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**Jeudi 6 octobre 2005**

**Select committee on  
electoral reform**

**Comité spécial de la  
réforme électorale**

Chair: Caroline Di Cocco  
Clerk: Anne Stokes

Présidente : Caroline Di Cocco  
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## SELECT COMMITTEE ON ELECTORAL REFORM

## COMITÉ SPÉCIAL DE LA RÉFORME ÉLECTORALE

Thursday 6 October 2005

Jeudi 6 octobre 2005

*The committee met at 1032 in room 151.*

### FREEDOM PARTY OF ONTARIO

**The Chair (Ms. Caroline Di Cocco):** I'd like to call the meeting to order, if everyone would like to take their seats. Welcome back to the select committee on electoral reform.

I welcome Paul McKeever, the leader of the Freedom Party of Ontario. Mr. McKeever, you have the floor.

**Mr. Paul McKeever:** I'll just begin by thanking you for honouring my request to have all registered political parties invited to give their two bits on this adventure you're on.

The rhetoric surrounding the issue of electoral reform is often couched in terms like "democratic deficits" or "making things more democratic." I would urge the committee to consider that electoral reform has little to do with democracy per se, and much more to do with how government makes decisions.

Let me begin by addressing the first part of that assertion. Elections and voting are not, per se, democracy. "Democracy" is a term derived from the Greek word "dēmos," meaning "people," and "kratos," meaning "power," not "rule." History is filled with examples of democracies that differed wildly in terms of who was permitted to vote or how they voted, but all of those systems have something in common. Properly understood, democracy, or "people power," is the belief that government gets its authority from the governed. The meaning of the term "democracy" is probably best understood by juxtaposing it with the term that describes democracy's most common competitors on this globe: "theocracy," meaning "god power," and "autocracy," meaning "self-power." In a theocracy, the prevailing belief is that government gets its power from God, whereas in an autocracy, the prevailing belief is that government is the source of its own power.

Democracy tends to be most compatible with, and defensive of, individual freedom. The reason is simple: An individual in a democracy cannot give his ruler or government more authority than the individual himself has to give. Thus while, and only while, the people in a democratic society respect individual freedom, the ruler or government in that democratic society will lack the authority to violate life, liberty or property rights of the governed. In a democracy, so long as it is wrong for an

individual to murder an individual, or to offensively restrain another's liberty, or to take another person's property against their will, it is also wrong for the government to do so.

Because one frequently finds lawmakers to be chosen by way of elections in alleged democracies, and because candidates win elections only by winning more votes than their competitors, elections and voting widely have been confused as being synonymous with democracy. However, in truth, elections themselves are not democracy; rather, they are a very effective tool for the defence of democracy. Specifically, by removing law-making authority from the lawmakers at regular intervals, and by requiring would-be lawmakers to obtain law-making authority from the people, elections continually and effectively remind everyone that the authority to make laws comes from the people. Put another way, elections remind the people that government answers neither to God nor to itself, but to the people it governs. Elections remind us that we believe in democracy.

To illustrate my point about the difference between democracy and elections, consider that a country need not be democratic in order to have elections. Democracy exists, first and foremost, in the minds of the people and not at polling stations. Before elections can defend democracy, the people have to hold the belief that they, not God, for example, are the source of their government's power. If one were to use tanks and guns to bring elections to a country whose people believe that God is the source of a government's authority, the result would not be democracy. Put another way, you can export elections to Iraq but you cannot export democracy to Iraq, at least not at the present time.

The relevance of this to electoral reform should be noted. Different electoral systems may differ in how effectively they "kick the bums out," but it would be utterly false to suggest that one electoral system is itself more or less democratic than any other electoral system. Just as elections are not democracy, electoral systems do not differ in how democratic they are. As this committee drafts its final report, I would urge it to keep one thing in mind: Do not let your endorsement of one electoral system over another be based on the false notion that the electoral reform will lead to "greater democracy" or the elimination of a "democratic deficit." Though it may lead to a better or worse defence of democracy, it will not lead to more or less democracy.

Having made that point, let me move on to my second one, that electoral reform has more to do with how a government arrives at its decisions. Specifically, I am referring to majority versus minority governments and to single-party government versus government by a coalition of parties. On this issue, the implications of electoral reform are truly immense.

As you know, the term proportional representation, or PR, is a reference to a situation in which the percentage of seats in the Legislature have been distributed among political parties roughly in proportion to the popular vote received by each party's candidates. PR is a reference to an electoral outcome, not to any given electoral system. It is generally acknowledged that whereas the single transferable vote, the multi-member plurality, and list PR all lead to PR outcomes, our current single-member plurality system does not lead to PR outcomes.

Among the most common arguments made by proponents of PR -- any of those versions: STV, AV, list PR -- is that PR reduces the influence of political parties by making minority or coalition governments the norm, and majority governments the exception. Instead of a party doing what it believes is right for the province, the party is required to negotiate with other parties, so as to build sufficient numerical support for a given legislative change. This, the advocates of PR tell us, will make government more democratic and will cure a supposed democratic deficit. Their theory is that with PR, the decisions made by government are more reflective of the wants of the governed. However, the point has been put more forcefully and honestly by others who have said that PR is more likely to facilitate majority rule or majoritarianism, and they actively campaign on that basis sometimes.

This panel may well remember Canadian comedian Rick Mercer's humorous Internet poll, in which he asked Canadian viewers to vote on whether to change Stockwell Day's first name to Doris. Mr. Mercer's point, made in the form of comedy, should not be overlooked. Specifically, he was making the point that a true majority rule is a system in which anything goes, and in which freedom can be trampled beneath the feet of the whims of the majority. I think, in fact, the vote was in favour of changing his name to Doris, by the way. The reason is simple enough. For the whims of the majority always to be obeyed by government, it is necessary that government's authority be completely and utterly unbridled. It is for this reason that many advocates of PR are among the harshest critics, by the way, of the Canadian Charter of Rights and Freedoms, which they find to be a horrible obstacle to their wishes. In a true system of majority rule, there could be no right that would protect the individual from the whims of the majority. If you could force a man to change his name to Doris, you could, by the same logical and horrifying extension, force a woman to have an abortion or not to have an abortion.

#### 1040

In completing its report, I would recommend that the committee not fall into the trap of equating majority rule with democracy. Indeed, majority rule can be very anti-

democratic. To revisit the light-hearted example, in our society no individual has the right to force Stockwell Day to change his name to Doris. Hence, if our society is truly democratic, we cannot give government the power to change Stockwell Day's name to Doris. We don't have that power to give to the government. If we move to an electoral system which, by design, subjects individual freedom to the pressure of unbridled majority rule -- and make no mistake, that's what a lot of people want you to recommend -- we have done something that is not only anti-freedom, but potentially anti-democratic as well.

Finally, and perhaps most importantly, I'd like to address one other point relating to electoral reform and how government makes decisions under each system. I'd urge this committee to view the results of elections that use electoral systems other than the system we currently have, the single-member plurality system. Australia, for example, uses alternative vote, and the results there have consistently been, with the odd exception, that coalition governments are formed, not majority governments. The same can be found with the single transferable vote in Ireland. Of course, in those countries that use list PR, again, majority governments are the exception, not the rule. If Ontario moves from the current system to almost any other system, majority governments will become much more rare.

Therefore, in endorsing one electoral system over another, I would encourage the committee to give deep consideration to the implications of majority versus minority government. That, ultimately, is the most powerful effect that any electoral reform will have. In a majority government, the party in power has the opportunity to govern by doing what it believes is right, even when it's unpopular for it to do so. In a minority or coalition government, the process is almost entirely different. The issue is not one of right and wrong, but of compromise and negotiation. On its face, that sounds very friendly and up-with-people. But in reality, the difference between majority government and minority or coalition government is dramatic. Specifically, when we replace majority governments with minority or coalition governments, we move from a system that accommodates ethical decision-making to a system based on the rejection of ethics and the substitution of whims and numbers -- ballot-counting, or hand-counting, if you're talking about the Legislature. We move from a government guided by reason to one guided by emotion; to one guided not by what's right, but simply by what you want.

I'd urge the committee to consider the words of author-philosopher Ayn Rand, who wrote, in 1965, "If some demagogue were to offer us, as a guiding creed, the following tenets: that statistics should be substituted for truth, vote-counting for principles, numbers for rights, and public polls for morality -- that pragmatic, range-of-the-moment political expediency should be the criterion of a country's interests, and that the number of its adherents should be the criterion of an idea's truth or falsehood -- that any desire of any nature whatsoever should be accepted as a valid claim, provided it is held by a

sufficient number of people -- that a majority may do anything it pleases to a minority -- in short, gang rule and mob rule -- if a demagogue were to offer it, he would not get very far. Yet all of it is contained in -- and camouflaged by -- the notion of 'government by consensus.'"

Ms. Rand's point applies with equal force to electoral reform. Only majority government is capable of facilitating government decision-making on the basis of ethical considerations, as opposed to numerical ones; a minority or coalition government simply cannot do so. All negotiations on matters of right and wrong are, by their very nature, clashes of implicit or explicit ethical codes. Therefore, to the extent that opposing negotiators have both compromised their stance on an important matter of government policy, they have both acted contrary to their own ethical codes. Therefore, to the extent that opposing negotiators have both compromised their stance on an important matter of government policy, they have both acted contrary to their own ethical codes.

In closing, I would urge the committee, in making its report, to be cognizant of the fact that it is not truly dealing with the issue of democracy. It is dealing with the issue of right versus might, with the issue of ethical rule versus majority rule, with the issue of individual freedom versus tyranny of majorities. If we are to protect democracy, we can do nothing more important than ensure that ethical limits be placed on government authority. Those limits, I submit, are facilitated only by an electoral system that makes majority governments the rule rather than the exception. Thank you.

**The Chair:** Thank you, Mr. McKeever. You certainly provided to us 15 minutes of interesting discussion. Thank you very much for your input. Unfortunately, we don't have time for questions and answers at this point in time, because the time has expired, but I thank you very much for your very valuable input, which we'll certainly consider in our deliberations.

**Mr. McKeever:** Thank you very much.

#### ONTARIO PROVINCIAL CONFEDERATION OF REGIONS PARTY

**The Chair:** We have next Eileen Butson, the leader of the Ontario Provincial Confederation of Regions Party. Welcome.

**Ms. Eileen Butson:** Thank you for having me.

**The Chair:** Do you have some handouts?

**Ms. Butson:** I've got some handouts, just in point form.

**The Chair:** Our clerk, Anne Stokes, will pass them out for you, thank you.

**Ms. Butson:** Our biggest concern at the moment is this Bill 176.

**The Chair:** Ms. Butson, could you please sit, because this is on Hansard and we want it recorded, so speak into the mike so that it's easier for our technicians. Thank you very much.

**Ms. Butson:** One of the things we're concerned about with Bill 176 is the disclosure of donations. We feel that

that negates a secret ballot. There's no point in having a secret ballot if you're going to publish on the Web site a person making a donation.

**The Chair:** I understand that you want to speak about Bill 176. The mandate of this committee is to, among other matters, review current electoral systems or alternative electoral systems. The input that we are looking for is to focus on that, because this is the committee on electoral reform. Therefore, I'd like some of the discussion to be connected to that mandate, because we have no other authority.

**Ms. Butson:** OK. Well, we have a book, *The New International IDEA Handbook*, and this is a big discussion on all the different electoral systems that there are. You don't want to deal with a specific bill, but if we are trying to make these things international and influence other people, then they are going to look at our different bills and how we do things. With this bill, which you don't want me to go into detail about --

**The Chair:** I don't mean to interrupt you, but Bill 176 was superseded by Bills 213 and 214. As a matter of fact, it went through clause-by-clause just yesterday. Therefore, it's not going to be open for public hearings again, I assume. So again, I just hope that the discussion today, for our purposes, that would help us, deals with electoral systems and electoral reform. Somehow, in that context, hopefully we can hear from you on those topics.

**Ms. Butson:** Well, for electoral reform, we're going to look at other ways of doing things, other electoral systems. If this goes through, then people will look at our system and say, "Oh look, Canada's democratic and this is one of the things they have in their electoral system, which we consider might be dangerous." In some societies, if they got hold of this bill and said, "Oh yes, we'll latch on to this," if it got to a dictatorial country, it could be very dangerous. Everything would be open and transparent and that would be dangerous to people who are in opposition. So this is one of big things that we are against.

We realize you have to have transparency for some things, certainly where there's public money involved, but our concern with this particular bill is, why are we violating privacy and what is the purpose of it, and that will be part of our electoral system if that is passed.

**The Chair:** I don't know if you're asking for a comment from me.

**Ms. Butson:** I wanted to speak to it because it would be part of the electoral system.

**The Chair:** I understand, but as I said, we have no mandate to deal with bills that have come before other committees. I understand the references because Bill 214 has three purposes: One has to do with electoral boundaries, another piece of it has to do with the fixed election date and the third piece means disclosure of donations in actual time with a shorter time limit, which I believe is 10 days instead of a year. Those are the three items on Bill 214.

**Ms. Butson:** This will be part of that.

**Mr. Michael Prue (Beaches–East York):** That's not what this committee is doing. You're in the wrong committee.

**The Chair:** Yes. I don't know if you want to discuss Bill 214. I would suggest that it would probably be better for you to contact the ministry responsible for democratic renewal and debate and discuss your concerns with them because it does not serve the purpose of this committee in what we have to do, which is review the current electoral system and alternative electoral systems. As much as the detail of that bill is up for discussion on your menu, this is really not the committee to bring it to.

**Ms. Butson:** OK. So I'll go to the democratic renewal --

**The Chair:** Yes, I would suggest that that is the appropriate place for it.

**Ms. Butson:** OK. Thank you.

**The Chair:** Thank you for coming here.

I would suggest that we maybe take a 10-minute recess.

