to it, people are fed up with excessive partisanship and behaviour that devalues the institution of politics. We see that all over Canada, including Quebec.

**The Chair:** Thank you very much for your very interesting presentation, Mr. Charbonneau. You have highlighted a number of important questions.

[English]

Dr. Dawood, the floor is yours for 10 minutes. Please go ahead.

**Prof. Yasmin Dawood:** Thank you, Mr. Chair, and good afternoon.

My remarks today will focus on the process of electoral reform in Canada, but I won't be speaking about the kind of electoral system that ought to be adopted. My remarks today are drawn from an article entitled "The Process of Electoral Reform in Canada: Democratic and Constitutional Constraints". This article is forthcoming in the *Supreme Court Law Review*.

In the article I considered a number of possible mechanisms for the process of electoral reform, including a citizens' assembly, a commission, a referendum, and an all-party parliamentary committee. I did so by drawing on provincial and comparative international experience with electoral reform. I looked briefly at electoral reform efforts in British Columbia, New Brunswick, Prince Edward Island, Ontario, and Quebec, as well as electoral reform in France, Italy, New Zealand, Japan, and the United Kingdom.

My main conclusion is that although no one process or mechanism is required for electoral reform, the process must be, and must appear to be, democratically legitimate. To achieve democratic legitimacy, the process should visibly follow three norms: first, political neutrality or non-partisanship; second, consultation; and third, deliberation.

Electoral reform differs from the passage of ordinary legislation because it sets out the very ground rules by which political power is attained. For this reason, the process of electoral reform must be held to a higher standard of democratic legitimacy.

Let me talk about the first norm, political neutrality or non-partisanship.

This norm is important because it ensures that the process is as neutral as possible, which in turn helps to prevent the governing party from entrenching itself by selecting rules that favour itself at the expense of the other political parties. This norm is also the most difficult to achieve, in large part because the choice of process can have a determinative impact on the kind of substantive reform that's ultimately adopted. In other words, the choice of process can be as partisan as the choice of the electoral system, in the sense that a particular process could allow or could prevent a particular substantive outcome that is either favoured or disfavoured by any given political party. Any majority government, in particular, must guard against the perception of self-serving entrenchment by ensuring the process is as non-partisan as possible.

As for the norms of consultation and deliberation, these norms ensure that the process has canvassed and considered in detail a wide array of opinions and options. Consultation is connected to the democratic ideal of participation, while the norm of deliberation requires that a collective decision should be justified by reasons that are generally convincing to all of those who are participating in the deliberation. Valid options should not be excluded without consideration, either directly, or indirectly by setting arbitrary goals and limits from the outset.

To further enhance democratic legitimacy and the norms of political neutrality, consultation, and deliberation, I would make three observations.

First is that the proposed reform ought to have the support of all the political parties. In the event, though, that a consensus is impossible, it would be important for the proposed reform to secure the support of political parties that collectively achieved at least a majority, and preferably a supermajority, of the popular vote in the 2015 election. The composition of this special committee on electoral reform would enhance the real and perceived legitimacy of any recommendations issued by the committee, but it would be equally important for there to be agreement among the parties at the legislative level to avoid the perception of partisan self-interest.

Second, it would enhance the real and perceived democratic legitimacy of the process if an additional process option such as a commission, citizens' assembly, or referendum were implemented. While the town halls certainly add to the legitimacy of the process, they don't provide the kind of deep and detailed analysis of a commission or the more inclusive feedback of a referendum.

• (1435)

That said, I don't think that a referendum is required for the legitimacy of electoral reform, although it is of course one option as an additional process.

It should, however, be noted that a referendum is not necessarily a politically neutral choice. Based on the provincial experience with referenda on electoral reform, it is likely that a national referendum would fail, leaving the status quo first-past-the-post electoral system in place to the advantage of the larger parties.

A commission on electoral reform might be a better option as an additional process. Many recommendations from the 1989 Lortie Royal Commission on Electoral Reform and Party Financing, for example, were used to revise electoral laws, but there are other

smaller-scale options for commissions. For example, New Brunswick and P.E.I. each established an eight-person commission, and the P.E.I. commission consisted in part of citizens. In Quebec, the parliamentary committee was assisted by an eight-person citizens' committee.

My third observation and recommendation is to extend the self-imposed deadline of December 1, 2016. While this special committee has heard from a number of witnesses, and while MPs have organized a number of town halls on electoral reform, the timeline appears to be unnecessarily hasty, and it runs the risk of undermining the perceived legitimacy of the process. The deliberative and consultative processes should unfold over a longer time period to reflect the importance and scale of electoral reform, particularly in light of the fact that there is no additional process, such as a commission.

My article also addresses the constitutional constraints on electoral reform, and while I cannot discuss this topic in any detail, given time constraints, my conclusion is that electoral reform can likely proceed without a constitutional amendment involving provincial consent, provided that the reform is consistent with certain constitutional limits. I'm happy to discuss the constitutional aspect, should there be any questions on this topic.

Thank you.

• (1440)

**The Chair:** Thank you very much, Dr. Dawood.

We'll start the first round with Mr. DeCoursey, for five minutes, please.

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

Thank you to everyone here today for your commentary and testimony.

I'd like to start, I think, with you, Dr. Broadbent.

[*Translation*]

The question also goes to you, Mr. Charbonneau.

What is your opinion of the importance of a member of Parliament's responsibility to represent his local community, either under the current system or the one that you prefer?

**Mr. Jean-Pierre Charbonneau:** Let's hear the voice of experience first.

**Mr. Matt DeCoursey:** Thank you.

[*English*]

**Hon. Ed Broadbent:** I have to say that my experience as an MP is what I base my judgment on. Before I became an MP—1955 was the first time I advocated proportional representation—a professor of mine gave me on a paper the comment “ingenious but ingenuous”.

**Some hon. members:** Oh, oh!

**Hon. Ed Broadbent:** Once I was elected, the point that you've raised became clear to me. I used to favour straight...

**The Chair:** We're having trouble with the sound. Could you press the button? It should light up.

**Mr. Matt DeCoursey:** We'll need to enter that joke into testimony.

**Hon. Ed Broadbent:** Let there be light.

Anyway, I think you can have a PR system that has members who can be quite responsive, and constituents—citizens of an ordinary riding, broadly defined—could go to a variety of MPs who may be elected on the PR basis to work for them on practical problems that all MPs are confronted with.

On balance, I like the mixed proportional system. I don't think it's an accident that New Zealand, for example, which had the Westminster model before, or Scotland, which experienced the Westminster model before, tried, when they went to a new system, to get the best of both worlds, if you like, by combining the PR with local representation.

I think that's preferable. I think personally it is better to have a local MP who is directly elected—who could be elected by a variety of forms of first past the post—and then your second vote can be for the party of preference. I think that direct contact with MPs is a desirable aspect of the Westminster model, if I can put it that way.

I'll leave it at that.

[*Translation*]

**Mr. Jean-Pierre Charbonneau:** I was a member of the National Assembly for 25 years, in the same system as the current one. I was a parliamentarian and a representative of the people at the same time. If I had been in a situation of pure proportionality, for example, I would have been a member representing his fellow citizens and taking an interest in their problems. I would have met with them in my office and I would have done the work that had to be done. I would also have represented my political party.

In a compensatory mixed-member proportional system, there may be two types of members, but I do not believe that they would conduct themselves any differently. Some would have responsibilities in their respective parliamentary teams. In a mixed-member proportional system, a member from a regional list would have to work with his colleagues in the region and not with the members as a whole, in order to represent the interests of his region. This would be the same as a constituency member, but to a smaller extent, because his constituency would be smaller than his region. Theoretically, it is as if we tried to create two types of members because there would be different mechanisms to choose them in order for their political representation to be appropriate, fair and equitable.

But actually, what counts? In a representative democracy, representation must be appropriate. There must be no unacceptable under-representation, no unacceptable over-representation or no unacceptable non-representation. In a system that could better represent society's major political currents, the great ideas, the large parties and sometimes the smaller ones, elected members would do their work in the same way as the others. There are no two ways about being a representative in Parliament.

When I rose to speak as an MNA, I sometimes talked about my region and sometimes about my constituency, but in general, we were discussing major questions. A member of Parliament is a parliamentarian, but he is also a kind of intermediary between the

electorate and the elected. Just because I might have been a member from the list does not mean that I would not have done that work.

• (1445)

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

The floor now goes to Mr. Reid.

[*English*]

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

It's now 12 years ago that I served on a parliamentary committee that dealt with the issue of electoral reform. Ed Broadbent was on that committee at the same time.

It's good to be discussing the same issue with you again after all these years—or perhaps it's bad to be discussing it for all these years, because it suggests an unresolved question—

**Hon. Ed Broadbent:** I hope your views have changed since then.

**Mr. Scott Reid:** I was actually going to ask you that very question, because my view at the time...and you'll recall this from the supplementary report written by the Conservative Party, which was largely penned by me. We said that no new system of electoral reform should be adopted without a referendum to authorize it. It's a view I still hold. At that time, you indicated on a number of occasions that you had at least a somewhat complementary opinion and felt that a referendum would be a legitimizing tool. I'm wondering if you still feel the same way, or if you feel that it is not necessary to have a referendum today.

Let me start with that.

**Hon. Ed Broadbent:** I can see the argument for it, but on balance I think the arguments against it are better, frankly.

Beginning from a constitutional position, it certainly isn't constitutionally required to have a referendum.

Second, I agree with our distinguished academic from Toronto in terms of some of the conditions she laid out. If, for example, more than one party campaigned for it, as was the case for this Parliament, when not only the Liberal Party but also the New Democratic Party and the Green Party all campaigned on the basis of committing themselves to some form of electoral reform, that for me gives solid democratic legitimacy to the project. Parliamentary democracy entails not direct citizen participation but representative participation, so having more than one party is important. I strongly agree that it would be a fundamental mistake for the governing party alone to bring in a system that it alone favoured. That would not be legitimate in a democracy, as has already been suggested by my academic colleague as well.

**Mr. Scott Reid:** If I might say so, Ed, here's the problem. There are a number of problems, I believe, but one problem is this: as you would know very well, the phrasing of that Liberal election promise, "This will be the last election conducted under first past the post", was taken word for word from an NDP opposition day motion from December 2014. The NDP motion went on to specifically mention proportional representation. It may even have said MMP, but I can't remember now.

**A voice:** Yes, it did.

**Mr. Scott Reid:** It did. Okay. The NDP voted for it, so I think anybody voting NDP knew they were voting for MMP. The Liberals voted against that motion in 2014. The result is that people voting Liberal, to the extent they had thought this through—and I suspect most people did not know the various voting patterns—would not have said, “I’m voting for MMP.”

There are a multiplicity of potential changes to the system, none of which has been approved by the voters in that election, and that, I think, is a fundamental problem that remains. There’s no specific system, but we would have a specific change that might or might not have the approval of voters.

It is not difficult to imagine a system better than first past the post, but it’s also not difficult to imagine an electoral system being put before Parliament that would, from the point of view of Canadian voters, be worse than the current system. That is the purpose of a referendum: it prevents that option from occurring.