**Mr. Norm Miller (Parry Sound–Muskoka):** Excuse me, Chair. I just wanted to bring up one little point because we have a spare moment here.

**The Chair:** OK.

**Mr. Miller:** As I mentioned previously, my daughter happens to be in New Zealand, where there was just an election, and she's keeping me posted by mail. She sent along the information for voters in New Zealand from the last election, which I'll pass on to have copies made, the instructions on how to vote and also the actual lists used in the recent September 17 election, which show all the various and sundry parties that took part and the names etc. of those people.

She also supplied me with the names of a couple of people, one pro their system and one against, whom I've tried to contact in New Zealand. I got an answering machine on one and a daughter of someone on the other, so I haven't actually spoken to a real person yet, but we'll follow up with that. But I will certainly pass on this information to have copies made for the rest of the committee.

**The Chair:** Thank you. Any information that we have is certainly going to help as we deliberate for our report.

Does anybody have any other comment? OK. Let's take a 10-minute recess, then.

*The committee recessed from 1055 to 1105.*

#### COMMUNIST PARTY OF CANADA (ONTARIO)

**The Chair:** We have not quite everyone here. I know I did have a recess, but since we have an unexpected presenter -- Elizabeth Rowley is here, I believe, from the Communist Party.

**Ms. Elizabeth Rowley:** Yes, that's right.

**The Chair:** Elizabeth, we will certainly be pleased to provide to you some time to speak before the committee. Please have a seat at the front here.

**Ms. Rowley:** Now? Oh.

**The Chair:** Yes, because otherwise it will encroach on other presenters who have already provided their names to us.

**Ms. Rowley:** I'm still reading the terms of reference. I apologize, Madam Chair and members of the committee. I wasn't aware of these hearings today until yesterday, when I attended a meeting of the advisory committee of parties at Elections Ontario.

Perhaps I'll speak generally and, if you'll accept it, we can submit a written brief either tomorrow or Monday, if that would be agreeable.

**The Chair:** Certainly.

**Ms. Rowley:** So I'll speak off the top. Could you indicate how much time I might have?

**The Chair:** You will have approximately 10 minutes, I believe.

For the members who are coming into the committee room, we have an unexpected presenter, Ms. Elizabeth Rowley, who is with the Communist Party. Since we have a 10-minute time slot here, we'll be glad to hear from you.

**Mr. Prue:** Welcome, Elizabeth.

**Ms. Rowley:** Good morning, former Mayor. Good morning, everyone, and thank you for the opportunity to speak. It's appreciated. We will submit a written brief with our views either tomorrow or by Monday.

I would like to say, first of all, that the subject of electoral reform has been a main item on the agenda, both of the Community Party of Canada federally and the Communist Party, Ontario, pretty much since the get-go. We made presentations to the Lortie commission on electoral reform at the federal level which addressed many of the questions I think you are dealing with, if not directly, indirectly; I know you're dealing with the citizens' assembly.

We feel very strongly that it is vital for election laws to ensure there is a level playing field for all political parties in Canada and in Ontario. To date, the table has not been level. It has been skewed against the smaller parties which often have the biggest ideas, might I say, even though they may be the smallest. Certainly, I think you would agree that the views of the Communist Party are large. In our view, it's an important role that small parties play. They play the role of conscience for Canada, if you will; they do raise ideas; by virtue of their existence, they are critical of policies and practices by the big parties and of politics in general; and they often come up with innovative ideas.

In the case of the Communist Party, for example, the Communist Party was the first party -- it's the third-oldest party in Canada; the second after the Liberal Party, the third after the Progressive Conservative Party, so we're pretty old. Some of the things that our party initiated were the policies for socialized medicine, unemployment insurance, pay equity and many other important policy innovations down the line, many of which have been adopted by governments of all political stripes over the years, but the initial impetus in the 1920s, 1930s and 1940s came from the Communist Party, and

obviously were picked up by other parties, legislated by other parties. But the initial idea, which ended up moving masses of people across our country in the case of medicare, for example, originated with Norman Bethune and the Communist Party.

So what would we like to see today? We would like to see a system of proportional representation -- that's the first thing. The particular form that we would favour, although we are prepared to work with everybody to find a system that suits everyone the best, is a mixed-member system. I'm assuming the committee is familiar with how that would work. It certainly would be much simpler and more straightforward for electors than a single transferable vote system, which was defeated in British Columbia. I'm assuming this is also a model that you're studying, since it would appear that the government is following suit in terms of the process, at least. We think the single transferable vote system was rejected by voters in British Columbia because it was just way too complicated; voters didn't see, through the complicated process, a result that would be substantially different or of interest to them.

Our experience, and my personal experience, having been elected as a public trustee in the 1990s, is that people do want to hear other voices. They do want the opportunity to elect those who may be critical, or will come up with other ideas. I can tell you that on many occasions in my political life, which, as you can tell from my grey hair, is long, people said, "We would like to see you elected to the Legislature, but we know that if we cast our vote for the Communist Party, the vote will be a waste and it will be lost, because you have no opportunity to be elected." Of course, the system of proportional representation or any form of it -- presumably any form, most forms, anyway -- would ensure that the party's votes were aggregate, and that the small parties, including the Communist Party, would have the opportunity to actually be elected, and therefore the public would have the opportunity to actually see its wishes come into being.

I would argue that in the last 10 or 20 years many voters in Ontario have used their votes not so much to elect governments they want or even individual MPs they want, but more often than not to block parties or candidates they don't want to see elected, and the reason is the first-past-the-post system, which makes it very difficult for people to do much other than that. We don't think that's very healthy; we don't think it reflects what people want.

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We hope that the citizens' assembly model, which I know the committee is grappling with, will actually be representative. We know that the chief electoral officer has the job of selecting those who will sit on the committee. We think it's important that they actually do hear about all of the forms of proportional representation and are able to select a form that would represent the interests of Ontarians. We hope that you would facilitate in

ensuring that that kind of committee is selected and that it has that kind of overview.

There are other things I would like to say about financial reform. I gather that your committee is also dealing with that. Am I right?

**The Chair:** No.

**Ms. Rowley:** No. Then I'll leave that, but that's a pretty big piece of it.

**The Chair:** Actually, there was Bill 214, which just looked at disclosure within about 10 days versus the current model, which is about a year.

**Ms. Rowley:** Very good. I think I'll leave it at that.

**The Chair:** Thank you very much. I'm pleased that we were able to accommodate you today.

**Mr. Prue:** Are there any questions, or is there no time?

**The Chair:** We have about a minute, if you have a quick question.

**Mr. Prue:** It's a very simple one. Most of the MMP systems have a threshold by which the party must get 3% or 5% to actually get members off the list. Do you support having a threshold, because I know that a small party such as your own would have to get that extra -- you'd have to get 3% to 5% or whatever. Do you support a threshold?

**Ms. Rowley:** I'll give you two answers, one out of this side and one out of this. No, generally speaking, we don't support a threshold. Having said that, we know there's going to be a threshold, and so we would like to see it as low as possible; I would say 2%. I also draw to your attention that the small parties at the federal level have a court case presently under the charter which challenges Elections Canada to present a threshold over access to the funds provided to parties which receive more than 2% of the popular vote, so there's \$1.75 paid to each party for each vote. The reality is that that excludes all of the small parties. So when you say, "Gee, 2% isn't very high," the fact is that it excludes all of the small parties. It ensures that those who are in the Legislature or in Parliament and have big war chests receive more, and the small parties, the ones that are critical, receive none. So there's a problem.

I just draw that to your attention, and thank you for the question. The 2% is a pretty big hurdle for all of the small parties, and you may want to consider that.

**The Chair:** Thank you for coming here. I'm really pleased that we were able to accommodate you.

**Ms. Rowley:** Thank you very much.

#### LEGISLATIVE ASSEMBLY OF ONTARIO

**The Chair:** We now have Mr. Claude DesRosiers, the Clerk of the Legislative Assembly of Ontario. Thank you very much for coming before this committee on this topic of electoral reform to give us your insight from the many years that you've been here in the Legislature.

**Ms. Monique M. Smith (Nipissing):** Sorry, Madam Chair. Is the Family Coalition Party of Ontario not appearing before the committee?

**The Chair:** Apparently they were not here, which is why we able to accommodate the previous speaker.

**Mr. Claude L. DesRosiers:** Thank you, Ms. Di Cocco and members of the committee. It's a pleasure for me to be here. I'll just start by saying that I am not an expert in elections or in methods of election, so I won't be basing any of my testimony on that. My business is really administering Parliaments, and administering a Parliament in the British system. I'll just say a few words to lead things off, but I'm mainly counting on your questions to steer me in the right direction, because I don't want to take up too much of your time. But I'm sure you have questions, otherwise I wouldn't be here.

The way I see British-style Parliaments is that they've been evolving for 1,000 years. That in some form takes into consideration the method by which members got to Parliament. You don't have to go very far in our system, in our institution right here, to notice a great deal of change in a very short time.

If you go back to the 1960s here in Toronto, members were part-time. They didn't have an office. They would come here for a short session, which would start at the end of the calendar year before Christmas for a throne speech, and then they would go home. The reason they'd come in at the end of the season was because it could only happen when the crops were in. They'd come to Toronto and they'd have a short session. Their office was the lobbies. They had phones in the lobbies, with no help, no secretarial help, nothing. We're talking about the 1960s here. Then they would go home for Christmas, come back probably in February and sit a couple of months, but everything would be over by the time it was time to sow the crops. So it was self-contained. You had a beginning and an end; a session started in late fall or early winter and ended in early spring.

It has evolved a lot, to the point where now members, as you know very well, have an office here, or they have more than one office. They have offices in the constituencies and they have a lot of help.

One thing that's happened is that our system in this evolution -- if you go back 1,000 years, there's a great big hall at Westminster called the great hall of the people. It still exists. Westminster burnt in the mid-19th century, but this is the only place at Westminster that still exists. It's a huge place; very dark, small windows. That's where the kings held court, and that is where this all starts.

Then you have people coming in from different areas of England and they bring petitions, and they mingle, and they talk and so on, and then, after 100 years, the King says, "Well, maybe we can listen to a few of these petitions," and then maybe after 100 years says, "Well, maybe we can listen to more. Maybe we can adopt these things. But we won't do what it says here, will we? No." You know the rest of the evolution, but it's an evolution. So where are we going now? This is something that you're considering.

Very briefly, I'll end with this. I learned in school -- and I didn't really understand it then; I understand it very well now -- that our system is described with one word.

When we got the BNA Act, we got a responsible system of government. What does the word "responsible" mean? It means that at the end of a Parliament, the people know who's responsible for either the very good things that have happened or the mess that they're in. It's very clear that there's a group of people in Parliament who are responsible, not representative. We've moved a long way toward representation. That's why you have offices in the ridings. That is why a lot of your work today deals with representing the people back home. But it didn't start out that way.

I'm just illustrating the evolution here. Now you're sitting around the table looking at the electoral system, and this will have great changes. How would a PR system change the operation of a Parliament? This is probably one of the questions you'll have for me, and I don't really have a true answer. I don't think it'll change it all that much, in an administrative sense. If you look at Ottawa in the last number of years, they've had over five parties there, and they didn't get there through PR, but they've got five parties, and they operate. It works.

The Speaker has more power, because at the beginning of a Parliament in Ottawa, what happens now is the Speaker sits down with the House leaders and says, "This is what we're going to do. This is how we're going to operate question period. This is how many questions each of you is going to have." This is the Speaker's role in Ottawa; it's not the Speaker's role here. The parties here get together and discuss this, but it hasn't moved on to the speakership because, after a certain point, somebody's got to administer this. Most of the Parliaments in the world today have given this job to Speakers. Once the parties have agreed to do something in the House, the Speaker administers it. It's handed over to the Speaker. This is a big change for this place, and we're not there yet. This is part of the evolution, and is part of the stuff that would probably need to happen under a PR system. The speakership would need to be bumped up.

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Apart from that, I don't think much would change. If you have really straight questions -- and you'll be traveling, I hear, to Parliaments that have PR, that have been operating -- ask my colleagues there. They're called secretaries general. Ask them how it affects -- and you know enough about this place to be able to see the changes. In those Parliaments that I visited, I can't say there's a huge change in the way they are administered. They just have more parties to deal with, and that's about it.

I'm going to stop here. I can tell a lot of stories, but I don't want to use up your time. If you have some questions, I'd be more than happy to answer them.

**The Chair:** Thank you very much. One of the reasons we value your input is because it is the electoral system that, at the end of the day, sends members to Parliament. So Parliament is somewhat of a consequence, if you want, of an electoral system. I think it's valuable because it's interconnected. We cannot discuss one without understanding another. So we thank you for your input.



I've got Richard Patten, who would like to ask some questions.

**Mr. Richard Patten (Ottawa Centre):** Actually, it was one of the questions that you had raised. I'm glad you're here, because my personal view is that nothing will change in terms of the behaviour of the House, nor its lack of democracy, when one of the big issues we are trying to address is having a more democratic way in which representatives are elected to that Legislature, and yet, especially with the last group of reforms that took place about eight years ago, I think it has bred animosity, an adversarial attitude, discouragement and, frankly, for me as a legislator, it's an embarrassment to be there half the time. I think that should be one of the things this committee at least comments on, because one of the reasons we're even looking at this is because people are fed up with their representatives. Where do they get this image in the first place? They get it from the Legislature and the behaviour that occurs there.

So my question again is, is there a way, and are there some systems that you're aware of? In some of the reading I've done, they've found that there wasn't as much adversarial bickering when more parties were represented in the government or shared some of the power and the ways in which committees operated.