Do you think that I am wrong in what I say in this regard?

● (1450)

**Hon. Ed Broadbent:** I’m saying that however the Liberal Party voted on that motion—frankly, I was not familiar with that—they had a campaign after that, in any case. The man who became prime minister did make a campaign for electoral reform, with many options open, as I recall. He also, again if I recall, used the phrases, “every vote must count” and “make every vote count”. If you do that, there’s only one system that does that, and that is a system of PR of some kind. I think there would be legitimacy for the Liberals to say they campaigned on that, as there would be for the Green Party and the NDP.

Let me add further about a deliberative process. I agree with what our academic colleague has said about the importance of the deliberative process of this committee and its important work to give legitimacy.

I want to raise one negative thing about referendums. If we have all the positive conditions of deliberation and campaign commitments by more than one party, then I ask members of the committee to think what might happen if the country went ahead with a referendum.

I lived through, in part, what happened in England on the Brexit vote, and I can tell you that it’s a hopelessly divided country right now, very seriously so. What would happen in Canada, whether a referendum question won or lost, if Quebec and Alberta voted one way and the rest of the country voted another way, or if British Columbia and Quebec voted one way and other provinces voted another way, and the campaigns were rather intense and the divisions were rather intense? My own serious view is that this would contribute to national disunity, not unity. Whether the campaign was won or lost, there could be great divisions.

If it were the only option, I say to the honourable member... I take seriously the argument for a referendum, even though I don’t agree, but if all the other conditions of deliberation and campaign promises were met, then I think it is legitimate for the parliamentary system to make a decision on its own.

I would add one final point. The two great political theorists of the late 18th century and early 19th century, one a liberal and one a conservative, Edmund Burke and John Stuart Mill, would have both favoured parliamentary action in a case like this.

**The Chair:** Thank you very much.

We’ll go to Mr. Boulерice.

[*Translation*]

**Mr. Alexandre Boulérice (Rosemont—La Petite-Patrie, NDP):** Thank you, Mr. Chair.

My thanks to the witnesses for joining us today and for their very enlightening remarks. My thanks to Mr. Broadbent particularly. I was not very aware of the 1980 federal election. My recollections of it are actually a little vague.

In three provinces, Saskatchewan, Alberta and Manitoba, if you get almost a quarter of the votes, your representation is minimal. By that I mean two members. In cases like that, it is more difficult to come up with effective public policies that represent the interests of the various regions and their residents.

You are very familiar with different ways of voting and you have travelled to see what is done elsewhere. So you have observed that 80% of OECD countries have adopted proportional methods of voting, in many cases mixed or compensatory methods.

In your opinion, do citizens of those countries fully understand their electoral system and their method of voting? If so, does that encourage them to become more involved in political life, more so that the system we have had here for 149 years?

[*English*]

**Hon. Ed Broadbent:** Well, these are subjective opinions, as the honourable member will recognize. It was from both my general experience and from reading about these countries, and more specifically from talking to members of Parliament, especially when I had a position in Socialist International that brought me into contact with members of all parties in European assemblies. At that time I was asking personal questions myself, because I was in favour of change here. Whether they were in the conservative party in Germany, the CDU, or the Social Democrats, I found broad agreement that they were very happy with their system. There was certainly no suggestion that their citizens lacked an understanding. In the case of a straight PR vote, of course, you just vote for your party, and that’s it. Otherwise, in a list system, in the case of Germany or Scotland or New Zealand, you have two votes, but they’re pretty straightforward. You vote once for your local MP, and your second vote is for your party of preference. I never ran into anyone suggesting that this was too complex for ordinary people to handle. It was quite the contrary: they were quite at ease and accepting of their system.

● (1455)

[*Translation*]

**Mr. Alexandre Boulérice:** Thank you, Mr. Broadbent.

Mr. Charbonneau, you tried an attempt to reform the method of voting in Quebec. You saw the obstacles, the difficulties for the voters, and the resistance from some regions or rural municipalities.

In your opinion, what obstacles will we face in this federal parliamentary committee? What solutions do you suggest to us in order to overcome the resistance to change?

**Mr. Jean-Pierre Charbonneau:** A few years ago, when we had the parliamentary commission on the draft bill in Quebec, it would have been good if the minister appointed to hold the fort actually had held it. In other words, if someone does not stand up for the change they themselves are proposing, there is going to be a problem.

Mayors from the regions of Quebec and the RCMs told the parliamentary commission that it would be awful, and that their regions would lose power and representation. No one responded to that. But the response is very simple.

Take Saguenay—Lac-Saint-Jean or the West Island of Montreal as examples. In general, the representation there is somewhat homogeneous, albeit not always. With a compensatory mixed-member proportional system, the representation there would probably be greater.

What effect would that have on representing the region's interests? It would force members from all parties in a region to form a common front in order to stand up for the interests of that region. If a major economic project was proposed in Saguenay—Lac-Saint-Jean, everyone would be working for it, not just the members of the one party in power, the one with a majority of members.

People had their fears, but I personally believe that it would strengthen the power of regional representation, by virtue of the fact that it would create a dynamic of collaboration that does not exist to the same extent at the moment.

**Mr. Alexandre Boulerice:** Thank you.

**The Chair:** Mr. Ste-Marie, you have the floor.

**Mr. Gabriel Ste-Marie (Joliette, BQ):** Gentlemen, madam, thank you for sharing your knowledge with us.

In Quebec, the common language is different from the one in other provinces. We have our own culture, our own artists, our own points of reference and our own media. We absorb our information from different networks. I have become even more aware of that since I have been working here. I read *The Globe and Mail* and the *National Post*, and I often notice the differences. We do not hold the same debates and we do not share the same priorities or the same values.

A few years ago, the Parliament of Canada, the House of Commons, recognized Quebec as a distinct nation. One of my main concerns is whether, with the reform, this will still be respected. That was what federalism was agreed to mean. The task is not to form a legislative union, it is to implement mechanisms to ensure that the Quebec nation is recognized and defended. With a compensatory mixed-member proportional system, my fear is that the Canada-wide list will be drawn up in Toronto, shall we say, and that votes in Quebec will be serving values that are not our own.

I will put the question to Mr. Charbonneau first, but I would also like Mr. Broadbent and Ms. Dawood to answer it.

How can we make sure that the mechanisms will safeguard our nation?

**Mr. Jean-Pierre Charbonneau:** First, you have to establish a compensatory method based on regions.

**Mr. Gabriel Ste-Marie:** You use the word “regions”, but, in Canada, “regions” means—

**Mr. Jean-Pierre Charbonneau:** It would mean the major federated jurisdictions and perhaps a group of federated jurisdictions in some cases. Quebec would be a region, for example. Within Quebec, there would also be sub-regions. There would not be just one regional constituency in Quebec. As proposed for the National Assembly, there could be sub-regions. Against that background, choices that would represent the political reality would be possible.

That said, we must remember that the Quebec nation is not going to be defined by a voting method.

For Quebec, the situation where there are too many Bloc Québécois MNAs in terms of the party's real power is no more valid than the situation we had back in the day when Quebec had too many members from Pierre Elliott Trudeau's party, 72, 73, 74 or 75 of them, giving the impression that he had taken power in Quebec and that his approach was the only valid one in Quebec. There is a distortion of the reality in both cases.

Protecting the nation of Quebec will not be done simply by means of a method of voting in the House of Commons, but probably by other mechanisms, including the Parliament of Quebec doing its job.

• (1500)

**Mr. Gabriel Ste-Marie:** Are you opposed to having a Canada-wide list?

**Mr. Jean-Pierre Charbonneau:** I see no Canadian list, clearly. Otherwise, we would not be talking about regional compensation but national compensation. You cannot really think in terms of a national list for an area as huge as Canada. That could not be sustainable for long, in my opinion.

**Hon. Ed Broadbent:** I agree with my friend.

**Mr. Gabriel Ste-Marie:** Earlier, I asked Mr. Charbonneau and Mr. Broadbent whether a Canada-wide list could be envisaged as a way to protect the rights of minority nations, or whether it should absolutely be done by province. They answered the question. I would now like to hear what Ms. Dawood has to say on the matter.

• (1505)

[English]

**Prof. Yasmin Dawood:** Today I prefer to stay with the process of electoral reform rather than comment on the specific substance of various proposals, but I will say, in answer to your question, that this is one reason that having an in-depth process is really important: it is precisely so that issues such as the one you raised will be fully vetted before any system is chosen or any recommendations are made.

[Translation]

**Mr. Gabriel Ste-Marie:** Thank you.

For parties to have the same chances, should a reformed method of voting come with a reformed method of party funding?

At the moment, the funding comes more from the private sector than the state.

**Mr. Jean-Pierre Charbonneau:** Let's not confuse issues. I believe that the funding of political parties is one matter and reforming the method of voting is another. However, that gives me the opportunity to come back to—

**Mr. Gabriel Ste-Marie:** We only have about 20 seconds left.

**Mr. Jean-Pierre Charbonneau:** I would like to have talked about the referendum in the 10 minutes I was given, but I did not have the time to do so. What would be most helpful is for the committee here to do its work and, after lengthy study of the matter, to propose a solution to the people. After two general elections in which they could test the change, the people could ratify those provisions. That was how they did it in New Zealand: there was a referendum at the outset. However, I would point out to you that the territory in that country is not at all the same as Canada's.

**The Chair:** Thank you very much, Mr. Charbonneau.

Ms. May, you have the floor.

[English]

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

[Translation]

First, I want to thank all the witnesses here today very much. This is really interesting.

[English]

I'm going to focus my first question to Mr. Broadbent.

I can't fail to begin by thanking you for your service to Canada, sir, and for being here today.

It came to me when I was reading your evidence that we had testimony about what's good for parties, and I'll just reprise it because you had another comment about this being good for voters. That difference came up when Professor Pippa Norris was testifying to us. She's at Harvard right now. What she said was about choosing the values, because we now realize it's a question of values. What do you value when choosing an electoral system? If what you value is to help larger political parties, then you like first past the post, but if your value is to privilege how voters feel about the effectiveness of their vote, then you move to proportional representation.

Mr. Broadbent, I wonder if you have a sense of what we should focus on. Obviously, you want proportional representation and you prefer a mixed member system. How do you see teasing out that difference between what works for voters and what works for parties?

**Hon. Ed Broadbent:** As Mr. Charbonneau has mentioned, and I've experienced it, very often when politicians find that they get elected by first past the post, they conveniently forget about any commitment they might have made to an alternative system. It's very tempting. Anyone who pursues power and wins it by one method is unlikely to want to change it to another.

I'll be quite candid here. I was quite delighted with Mr. Trudeau's campaign. He's the first prime minister in history to say he would bring in change to get rid of first past the post. I, for one, have taken that commitment very seriously, and I think it was a commendable promise.

However, that cuts into what you're saying, Ms. May. Since first past the post is the most reliable system for maintaining power, it's implicitly to say that I'm prepared to adopt a system that may not work for my power interests. Particularly, as I said very briefly in my comments, for me the value of making a positive vote is very important in a democracy, while not to vote.... As I said, the survey we did after the last election showed a very high percentage of Canadians voted for a party of their second choice to avoid electing someone else. That doesn't maximize the value of participation, and that's why a PR system or a mixed system is much better in terms of meeting the value needs of individual citizens.

**Ms. Elizabeth May:** Thank you.

I want to turn to Professor Dawood.

I also had the benefit of looking at your 2012 paper in the *University of Toronto Law Journal*, in which the term "partisan self-dealing" is used quite a lot. It was a new term for me. You've reflected on the legitimacy of the process being essential and that the composition of this committee aids in the legitimacy of electoral reform.

I want to put to you a different proposition and see if you would agree that the legitimacy of our process of electoral reform is also connected to the extent to which the governing party appears to be dealing against self-interest. This picks up on the point Mr. Broadbent just made. In legal terms, evidentiary weight is given to a statement against self-interest.

I know your paper is already written and in press, but do you think there's additional legitimacy to be gained by knowing that the party in power is doing something unprecedented in opting for a system that may not benefit them?

● (1510)

**Prof. Yasmin Dawood:** Absolutely. It rebuts the worry or the presumption that partisan self-interest is the only motivation for a particular proposal for reform. If the governing party selects a reform option that is not optimal for that party's political success in a future election, then from a legitimacy perspective that would certainly be viewed as being a more principled decision than a decision that was clearly self-interested in the sense that it would enhance the governing party's political success in a future election.

Therefore, yes, I think to make a disinterested selection would add to the legitimacy of any proposal by a governing majority, which is why it is so important to make sure the process is, in fact, both fair and perceived to be fair. You don't want a situation in which successive majorities cherry-pick rules that help them, and then the next majority comes along and picks its own set of reforms that it can push through because it has a majority power in Parliament.

**The Chair:** Thank you.

Ms. Sahota is next.

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

I'd like to begin by thanking all the witnesses for your valuable time and for imparting your wisdom to us.

I agree with you. I think this is a very good step that our Prime Minister has taken, a very ambitious goal. I know the minister has committed to making a change involving electoral reform. I hope we can come to some kind of consensus agreement within this committee, as Ms. Dawood has stated, or at least a majority opinion on the legislative process to support any kind of change.

If, as you were just stating, that were not to happen, are there any constitutional issues that you see, Ms. Dawood, in moving forward on electoral reform without it?

**Prof. Yasmin Dawood:** The constitutional question is a somewhat complex one. I don't know how much time or interest there is for hearing all the details, but I will say that until the Supreme Court's Senate reference decision, it seemed pretty clear that Parliament could actually make electoral reform decisions or changes to election laws, provided it went through the normal parliamentary process. The court, in many of its cases, has said that the electoral system falls within the domain of Parliament.

The court has recognized a number of constitutional limits on what Parliament can do. These tend to centre around the right to vote, as protected by section 3 of the charter. There are also distributional requirements in section 51A of the Constitution Act. Apart from those types of restrictions, it would have seemed, before the Senate reference decision, that Parliament could bring about electoral reform.

As you know, in the Senate reference decision the court said that various proposals to reform the Senate did in fact amount to a constitutional amendment, even though they didn't actually envision any changes to the constitutional text. For example, concerning the consultative elections, the proposal was that these would take place without actually changing any of the language of the Constitution, but the court found nonetheless that this amounted to a constitutional amendment.

The point is that the question now is whether electoral reform it is the kind of amendment to the Constitution that would in fact require provincial consent according to the 7/50 rule, whereby seven provinces that have 50% or more of the population agree to the change.

What I did in the paper I was describing was try to figure out whether there's a way around this. Is there a way for a future court decision to say no, to say that in fact electoral reform does not need to be approved via a constitutional amendment involving provincial consent? In my opinion, there is an argument for that. There is also the argument on the other side that in fact a constitutional amendment involving provincial consent is required.

Did that answer the question?

•(1515)

**Ms. Ruby Sahota:** Well, it leads to many more questions, actually.

I saw some nodding from some of our other witnesses. If there is something you'd like to add, or if you agree or disagree with that statement, please do.

[*Translation*]

**Mr. Jean-Pierre Charbonneau:** Madam, I do not feel that the Constitution concerns itself with the method of voting. The important thing is to preserve democracy. Democracy is a parliamentary majority, but, in this case, given that this debate is about the method of representation, it is also a popular majority. If Parliament decides to pass legislation, not only must it be supported by a majority of members, those members must also represent a majority of the people.

Those who want to make doubly sure could also suggest that we do as they did in New Zealand and establish a mechanism in the legislation such that, after two general elections, there would be a validation. That would let the people try out and understand the system better than they could in a debate on a referendum. A referendum about electoral reform, especially if it offered a number of choices, would be a lot more complex than a referendum to find out if Quebec should be a country, yes or no.

**The Chair:** Thank you.

Mr. Richards, you have the floor.

[*English*]

**Mr. Blake Richards (Banff—Airdrie, CPC):** Thanks, Mr. Chair.

I appreciate your being here today, all of you.

I'll start, and in this round likely finish, I suppose, with Mr. Broadbent.

I have a couple of questions, at least, for you. I first want to say that I have great respect for your long and distinguished history as a parliamentarian. I have one question that might be seen as a little bit tough by someone who doesn't have the experience you have, but I know you won't take it in any way personally, or that you won't—

**Hon. Ed Broadbent:** I can hardly wait now.

**Some hon. members:** Oh, oh!

**Mr. Blake Richards:** —see it, with your great experience in to and fro—

Yes, and I'm sure you'll have no trouble handling it.

It's this. I felt that I had heard maybe a bit of a contradiction to some of your previous thoughts and statements when you were responding to Mr. Reid's question earlier, so I wanted to ask you about that and explore it a little bit, if you don't mind.

When you spoke to the public round table on proportional representation that was organized by the New Brunswick commission—I think that was in 2004—you made a statement that started by saying that you generally weren't a fan of referendums but felt, and I'm quoting, that

...when restricted to establishing the democratic rules of the electoral system applicable equally to all citizens and when the question is preceded by a thorough deliberative process involving the citizens themselves, it seems to me such a referendum fully measures up to the democratic aspirations and values of classical democratic theorists like John Stuart Mill.

It seems to me that at that point in time you were indicating that a referendum might be something that, on this type of question, you would certainly be in favour of, and I sense a different viewpoint today.

I'm wondering whether you could explain that to us a little bit. It seemed that you agreed with the idea of a referendum when you were working to convince Canadians to proceed with electoral reform and consider electoral reform, but now that we're having serious discussion about electoral reform, you may not share that view any longer.

I'm having trouble understanding and reconciling that. Could you try to answer that?

**Hon. Ed Broadbent:** Mr. Chairman, let me say to my colleague, if I can put it that way, that like everyone around this table I change my mind occasionally.

**Mr. Blake Richards:** Very well.

**Hon. Ed Broadbent:** If you look with care, I think, at what I said then, it was a democratic option to proceed with a referendum, which I could understand, and I could see people going from that to endorsing the idea. I have thought more about it since, particularly about the legitimacy argument. I'm quite convinced—and I won't repeat it—that steps can be taken that don't necessitate going directly to the people.

The other divisive aspect, I must frankly say, in my experience in watching the divisive impact of a referendum in the U.K. and in reflecting as well upon the experience in Canada of referendums, is that in a regionally diverse country such as ours, whether you win or lose a referendum, as I said in my opening comment, a referendum would end up being much more divisive than the kind of deliberative process in which all members of this committee act in good faith, try to think through all the options, and come up with a recommendation. I think that's much more likely to build a consensus, frankly, in the country than a referendum.

• (1520)

**Mr. Blake Richards:** That's fair enough. We'll have to agree to disagree on that one.

**Hon. Ed Broadbent:** Okay. I understand.

**Mr. Blake Richards:** I guess it's easier for you to change your mind at this point in time than it is for some of us around the table who are currently still in the game. I can appreciate that.

We don't have a lot of time left. I'll move to a different topic.

In the past you've also spoken out against the idea of ranked ballots. Could you tell us whether that's a view you still hold, and if so, could you give us some rationale for the basis of that idea?

**Hon. Ed Broadbent:** It's a matter of preferring the system that I advocated, either strict PR or MMP.

A ranked ballot system can have the effect of eliminating particularly very small parties. They can be ranked out of the system. The advantage of either MMP or strict PR is that every vote will count and you don't need to have a ranking to make it count.

I just prefer without, that's all.

**Mr. Blake Richards:** Thank you.

I suspect there's not much time.

**The Chair:** You have time for a short snapper, I'd say.

**Mr. Blake Richards:** It's okay. I'll save it for the next round.

Thanks, Mr. Chair.

**The Chair:** We'll hear Mr. Aldag, please, for five minutes.

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

I'm going direct my comments and questions to our two end-person witnesses to start.

Over the last couple of weeks, I've had the opportunity at home to do a couple of town halls on electoral reform. The most recent was this past Saturday. It was put on by Fair Vote Canada and a neighbouring riding association from the Liberal Party.

For the first one that I put on and organized, I had a number of constituents come out, including a number of self-proclaimed Conservatives who were effective in addressing their concerns for a referendum. I would say that on the session we did on Saturday there were many of the same faces there. Although I wouldn't consider it a breakthrough, I found it quite exciting, because we were able to move from that position into some more discussions about values.

The question I put to the audience was "What values should we be looking at to design a new system?" With a range of participants, including some of the Conservative members and others who were there, we started talking about what things they would like to see guiding the design of a new system.

I found a document from the Broadbent Institute entitled *Canadian Electoral Reform - Public Opinion and Possible Alternatives*. There's a good section on values, and a couple of them are things like "The ballot is simple and easy to understand". That got 55% of support, and 51% went to "The system produces stable and strong governments".

Over the discussion this weekend, those were a couple of the issues that came up from a broad variety of participants. I'm not picking holes in any particular system, but those ones also raise questions about systems such as PR and the idea of coalition governments. Can they produce stable and strong governments, and do the two work against each other? With regard to "The ballot is simple and easy to understand", at my first town hall there was a gentleman who brought a German ballot that was three feet by three feet. People remembered that one, and they were concerned that any PR system ballot is going to be complex.

I simply throw out for comment, how do we address these kinds of issues? How do we frame the discussion on values that will help us come up with a system that is the best option for Canada at this point, and is designed for Canadians? There's not really a question there, just thoughts on values and criticism that we hear. How do we address that?

[Translation]

**Mr. Jean-Pierre Charbonneau:** The committee's mandate already states a number of principles and values. You have to think about it and assess the various options. It really is a fundamental guide. For example, must we attribute importance to fair representation of the major political currents in our society? Are we concerned about under-representation, over-representation or lack of representation?

We must also be concerned about the stability of governments. However, how do we show that governments will not be stable if, all of a sudden, the method of voting is different and parties have to come together? The only way would be to try it and to see what is done elsewhere. Otherwise, we are just tilting at windmills. We make the point that people do not want to have elections regularly, every week. We bring up the worst examples, like Italy and Israel, and we say that they are scary. However, if we take away the examples that have no bearing on the choice to be made here, there is a lot less drama.