**Mr. DesRosiers:** Thank you, Mr. Patten. I'll try and tiptoe through the tulips on that one.

Listen, it is my deepest-held view that members in a Parliament act either in a good fashion -- but this is all subjective -- or a bad fashion, because they want to. My job is to advise the Speakers and members on procedure and so on when I'm in the chamber. I've worked with many Speakers, both in Ottawa and here, and you know, no Speaker has ever been successful in keeping what is described as good order in the House. Unless the House wants to be managed, it doesn't happen.

Also, what's happened -- and this is a very private theory of mine -- is that you are representatives of the society you live in, and our society itself has changed a lot from what people remember when things used to be nice and calm in Houses. I remember the first House I worked in, in Ottawa -- this was the early 1970s. Lucien Lamoureux was the Speaker. Lucien Lamoureux is probably held to the heavens as the best Speaker in Canada, and he was good, but he had an easy time of it because in those days it was accepted. He was a figure of authority to be respected, and members came to Parliament with that attitude.

Things started going really crazy in the early 1980s in Ottawa; Jeanne Sauvé was Speaker. It is my personal belief that the people who were elected in 1980 were that first group of people out of universities who took over the universities in the 1960s.

**Mr. Prue:** My group.

**Mr. DesRosiers:** Society wasn't the same and its representatives weren't the same. Therefore, everything started happening and the Speaker -- the Speaker is a person -- just could not deal with it, so bells rang for two weeks, and huge cut-out plywood crows were brought

into the House as petitions, salmon were plopped on to the Prime Minister's desk and a whole bunch of stuff happened, petitions were read all day and so on. Of course, it's a copycat society, therefore these things started to happen here soon afterwards. They didn't ring the bells for two weeks here, but five or six days. All this to show -- and I haven't read this in a book. I haven't written it. Clerks don't write books.

**Ms. Kathleen O. Wynne (Don Valley West):** They should.

**Mr. DesRosiers:** No, they shouldn't.

It is my firmly held belief that society has changed, and I think it's still possible, Mr. Patten, for you people to say, "We're going to be good. We're going to stop heckling and we're going to concentrate on the legislation."

Also, the standing orders are a problem; you're right. The standing orders you have today are like my first Mickey Mouse watch. I cranked that thing so hard that it burst all of a sudden and I was very sad. I'm waiting for this place to burst because the standing orders are cranked up so tight that nobody can do anything any more with the fear that if you uncrank this thing, then all hell's going to break loose again. That's up to you.

I come from an era when there were no time limits on speeches and people didn't speak a lot. They didn't make long speeches. There were no time limits on bells and bells didn't ring a lot. You didn't need the standing orders. When I came here in 1986, I read the standing orders and I didn't like them. I thought they were a bad book, but they were nothing compared to what we have today. But you know what? They didn't need the standing orders. There was a group of three people who ran this place in the House: Bob Nixon, Ernie Eves and Dave Cooke. They met alone in a room at House leaders' meetings -- not with five or six attendants each; they met alone. When they walked out of that place, they had deals and they kept them. So I said, "Oh, my gosh, we don't need the book. We've got a great House leaders' meeting." Sorry, House leaders. Things have devolved now through no fault of their own because the House leaders today weren't here in 1986 and they didn't live that period. In the meantime, all these nasty things have happened and the standing orders have been whipped up.

So how do you get out of this? This is not electoral, again. If you want to have me back on other things, I can speak a lot, but this is part of the problem. That's my answer to your question.

**Ms. Smith:** My father was actually here in the 1960s. He was a little bit beyond just the phones in the lobby but not much. I don't remember that, but I do remember the stories about that time here in the Leg.

If we look at different systems of electoral reform, just to bring you back to that topic, one of the systems we were looking at was a list system, one of the options of which was to have people elected from districts and people elected from a list, which would create two different types of members in the House.

I just wondered if you could speak to the experience of some of your colleagues, because I know you meet with your colleagues regularly from different jurisdictions, of how that changes the role of the member.

As you described, as it's progressed, we've become representative and we all are very much tied to our ridings. We go back to our ridings and we spend a lot of time on riding work and we do represent our ridings in the Legislature. For those who come from a list, I wonder what their role would be and how that changes the dynamic in the House; if you could comment on that.

**Mr. DesRosiers:** Unfortunately, this is one the areas that I really have difficulty commenting on, because I have no regular contacts with Parliaments that operate on these systems. My regular contacts are with people from the Commonwealth. There are the New Zealanders, but I can't really comment on that. I'm not an expert on that, and I haven't heard of any of their problems in that sense. I can only guess that, yes, there would be some differences there, but people in my business can only see members in one way: A member is a member is a member. Obviously, if they haven't been elected by a group of people they can deal with directly, they're going to have to have a different way of operating as members. This is one of the questions I think you should ask some of the secretaries general in Europe to see how these members operate.

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**The Chair:** Thank you. I have Wayne Arthurs.

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** Thank you, Mr. DesRosiers. I want to pick up where you left off in your comments in regard to the role of the Speaker. You were making reference to the situation as it evolves in Ottawa. We've had the opportunity to do a bit of travel and now have some exposure to the roles of Speakers in systems where there are multiple parties by design as much as by circumstance. It was my view that the Speakers we had the chance to speak with directly -- or other parliamentarians -- function more as Chairs than as referees; those are my words, not theirs. I'm curious, again, as to any additional observations to the extent that when the Speaker can act more as a Chair, if in effect there's a cascading of responsibility out to the members that doesn't necessarily occur under the current structure we have, in which there's a high degree of concentration of decision-making authority with the executive and toward the elected leadership: just any other observations around the role of the Speaker that way and how that influences or has the capacity to influence the functionality and/or role of the members, if you can help with that at all.

**Mr. DesRosiers:** Thank you for the question, Mr. Arthurs.

I'm not sure I'm going to be successful in answering the question except that, in my view, in the jurisdiction we're dealing with here, the Speaker does not have the same authority as he or she does in other jurisdictions, even in the Commonwealth where they don't have PR systems.

In 1989, Speakers' decisions in this place were appealable. This is something that used to happen everywhere in the Commonwealth. It disappeared eons ago, but it stayed here until 1989. When a Speaker gave a ruling in the House, it was appealable. All somebody had to do was get up and say, "I appeal your ruling, Mr. Speaker," and then there was a division. If the members didn't like the Speaker's ruling, they'd vote against it. It happened regularly. So Speakers were at a disadvantage. That disappeared in 1989, thankfully, in my view.

I think you're right. I think that in any system, and in a PR system even more so than in others, you'll find that Speakers have to have more power in the institution. In most jurisdictions in the Commonwealth that I know of, Speakers have the rank of a minister. The Speaker here doesn't. Speakers have a lot more oomph than the Speaker does here. The Speaker here didn't have authority over the building until --

**Mr. Patten:** Until 1988.

**Mr. DesRosiers:** Yes, that's right: 1988. That was a big step. But it's common practice, and has been for ages in other jurisdictions. I think that is an important thing, so that when the Speaker stands up in his or her chair, there is some authority there; there's an authority figure. I don't think it has anything to do with any of the very good people who have fulfilled that function in the last number of years, but it doesn't carry the weight that it should. That's a personal opinion, of course, as well.

As far as your comments about "Chair" versus "referee," I've never seen the Speaker as a referee; I don't think the Speaker should be a referee.

You know, I was scandalized a few years ago. We had a free-for-all outside, and there was a commission of inquiry that was set up under former Chief Justice Estey. We have some very good lawyers representing the Speaker regularly here, and which I deal with regularly and so on, but we appeared before Mr. Estey, and in his opening comments, former Chief Justice Estey said -- I was totally scandalized -- well, you know, this place, Queen's Park, is the seat of government. Well, it isn't, of course; it's the Legislature. It's a third of the government, but it's not the government.

Then he said, to address your term "referee," "It's like a game of hockey, isn't it? There are two sides, and somebody throws the puck in and they go at it." I was totally scandalized. Here's a former Chief Justice of the Supreme Court of Canada who had no idea of basic tenets of our system of government.

So I have never seen the Speaker as a referee; I don't see the place as a hockey game. This is where the important business of the province takes place. This is where everything that happens in the province is governed. This is why we stop at red lights, for gosh sakes. So if people yell and scream now and then, it doesn't bother me. What has to bother the Speaker is when it stops the important business of going forward -- where disorder occurs. That's the business of the Speaker, and that's why he needs authority to say, "No. You're going to stop this right now."

But you know, in the last number of years I've seen certain Speakers try and do this and be very quickly slapped down, because members would react. I even saw one where this ended up as a meeting in the Speaker's office, with members outraged because the Speaker had dared put a stop to something in the House.

Sorry: The Speaker is not the referee; this is not a hockey game. The Speaker is the Chair of the proceedings, and if the Chair feels -- this is British parliamentary doctrine -- that what's happening goes beyond basic order, the Chair has the right to suspend proceedings. End of story. That's his or her role. We're not quite there, I think, as a House, but again, would a change in the electoral system change that? I don't know. I do know that whether you change the system or you don't change the system, you've got to give the Speaker a bit more room.

**The Chair:** Thank you. I have Michael Prue.

**Mr. Prue:** Before I ask my question, I had the privilege of being in Prince Edward Island just a few days ago, and the Clerk of the Legislature said to say hello.

**Mr. DesRosiers:** Thank you.

**Mr. Prue:** But he was a most interesting man, and he talked about what they're doing in Prince Edward Island, the referendum they're holding in November and how their process unfolded. He seemed to be quite the advocate of the MMP system in curing the ills of Prince Edward Island's one-sided politics. It's usually 27 members of the Legislature, with 26 to one, and the next election you'll have 26 to one the other way. It's been problematic for them, I think, over the years.

But my question relates to the Clerks in the other jurisdictions, five of which are now looking at changing the system. Have there been meetings, have there been discussions? Is there any consensus on how this is going to change political life in those provinces or ours?

**Mr. DesRosiers:** Thank you, Mr. Prue. Charlie MacKay is one of our great Clerks, and just to give you an evolution again, Charlie has been there for about five or six years, and he's the first Clerk in Prince Edward Island who's an independent person. Precedents have always been government appointments. So things are evolving and we're getting there.

The Clerks in Canada had a conference. We have a conference every summer, and at this year's conference we had three presenters -- I am senior on the list of people who are appearing before you, I imagine -- on proportional representation, and they were all proponents. They were all academics, and they were all proponents of a change.

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The Clerks had a bit of a discussion afterwards, and we talked about it. This is very unscientific of me, but my colleagues in Canada are not generally sympathetic to a change. It doesn't mean that I'm included in that. It's not my business, no matter what Charles MacKay says.

To answer your question, I think that, generally speaking, people say, "Well, there have been some odd

results in elections in the past" -- true, but it's not a common practice. I guess most Clerks in Canada go back to what I was talking to before, to the very nature of our system, which is a responsible system. So if you're changing the system, that's fair ball too. But the first-past-the-post system, in their view, is probably the best way to get somebody identified in a majority who can either take the blame or take the kudos for the good things or the bad things that are going to happen.

**Mr. Prue:** In terms of your experience, if I can just continue on that, is there any demonstrable difference in Parliaments between those that have majority governments and those with minorities? The minorities, it always seemed to me, tended to be more gentle, because deals had to be made. Is my perception correct?

**Mr. DesRosiers:** I dealt with a minority in the 1970s in Ottawa, and I've been observing the minority in Ottawa from here. I know quite a lot. I've heard a lot about other minority Parliaments. Yes, you're right: The general consensus seems to be that they are more gentle, that people do have to make deals and so on.

The other side to that coin that I've also heard is that they're very expensive, because those deals usually cost money, and because of the nature of our system, they don't last long, because eventually -- after two years, on average -- the government gets defeated and they're back at the polls.

So the object of the game in our system, as it exists, is to elect majority governments. That's the object of the game. I've seen other countries, other Parliaments, who work very well under a PR system. That's the object of their game. So if you change the nature of what you're doing here, if you're going from a situation where the object of the game is to create a majority government to a system where the object of the game is to create situations where there will be deals made and so on, then you have to look at the whole picture. I don't think, honestly, one is better than the other, really. It depends on what you want to do.

**Mr. Miller:** Thank you for coming in today. Following up on that line of questioning, you said that the evolution is moving from responsible government to representative government. I guess my question is, is that a positive thing? It seems to be a trade-off, and you seem to be, in answering Mr. Prue, saying it's good to have somebody where the buck stops, I guess -- somebody that's identifiable in terms of a government that is accountable.

**Mr. DesRosiers:** It's a very fair question, and thank you for the question, Mr. Miller. It's a problem here, because my mother taught me that if you're going to do something, do it correctly. Do it from A to Z, and do the whole job.

We have been moving from responsible to representative -- there's no doubt about that -- in many ways. Part of the reason for that is our proximity to the States. When they sat down 230-some years ago and devised their system, they devised it as a representative system. We're sort of halfway there. One of the things that the Amer-

icans have and we don't is a two-party system, so they don't need PR, do they? And they have other safeguards and so on.

All I'm saying is that we are going more and more toward representative government, and I don't know that we're taking care while we're doing that, because it's an evolution and we're not really watching it; it just happens from election to election, and we're just watching more of The West Wing, and we're very close to these people. It's happening without us really realizing it, but I think we should start realizing it and looking at the whole thing, because one is not better than the other.

I've done some work, and probably some of the best work, most interesting, most rewarding work I've done was working in the 1990s with countries where they were developing their Parliaments -- the Baltic countries, Cambodia and so on. I envied these people, because they started from scratch. They could sit down and say, "OK, here we go. We'll take this and we'll take that and we'll put it together. This is what makes sense to us, and we'll do it." And they did it.