Tomorrow, you are going to hear from the president of Mouvement Démocratie Nouvelle, where I am a special advisor. I know the issue a little, but I learned something when we met with a number of experts last spring. In some countries, a mechanism was established in Parliament to ensure that coalitions are stable. We call it the constructive vote of confidence. The mechanism was established in West Germany, where they have the perfect compensatory model. Basically, it is 50-50. Half of the members are elected using the current system and half using a proportional system.

The mechanism there is that, if a party in a coalition wants to bring down a government, it has to be able to propose another solution, or another government leader who is able to secure a new parliamentary majority. Otherwise, they stick with the commitments that were made and the political deal that was reached in order to form the coalition.

Nothing prevents us from putting a mechanism like that in place. It is a way to do what you want as you are innovating, while making sure that there will be no unstable governments. The threshold can be 3%, but it could also be 5% or 6%. There are tools to guarantee stability, according to the principles.

• (1525)

**The Chair:** Thank you.

**Mr. Jean-Pierre Charbonneau:** But if you do not have the principles at the outset, I believe that you are off to a really bad start in making those political choices.

**The Chair:** Thank you very much.

[English]

We'll go to Mr. Cullen. Maybe you could make the point, Mr. Broadbent. This is hard, you know, when we have two eminent—

**Hon. Ed Broadbent:** That's okay. No, I understand. It's all right. Go to Mr. Cullen.

**The Chair:** It's hard on us here and hard on me to limit the time when we have such wisdom at the committee.

Go ahead, Mr. Cullen.

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

This is great. I'm enjoying this conversation. I'm also enjoying this.

I wonder if we've come to a political tipping point in this country. I'm thinking of you, Ed, standing with Guy Giorno and Mr. Himelfarb, and reading quotes from Jason Kenney talking about our system being medieval, and reading the minister's quote about how our system was designed to address 19th century reality and is not suitable for the needs of a 21st century Canada. Is there a multi-partisan point that we've crossed, with the Parti Québécois, the Bloc Québécois, and various people speaking out for a proportional system?

I have one quick comment to follow that, and then a question for you, Mr. Broadbent.

With regard to stability, we've heard evidence that in the last 55 years in developed countries, it's been almost equal between proportional and first-past-the-post countries in terms of stability. In fact, proportional ones are slightly more stable. There are these notions of unstable coalitions. In Canada's history, when parties have had to share power, we've produced our most progressive and enduring policies. Pensions, health care, the flag—and the list goes on—have all come out when parties have had to put a little water in their wine.

I have a question about a positive vote as a positive choice when voters walk into the ballot box and don't have to go down a list of negative options of “I really don't like that person, or that party, or that leader. Which is the best choice for me to disrupt them?”, as opposed to “What do I want?” I'm imagining someone buying a cellphone, and the store says, “There are all these choices, but you only get two in your particular city, so pick one of these two. You can't have any of the rest.” The store wouldn't last long. I don't know why we continue with these false choices.

I want to get back to how 46% did not vote for their first choice in the last election. What do you think the long-term effect has been for Canada in terms of voter enthusiasm, in terms of hopefulness, and in terms of the ways parties respond and create platforms for voters under that scenario?

• (1530)

**Hon. Ed Broadbent:** As you will recognize, this is quite a subjective answer on my part. It's a judgment call that's not based on any, as one would say, solid empirical evidence.

That said, it's almost self-evident that part of the cynicism of youth, and not just youth, about the electoral system has to be related to this. If you live in a certain constituency and you know it's always going to vote one way, even though 20% in that riding want to vote another way, and your vote's not going to count under first past the past, then this can be a major disincentive to even participate, and can build, at the most exaggerated levels, a degree of cynicism.

Why I'm strongly in favour of changing the system is to avoid this necessity of having to vote, in a way, to stop somebody else—in other words, to vote for your second choice because you think that your second choice can beat the third option you don't like. We should have a system that encourages young people, or not-so-young people, to vote for positive reasons. I think only some versions of PR do that.

**Mr. Nathan Cullen:** It speaks, as well, to women getting elected to serve in the House.

**Hon. Ed Broadbent:** Oh, indeed.

**Mr. Nathan Cullen:** There was a study of 60 years' worth of elections in Australia, which showed that in the two houses using two different systems—one AV, a ranked ballot type of first past the post, and the other using a proportional system—women were two and a half times more likely to get voted in under a proportional system in that country.

**Hon. Ed Broadbent:** If I may comment on that, on the one hand I'll praise our present Prime Minister for doing the gender equality thing in the cabinet, but I have to be candid. When that happened, I thought of how Gro Brundtland, a prime minister of Norway, did it decades ago in Norway. I remember having lunch with her in the parliamentary restaurant here, after she came here from winning an election. She told me that many years ago they had gender parity in Norway. I don't think it's an accident that they had a PR system as well.

**Mr. Nathan Cullen:** To be content with being 62nd in the world in terms of women's representation in Parliament is a stat that would be shocking to most Canadians if they knew about it. We think of ourselves as better than that, and more fair than that, and yet our system isn't serving us right now.

**Hon. Ed Broadbent:** Right.

[*Translation*]

**Mr. Nathan Cullen:** Mr. Charbonneau, you mentioned the option of ratifying the choice of a new system after putting it into operation for one or two elections.

Why do you support that idea?

**The Chair:** A quick answer, if you please, Mr. Charbonneau.

**Mr. Jean-Pierre Charbonneau:** Okay.

The experiment was conducted in New Zealand. The advantage is that people can try out a political mechanism that can be quite complex, depending on the choice made. When people try a system out, they make it their own and most of them, with the exception of new voters who were not familiar with the old system, are able to make a comparison.

In fact, if I have a choice between a referendum in advance and a ratification referendum after two general elections, I prefer people to be able to try the system out.

**The Chair:** Thank you.

**Mr. Jean-Pierre Charbonneau:** Then it is easier for people to make an informed judgment as a result.

**The Chair:** Thank you.

**Mr. Jean-Pierre Charbonneau:** Otherwise, those elected have the responsibility to take the leadership in making that informed decision.

**The Chair:** Thank you.

Mr. Rayes, the floor is yours.

**Mr. Alain Rayes (Richmond—Arthabaska, CPC):** Thank you, Mr. Chair.

My thanks to the three witnesses who are with us today.

Mr. Charbonneau, I am going to let you continue your remarks, given that my question is somewhat in the same vein as you mentioned.

This is the first day when I have taken part in the work of this committee. I have just come from my constituency. Funnily enough, I can tell you that, despite all the activities I have taken part in this summer, no one has talked to me about electoral reform. I am hearing all these great discussions about it. I am hearing a lot about cases where counties have moved from first-past-the-post voting to proportional voting, particularly in New Zealand. As you rightly mentioned, people in that country thought about the matter for a long time. It took them exactly 10 years to change their way of voting.

When I look at the results, I have the impression that the debate we are currently having is a false one, contrary to what is suggested. We are told that, by changing the method of voting, more people will become interested in politics and therefore more people will go to the polls. We are told that the turnout rate may well go up. But in the countries where the method of voting was changed most recently, that basically did not happen. In New Zealand, the participation rate was 85% when the country made the change and went to 88% at the following election. But, at the most recent election in 2014, the participation rate was 76.9%. So, rather than having the impression that people will be more interested in politics if the method of voting changes, we have to take a closer look at the studies that have been done on people's lack of interest. The reason why people do not show up to polling stations has more to do with a lack of time and interest.

I would like to hear your comments on the process that was put in place in New Zealand before they made the change. You have mentioned it already. Could you continue with your comments?

•(1535)

**Mr. Jean-Pierre Charbonneau:** What you are saying, in other words, is that people are not tripping over themselves in the buses in your constituency to talk about reforming the voting method. That is true everywhere

**Mr. Alain Rayes:** Yes. Exactly.

**Mr. Jean-Pierre Charbonneau:** I heard that argument about a number of topics during my 25 years as an MNA. It is always used by those who favour the status quo. They say that they do not hear the topic being talked about in their constituencies. You are right about one thing: a method of voting is not changed primarily to increase the turnout rate. Even with proportional voting methods, the rate can change with the political circumstances and situations, and with national and international events. Those are what can get people mobilized, depending on the leadership of those most involved. You would not change the voting method in order to increase the participation rate. You would change it because of the representation. Do you believe in representative democracy or not, and what does political representation mean for you? If a political party wins 39% of the votes cast and governs a country like Canada, would it not be better for it to form a coalition with another party in order to obtain a parliamentary majority and in order for that majority to be a popular majority too?

In his remarks, Mr. Broadbent gave some examples from western Canada. We could give some from Quebec and from the current situation everywhere. The problem is that we have under-representation and we have non-representation. In a representative democracy, that is very serious. Parties representing 10% or 15% of the electorate end up with one or two members.

**Mr. Alain Rayes:** Mr. Charbonneau—

**Mr. Jean-Pierre Charbonneau:** That is much more serious than finding out whether the participation rate has gone up by 1% or 2%.

**Mr. Alain Rayes:** Mr. Charbonneau, that was not what I meant by the question.

Since this debate started, it has been suggested to us that, by changing the voting method, we would better reach minorities in certain regions of Canada. We are told that more young people and more First Nations people would go to vote, and so on. So, by extension, some people feel that more people will become interested in politics and will turn out to vote.

I would like to hear what the three witnesses have to say. Perhaps that could confirm what I feel about it. When I look at the statistics from different places where the voting method changed, I see that the participation rate has not increased.

Do you agree with me on that?

**Mr. Jean-Pierre Charbonneau:** You have just had my answer, but I know that it does not satisfy you. It is not what you wanted to hear. My response is clear, however: that is not what counts. Even if the participation rate drops, that is not the crux of the issue. The biggest concern is representation.

**Mr. Alain Rayes:** Perfect. So you are specifically saying that, at the moment—

[English]

**Hon. Ed Broadbent:** Could I comment on this issue?

[Translation]

**Mr. Alain Rayes:** Just a minute, Mr. Broadbent. I will happily let you comment next.

By the way, I am not passing judgment on your opinion about this. I want to know whether, in your opinion, greater representation is preferable to a greater number of people turning out to vote.

**Mr. Jean-Pierre Charbonneau:** I think so. But I was not born yesterday. You put those words in my mouth, but that does not mean that I am in favour of people not going to vote.

**Mr. Alain Rayes:** No, not at all.

**The Chair:** In any case, Mr. Rayes, your five minutes are up.

The floor now goes to Mrs. Romanado.

**Mrs. Sherry Romanado (Longueuil—Charles-LeMoine, Lib.):** Thank you very much, Mr. Chair.

My thanks to all the witnesses for joining us today.

[English]

Mr. Broadbent, I'd also like to thank you for your service to the military and your years in Parliament.

[Translation]

Mr. Charbonneau, thank you for the work you did when you were a member of the National Assembly.

[English]

I'm going to touch a little bit on something we haven't talked about today.

Mr. Broadbent, with regard to the report that my colleague mentioned, he mentioned that a ballot is simple and easy to understand. It's something that 55% of respondents said was important to them. Given that some folks still think that when they go to the ballot box, they're voting for their prime minister, how important is education going to be throughout this change process? Herding cats is not easy.