We've got the British system. As I said before, it started with a great big hall at Westminster and it has the institution that we know today.

There's nothing wrong with evolution. You just have to sit down now and then and say, "Where are we in this evolutionary thing?"

**Mr. Miller:** I guess my next question is, how do you maintain the responsible part if you move toward a PR system of some type? In any of the systems where you move toward a coalition government, how do you maintain responsibility?

**Mr. DesRosiers:** My answer is what I've just been trying to say. Part of the answer I gave to Mr. Prue, when I answered his question about minority governments. It depends what you want. You're right. In my view, if you go to a PR system, you are moving away a bit further from the responsible, because our system is made for majority governments. I'm saying also that you might have to look at a bit more than just the system of electing people.

**Mr. Miller:** On the point about the Speaker being the chair of House leader meetings -- I know that Norm Sterling, when he was reporting to our caucus yesterday, brought that up. Does it result in more efficient and effective Parliament, in business actually transpiring?

**Mr. DesRosiers:** Absolutely. The first time I saw this system was in France, in Paris, at the National Assembly. It's great. The Speaker sits down once a week with the House leaders. The Speaker doesn't say anything. The Speaker doesn't say, "Well, you should pass this bill before that," or "You should allow 10 days for that bill," and so on; he just lets them go. But once they have an agreement, he says, "OK. This is what my recorder has as the agreement. Please sign on this dotted line." Then he publishes it. It's published, so there's no turning back, and it becomes part of the order paper. In my view, it works beautifully.

**Mr. Miller:** On your point about the theatrics, I guess you'd call it, starting in the 1980s, did that have any connection with television coming into the Legislatures and Parliament?

**Mr. DesRosiers:** That's a question I'm often asked. I was part of the initial experiment with television in 1979 in Ottawa. I remember sitting in the booth and calling out -- because I was one of the few members who knew the members by sight. I'd say, "OK, so-and-so from Kenora and so-and-so," and so they'd punch in the numbers as they went. I don't know. Listen, television is a fact of life. We're here, we have television, and there's no going back. Has it changed a lot? Yes, I think there are some optics that are obvious if you go back to before and after. This grouping around the person who has the floor: This didn't happen before, and for obvious reasons. Theatrics? No, I don't think a minute of it. Speakers, starting from Speaker Jerome, who was the first one to tackle this in Ottawa, have been very, very strict on how television is operated in the House. When somebody gets up with a salmon and walks across the floor and plops it on the Prime Minister's desk, it doesn't show on TV; it still just shows for the people who are there. I don't think it has changed all that much.

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**The Chair:** I have a question as well, if none of the other committee members has at this point. To me, you made a distinction between the role of Parliament and government. You did it near the very beginning. It intrigues me, because I think that as we've evolved, and in my short time here and my small experience in politics, the notion of what Parliament is and then what government is has melded together more and more. As you've said, there's this concept that came out that this is the seat of government, and you're saying this is Parliament, which is totally different. Could you just again refer to that and give, if you want, some clarification, in your view, as to what you'd see as Parliament, and then the distinction in how those two function or don't function in our system, or how it's evolved?

**Mr. DesRosiers:** Thank you, Ms. Di Cocco. This is very common in everyday life, as things evolve. The starting document in Canada is the Constitution, the BNA Act. If you read the BNA Act, it's very clear. It's very, very clear that Legislatures are not government; they are a third of government. Government -- and this is 101 here; I'm sorry -- is constituted by the Legislature, by the executive and by the judiciary. There's a great big wall between all of them. Now, the difficulty in our system is that there are two of these components that sit in the same room. Somehow we have to go through the mechanics of that, and so on, but listen, the executive and the legislative sit in the same room. The executive: You can beam on them; you know where they are, and they answer questions once a day. But that's what it is. So that's where the difficulty lies.

If you start from the Constitution, it's very clear. Then it gets very fuzzy. This building wasn't built as a Parliament. There's a room here that was built as a House, as a

legislative chamber, but the rest of the building wasn't built for members; it was built for government, it was built for the executive. This is not unique in Canada. It was the same all over the place. If you came here in the 1940s, you couldn't find a member's office if you looked for it, beyond a Speaker's office and a Premier's office, who were members as well, and maybe a House leader or two. But beyond that, forget it.

So this is where it gets melded together: The government is the Legislature is the government, and so on. Of course, our system is there too -- and I spend a lot of time talking about the responsible system -- but you have to make sure that you keep them separate. It's easy for me, because, as I said before, a member is a member is a member. I don't look at the various titles; they're all members to me. I swear them in with the same oath. When some of them become members of cabinet, someone else swears them in with another oath, not me.

I think this is what you have to zero in on: that chamber up there and what it looks like under a new system. I think what I've been trying to say as well is that it's not just a question of changing the electoral law, it's also a question of looking at the rest of the stuff too.

**The Chair:** Before I go to Wayne, just for reference: In the context of part-time jobs as a legislator, I spent four days in Wisconsin with 30 American legislators. It was leadership training and it was quite a marvellous experience. I learned that US legislators don't have constituency offices, for the most part, including some who have constituencies of 200,000 in Michigan. They also don't have staff. I was amazed. Some have an office in the Legislature and some do not. I was actually quite surprised at that. It is considered a part-time position there as state legislators. Again, that was something I learned. I now feel that it's great up here.

**Mr. Arthurs:** Just quickly. You spent some time speaking to this evolution from responsible to representative government and made some observations around the changes as you've seen them from the 1960s to our current model. I'd love to take a lot of additional time, but are there any other sort of pertinent observations you think might be valuable to us in the context of that evolution that's occurring -- it's not a matter of whether it will occur; it is occurring -- and I suspect that may be part of the ongoing deliberations around this responsible and/or representative government structure? If there are any other observations that you feel might be pertinent for us, I'd be happy to hear those.

**Mr. DesRosiers:** Nothing specific, Mr. Arthurs. But again, I have to emphasize that whoever makes these final decisions on these things has to look at the total picture. You can't just isolate one of the aspects and say, "Well, this is going to affect democracy, and that's what we want." It's much bigger than that. You can do it. Please don't get me wrong. I'm not advocating against PR; not at all. I can work with both, and it's good. But you have to look at the big picture. You have to look at everything, all the components of what make up a Legislature.

**The Chair:** I have Richard Patten.

**Mr. Patten:** Just quickly, you've stayed away from this, but our mandate primarily is electoral reform, how we get to elect members to the Legislature, for which you are the Clerk. You suggested a number of times the Mickey Mouse watch analogy, that the standing orders are wound up so tightly you're surprised there hasn't been some kind of an outburst.

My thesis is, that's why we get some of the outbursts, because the opportunities -- it's not a democratic Legislature at all. When it was changed eight years ago, or whenever that was, it became facilitating government rule, in my opinion, and so it limited the opposition, it limited participation and it limited respect between and among members. I believe we should look at that and say, "How can we make this a more fruitful or better opportunity and experience to flesh out the best thinking of all the members, still granting governments responsibility?" so that you don't water it down to such an extent that it can't operate. You don't want that.

It seems to me it's gone too far the other way, that it's not a democratic institution any longer and has gone to that extent, and the interrelationship between that and electing and saying, "See? Now we have a more democratic system where people are more representative" and then they get into this rathole of an absolutely disastrous, immature institution, in my opinion, a most immature institution. I can't believe how poorly it operates. Do you not think that that can be reviewed and there are some ameliorations that can improve upon the way in which it functions?

**Mr. DesRosiers:** I'll just repeat my former answer, Mr. Patten. I think that if you go with whatever decision you go with, you have to look at the whole thing, and the standing orders are very much a part of it.

**The Chair:** Kathleen Wynne.

**Ms. Wynne:** I think I'm asking you this question as a citizen with a more critical eye rather than as a Clerk, because I think what you're telling us, to be clear, the problem we're trying to solve -- is there anything about electoral reform that you would either hope for or worry about?

**Mr. DesRosiers:** Again, I don't like to get back to the same tune, but I would worry only about one thing. If you go ahead and suggest a system of electoral reform without looking at the standing orders, without looking at obvious things, that's my only concern. Otherwise, I do not have any concerns.

**Ms. Wynne:** In terms of a problem that might be solved or something that you might hope for out of this process, is there anything that you think might -- I guess I'm looking at where you see the problem that could potentially be solved. I know you said whatever happens, however people get there, is not as material to you.

**Mr. DesRosiers:** As a citizen, it is, but I'm not here as a citizen; I'm here as your Clerk. I'm sorry; this I don't think I can go into.

**Ms. Wynne:** OK. That's fine.

**The Chair:** It's now noon. We're going to thank you very much, Mr. DesRosiers. It has certainly been informative, as usual. I always enjoy the discussions and what you bring to the table, if you want, on these topics, with all the wealth of experience and professionalism that you bring to it. So thank you very much.

We will now recess until 1 o'clock this afternoon.

*The committee recessed from 1202 to 1305.*

#### ROBERT WILLIAMS

**The Chair:** We are now here for the next session of our committee on electoral reform. I welcome the members back from their lunch, and I welcome here professor Robert Williams, who is the director for the Centre for Election Studies in the Department of Political Science from the University of Waterloo. Welcome, professor Williams. We look forward to hearing your submission.

**Dr. Robert Williams:** Thank you very much. I will try to be fairly brief with my observations to leave some time for some questions and discussions.

Obviously, I note in looking at your Hansard reports and listening to part of the discussion this morning that you tend to want to range fairly far and wide in the kinds of questions you ask. I'm happy to do that, because I have been paying some attention to this institution for some time, but the remarks that I prepared today focus very directly, I hope, on the question of the nature of elections in Ontario and what you might want to consider in the report that you're putting together.

As I suggest in the text here, while voting looks to be very simple and runs very smoothly in Ontario, it is in fact a fairly complex and, in some cases, imprecise action. People make a decision on the basis of a whole lot of things. We're never going to fix that; we're going to end up with that as an element of voting no matter what you or a citizens' assembly might do. My suggestion here is that we need to review what the principles and problems really are in Ontario: What is it in the election system that does need attention?

To fix those problems, we need to think about what assumptions we bring to our understanding of the election system. I suggest to you that many jurisdictions have addressed electoral reform, but not all of them have the same problems, if I can call it that, as Ontario. In other words, trying to fix the problem in New Brunswick is probably different than what we're trying to do in Ontario, because New Brunswick has had a different set of results and a different set of experiences. There are also other differences in the political dynamics of those other provinces that may or may not be important, but we need to keep in mind how that would affect the way those particular problems have emerged: What question are we trying to address? I review some of those points in the text that you have in front of you.

For the sake of having a discussion here today, I want to suggest that, to me anyway, a significant problem for Ontario is this issue of plurality selection, plurality method. The single-member plurality system is an issue

that I felt I would like to raise with you. While there are certainly other problems that arise from time to time, I would suggest that these are not really integral to Ontario's political history. To try to fix the problem of a lopsided Parliament, as somebody would refer to it, is not a problem that we've really ever had in Ontario to any great extent, so why try to fix a problem you don't have?

But I would suggest that the question of how individual MPPs are elected is one that ought to be considered. I believe that for about 70 years, Ontario has had an effective three-party system. Not everybody would agree that it was effective all of that time, but we've had a three-party system, and each of the three major parties has had periods of strength and some periods of weakness. But what we have is a reality in which competition normally involves at least three corners, although not in each constituency, but certainly each party has a presence. What this has meant is that very frequently MPPs are elected without the majority's support within their constituency. That's a reality of a three-party system, and one of the things that I would like to raise is a way, perhaps, to address that. The analogy, the other terminology, is "first past the post." That's drawn from horse racing: The first one to the finishing post wins. If you win by a nose, that's as good as a length, as three lengths. All you have to do is get there first. Of course, this may mean, especially with three parties, some very close contests, and winners in Ontario are often determined by a mere handful of votes.

Many of you would realize that the former Premier, Mr. Eves, when he was first elected, succeeded in gaining that seat by what, six votes? He was known around here for a long time as Landslide Ernie. Of course, in the Nipissing by-election during the last Parliament, we have a similar very close result that led to the election of Al McDonald. It seems to me that's a fairly common pattern in Ontario. I'm trying to suggest in here that we need to perhaps address that question in thinking about election reform.

As I go on to suggest on about the third page of this document, proportional representation systems, and in particular mixed member proportional or MMP, in my view, take this flaw of the plurality and go to the other extreme, if I can put it that way. Instead of having only one winner, everybody wins. We have a situation in which, at the end of the contest, everybody gets a prize, everybody gets something out of that exercise.

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This ties in, in part, with some of the critiques of single-member plurality, in particular the issue of the so-called wasted vote, which I speculate on here in perhaps a somewhat academic fashion. I've been puzzled by that notion, in the sense that people will say, "Well, I voted and I didn't win, so my vote is a waste." I suggest that that is looking at an election in a very different way than I might if I say, "Well, you've held a contest. I've gone to the polling booth and made a choice, and I recognize that other people preferred a different candidate." So that's it; I had my choice and I didn't win. But does that

mean the system is somehow flawed and needs to be corrected? I suggest in here that if we were to change the system to one in which everybody wins, then we're really playing a very different kind of game. If you want to buy into that, you need to recognize that you're making a very different assumption about what an election is than the traditional method. As I said, while that might look a bit academic in a sense, it strikes me as a very important difference between the two systems and what it means to the ordinary voter.