● (1540)

[Translation]

In Quebec, we had a lot of difficulty because some people did not know exactly what the real issues were.

[English]

I'd like to get all your opinions on the importance of educating—what we should be doing, and who should be doing what in terms of this process.

[Translation]

Thank you.

[English]

**Hon. Ed Broadbent:** Let me begin by agreeing with you implicitly on what you're asking about the importance of education. If I recall correctly, and I think I do, the outgoing head of the electoral commission had objected because the budget that allowed him to do more education of the public—I'm turning to some of the MPs now—had been cut. In any case, I think I'm right on that. The point is that this is a very important thing that should be done, particularly if we're introducing a new system.

That said, again I agree with you. A lot of people, before they go to the ballot box, think that somehow the names of the potential prime ministers are going to be on there, rather than their local MPs, so there is that confusion.

Having been an MP for many years, I believe that in fact it's a small minority who have that problem. Most adults understand that they're voting for a party, and that if that party gets most of the seats, the head of it is likely to be prime minister.

In the new system, if there is a new system—and I certainly hope there is—I think Elections Canada has to have a good budget to explain this, and in a non-partisan way, obviously. As for the political parties, I really hope a report will come out of here that has a consensus that the parties—hopefully all parties, but certainly a majority of parties at least—will support. I would like to see them campaigning on this issue together, just for once. If they reach a consensus on an electoral system, they'll be able to campaign together to explain the system. The MPs would have a role in explaining it, as well as their constituency associations, Fair Vote Canada, civil society organizations, and Elections Canada. I think it all should be done.

[Translation]

**Mrs. Sherry Romanado:** Mr. Charbonneau, would you like to answer?

**Mr. Jean-Pierre Charbonneau:** You have before you someone who has often been mistaken for the speaker of the House of Commons. When I would meet people, all over Quebec, they would ask me whether I was not the speaker or the former speaker of the House of Commons. I would then have to tell them that there were two kinds of Parliament, and the other one was called the National Assembly.

For the purpose of the report on the estates general held in 2001-2003 chaired by Claude Béland, I had recruited a committee of non-partisan citizens of all stripes. One of their recommendations was to increase people's civic competence. The idea was to put great emphasis on education and citizenship, both among young people and among adults. When we see how many adults are semi-illiterate or struggle with societal codes, we realize that we have a lot of catching up to do.

You have heard from Professor Henry Milner who, at the time of the estates general, wrote a book titled *Civic Literacy*. He carried out a comparative study between civic literacy here in Canada and civic literacy in some northern European countries. The conclusion was very clear: here, civic literacy is weak compared with what it should be and what it is in countries with the same or similar standard of living.

For such a change to be made, it is clear that people must be educated. In my opinion, the lack of a referendum would not mean that clear and specific explanations on what the change will entail should not be provided. In fact, it would be easier for Canadians to understand what is happening, as Mr. Broadbent was saying, if a political consensus was reached or there was the largest possible political majority in this committee and in the House of Commons on this issue. It is important to know what would reassure people. All the political parties should agree on a change, and members

should not pass the buck by saying that they will propose five options from which to choose.

**The Chair:** Thank you, Mr. Charbonneau. We understand.

We will now begin the second round of questions, starting with Mr. DeCoursey.

[English]

**Mr. Matt DeCoursey:** Thank you again, Mr. Chair.

I'll ask my questions to Professor Dawood in this round, or at least will start there.

Going back to the idea of democratic legitimacy—and you've mentioned some of the aspects you think might be important—is there a process or are there lessons you can leave with us that would help enhance the legitimacy of this conversation and this process during the citizen consultation process we'll undertake here in a few weeks?

● (1545)

**Prof. Yasmin Dawood:** First of all, I think it's excellent that the committee is consulting broadly with Canadians from all parts of the country. I think that's very commendable and stands in some considerable contrast to what we saw with the Fair Elections Act. I think it's very important that Canadians feel that there is a voice for them in this process.

I suppose one thing that would be helpful would be some kind of centralizing mechanism to find out exactly what people think. Given the number of town halls that are being held, given the dispersion of conversations, it's not always clear what people are saying or thinking. I don't know whether the committee has considered how to aggregate this information or make it available so that we can all benefit from it.

**Mr. Matt DeCoursey:** Thank you very much.

Going back to the idea of potential constitutional limits—and you talked about arguments for and against limiting Parliament's ability to make change—are there any specific changes or things that we should be careful about interfering with within certain constitutional limits, such as potentially increasing the number of seats, or seat distribution, or the way that constituencies are represented? Where could the line be, or potentially be, when considering system changes?

**Prof. Yasmin Dawood:** Certainly there are constitutional rules around provincial representation or distribution, and those would have to be respected and would have to be met. Most of the common proposals that are floating around, however, would not violate those distributional principles, provided they were in fact taken to account, which I assume they would be.

The other kinds of constitutional limits include making sure that you provide effective representation and meaningful participation. Those are standards that the Supreme Court has outlined in its case law. Again, I think that most of your standard proposals for reform would in fact meet those constitutional standards as well.

**Mr. Matt DeCoursey:** Thanks very much.

Thank you, Mr. Chair.

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

Mr. Reid is next.

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

I return to Dr. Broadbent for my questions.

If you'll forgive my saying so, certainly there is no harm in changing one's mind over the course of the 12 years that have passed since you made your comments and quoted John Stuart Mill.

**Hon. Ed Broadbent:** He changed his mind, too, by the way.

**Voices:** Oh, oh!

**Mr. Scott Reid:** Well, that may explain why you quoted him saying two opposite things. I can't see how one can change one's mind about factual statements regarding the opinions of authority figures. Twelve years ago you cited referenda and said this meets with his values; now you say, in this committee, that his values lie elsewhere. While your opinions may have changed, I submit that in fact his record is unchangeable, due to the fact that he's dead, and that seems a bit unfair.

I noticed that back 12 years ago you also indicated—and here I'm quoting from an article you wrote in *Policy Options*—that what you thought was the best system was a “citizen-created referendum question”, and you based it on the citizens' assembly model in British Columbia. Now we have this idea that somehow broad consultations or a deliberative process are an alternative to getting the people to sign off, whereas with British Columbia that was seen as being a first step in a two-stage process, something that I thought was a good idea and that you did too, back then.

I wanted, actually, to ask you about this point: you said that referenda are divisive, and to make your point, you cited the Brexit referendum. I would just point out to you that if we're trying to make valid analogies here, the analogy would be with the British government making the decision to exit the European Union without bothering to consult the people, because in fact we're talking about the government not having a referendum and deciding to change our electoral system as if the Conservative government in Britain had decided to exit the EU without consulting the people. That would have been illegitimate.

You say that referenda are divisive, and I look back at our three referenda in Canada and see a different story. In 1992, an issue that was on the verge of breaking the country apart—the failure of the Meech Lake Accord and the fallout from it—was resolved via a referendum, in which Quebeckers and a majority in the rest of the country voted against that new proposal. It seems that was preferable to the government's pushing it through just because it had the support of the majority of parties—all the parties, in fact, at the time.

In 1942 we had a plebiscite on conscription. While it revealed a deep division, it let us deal with that division. I think that is preferable to the introduction of conscription without a referendum in 1917 and the riots that this action produced in Quebec City and elsewhere, but especially in Quebec City.

In 1898 we had a referendum on whether the federal government should prohibit alcohol, and that revealed a deep division: Quebec was against it, and the rest of the country was in favour. The result was to let it be dealt with by provincial governments.

Therefore, if there are divisions, surely an advisory referendum, which is the only kind we have in Canada, reveals the problem. Is that not preferable to pushing through an electoral system that may or may not actually have the support of the people, with no way other than polls of demonstrating whether they support it, and pushing it through regardless of whether the polls say they support it just because in the last election a number of the parties indicated that they thought electoral reform—not a specific reform, just electoral reform in general—was a good idea?

● (1550)

**Hon. Ed Broadbent:** Well, to use your own words, if it were a matter of “pushing through” an option, I would agree with you, but we've had earlier discussion, including that of our academic colleague from Toronto, who laid out certain conditions of legitimacy that did not entail a referendum and arguments that I support.

My disagreement about a referendum is not black and white. I can see, as I'm sure I said this earlier this afternoon, the arguments for a referendum. They just happen to be arguments that I think are weaker and are not applicable under the present circumstance.

We don't need a referendum to have legitimacy. We brought the vote—we, I mean, historically in Parliament—for women without a referendum. To say the least, that was a major change in the electoral system.

**Mr. Scott Reid:** If you recall, that was brought through so that only certain women could vote. I would argue that this was actually done illegitimately. Later on, in 1918, after an election had been conducted in which only some women who were likely to vote for the government were able to cast ballots, it was updated. I'm always puzzled by the use of that particular example.

**Hon. Ed Broadbent:** The point is that a major decision on the issue of gender equality—forget the precise details—was made without a referendum, as was bringing the vote for indigenous Canadians, as was bringing the vote for Japanese Canadians and other groups that had been discriminated against. We, meaning the parliamentary system, have made major decisions without referendums before. As long as the conditions of deliberation, consultation, looking at evidence, and consensus-building are all done by this committee, it's the better route.

I'm not saying those who are arguing for a referendum are totally wrong. I'm just saying that there are two arguments, two different sets of propositions that you can put forward for dealing with this change, and I happen to be rather strongly now on the side of one of those as opposed to the other.

**The Chair:** Thank you.

Mr. Boulterice is next.

[Translation]

**Mr. Alexandre Boulterice:** Thank you very much, Mr. Chair.

I have a quick comment to make before I ask my questions.

I think it would be a good idea to remind everyone that the previous Conservative government amended the Canada Elections Act. It made voting more difficult and less accessible. Canadians abroad also lost their right to vote. In addition, a referendum was never considered.

Mr. Charbonneau, I wanted to tell you that we do take our work very seriously here. The Liberal government has committed to changing the voting system, and we, in the NDP, are strongly in favour of that change. In fact, it would be more fair for Canadians, especially since votes would no longer be lost.

Our work here, in committee, consists in showing leadership and submitting proposals in order to change the system. The Conservative Party defends the status quo, but I believe the parties around the table represent 63% of the electorate. Those people voted for parties that wanted to change the voting system and improve our democracy.

Mr. Broadbent, there are Westminster-type institutions, but there are very few countries in the world that operate based on the “first-takes-all” system, which creates these distortions that are so often talked about. The heart of the Westminster model is clearly the United Kingdom. We have recently seen the devolution of powers in Northern Ireland and the creation of regional Parliaments in Wales and in Scotland. Yet in all those cases, people had access to a mixed proportional system. In Northern Ireland, that was even one of the conditions to the devolution of powers. So those people had to make the effort to sit down and work together.

How do you think we could move in the same direction as our British, Scottish or Welsh cousins?

• (1555)

[English]

**Hon. Ed Broadbent:** Partly I attempted to address that in my earlier comments. I learned from my experience as an MP the importance of having a single member elected for a certain area. When we deal with what I would call a democratic issue, which leads inevitably to some form of PR, whereby every vote counts equally, then we combine, and I think this is good in any political institution.