Let me move on here. I go on to suggest, and I don't think I have my tongue in my cheek in saying it this way, that there's a radical alternative to consider: Why don't we have the majority win? Instead of the plurality or instead of everybody, why don't we use the majority? That is, why don't we have a situation in which each MPP is elected by a majority of the voters in her or his own constituency? That, of course, leads me to suggest that one of the things that ought to be considered here is the alternative vote system, or what I've read recently referred to as the instant runoff system, much like the system used in Australia. Each MPP could come to this building knowing that she or he has been endorsed by a majority of the voters in the constituency. We don't have that now, except occasionally. Some of you around the room here have that in your experiences, but many MPPs do not. I suggest that perhaps we ought to think about making that the basic principle rather than the plurality, or rather than what I call the entirety.

As I suggest here, this is not a foreign concept in Canadian politics or in Ontario politics. It's very well established. It's probably the method -- that is, a majority -- that led to the nominations of most of you. You had to get a majority to become a candidate, but not to become an MPP. Your party's leader had to get a majority to take on that job, but not to become an MPP. I'm suggesting that introducing in a formal way the requirement for a majority would be a reasonable step to take in looking at reform.

In going on in some of the notes here, and in thinking of your terms of reference and of comments that I read in Hansard from some of your earlier meetings, I see this as having very few negative impacts on the way this assembly works, very few impacts on the way you as an MPP perform your role and very few changes in the way the institution would need to be organized. True, you'd probably have to pay some attention to constituency boundaries, but that takes us back to Bill 214, which is another discussion. What I'm looking at is a system which would be relatively easy to implement and would, in fact, go a long way to providing a degree of credibility or legitimacy for MPPs.

Now, I grant right up front that this does not hand us these goals of gender equality or what your terms of reference refer to as "full representation." It doesn't hand those to us on a platter. It doesn't say anything about how we achieve that, but I would argue that neither does mixed member proportional. There's no guarantee under a mixed member proportional system that those kinds of

things will in fact be accomplished. The proponents would like us to believe that they will, but I'm not persuaded that that will necessarily happen. After all, constituency nominations are still controlled by a party in an MMP system. The list system is still controlled by the party. These practices, I suggest, will change when the party determines that a valuable candidate or a credible candidate can be nominated from either of these two groupings. That's where it's going to happen. It's not because you make a rule or contrive a set of electoral arrangements to make that happen.

So if there's a weakness, I'm prepared to accept that, and certainly, alternative vote doesn't take us in that direction, but I'm not persuaded that MMP does either. It also, of course, does not eliminate the possibility of very strong majorities from time to time, but I suggest that these are not really an artifact of the election system. They're not really based on the rules themselves.

If you will, the British Columbia Liberals were successful in 1991 for a reason, not just because of the election rules. Frank McKenna was successful in New Brunswick in 1988, not just because of the rules, but because he said things that New Brunswick voters wanted to respond to. We're simply saying that under this kind of a process, parties will achieve a level of success, I would suggest, that they've earned. So to just say that we have to have a system in which everybody has a share or everybody has some proportion seems to me not necessarily the only outcome to keep in mind here.

In my comments, I also decided to look a bit at mixed member proportional, because I have seen a number of your witnesses make the suggestion that MMP is worth considering. I sat back and looked at that and came up with some thoughts that, again, I would like to share with you that would urge a certain amount of caution toward jumping on the MMP bandwagon.

The first, of course, is that a mixed member proportional system would still retain plurality elections, which is what I thought we were trying to fix. In MMP systems, half to two thirds or maybe more of the seats are still going to be elected under the old method, which is what I thought we didn't like. So MMP, in a sense, entrenches those flaws in the system.

Secondly, I see MMP as creating the possibility for some new parliamentary dynamics, the old question of two-tier members or different kinds of demands that would need to be adapted or adjusted in the operation of a House, in funding for members, various other things, and also the possibility that certain kinds of events will now need to be anticipated in the rules and arrangements that we make. What happens with an MPP who's elected on the list who decides, for whatever reason, to join another party or is thrown out of a party that he or she was elected under? What do you do then?

You've now destroyed this ratio that MMP is supposed to fix, so you've got a dislocation. You've got to figure out how you're going to do that. With AV, you don't have to worry about that necessarily, although maybe there is a case to be made that any member who

changes a caucus needs to face a by-election. I don't know how you do a by-election in MMP; I haven't gone that far. What I'm saying is that MMP, as opposed to AV, throws a number of new wrinkles in the way the assembly works.

A third area, of course, is there's a very real threat, a serious weakening, of the concept of effective representation under MMP in Ontario, as we've seen it proposed. By definition, there will be fewer and larger constituencies to make the numbers fit. That bodes problems, as Bill 214 and others have talked about. We are already seeing constituencies getting very large. Under an MMP system, many of them would have to get even larger.

The other part of that is the question of how you determine the allocation of list seats or these top-up seats or compensation seats. The law commission, in its report -- and I know Brian Tanguay was here a few weeks ago talking about that -- offered a proposal for three large regions. If you have a close look at the nature of those regions, I think those of you who represent rural and northern constituencies would be somewhat upset. If you look at, for example, the so-called eastern and northern region, you've got the voters everywhere from Oshawa to Ottawa to Kenora all lumped in together, determining how those list seats are going to be allocated. Given the preponderance of population in some parts of that rather amorphous region, we could see that those areas will have a significant impact on what that list might actually look like. So rather than correcting a problem, I see MMP as potentially creating some problems and giving to urban voters a disproportionate influence rather than a proportional influence that they might otherwise have.

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Finally, as this point perhaps alludes to, establishing MMP is likely, in my view, to be a very long and contentious process. There's nothing on the shelf. There's a lot of critical decisions to be made, not just in selling it to voters through a referendum but in actually figuring out what it's going to look like. I make a reference in my remarks to a paper written by my colleague Louis Massicotte about some simulations of an MMP system in Quebec, where he looks at some of the key choices that have to be made: regional groupings, how we allocate list seats. There are a number of different options there. How do we decide where the extra seats are to come from? He comes up with 42 different scenarios to be tested under this heading of MMP. My view is, if we're going to pick it, be prepared for a long, drawn-out process of finally hammering out something that we would have available in Ontario in the near future.

I make a couple of comments about implementing change, because I know that is part of your mandate. I certainly endorse the idea of a two-stage referendum, or at least a separate question -- do you want change? -- and then some other consideration of the particular options. I certainly would endorse the idea of what we might call a super-majority. This is a pretty fundamental change. I think if it's going to happen, it needs to have more than just 50% plus one, and I essentially endorse the method

used in British Columbia to get to that end, obviously adapted in Ontario.

I think I'll stop at that point. I'm not sure how I'm doing for time, but I'll respond to some questions.

**The Chair:** Thank you very much. Yes, there are some questions. I have Norm Miller.

**Mr. Miller:** Thank you, and thank you for coming in. As you had noted, I've asked a few questions previously about the Australian system as I learned about other systems, and I know you've spent time in Australia.

**Dr. Williams:** Yes.

**Mr. Miller:** So I'd like to ask about that. You suggest that getting elected with a majority as the alternative vote system would be a better system. I guess I'd like to know from your Australian experience what the benefits are going to be by having MPPs or members of Legislature elected with a majority.

**Dr. Williams:** It seems to me that if part of the issue that has prompted this whole discussion is looking at why there is a kind of democratic deficit, to use a cliché, why people are less supportive of the political process than they might be, it has to do with who these people are who are making decisions on their behalf. My recommendation here is to simply fix that question by having each of you firmly endorsed by the electors in your constituency. That's a step towards, in a sense, having the credibility and legitimacy to undertake the other things that are part of your job. My view is that this is a practice which is really making the Legislature a more legitimate enterprise because the people who are there can demonstrate that they are speaking on behalf of their community. We're willing to say that those are people who have a confirmed, demonstrated level of support. Majority is a concept that we've used in our parliamentary and political traditions since Magna Carta. Majority is something we understand and that I think would be helpful.

The other point is that having that in place, simply changing that part, means we don't have to get into the business of making all kinds of other changes in the Legislature to accommodate it. We may want to make changes for other reasons, but we don't have to change the whole system just because we've changed one part of the election.

**Mr. Miller:** From your experience in Australia, can you tell us what's better about the system they have there? I know they have different systems for different levels of government. It's a pretty broad question.

**Dr. Williams:** Essentially, the lower House at the national level and pretty well all the states use this method. I'm not sure -- making it better: I still come back to the point that it doesn't disrupt the functioning of Parliament.

**Mr. Miller:** You still have majority governments.

**Dr. Williams:** Yes.

**Mr. Miller:** But all the other systems effectively are moving to a coalition-type government. So it's a question of majority versus coalition.

**Dr. Williams:** You will still have majority governments emerging. I heard Mr. DesRosiers talk a bit about



some of those issues earlier today. This system would not change the way the Legislature works. It changes the way the members get there, and it doesn't have these other impacts on the functioning of the parties or the assembly itself. I'm not sure if that's the full answer to what you want, but I see it as a reasonably important but less intrusive kind of change than some of the ones that are being discussed.

**Mr. Miller:** You talked a bit about people feeling their vote is wasted. Do you feel it addresses that question, then?

**Dr. Williams:** It does in the sense that if you have endorsed a candidate for a party who is not successful, you can still have an impact on the final choice. When no one has emerged with a clear majority, then voters who did not support a leading candidate can have an influence on that, and that's certainly not wasted in the same way. It's just like a second bet, I guess, to take my other analogy. That's certainly not part of our tradition, but it's a standard part of the Australian political tradition, and I don't see it as all that hard to adapt to.

**The Chair:** I didn't know if you were finished.

**Mr. Miller:** Just a couple more points. On the referendum question, you're recommending a two-stage referendum and you're recommending a higher than 50% threshold. In BC, they use 60%. I think at least 60% of the ridings had to --

**Dr. Williams:** That's right. Let me pick up the last point. For the same reason, I'm uneasy about the list seat arrangements in Ontario. If we just make it one big vote, everything into the same pile, we know that that decision would likely be made by the most populace parts of the province. I live in that part of the province, but I recognize that Ontario is a large, diverse community and to simply say that numbers are the only thing would be difficult. So creating a constituency-based system, I think, would ensure that electors in all parts of the province can feel that they have an influence.

The two-stage process, I think, is mostly from the point of view that we are talking about a fairly important change in the way political life is going to operate in this province. Even if you don't buy my option, some of the others -- whatever it is, it's going to be fairly important. That's why I think we ought not to simply let it occur without some kind of very definitive endorsement from the electorate.

**Mr. Miller:** I assume that's why you think higher than 50%.

**Dr. Williams:** We don't have a lot of constitutional arrangements in Ontario. We don't necessarily have to have the power to change other parts of our political system, but this is one part we can change and I think it's significant enough that it should be endorsed by more than just half the population.

**Mr. Miller:** I know in BC, when we met with people out there, their logic was that they didn't want it to be the reaction to the one particular election. They'd just been through an election of 77 Liberals and two NDP. Because it was such a fundamental change, they put the 60%

threshold there. Now they have the problem, I guess you could say, of having 58% of people wanting change, so the majority wants change.

**Dr. Williams:** Presumably, that's what you can ask one of the witnesses about, but I think maybe that's something, if recommendations go forward, that you do anticipate. You know, is there a formal chance for a second crack at this or do we make it very clear it's one shot or nothing? That's a pretty risky approach, but I'm not sure that just saying it's 50% plus one is enough to do it.

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**Mr. Miller:** Just one last question: You said that switching to AV would not address gender equality, and that's part of our question, to look at having more representation for females. So I gather you're saying that none of the systems necessarily address that, or --

**Dr. Williams:** My sense, in my reading of electoral literature and studies of Legislative Assemblies and so forth, is that the question of gender representation, the presence of representation from diverse groups within society, is really a function of political maturity across the system; it's not just driven by the rules you use. My sense is that you can't guarantee that result by having particular rules. I'm saying, if having that as a goal is at the top of your list, then obviously this isn't going to work. But I'm cautioning that maybe that's not a realistic expectation to have at all for changes in the election rules.

**The Chair:** Before I go to Mr. Prue, just following up with one question: When you talk about majority, one of the problems, of course, is voter turnout. If our voter turnout continues to decline, you may have a majority of 55% of 40% of the electorate. Thus the problem is, is it a majority anyway, even if you go to a majoritarian type of election for the member?

**Dr. Williams:** I agree with you, but it's really a separate issue, if you know what I mean. The question of voter turnout is a different problem. It's not one that's necessarily going to be solved by the method you actually use to elect the members. I fully agree, 50% of 40% is not a ringing endorsement, but 50% out of 40% is better than 33.3% out of 40%. That's the point I'm getting at: Having someone elected by a very narrow margin is not as desirable as a majority. The question of voter turnout is something that we perhaps need to tackle separately or in some other method. I'm not sure anyone has found a formula to say, "If you hold the election this way, people are going to suddenly stampede to the polls."

**The Chair:** How about the compulsory voting in Australia?

**Dr. Williams:** That's a tricky question. I know that came up in earlier discussions. Compulsory voting has been around long enough there that it is now seen as a norm. It is something that they don't question in any broad sense. I think for Ontario, for Canadians generally, that would be a fairly big pill to swallow in some circles.

I've had discussions with some classes about this two or three different times. Very interesting kinds of perspectives. There are those on the one hand who say,

“What we’re really talking about is an obligation. Citizens don’t just have the right to vote, but should have an obligation to play a part in running their system, and they need to recognize that they don’t have the option of simply walking away from it” versus others who say, “You can’t tell me to do that. The right to vote means the right not to vote,” and they are firmly entrenched in the view that compulsory voting is anathema. I see some values in it, but I recognize if you try to tackle that in your report, you’re opening up another huge area of debate, which may not necessarily address the things that were there in the first place. But it has attractions, certainly, if we want to think about the vote as an obligation and not just a right. That, again, is another separate area of consideration.