If I may say so to my Conservative colleagues, I'm a conservative when it comes to institutional practice. By and large, you don't go around changing things just on a whim, and when you do change things, you build on institutional structures that are there. The structure that I like is having individual MPs; what I don't like is a first-past-the-post system that totally distorts the democratic will. If we can keep the practice of having individual MPs and add to it a system of PR, then I think we'd have the best of all possible worlds.

In this context, in the post-war settlement in Germany, that system in effect was imposed on Germany by the people who won the war—thank God. It has also become very profound in its impact in German society now, and it's a very peaceful, profoundly democratic society. It is one that I think we can learn from. That structure first emerged there, and was then picked up by—not necessarily in this order—New Zealand, Scotland, Wales, and so on.

I think the combination—I'm repeating myself, and I'm going to shut up—of first past the post and PR is exactly what we need. I wish my Conservative colleagues agreed.

[Translation]

**The Chair:** You have one minute left, Mr. Boulerice.

**Mr. Alexandre Boulerice:** Thank you.

Mr. Charbonneau, in the 2015 election, based on the number of MPs elected and vote shares, it took on average 37,700 votes to elect each Liberal member, 48,000 for each Conservative member, 78,000 for each NDP member, 82,000 for each Bloc member and 602,000 votes for the Green Party. These figures are from the Broadbent Institute. These distortions are unacceptable. Clearly, voters are not equal in this system. Moreover, the electoral system completely subverted the will of the people three times in Quebec, in 1944, 1966 and 1998.

In your opinion, can we continue under this system? Is it healthy for our democracy?

**Mr. Jean-Pierre Charbonneau:** As I said at the outset, it is not healthy for our democracy. That is why René Lévesque wrote in 1972 that this was appalling for democracy. We are now at the crux of the debate on the meaning of representative democracy. This is a test of how interested people are in democratic institutions and of how concerned members are about the value of democracy.

If certain members or parties are not interested in this, it is best that we know this now. This discussion of the kind of democracy we want is crucial. Democracy is not majority rule. Democracy offers the opportunity for everyone to benefit. If there is no choice, then it is majority vote, as long as that represents the majority of people.

**The Chair:** Mr. Ste-Marie, you have the floor.

**Mr. Gabriel Ste-Marie:** My question is for you, Mr. Charbonneau, given your experience in Quebec with electoral reform, but it is also for Mr. Broadbent and Ms. Dawood.

The committee holds its meetings and hears from witnesses in Ottawa. Members have consultations in their ridings. We will be travelling across Canada in three weeks. We have been asked to table our report in early December. Moreover, the Chief Electoral Officer has said that everything has to be passed by May so that the changes can be made in time for the next election.

Is that workable?

• (1600)

**Mr. Jean-Pierre Charbonneau:** That depends on how far you want to go.

What is unworkable is ending up with a reform that has been talked about since 1909, as is the case in Quebec. The best way of not achieving reform is to find all kinds of pretexts to slowdown the process. Once you have finished your work, I think you will have one thing left to do: to demonstrate that you are capable of reaching a compromise.

If each of you digs in your heels, you will merely have shown that compromises are very difficult to reach because the system is confrontational. If a majority of you is able, publicly or even in camera when you are deliberating, to choose a system based on the principles we discussed earlier and certain fundamental democratic values, I think that, surprisingly, you will be able to come to an agreement quickly. I think citizens would be happy and proud of that.

I support an independent Quebec and I would raise my hat to Mr. Trudeau if he were able, he and his troops, to make an alliance with the other parties to bring about real change. We need more than election promises: we need action on those promises and results. That will make people less cynical about politics and their elected officials.

**Mr. Gabriel Ste-Marie:** What do you think, Mr. Broadbent?

[English]

**Hon. Ed Broadbent:** I've lost the question. I was listening to my learned friend with such attention that I have forgotten what the question was.

[Translation]

**Mr. Gabriel Ste-Marie:** Are the tight deadlines realistic?

[English]

**Hon. Ed Broadbent:** Yes, I think so, and I think the officials have indicated that if the report is in by the end of this calendar year, then there will be time to implement a new system. I respect their expertise, so I think the committee should be comfortable in making a recommendation as long as it gets it in by the end of this calendar year.

[Translation]

**Mr. Gabriel Ste-Marie:** What are your views, Ms. Dawood?

[English]

**Prof. Yasmin Dawood:** I think whether or not it's realistic depends in part on what happens in the next few months. If the process can fully vet the options and fully reach as many Canadians as possible, then that's one way of thinking about realistic.

In terms of democratic legitimacy, I think that raises some concerns as to whether the perception will be that this process has been too accelerated in terms of not reaching every person or not considering all the options.

These are hard questions to answer. Perception is in the eye of the beholder, but I think that if there is an artificial timeline, then I would be less in favour of that. I think it's better to get it right and to make sure the process is inclusive and deliberative rather than to race toward some predetermined deadline.

[Translation]

**Mr. Gabriel Ste-Marie:** Thank you.

Mr. Charbonneau, you spoke earlier about Germany, which has a 50-50 mixed-member proportional representation system. Are you in favour of that proportion?

**Mr. Jean-Pierre Charbonneau:** The proportion recommended for Quebec is 60-40, which is the proportion in the Scottish system. A slim majority would be formed of local members, as is the case in

the current system, and the 40% minority would serve to reduce the distortions under the current system. In his report of December 2007, Quebec's chief electoral officer studied the feasibility and appeal of this formula. He concluded that 60-40 was the right proportion, and that it would reduce distortions as much as possible, while helping people transition from the system they are used to. We can't start from scratch.

**Mr. Gabriel Ste-Marie:** Would you be in favour of Canada adopting the same proportions or do you think a study is needed, similar to the one conducted by Quebec's chief electoral officer?

**The Chair:** Please answer quickly.

**Mr. Jean-Pierre Charbonneau:** That could easily be adapted for Canada. Quebec's chief electoral officer gave his opinion. I think you could also ask the Chief Electoral Officer of Canada for his opinion.

**The Chair:** Thank you.

You have the floor, Ms. May.

[English]

**Ms. Elizabeth May:** Thank you, Mr. Chairman.

I will turn to Professor Dawood and pursue these questions of legitimacy.

You mentioned that some of the mechanisms you think would add additional legitimacy include a citizens' assembly or additional studies or a commission.

We talk about timelines and rushing to an artificial deadline to change our electoral system. We've had a lot of stops and starts in pursuit of electoral reform, and I think it has to do with a very narrow window of political interest over the years. You'll get a political party that says "We're ready to look at this", and often there's less enthusiasm, as Mr. Broadbent just reflected, once they've gained power.

The first time that a parliamentary committee met to look at getting rid of first past the post and replacing it with proportional representation was in 1921. We've had a number of parliamentary committees since then—Mr. Reid and Mr. Broadbent were looking back to 12 years ago—but we've also had citizens' assemblies in Ontario and in B.C., and most recently, the 2004 Law Commission report.

None of these efforts to pursue an investigation into electoral reform has ever recommended that we should keep our current system. Some have come to no conclusion, while most have recommended some form of proportional representation. In your view, does it add anything to the issue of legitimacy that we have some very recent historical efforts within Canada?

• (1605)

**Prof. Yasmin Dawood:** I think it certainly does. It would be important, I think, for the committee to really flesh those prior processes out—the 2004 Law Commission report, or any other kind of report—to back up whatever recommendations the committee makes in whatever report comes out.

**Ms. Elizabeth May:** Another idea has come to us from some other witnesses, and it's not getting a lot of discussion here around the table, but I raise it now and then because I'm interested, and I'll ask Mr. Broadbent and Monsieur Charbonneau as well.

We know the committee's report goes in to Minister Monsef and that there will be some discussion in cabinet. The plan is to have legislation before us by spring 2017 to meet the deadline that Mr. Mayrand thinks is important. As an extra element of legitimacy, do you think there would be a possibility of having the vote in Parliament require a supermajority, rather than a bare majority of the MPs in the House? Would that add to legitimacy, in your view?

That's to you, Professor Dawood, and then I'll ask Mr. Broadbent.

**Prof. Yasmin Dawood:** I think it would add to the legitimacy, certainly. I don't know that I would make it a mandatory rule. I don't know that I would make it a requirement, but if it were the case that you were able to secure a supermajority or a significant majority, I certainly think that would add to the democratic legitimacy of the vote.

**Ms. Elizabeth May:** Thank you. I will also ask Mr. Charbonneau and then Mr. Broadbent.

I'll go to Mr. Charbonneau first.

[*Translation*]

**Mr. Jean-Pierre Charbonneau:** I will be brief, Ms. May. The more the majority in Parliament is based on the majority of the population, the greater its legitimacy, I would say.

[*English*]

**Ms. Elizabeth May:** I have two questions for you, Mr. Broadbent. The first is the same one about what you would make of having more than a bare majority of Parliament vote for some form of proportional representation.

**Hon. Ed Broadbent:** As has already been said, I think it would add obviously to the legitimacy, but I don't think it's required. I think what is required is more than one party.

I'd love to hear our Liberal colleagues comment on whether they agree that a measure brought in just by the governing Liberal Party alone would not be legitimate, but that what would be legitimate would be if a motion came in and had the support of a majority in the House of Commons that reflected the votes and the seats they got in the last general election. I think that's sufficient legitimacy—i.e., a straight majority vote in the House of Commons, with more than one party represented.

**Ms. Elizabeth May:** The second question I have for you, Mr. Broadbent, is one that's come to us from Twitter.

Laurel Russwurm wonders why you've settled on mixed member proportional if your concern is to make sure you have an MP you know you've voted for. She asks whether the single transferable vote doesn't also provide for that required local representation.

**Hon. Ed Broadbent:** It does, but I have a preference, for simplicity's sake, for mixed member. You go in and you cast two votes. You cast a vote for your local member and you cast a vote for the party.

As I was trying to say in my reply to Mr. Reid, most of these issues are not black and white. There are plausible arguments on both sides, as there are in response to the question you just asked.

**The Chair:** Thank you.

[*Translation*]

**Mr. Jean-Pierre Charbonneau:** I would just like to ...

**The Chair:** Sorry, Mr. Charbonneau, there are just five minutes left. You know what it's like chairing a meeting.

**Mr. Jean-Pierre Charbonneau:** I know, Mr. Chair, and I respect your authority.

**The Chair:** Thank you.

You may also answer this question the next time is it your turn to speak.

• (1610)

**Mr. Jean-Pierre Charbonneau:** Thank you very much.

[*English*]

**The Chair:** Ms. Sahota is next.

**Ms. Ruby Sahota:** Surprisingly, Ms. May took a lot of the questions I was going to ask. Ms. May was talking a bit about gaining more legitimacy depending on what we do this week and in the next three months.

Over the next three months, for about three weeks of that time we're going to be hitting the road, going across Canada and consulting with Canadians. We may be discussing this a bit later today, but what format would you advise when we're consulting with Canadians? Should we just be listening to their opinions? Should we be doing some kind of workshop? Should we be engaging in a certain way with them? Do you have any opinions on that?