**Mr. Prue:** I have so many questions. Just tell me when I have to stop. PR systems, like in Greece, do not imperil the majority. Why shouldn’t we go and look at that? Why shouldn’t we do that? They elect their government. They fill in a number of seats -- which aren’t a third; it’s just a small amount to get rid of the disproportion but allows the majority to prevail.

**Dr. Williams:** I think the question of a majority, if that’s what you’re --

**Mr. Prue:** No, I’m not, but some people are saying that.

**Dr. Williams:** It seems to me that the strategy of using a proportional system makes it more difficult to get to that end, in terms of Ontario’s political tradition. But it may be that if we change the rules, the dynamics will change considerably. That’s a possibility here.

**Mr. Prue:** Second question: Why do you think there would necessarily be a larger number of seats? We have gone through a very difficult exercise here, going down from a hundred and thirty-some seats to 103. Why not simply add 27 seats and go back to a Parliament that we had eight years ago, and have 27 proportional seats?

**Dr. Williams:** I’d be quite happy to see that happen, on another level. That wasn’t quite what I talked about here, but I agree with you. The notion of the size of the assembly, though, has to be factored into this. These were points that I made to the Bill 214 committee recently: How big should the House be? I believe that the House ought to be designed to meet the needs of Ontario citizens, and the number -- 103, 106 -- is really an artifact of someone else’s rules, if you will. If you wanted to set a target of 130 and then say, “OK, we’re going to do 27,” recognizing that it might shrink -- the fewer of those seats you have, it seems to me the less easy it is to make that proportional goal. Again, the law commission talks about that. If you only have, say, five seats per region, it’s going to be very tough to allocate them among six or seven parties; somebody’s going to lose out. If you had 30 of them all at once, yes, maybe you could get a nice gradation of representation, but it means you’re putting all of the votes in Ontario in one big pile, which will mean that the parties that benefit are the ones that are talking to the bulk of the population, which may happen

to be in urban Ontario, which I know is the area you represent.

**Mr. Prue:** It goes to my next one. Urban voters now are disproportionately under-represented in terms of their actual numbers. I represent a riding of 120,000, and some of my colleagues 140,000. In northern Ontario, it’s 75,000 or 68,000. We’re already disproportioned. How do you think that taking some of that back is a bad thing?

**Dr. Williams:** I think my sense is that Ontario has always been prepared to make provision for the less heavily populated parts of the province. If we want to set that aside, the Legislature’s perfectly free to do that. My sense is that many people would be uncomfortable having their vote put into, as I keep saying, one big pile that may be dominated by certain interests within the province and not others.

**Mr. Prue:** I have two more very short ones. On the 60% rule: Newfoundland joined Canada with 52% of the vote. They disbanded their colony and joined another country. Had they had to have 60%, they’d still be out there somewhere in the ocean. Prince Edward Island is going through their referendum next month, and they have a 50%-plus-one rule. They think that’s enough, that the 60% is arbitrary. If Newfoundland can join Canada with 52%, why can’t we change our voting system with 52%?

**Dr. Williams:** I wasn’t aware of the Prince Edward Island arrangements, and I fully acknowledge that there may be factors there that I’m not aware of. My sense comes back to where we are in 2005, that in fact we would believe that substantial changes need to be seen differently than they may have been in 1949. We’ve come to the belief that decisions ought not to be put in the hands of smaller numbers, but more people. That’s one of the reasons I would move in that direction.

**Mr. Prue:** My last question relates to your statement that the systems themselves do not choose the number of women or minorities. I would grant that that may in fact be true. But some of us came back from Scotland, where in the brief time of two elections, they’ve gone from almost no women representing them in the House -- and still have almost none at Westminster -- to having 50% in the Scottish Parliament as a direct result, we were told, of the MMP system and, in part, the parties all trying to coalesce around this and get women elected. It’s two phases. But we’ve gone from none to 50% in two elections. You say that this isn’t going to guarantee it. No, but there’s the best example we have of how brilliantly it worked, if I can put it that way. It got women into politics that fast -- two elections.

**Dr. Williams:** I have no reason to deny that that obviously had an impact. Parties learn to play by the rules that were put in front of them, and found it to their advantage to try to promote and recruit women candidates to do that. I see no reason why that could not happen in other systems as well. But there are presumably other MMP systems where that success has not occurred, so I suspect that we’ve got to look at the context of it as well as the rules.

**Mr. Prue:** Thank you, Madam Chair. I got them all in. Fast.

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**The Chair:** That's great. I have Monique Smith next.

**Ms. Smith:** That's the problem with letting them all in: You steal all of our questions, Mr. Prue.

**Mr. Prue:** He said a lot of controversial things.

**Ms. Smith:** I know; as did you about the north, Mr. Prue, thank you very much. We continue to want to see good representation from the north from this party.

Thank you for your presentation. I think you've already answered the question a couple of times, but I just found it kind of ironic that you were looking at a runoff type of election for members, but that a majority wasn't enough for a referendum. I think you've commented on that. If you have another comment --

**Dr. Williams:** Let me phrase it in a slightly different way: The choice of an election system I would classify, if I don't sound too academic, as a quasi-constitutional question. These are fundamental ground rules for the way the political process is going to work, and just as we saw in the debate around Quebec separatism and other issues, this is a fundamental part of the political system. First of all, we're asking people what they think of it, which is in itself an important part of the change. But we're saying, we believe this is important enough that we want to be absolutely sure that the electors of Ontario are willing to work under a new system. That's why I see it as being ratcheted up to a higher level, simply because it is quasi-constitutional. There are a lot of things we can't deal with; this one we can. As this committee is finding out in other discussions, it's not a decision to be entered into lightly.

**Ms. Smith:** No, absolutely. To that end, we did hear in our first round of hearings a lot of people discuss whether or not there should be a two-pronged approach: "Do we want change?" and "Here are some options." When we met in BC with some of the people from the citizens' coalition, it was felt that there had been a lot of public education, not around what they finally went with but around the process and the fact that the citizens' assembly was meeting. They had broad consultation in their town hall meetings, which led them to ask the one question. I wonder if that kind of process would influence you one way or the other as far as still needing a two-pronged approach.

**Dr. Williams:** I come back to the size, the complexity, the diversity of Ontario, geographically and otherwise; the nature of the media; various other things. It's very hard to get that message through. To be assured that the decision is based on effective knowledge, on clear knowledge, you can't simply put it all in one question and leave it at that. Having two questions does, if nothing else, allow people to say, "I'm quite happy with the system I've got now." If you have yes or no and some options, one of the options is presumably the status quo. I think it gives you a greater degree of information about this.

The related question is whether that decision is binding, and again, we haven't gotten anywhere near that. Is it a binding referendum? Is it an advisory referendum? What is its status? Will that become the final decision? In British Columbia's case, that was the decision, as I understand it. The Premier has said, "That was the decision then, but now we're going to find another one." But is Ontario saying that we're going to put it all in this basket of a referendum? Yes. Then maybe you can really only afford one question.

**Ms. Smith:** But I think in British Columbia, from our discussions, the impression was that there was going to be this one referendum. We kind of jokingly said, "And now you're going to two." But it was as a result of 57.8% saying yes, and there was more than a majority who felt that there needed to be change. How, in the face of that, could the government not do something more?

As all politics is fluid and static, I guess things change. But I just wondered if you still felt there was a need to do that two-pronged approach, and I guess the answer is yes.

**Dr. Williams:** Yes. I still believe that what we're bringing to the Ontario electorate is a new set of rules about how this game is going to be played. We'd better be sure that there is a willingness for change before we ask them to figure out what it might be. Perhaps it's an Ontario small-c conservative approach to change; we don't just jump straight into it, we move in an incremental fashion. There's a long tradition of that in Ontario politics. I think it's an important enough question, the issue of electoral reform, that we ought not to put everything in one vote.

**Ms. Smith:** Right. I don't know that it's a small-c conservative approach, but I think that certainly the view that we received from the British Columbians was that they were in a much better position for change, or the mindset of the populace was much more ready for change, wanting to change, than what we've heard anecdotally here. But the citizens' assembly will be able to suss that out much better than us.

**Dr. Williams:** Yes, I agree with that very much. Indeed, part of my early remarks was about, what is it we're trying to fix? What has put this on the agenda in Ontario? It's not a 77 to 2 Legislature; it's not a 58 to 0 Legislature. Except for perhaps 1985, it's not where the party with the most votes didn't get enough seats to form the government or there was a mismatch between the most "popular" party and the one with the most seats. That's only happened once in the last 60 or 70 years. So we're not dealing with that as a problem.

Quebec has had that problem. That's one of the reasons they're driving toward a system to address it. We're not addressing those questions in our recent history, so the answers we come up with perhaps are going to be different. You're right: There is no groundswell saying the system's broken. People were ready for a change in British Columbia, because they said, "How did this happen? This is not in our best interests. We've got to fix it." Therefore, they came up with an answer to that

question. We don't have that question, I don't think, in front of us here in Ontario.

**The Chair:** I have Richard Patten -- oh, sorry. Are you finished?

**Ms. Smith:** No, I'm done, thanks.

**The Chair:** Richard Patten.

**Mr. Patten:** Thank you, Dr. Williams. I appreciate your presentation.

Two quick questions. One is on the alternative vote or, as might happen with nominations, preferential ballot. You can move from preferential ballot, which means you can declare someone elected having achieved the majority by having looked at second choice immediately, or you can deduct the last person and distribute those votes, or have a runoff, or -- it seems to me there was a variety of different ways in which you ended up with a person having the majority or having to achieve it. Some sound a lot more time-consuming and more expensive etc. What would be your preference?

**Dr. Williams:** My understanding of the Australian system at the moment is that it still uses paper ballots, so it's people marking their order of preference with a pencil on a piece of paper. That system is one where if a candidate in a given constituency or electorate, as it would be called in Australia, has 50% plus one vote, i.e., a majority, that person is declared elected: full stop. Nothing else needs to happen. If no candidate has achieved that, we start with the candidate with the smallest number of votes and we look at the second preferences in that individual; those are redistributed. If no one has a majority, we take the next bottom person. We never go to the number two candidate, nor do we take from the top, if you will. If you're over 50%, you've got 60%, the election's over. Those other votes don't matter.

My sense is that implementing a system like that in Ontario could be done relatively easily. You heard from John Hollins a few weeks ago, and I know in discussions I've had with him in his office that we're moving a long way toward electronic voting systems that might, for example, involve optical scanning ballots, where you would simply say, "This is my first choice. This is my second," not write in a number, but find a way to do it. It goes into the machine and the results are there. Indeed, if I understand the way some of those machines work, if someone tries to put in a ballot that's marked incorrectly, it spits it out and says, "No, you didn't do it right. Do it again." So we don't have the issue of coming up with a pile of votes that people haven't filled in correctly. I think we can get around that and marry it into other technology that's coming.

I make a cryptic response to that in there. I think it's doable in Ontario and would not necessarily mean a long delay in determining who the winner is. Again, in Australia, because it's still handwritten ballots that are counted by hand, that can take a period of time. These are lower House elections; the Senate's another whole story. I don't want to go into that, because that really is much more of an STV system and I think that would confuse the matter here. But in terms of what I'm talking about,

an AV system could work and in fact could march in step with some of the changes that are being considered by Elections Ontario.

**1350**

**Mr. Patten:** My last question is in terms of the constituent assembly model. Are you aware -- and it depends on how it's used, whether it's a two-step process or a one-step. They come up with a question and that's it and it's binding, or it's not, or it's a recommendation back to the government and the government formulates it differently. Anyway, just the general model, my impression was, first of all, I was very impressed with the enthusiasm of the participants who went through this terrific process, and there will be another 200 doing the same. So I said, "What are you going to call this new party?" Because they ended up being almost evangelical in their enthusiasm for change. Have you ever seen that model used, where you would gauge the citizenry, where they've ever recommended the status quo?

**Dr. Williams:** First of all, I'm not aware of any structures like the citizens' assembly in British Columbia. It really is a unique experience. I do agree that it was a very impressive process. It showed that people can be engaged by this question. It's partly related to Monique Smith's question, in some ways. We don't see that yet in Ontario, but people could learn to become excited about this question.

Would a group like that endorse the status quo? Again, I think it's context. In British Columbia, as we suggested a moment ago, there was a sense that the system was broken, that something had to be done. I'm not convinced that the Ontario population is persuaded that the system is necessarily all that bad. I think it can be improved, there's no question, but it's possible that that could be the outcome, that having weighed it all up -- and that's a long, drawn-out process -- they might say, "Maybe we're better to keep what we've got, flaws and all, than to venture off somewhere else."

**The Chair:** I'm going to move to the next two questions, to Wayne Arthurs and then Kathleen Wynne, but I'm going to ask that we keep it short because we do have our video conferencing from the University of Guelph. We're already running late, so I'm just saying that as a caution.

**Mr. Arthurs:** Professor Williams, thank you. I'm sure we could probably have a long discussion around this; it's intriguing, but I'll try to keep it short in the interests of the Chair's direction and what we have scheduled.

I want to make an observation first, and then just a query around AVIR, alternate vote instant runoff, if I could phrase it that way. In the limited amount of time that I've had over the past few weeks to engage with a number of jurisdictions, elected and citizenry, there was one common thread and that is that whether it's elected or constituents, they wanted to have their own member. In the absence of that, even in a mixed-member system, either the constituents or the members would gravitate to create a constituency. That seemed to be a pretty com-

mon thread, at least in my view, no matter what the system was.