**Prof. Yasmin Dawood:** Are you asking me?

**Ms. Ruby Sahota:** Yes, Professor Dawood.

**Prof. Yasmin Dawood:** I think one of the challenges with trying to come up with a substantive proposal is that you have both advantages and disadvantages for every electoral system. They all involve trade-offs of various kinds in terms of values, outcomes, and so on. I think it would be helpful to get a sense from Canadians as to what kinds of things they would prioritize over others, depending on the kind of electoral system that is chosen.

That's always, I think, the harder kind of question. It's not that they're all bad systems; it's just that some systems do a better job at certain things than other things. It would be helpful to know what Canadians care about and which of those values they prioritize over others.

**Ms. Ruby Sahota:** My next question goes to Mr. Broadbent.

One value that you prioritize is fairness and having every vote count. In the mixed system that you prefer, you would have first past the post for the local representative. In that system, does every vote technically count? You would still have strategic voting. You would still have someone elected against the popular local vote in that area. You wouldn't avoid some things.

**Hon. Ed Broadbent:** As I said, in these questions and in the whole discussion, it's not black and white. There are advantages and disadvantages. One of the advantages for me in retaining first past the post at the local level, as long as it's profoundly affected by PR, is that Canadians would more readily accept a new system without too many changes. They're accustomed to electing their local MP by a certain traditional method.

You could also have, at that level, a preferential vote for the local MP as well. Some people would favour that as being more democratic, and I can see the argument for that system. I could accept either approach for electing the local MP.

**Ms. Ruby Sahota:** My next question is for Mr. Charbonneau.

You had mentioned that we shouldn't just have a majority agreement in Parliament, if it came to a vote in Parliament, and that we should also have the popular vote. How exactly would we calculate that? Would we go back to figuring out which MP got how much of the vote in their riding, and then figure out from there whether we have the popular vote, or is there another approach?

[Translation]

**Mr. Jean-Pierre Charbonneau:** If your parties have received identifiable popular support and we calculate that support by multiplying it by the number of parties who make an alliance or agree on a mechanism, part of the population would be represented in Parliament and would express its support through these political representations.

As I have said, we do not govern by referendum every day. This has been clearly stated earlier. No referendum has been needed on a whole range of major issues, and MPs or political leaders have not had to question whether they could morally and legitimately take action on those issues. They have acted on the basis of their majority in Parliament.

What is more legitimate: governing with a minority of the population and a majority in Parliament, or forging consensus?

Ms. May talked about a preferential ballot. The real question is determining which of the two, either preferential ballot or mixed-member proportional representation, can provide better political representation. That is the key. No system is perfect, but there are principles to be followed.

• (1615)

[English]

**The Chair:** Go ahead, Mr. Richards.

**Mr. Blake Richards:** Thank you.

Professor Dawood, I have a question or two for you in this round.

In your opening remarks you talked about consulting with citizens or hearing from citizens in this process, and you talked about the town halls that are being conducted and said you wouldn't see them as providing the degree of consultation or legitimacy that a few other options you mentioned would provide, such as a referendum, a citizens' assembly, or some kind of commission that involves citizens. You mentioned all those as other options that would certainly meet that test at a far greater level.

In these town hall meetings that have been taking place, a number of issues have developed that would lead people to question them to some degree, I would think.

First of all, there was a town hall being held, published on the Liberal website, in which they were asking for an admission fee to be charged and paid to the Liberal Party. Now, that was—

**The Chair:** No, that was not a.... I don't think that was an MP.

**Mr. Blake Richards:** Mr. Chair, is the floor not mine?

**The Chair:** Well, I think I'd like to answer this, because my understanding is that it wasn't—

**Mr. Blake Richards:** Mr. Chair, the floor is mine, is it not?

**The Chair:** Mr. Richards, I have precedence at this moment. I would just like to clarify a point.

I don't think that was a town hall—

**Mr. Blake Richards:** I didn't think we were here to debate with the chair, but thank you.

**The Chair:** Pardon me?

**Mr. Blake Richards:** I said that I didn't realize we were here to debate issues with the chair.

**The Chair:** No, I'm not debating. I just want to clarify something.

**Mr. Blake Richards:** It sounds like it, Mr. Chair.

**The Chair:** For the witnesses as well, it was not a town hall. My understanding is that it was not a town hall within the context of the invitation we sent to the 338 MPs. That's all I have to say about it.

**Mr. Blake Richards:** My understanding is that there certainly was a town hall being held and there was an admission fee being charged. To the Liberal Party's credit, when attention was drawn to it, they did pull the ad from their website.

Subsequent to that, we've had reports of people being turned away from town halls because they weren't pre-registered.

We had an opinion piece appear in *The Vancouver Sun*—and I'm not going to name the MP, because I don't feel that I want to make this personal in any way—about a town hall that was held in that area, and it indicated the majority of the people who had spoken during the open mike portion had been in favour of having a referendum before any changes. Then it went on to indicate that the member was asked repeatedly by speakers if he would go back to the Prime Minister and tell him that people of his riding think they should be consulted by referendum before our electoral system, which has served us well for centuries, is overturned and replaced by something else. Then he goes on to say, “We didn't get an answer.”

There have been a number of things—and I could point to others, but we only have so much time—that would call these into question to some degree.

You stated in your opening remarks, Professor Dawood, that:

Electoral reform differs from the passage of ordinary legislation because it sets out the very ground rules by which political power is attained. For this reason, the process of electoral reform must be held to a higher standard of democratic legitimacy.

You also had indicated in a paper that you wrote for the *McGill Law Journal*, and I quote here again:

If it were possible for the government to unilaterally reform democratic institutions, then it could unilaterally reform them in an anti-democratic direction as well.

In a paper you wrote—an editorial, I guess, for *Policy Options* earlier this year—you said:

...a change to the electoral system should not simply be pushed through by whichever political party happens to have a majority.

This is all to make the point, and you had indicated this as well, that there needs to be something that involves citizens beyond simply a majority party in Parliament deciding to push through a change.

My question is, first of all, do you believe that's an important value, and that it must involve citizens in some way beyond this town hall process and beyond simply a number of politicians proposing some option? Would you agree that citizens need to be involved in this process in some way, whether it be a referendum, whether it be a citizens' assembly, or whatever it might be?

• (1620)

**Prof. Yasmin Dawood:** I guess I should clarify that in all the research you cited, the point I was making was that there must be a number of items. I'll turn to citizens in a moment, but the bigger point was that it's much better if there's consensus among the political parties. It can't just be the majority party, whatever that party happens to be at any given moment, pushing through major reforms. A lot of the writing you cited was in reference to the Fair Elections Act that the previous government tried to, and in fact did, push through.

The ideal process, to my mind, is one that involves everybody. All the political parties have a say. Elections Canada has a say. Citizens are consulted, and they also are involved in the process, as are other kinds of groups and interests.

As I said at the beginning of my remarks, I don't think there's any single process that's mandated. It's much more of a contextual analysis in terms of whether it is democratically legitimate in terms of those three norms, which are non-partisanship, consultation, and deliberation. I don't think there's any one thing that must occur for the process to be democratically legitimate as a whole.

**The Chair:** Thank you.

You didn't lose any time because of my intervention.

**Mr. Blake Richards:** Okay.

**The Chair:** I even gave you a bit of extra time to make up for the inconvenience of my intervention, but we have to go now to Mr. Aldag.

**Mr. Blake Richards:** Fair enough.

**Mr. John Aldag:** I'm going to go to Dr. Broadbent with a question, and then we'll come back, because earlier you hadn't had a chance to speak to my statements exploring values. I would like your thoughts on that if you have anything that you want to share.

In your written brief, you identified a number of issues that you felt a proportional representation system would address, including such things as the under-representation of women or visible minorities and increasing the level participation, and I agree. There are systems that in their design would help with some of that, but it also seems that there would be other means. It could be quota systems for nominations under the current system. There are other fixes that are available.

I'd like your thoughts specifically on whether proportional representation is the only way to address some of these issues you've identified. If you have a comment or two on that, and if you have anything on values and the values we should be looking at, then I'd appreciate hearing from you on those.

**Hon. Ed Broadbent:** Well, I don't want to bore the committee with a repetition of what I've already said or what is in the brief about the values that are outlined in our own brief and by Professor Dawood. I agree with these as underlying values that should be respected. I also agree with the comment that you can't cherry-pick out of them and say that this one is absolutely essential or that one is. It's a combination, a mix, and you're not going to get them all at the same time. That is simply what I would say.

If you will permit me—and I know this is turning the tables, and I can understand if you prefer not to answer—one of the points that has been made is that whatever is done in terms of bringing in a new system, the governing party should not act alone on it.

Would you agree with that?

**Mr. John Aldag:** Well, I think that the structure that has been given to this committee, whereby we listen to whatever message we hear from Canadians and from our colleagues and we don't have a majority at the table, since this committee has been structured in such a way that we don't, is a very—

**Hon. Ed Broadbent:** Excuse me, but the government can still, whatever this committee recommends—

**The Chair:** In fairness—

**Mr. John Aldag:** I can't speak for the—

**The Chair:** In fairness, the questions shouldn't come from the witnesses, but I allowed—

**Voices:** Oh, oh!

**Hon. Ed Broadbent:** It's an informal discussion in Parliament, Mr. Chairman. They don't have to answer the question.

**The Chair:** Well, it's a formal hearing of a special committee, Mr. Broadbent. Out of great respect I allowed the question, but I think we'll give the floor back to Mr. Aldag.

• (1625)

**Hon. Ed Broadbent:** But you're not going to allow the answer.

**Voices:** Oh, oh!

**Mr. John Aldag:** Professor Dawood, in the previous round of questions, you commented on this idea of inclusion. I guess I'm sitting here wondering what's enough. We have a time frame that we're working towards. You indicated that maybe we shouldn't be sticking with this arbitrary deadline, yet to meet the deadlines or the time frames that we're working toward, we need to keep things moving.

We are doing a number of hearings. Every member of Parliament has been invited to do town halls, recognizing that they're not flawless in their delivery, and every Canadian has been asked to provide input, if they want to, through online consultations. The website is open, so every Canadian has the opportunity right now.

From a process perspective, what else is needed? Are we on a legitimate path here? It seems as though we're doing a lot. From your perspective, what else is needed?

**Prof. Yasmin Dawood:** I think it would depend on the deliberations of this committee.

If at the end of your deliberations you reach a consensus—let's say that everyone agrees to a particular proposal and everyone has signed on, and you have in fact reached as many witnesses and as many Canadians as possible—that might, as you say, be enough.

If, however, you don't reach a consensus on the committee, then it might make sense—this is just throwing out an idea—to say that there are, for example, two options that need to be further looked into and that you recommend that we narrow it down to these two and then set up some sort of commission that will look more deeply into the two options and then make a recommendation. Then you would extend the process slightly, if there isn't consensus.

If it's the case that you have most of the political parties on the special committee in agreement, I think it would be a good sign. If you have in the legislative arena the majority of the popular vote onside, again I think that would be enough.

There's not, then, one answer. It really depends upon what this committee comes to decide in the next few months and the number of parties that are in agreement.

**The Chair:** Thank you.

Mr. Cullen is next.

**Mr. Nathan Cullen:** Thank you, Chair.

I'm just getting through some Twitter feed. It was asked not so much as a question from someone watching the committee as a seeking of comment on an essay that I'm now reading as well, called "Our Benign Dictatorship", which was penned by Mr. Flanagan and Mr. Harper some years ago.

I'll read you just one quote, and perhaps we can get a comment from that:

Although we like to think of ourselves as living in a mature democracy, we live, instead, in something little better than a benign dictatorship, not under a strict one-party rule, but under a one-party-plus system beset by the factionalism, regionalism and cronyism that accompany any such system.

That was Mr. Harper in the mid- to late-nineties, before the system worked for him and he maybe didn't feel that way. There was also a

suggestion on Twitter that every time my Conservative colleagues say "referendum", people should drink, and I think that's a bad idea for everybody involved.

The question I put to you is this. Not only was that a moment in time for our most recent prime minister, who felt that way about our system leading to what he called a benign dictatorship. It seems to require three things that we need right now: the courage to see this reform through from the current government; the principle not to rig the new system in their favour; and the humility and the responsibility from all of us—and I hear this from Mr. Charbonneau—to seek compromise and to find something, as Professor Dawood has said, that would greatly enrich the legitimacy of what this committee comes to.

Has anything I've said, or even the quote from Mr. Harper and Mr. Flanagan, struck you as wrong?

I'll start with Mr. Broadbent and then head to Monsieur Charbonneau.

**Hon. Ed Broadbent:** Let me pick up on the dictatorial aspect of it.

There have been, in academic literature on what has been going on since World War II, observations about the parliamentary system increasing centralization into the office of the prime minister, not just in our system in Canada but in the U.K. and elsewhere in the Commonwealth.

Our system does lend itself to that, especially with first past the post and the kind of belligerent politics, frankly, that the Westminster model sets up, with the government on one side and the opposition on the other, as opposed to the concave kinds of structure that other democratic systems have, whereby you may sit together side by side instead of in opposition.

The point I'm getting at is that on the point made by Mr. Harper, I'm inclined to agree with its poetic exaggeration of dictatorship. We have many other principles—the Charter of Rights, and so on—but in terms of exercising political will, we do have that: the Prime Minister, in our system, has excessive power.

One advantage of electoral reform of the kind that most people who have appeared before this committee have advocated—which I have advocated, which Mr. Charbonneau has advocated—is that we'll get to a more consensual form of politics, and the Prime Minister, frankly, won't have the same direct power. He or she will likely have to deal in a consensus-building way with at least one other party in order to govern.

In that same article, if it's the one by Mr. Harper and Mr. Flanagan that I remember reading, they advocated a form of PR. They were coming down on the side of PR because it mitigates the centralizing power of a prime minister, as well as for other reasons, and I think that is desirable.

I'll add what I said before. I praised the present Prime Minister for this initiative, and I hope he sees the implications of really following through with the kind of consensual form of government that could emerge from a recommendation by this committee that would reduce the over-centralizing power that goes to our Prime Minister in the present system.

•(1630)

**Mr. Nathan Cullen:** Would you comment, Mr. Charbonneau?

[*Translation*]

**Mr. Jean-Pierre Charbonneau:** In my opinion, one of the issues of the reform you are discussing is the change in political culture. If you can change that to get away from the excessive confrontation and blind partisanship that we have now, everyone would thank you for it and would benefit from that shift.

The British parliamentary system emerged in response to the monarch's abuse of power, which constituted absolute rule over the country for centuries. The monarch became a kind of figurehead and ceded his powers to the prime minister, which he no longer appointed because the prime minister was from then on the leader of the party that obtained the most seats in the House. So a political system developed that was still a monarchy, but it was an elective monarchy.

Is it not an abuse of power for people who do not even have the legitimacy of having been elected by the whole population to govern with a minority of popular support while using mechanisms such as closure to abruptly end debate and push through bills?

**The Chair:** Thank you.

You have the floor, Mr. Rayes.

**Mr. Alain Rayes:** Ms. Dawood, the legitimacy of the process has often been raised during the various discussions. As Mr. Charbonneau said, as soon as another political party associates with the government, by adding up the vote share won by the other parties, that would be more than 50% of the votes. That would give the process some legitimacy.

There is a shortcut in this reasoning though. The idea is that everyone who voted for the two parties, assuming it is two parties, deliberately voted for that specific aspect among a range of proposals. I do not think that someone who marks an *x* on a ballot necessarily supports every one of a party's proposals.

On the one hand, a referendum could be held to give everyone the chance to express their views on the committee's proposal. The other option of limiting it to a coalition of two or three parties would provide a some legitimacy. Do you think one option is better than the other?

[*English*]

**Prof. Yasmin Dawood:** If I understand the question, you're asking whether a referendum is required. Is that the question?

[*Translation*]

**Mr. Alain Rayes:** No. What would you prefer: a referendum, which would provide greater legitimacy by asking everyone to express their views, or the option of adding up the votes earned by two political parties, assuming that those who voted for these parties were in favour of that aspect of their respective platforms?

•(1635)

[*English*]

**Prof. Yasmin Dawood:** I don't think that legitimacy comes down to an option like that. It's the entire process that matters.

If you have a process that has a referendum, then that would be one way of thinking about legitimacy, but as I said in my remarks, it's not required for legitimacy. My concern around a referendum is that it's not politically neutral, because it tends to favour the status quo, as we've seen in the provincial efforts at electoral reform.

There are a number of reasons that referendums tend usually to fail in that way. Given that there is a tendency toward the status quo, I do not think that a referendum is a requirement. It's usually favoured by people who like the status quo and by political parties that prefer to see the first-past-the-post system remain.

[*Translation*]

**Mr. Alain Rayes:** If the referendum was lost, would that necessarily mean that the people who had voted had made the wrong choice? If the population makes a different choice from what members recommend, would maintaining the status quo necessarily be a bad outcome?

It seems to me that if voters ...

[*English*]

**Prof. Yasmin Dawood:** As a lot—

[*Translation*]

**Mr. Alain Rayes:** Go ahead.

[*English*]

**Prof. Yasmin Dawood:** I think the problem isn't so much that people who are participating in a referendum have made the wrong decision. It's more that...what the research seems to show in a number of studies is that there isn't sufficient education or money put into educating people in terms of what is at stake in a referendum. Given that fact, people often tend to favour the status quo.

If you had an ideal circumstance in which you had months of education for every single citizen and you had the infrastructure and the resources to make sure every single person was fully educated—and this might take a year to roll out—then in that case, it wouldn't necessarily be always favouring the status quo. People wouldn't necessarily make that decision. Unfortunately, that's not how most referendums are organized. There's usually very little information. All the debate of this committee has occurred over the summer, which tends to be a dead time in terms of people paying attention to politics, and whatever insights have been gained at this committee aren't necessarily seeping through to Canadians.

There are a lot of issues around education and access that make a referendum, to my mind, not necessary and not required.

[*Translation*]

**The Chair:** Your time is up, Mr. Rayes.

**Mr. Alain Rayes:** Thank you, Ms. Dawood.

[English]

**The Chair:** We will go to Ms. Romanado to end the second and last round.

**Mrs. Sherry Romanado:** Thank you.

I just want to make sure I'm understanding some of your recommendations.

In an MMP system we would have a local-level MP who was voted in directly by the constituents—and, Mr. Broadbent, you mentioned there could perhaps be a preferential vote for that specific position—and then there would be the regional MP.

I'd like to get a sense of what this would look like in terms of implementation. For instance, would it require redrawing electoral districts? Would it require increasing the number of MPs or decreasing the number of MPs? I'm not sure about how it would be played out and about the complexity of doing it.

Could I have the expertise of both of you on what it would look like?

**Hon. Ed Broadbent:** First of all, I think it could exist without changing the boundaries, but I don't think that would be preferable. I think that some modification in the boundaries for individual MPs would probably be desirable, but not necessary.

Then you have the regional component. It depends on the split, as mentioned earlier. If you have a 60:40 split between MPs and the regional representation, that could lead to one kind of size recommended for ridings, as distinct from having a 50:50 split. This could result in different-sized constituencies.

It is complex in terms of getting it established and sorting it out. When the committee sits down and looks at some options, to be banal and state the obvious, you should consult with some technical staff people who could guide you. If you agree on certain principles, such as MMP, then look at the variables within that system and what they would imply for constituency size and so on.

I hope that answer helps.

• (1640)

[Translation]

**Mr. Jean-Pierre Charbonneau:** I would suggest that the committee members read the report of Quebec's chief electoral officer from December 2007 regarding a compensatory mixed system. This report includes a summary which I have here in front of me. You should have the official document. This report will provide a lot of answers to the technical questions you are asking.

In Quebec, if we had followed the chief electoral officer's advice and the terms of the draft bill, instead of having 125 ridings in which a member was elected in a first past the post system, we would have had 75 or 77 such ridings and 50 regional ridings. There would have been 50 regional representatives. Instead of having a single list for

the whole province, we could have had between 12 and 15 regional ridings. That means that, in certain regional ridings, the list could have been longer, depending on riding size. We could also have tried to balance the 12 or 15 regional ridings to give more or less the same weight to voters and to the regions.

So there are different types of mixed compensatory systems, as Quebec's chief electoral officer stated. In other words, you don't have to reinvent the wheel. Academics and officials in Canada, including the Chief Electoral Officer, have devoted a lot of study to these issues. The Chief Electoral Officer produced a substantial report after a year of non-partisan study of the issue. You should draw on that, especially if you might develop a compromise or consensus based on that model.

**The Chair:** You have 30 seconds left.

**Mrs. Sherry Romanado:** Mr. Charbonneau, you said earlier than from the time a member is elected they do the job. So there is no difference between regional and other representatives.

I was elected with 35% of the vote in Longueuil—Charles-LeMoine, but I swear that I still work for 100% of constituents.

**Mr. Jean-Pierre Charbonneau:** Of course.

For my part, I have been fortunate to have been elected six times with an absolute majority. Once or twice, I got just 48% or 49% of the votes and I was frustrated, because I would have liked an absolute majority.

We have to be careful though. Based on the rationale of an absolute majority, we could support two-round voting or a preferential ballot. In my opinion, the key is fairly representing the electorate and their opinions in Parliament, which is where the debates take place and the political choices are made. That is essential.

**The Chair:** Thank you very much. We will finish on that note.

I would like to thank the witnesses.

Ms. Dawood, your insights and research have been very helpful, especially as regards legitimacy.

It has been a great pleasure to welcome two well-known Canadian politicians who have shared their experiences and wisdom.

Thank you for making yourselves available in August.

The committee will suspend the sitting for five minutes. We will then go in camera to discuss certain aspects of the committee's work.

**Mr. Jean-Pierre Charbonneau:** Thank you for inviting me, Mr. Chair.

**The Chair:** Goodbye and have a nice day.

[Proceedings continue in camera.]





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