My question on the AVIR: Let's assume you have four individuals on the ballot, four parties, as is not unusual in Ontario right now with the three main parties and a fourth party. In the system where you drop the fourth party and redistribute the votes, potentially the third candidate, the third-most-successful candidate on the ballot, anyone who voted for that candidate is less likely to have their vote counted towards actually electing the representative and reaching that majority. It's an anomaly. I don't know how one addresses that, whether one uses another system by dropping everyone except the top two and redistributing the rest so that all votes count -

**Dr. Williams:** That's a possibility, certainly.

**Mr. Arthurs:** That's an option. It's just an observation. Is that a fair one, in your view?

**Dr. Williams:** Yes, it is, that certainly not everyone's vote, everyone's second choice will be considered. Certainly, as you come closer to the top two, the chances of that happening are considerably reduced. But I come back to this puzzle that I'm trying to sort out: Is that really wasted? I've said that's my preference. Am I guaranteed that I'm going to win? Maybe I'm being a little too abstract on this, but I still think that those people have told the returning officer, "I want this person, but I didn't win. OK, I didn't win." Why should we now say elections mean everybody's got to win every time? I just have a problem with that as a concept. Again, maybe that's something that only academics worry about, or only me -- maybe that, I'm not sure. But I just find it puzzling. I don't know see how you can possibly have a system, certainly of single-member seats, where everybody is going to feel, at the end of the day, that somehow there has been a representation of that particular vote.

**Mr. Arthurs:** I think our lottery system, 6/49, has given us a clear indication of the public's desire as to whether or not they feel everybody has to be a winner.

**Dr. Williams:** Yes, that's right. It's a different way of thinking about an election, and that's as much my message. If you're going to think about this other method, you're making other assumptions about what happens to that vote, what it's to be used for. There may be good reasons for changing it. I'm not here saying that the status quo is the right way. There may be very good reasons for doing it, and in the process of doing it, you're understanding the vote, that ballot, in a different way.

**The Chair:** Thank you. Kathleen Wynne?

**Ms. Wynne:** Yes, very quickly.

Thank you, Professor Williams. I want to go back to the super majority and the referendum question that Monique Smith was talking about. Would there be a way of basically putting into the structure of what we do the reality of what happened in BC? So you require 60%, but there's a grey area. You acknowledge that there's a grey area and say that if the vote is between 55% and 60% or whatever, then there's something else we have to do; we have to do some more education, and we really want a

clear message on this because it's such an important issue. What would be the impact of something like that?

**Dr. Williams:** I guess my view would be, you can make whatever rules you want, and that's partly what I tried to suggest to Norm Miller earlier on. Maybe one has to say that the ground rules are that if the support is between this point and this point, certain things will happen; if it's over 60%, we're done, we go on and we legislate; if it's in this range, then something else might happen; and if it's below 50%, we forget the whole thing.

**Ms. Wynne:** It seems like that's what's happened in BC: People are uncomfortable because it was so close. So if we say that we recognize it could be close, we need to do something about that in terms of getting a clearer message.

**Dr. Williams:** How you would build in contingencies I'm not sure, in legislation or otherwise, and that becomes tricky. You'd have to have some pretty clear rules in place, and I'm not sure where you would embody those. But, yes, certainly my sense is that this is a pretty momentous issue, and to simply put it to the point where it's all or nothing is not likely a good idea. But how you accommodate it without -- and maybe a later delegate can talk about this, that in British Columbia the Premier has in effect said, "Well, I know I said 60%, but now I'm willing to do it again." How does that play out politically? I think the fact that he had to do that after the fact is an issue you would try to address through rules of that sort, and it becomes tricky figuring that out.

**Ms. Wynne:** That's what I'm suggesting. Thank you.

**The Chair:** Thank you very much, Professor Williams. It was a great discussion.

**Dr. Williams:** My pleasure.

#### PATRICK BOYER

**The Chair:** We have, I believe, a videoconference. We've got with us Dr. Patrick Boyer from the University of Guelph. Welcome to our committee.

**Dr. Patrick Boyer:** Thank you very much.

**The Chair:** You have the floor, so you can begin. We have all the members of the committee here. We look forward to your presentation and an opportunity to ask questions if time allows us to.

**Dr. Boyer:** Thank you very much, Chair Di Cocco. I would like to thank the committee for this invitation to appear before you. I believe your work is as important as it is interesting, because this is a mandate to work and upgrade the operation of Ontario's democratic processes. In advance of today's session, I had delivered to you three of the books that I've written on the subject of referendums in Canada, since that's one component of what you're looking at, as well as an article that I wrote this summer looking at the British Columbia referendum on May 17 that dealt with the proposal for electoral change in that province. I hope you did receive those books.

**The Chair:** Yes, I did; thank you.

**Dr. Boyer:** That's fine. Having those at hand may provide you with more information than you even want on the subject of direct democracy in Canada, but it will certainly allow us to get right to the heart of things now in this brief session that we have together.

I would like to address three points briefly and then we can have a discussion. These points or areas would be (1) the citizens' assembly, (2) the model of electoral reform and (3) the referendum process. In what I will say, I am really seeking here to help us learn lessons. How do we capture the lessons from earlier efforts in our own province and certainly elsewhere to deal with improving the electoral system?

**1400**

In terms of the citizens' assembly, it's very clear that what's happening now in Ontario follows the model that was pioneered by Premier Campbell in British Columbia: having a citizens' assembly deliberate, consider proposals, bring that forward and go to the people in a referendum to either vote it up or vote it down. The lesson I would say we should learn from the citizens' assembly in British Columbia is not to make the mistake that was made there by excluding politicians from the assembly.

There is in our country an unfortunate and almost mean-spirited attitude that is negative about politics and anti-politician. It does surface even in Ontario. We saw the legislation of a few years ago that reduced the number of seats in the assembly at Queen's Park, named the Fewer Politicians Act. That expresses a sentiment that I think is unfortunate. It's like putting vinegar in the soup that we all have to eat. We are a self-governing, parliamentary, democratic society, and politicians are the pivotal people who are part of that process.

In British Columbia, the decision to exclude all politicians from the citizens' assembly I think was understandable in terms of that narrow, anti-politician view, but it was counterproductive in the unfolding work of the citizens' assembly, because elected representatives are people who understand the workings of the system, have learned where the tolerances are, where the stumbling blocks and trip wires are, and therefore bring to any deliberative process an informed understanding of what may be more successful and practical than some other proposals. It's not that politicians would dominate a process but be participants within it.

I think it may not be desirable to have currently serving members of the Ontario Legislature as members of a citizens' assembly, but certainly we have in our province former members of the Legislature from all parties. I think I will just leave it there for further discussion, but that would be a significant point as you look to how the citizens' assembly might be constituted, because there's also ultimately going to be an ongoing relationship between whatever the citizens' assembly does and what the Legislative Assembly does. These are not two watertight, isolated, hermetically sealed compartments. There needs to be flow and discussion, and that is an important bridge between the two.

The second and final point about the citizens' assembly is that its hands ought not to be tied unnecessarily in the mandate that is given to it. In the case of British Columbia, for example, a lesson we can learn from there is that they were told to consider alternative voting systems but not to change the number of seats in the Legislative Assembly. That necessarily works back into limiting the kinds of options that could be considered. I think that's a second lesson to learn from the recent British Columbia experience with which you have all become quite familiar in recent weeks and months.

The second point I'd like to mention briefly is about the model for electoral reform. You're hearing a number of proposals, you're considering many yourselves, and that will be the main mandate and mission of the citizens' assembly. First, the point I've just made is that the citizens' assembly ought not to have its hands tied when it's going in to do this work. It should be able to consider any possible model that might be the most appropriate for Ontario.

The second point about the model is that a lot of good work has already been done in Canada on this issue to date. This is something that is happening. The Law Commission of Canada, in coming up with its recommendations to Parliament, went through an elaborate process and produced an excellent report that included many public hearings -- that work has been done -- and in Prince Edward Island and New Brunswick, the same sort of things. The work that's already been accomplished in our country ought to be seen as a gift to the citizens' assembly in Ontario. We don't have to start all over from scratch, to reinvent the wheel, but keep things rolling ahead from that.

The third and final area that I just wanted to touch on briefly in these opening observations is about the referendum. We've had three province-wide ballots in Ontario in our history that were initiated within the province. All of them were on liquor and prohibition issues in 1902.

*Laughter.*

**Dr. Boyer:** Pardon me?

**The Chair:** We were just chuckling at the comment.

**Dr. Boyer:** Which comment?

**The Chair:** The comment about prohibition and liquor laws, that those were the initial referendums. The committee was just chuckling, and we didn't realize we were interfering with the --

**Ms. Wynne:** Ontario the good.

**The Chair:** Yes. Someone said, "Ontario the good."

**Dr. Boyer:** Well, actually, liquor politics bedevilled the first half of this century and all provinces except New Brunswick had a series of ballot questions on them. Indeed, the very first direct vote in our country was sponsored by the Liberal Party of Canada and Prime Minister Laurier in 1898 on prohibition.

In any event, just looking at the referendum experience, you've seen in those books I've provided to you -- Lawmaking by the People, The People's Mandate and Direct Democracy in Canada -- that we've had a lot of experience with direct voting, which is ballot questions.

Some people think of this as being a separate process entirely under the people and direct democracy. If we actually were more precise, it is what you could call semi-direct democracy, because just like the point I made a moment ago relating to the citizens' assembly and the Legislative Assembly, so here with whatever ballot question is put before voters in Ontario relating to electoral reform. The vote will be conducted under election rules enacted by the Legislative Assembly, the wording of the ballot question will be presumably adopted by a resolution of the Ontario House and, whatever the outcome of the vote, if it is to bring about a new electoral system, this would require legislative action by the Ontario Legislative Assembly to enact a revamped Election Act of Ontario. It's not as if this is a free-standing, independent operation; it's implicitly, in its nature, interacting with the Legislative Assembly. I think that's an important and in fact reassuring and comforting perspective to have on the way that, as a mature democratic society, we operate in Ontario.

I do think that it should only be a single ballot question. Those books that I've given to you will indicate some amusing and heartbreaking examples in our history where poor citizens were confronted with very ambiguous questions and the results were necessarily inconclusive. What is wanted is a clear, simple, concise question that can be answered by yes or no, such as, "Do you approve the new mixed-member proportional" -- if that's what the option is -- "electoral system for Ontario? Yes or no?" It does not need to get into how that works on the ballot question. That takes place in the course of the campaign. Everybody gets to know how it will work and why it will be different and better than what's currently in place. That goes back to a final point about referendums, that they are an educational exercise as much as a decision-making exercise.

#### 1410

When you have to go and cast a ballot next Monday, all of a sudden, it's not a theoretical discussion that you might have with friends over coffee at Tim Hortons or in the kitchen over supper or something. All of a sudden, you have to make a decision: Are you going to vote yes or no for this? That requirement is like a student having to go and write an exam. It's like a lawyer having to go to court and argue a case. It's like a business person closing on a deal. When you know that you have to make a decision, yes or no, that drives people with an interest to learn, and that, we have seen in referendums across our country, enriches the understanding on the part of citizens about the nature and the complexity and the importance of these issues. So the educative process is a very important part of the referendum, I would say, as important as the way the ballots are tallied that night to show who wins or loses. I think all the citizens are more aware of the system as a result of going through that. We see that in our experience.

So those are my opening observations, and perhaps there are some questions, Madam Chair, that members would like to discuss.

**The Chair:** Certainly, and thank you very much. We do have a number of questions. I'll start off with Michael Prue.

**Mr. Prue:** Thank you very much. I actually only have one question, and it relates to the ballot or the timing of the ballot. In British Columbia, they did their first ballot at the same time as the general election. They are doing their second one in conjunction with the municipal elections. When I was in Prince Edward Island this past week, they said that they thought this was an important enough issue that it's being held separate and apart from any other election process, and they think it's worth their money. What is your opinion? You're advocating one vote only. Should this be a stand-alone, or should this be done in conjunction with some other electoral process?

**Dr. Boyer:** Yes, in my view, it should be stand-alone. I would line up with the thinking in Prince Edward Island. I know there are arguments to say that the ballot should be carried out at the same time as the general election, and usually there are two reasons for that, Mr. Prue, the big one being the cost. People will say, "It's going to cost X million dollars to hold this vote. So if we run it in with the general election, we can save some money on that process." I don't dismiss that as a valid consideration to be weighed in the balance.

I think the secondary reason why sometimes the powers that be want to hold the ballot question at the same time as the general election is this fear of, "What if we hold this referendum and nobody comes?" So there's a sense that if you have several electoral events together, several ballot questions at the same time, it's like a party: The more people start coming, the more it becomes its own dynamic process.

In fact, we saw this in Saskatchewan, when Premier Grant Devine's Progressive Conservative government felt that it was going to be losing the provincial election. They put a couple of ballot questions on at the same time as the general election, both questions that they felt -- because one had to do with the government funding of abortions and another issue that had an equal intensity to it -- in a political calculus, would bring out to the polling stations people who would be motivated to vote a certain way on that issue, and by the way, while they were out there, given the choice of voting for the Conservatives or the New Democrats, would vote for the Conservatives.

You see, that's part of the problem. Once you have a ballot question on changing the electoral system, for example, thrown in with the general election, there's too much smart political calculation that goes into it. I think what you really want to do is recognize that a general election is an all-purpose, all-in enterprise. Everything is up for grabs in a general election. The party leaders, the past, the program, the candidates' performances, the future prospects -- anything and everything is open game in an election. What you want is a deliberative process on a ballot question where the only thing that people are considering is the merit of having a better way of tallying up the vote, so that we get a Legislature more reflective of the province.

Those are reasons. There are others, but I don't want to go on unnecessarily. I do come down with the view that it being held as a stand-alone exercise is very important, because otherwise, if it's in the course of a general election, why wouldn't the New Democratic Party or the Progressive Conservative Party or the Liberal Party simply say, "This is a plank in our platform. We're going to bring in mixed-member proportional if you vote for us"? That sort of thing has happened in the past, and people just take it as part of that government's mandate upon election to go ahead and do it.

**Mr. Prue:** Thank you.

**The Chair:** I have a question for you with regard to the process. You're saying that it should be one question. There's a fundamental -- I don't want to say difference, but something possibly learned from the British Columbia experience. The fundamental question here in some respects is, do we want change? Do we actually want to change the electoral system? That is a question for the electorate to begin to move on, the premise of whether we want change or not. It would be my opinion that 90% of the electorate has very little interest in any other system. It's certainly not a topic of conversation out there. It's not a burning issue.

Again, taking a two-step approach, considering the impact it will have long term, is something that we've heard from a number of presenters. I understand that's how they did it in New Zealand, simply saying, "Do you want change? Here are some options for electoral systems. Which one would you choose?" and actually leaving that on the referendum. What would be your comments on some approach such as that?

**Dr. Boyer:** My comment, Madam Chair, is that it is unnecessary. It is not necessary to have a preliminary question, "Do you want change?" because when there is a ballot question that puts to people the choice, "Do you want to change to this mixed-member proportional electoral system?" they will either answer yes or no. If the answer is no, there's the answer to your first question as well. They have voted to stay with the status quo. In other words, you get the answer to both questions directly and implicitly in a single ballot.

**The Chair:** Or if you had three options rather than one in the context of systems, because the one remark that has been heard from British Columbia is, "Gee, there was only one option. Where is this other system? We may have wanted another system as the electorate" -- maybe put three options of electoral systems on the ballot.

**Dr. Boyer:** Yes. You know, at the end of the day, this shouldn't be made overly complicated. I was listening to Professor Williams, who clearly has immersed himself in the workings of electoral systems but who perhaps didn't read some of the clues very accurately about Ontario and certainly, I thought, was over-dramatizing or overstating something of what this is all about -- talking about, is it a constitutional-type change, and the 60% threshold that he seemed to think was required.

What we're talking about here is the process where you're going to decide the governing criteria for a citizens' assembly. Those citizens are going to thoroughly immerse themselves in what they consider, as representative Ontarians, taking everything into account, would be the best current shot in 2005 for us to go with and work with as an upgraded electoral system. We're not pulling something out by the roots; we're upgrading what exists. At the end of their deliberations, they're going to come forward with a recommendation. In a straightforward fashion, that's the best shot out of this very deliberative, democratic process, so the voters get a chance: Do you agree with this or not?

**1420**

To extend the degree of informed deliberation that has been possible in a focused citizens' assembly and seek to project that and the complexity that's behind the process on to the general electorate is really unnecessary and probably even unworthy. We don't find our Premiers, our leaders of the opposition, our cabinet ministers, our candidates, going to the people with a convoluted thought process, but rather with a recommendation that, "We've looked at these issues of education or health care or highways or food safety in Ontario, and here's what we propose to do. Vote for us." That's kind of the nature of an unfolding democratic process. So I would draw back from any recommendations that are coming for multiple votes on this or multiple-part questions.

**The Chair:** Do we have some questions from the other members here?

We have some time here. Do you have anything to add to this deliberation?

**Dr. Boyer:** Well, one would be on this point: I did hear Professor Williams and some of you talking about the British Columbia 60% rule. I was surprised to hear anyone in Ontario suggesting that a vote on something like how we're going to count up the ballots and have our representatives selected to sit in the Legislature required a higher voter approval than has ever been the case to approve fundamental changes to the Constitution of our country, as in the Charlottetown accord; has ever been required to provide for conscription of citizens into uniform to go and fight and die for the country in time of war, as in the 1942 plebiscite; has ever been required for any of the other issues anywhere.

In fact, I would say that as Premier Campbell is trying to extricate himself from his self-created conundrum in British Columbia -- because after all, it is the Premier in British Columbia who has initiated this whole process. He's been a leader. It's his model that we're now following in Ontario of the citizens' assembly, upgrading the electoral system to something that's more proportionate and having a referendum to ensure that the people understand it and endorse it so that we're rolling forward together. This is good. This is very good.

What was bizarre was having a new rule that, all of a sudden, majority didn't matter, 50% plus one didn't count. It had to be 60%, and 60% of the ridings also had



to support it. I believe, in fact, that had people in British Columbia wanted to do this -- and it's still a prospect that it might happen -- the 60% rule is open to a constitutional challenge under the charter on the basis that it is a democratic right, once the statute exists, to confer upon voters the right to vote on ballot questions that is an established, statutory democratic right. Under the charter, democratic rights in Canada can only be restricted or diminished in a way that is demonstrably justifiable in a free and democratic society. That means the test would be to look at all the other statutes and practices and constitutional norms in our country that deal with this right to vote on ballot questions that is statutorily given to citizens. The clear picture is that it's 50% plus one. It always has been, and in every province, including British Columbia, under its continuing Referendum Act, still is 50% plus one.

**The Chair:** We do have some questions, if you would take them.

**Dr. Boyer:** Glad to. I knew if I talked long enough, that would --

**The Chair:** Would generate some questions. I've got Wayne Arthurs, who'd like to ask a question.

**Mr. Arthurs:** Thank you, Chair. Like a good professor, if you give your students enough to work with, they come up with the questions.

We had the Clerk of the Assembly, Claude DesRosiers, before lunch, and had some considerable discussion around the role of the Legislature itself and the inter-relationship of members, and discussions around looking at the systems under which we function as legislators on behalf of our constituents as part and parcel with looking at electoral reform. Having served, yourself, in elected office, any observations on that interrelationship of the role and the function of a Legislature in the electoral system? Should we be taking it upon ourselves in some fashion to do a review of that process at the same time?

**Dr. Boyer:** Thank you very much for the question. There are easily half a dozen, if not a dozen or two dozen, different elements to how we can enhance and upgrade our democratic procedures and institutions in Ontario. As has been noted in your own terms of reference right now, you're looking at electoral reform. I'm sure you will hear people say to you, "Well, you know, electoral reform isn't a panacea. That's not going to solve all the problems." Of course it's not, because there are a series of other problems. And you've just identified another one, which is the functioning of the Legislature once members are elected to it.

In fact, yesterday, I was one of a group that spent the day with Mr. Justice John Gomery discussing issues that he is now seeking to address for his second report. His first report comes out November 1, dealing with the findings of fact relating to the sponsorship scandal, and the second report will be early in the new year, dealing with recommendations. Those recommendations clearly will go to the same issues that you were just asking about, the functioning of a legislative body in relation to its oversight function and holding government to account

and supervising programs, because that was one of several elements involved in the sponsorship scandal: Where was Parliament? How was it holding or not holding the government to account?

One of the things that's very important, whatever the size of the Legislature -- I know that some of the earlier questioning that you've had in the committee has looked at what the ideal size is. Whatever the size of the Legislature, I think significant empowerment of members of the Ontario assembly is the next order of business. I'm not speaking here about increased money for members' budgets for constituency offices or for their personal staff at Queen's Park. I'm talking about significant resources for the committee work that members carry out as representatives of the people in a legislative body which has a constitutional obligation, under our concept of responsible government, to supervise, question and hold the government to account for its practices and operations.

For example, I'm currently working on a television documentary dealing with Ontario Hydro and the province's energy future. For a long period in the evolution of the development of the nuclear energy program in Ontario and so much more, you have to ask the question: Where was the Ontario Legislature in this process? Occasionally there was a special committee to look at one specific issue, but where was the ongoing standing committee of the Ontario Legislature dealing with what is one of the most fundamental things in our province, the widespread availability of low-cost electricity?

So, yes, I think you've raised a fundamental issue. For a long time, since Lord Durham's report and our Constitution in the 1840s, we've had this linking, the fusion of the Legislative Assembly and the executive. Up until the rebellion in Ontario in 1837, the two sat separately -- the executive council, the cabinet, and the Legislative Assembly -- and there was no particular connection between the two. So it was seen for a long time that the genius of Durham's recommendation -- and it's in all our Legislatures now, in Ottawa and in the House of Commons -- is that the executive and the Legislature are fused. That's why the Premier and his cabinet are in the Legislature and chosen from them.

That was good as long as the two were kind of in equal balance, with the government getting the authority from the Legislature for what it was doing and the Legislature holding the government to account for what it was doing. But what's happened in the post-war period increasingly is that this has not been a balance; it's tilted so that the Legislative Assembly has become, really, an extension of government, to a very great extent. Over the coming decade, if we can get this turned back up on an even keel, that will be the next step in upgrading the operation of our democratic institutions in Ontario.

1430

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** Professor, you seem to recommend a stand-alone referendum. Voter turnout has been decreasing in the last two or three elections in Canada -- in fact, all over the

world, as we were in other jurisdictions over the last couple of weeks. My question is hypothetical: If only 49% of the voters turn out to vote for that stand-alone referendum, would you call it a valid referendum?

**Dr. Boyer:** Yes, I would. I think that we have to say the rules are there. Everybody has the freedom to vote; those who choose to come out and do so make a decision. Earlier, someone was saying the freedom to vote is also the freedom not to vote. I do not believe in compulsory voting. There are great reasons why that is suitable for Australians. They were all former prisoners; it was a penal colony. Britain emptied its prisons and put them in ships to the other side of the world. They understand about compulsion down there.

But in Canada, it's just the opposite. We do not like compulsory things, whether it's for military service or for voting. I think that it would be wrong after an election campaign or a referendum campaign, when people have been inundated with people on their doorsteps and flyers and advertisements on the television and radio saying what's at stake and why it's important, and Elections Ontario, excellent in the way it does its work, providing all the facilities and the information -- if at the end of that process, somebody is not inspired to go out and vote, I say that to force them to go to the polls would dilute the value of the educated decision that has been made by citizens who have stayed informed and have been motivated to go to the polls and cast their ballot. If that number of those who are motivated to go out and vote keeps declining -- you say it could be below 50% -- that's unfortunate. It's not good; it's not a great sign for us. We can't be happy with that. But I think we still have to function as a parliamentary democracy and say there was a choice, the options were available to people, and we've got to go with those who came out to the party and what they decided.

In the United States, where they've been getting turnouts like about 37%, that's still determining who gets to form a government there. As bad as it's become in Canada with declining voter turnout, we have fortunately not sunk to that level yet, and I believe in fact that these trend lines can be turned around.

**The Chair:** Thank you. Just to clarify one aspect, the mandatory voting in Australia, as you may know, Dr. Boyer, was developed in 1921, because after the First World War, only about 57% of the people turned out to vote. So the actual reason that the government imposed mandatory voting was because of the decline in voter turnout. It just happens to be the actual reason that Australia went to mandatory voting in 1921.

**Dr. Boyer:** That's interesting. They were worried about a number that we'd now be proud to have.

**The Chair:** Yes, exactly. But I thank you very much for taking the time to make a presentation to us. As there are no other questions, thank you again for your input.

**Dr. Boyer:** Thank you. Glad to be with you.

HARRY NEUFELD

**The Chair:** We now have with us Harry Neufeld, the chief electoral officer of British Columbia. Welcome to Ontario and welcome to our committee.

**Mr. Harry Neufeld:** Thank you, Madam Chair. I'm honoured to have been asked to appear in front of you. I have just a few brief comments that I want to make to set context, and then I'd be open to answering any questions you might have about your obvious interest in what happened in BC.

I have four messages I'd like to leave with the committee, and I'm sure we might have a few more that come out in questions. The first is that if you choose to have a referendum in conjunction with your next election, which I understand is just about two years from now, from an administrative point of view and from a cost-to-the-public point of view, it can be made to work very, very well. We engineered it in British Columbia so that it was essentially a thin, added layer to the election process.

On the \$25 million that we had as a budget for administering the election, the addition for the referendum was \$1.2 million. This compares with a budget at the moment that we're developing for the referendum which will be held in 2008 in conjunction with the local government election, where it's a very different dynamic. We'll still have a requirement to have separate teams running the referendum ballot. We expect that will be in excess of \$20 million.

So if the question of the costs is of great importance to you, there certainly is a model that works very well in terms of reducing costs by conducting a referendum in conjunction with an existing general election.

The second message is that a referendum does not necessarily have a great positive impact on turnout. In 2001, which was a general election without any referendum, the turnout of the eligible voters was 55.4%. In 2005, where we had the referendum in conjunction with the provincial election, the turnout of eligible voters was 57.8%. So there was a slight increase, but there was a lot of work that my offices and other offices and other citizens' groups did to try to raise participation, especially participation on the part of youth.

The third point I'd like to make is that there was a concern that referendum debate might overtake election debate. It can go the other way as well, and I think in British Columbia it did go the other way. Certainly from my perspective, there was actually very little public discussion on the referendum question compared to the considerable debate and discussion that was generated by 412 candidates and 48 registered political parties.

The last point is that I can't emphasize too strongly to you that it is extremely important that there's a neutral civic education campaign on the referendum topic, and that this is crucial to people making an intelligent decision. I have a reference here of a survey done by Nordic Research. If you want specifics on it: nordicresearch.net, their June 13 press release. Some 53% of voters in British Columbia who voted against the STV proposal did so

because they weren't knowledgeable about the issue. That is a shame. I think it was a design flaw that needs to be addressed and will be addressed in the throne speech suggestions about what will happen in 2008. There will be Yes and No groups; they will be funded by the government; there will be a comprehensive and neutral public information campaign so voters know the pros and cons of the single-member plurality system, the pros and cons of the single transferable vote system.

I think this is really important, that it factor into your design at the outset of what the process will be. If you have a citizens' assembly, if you have a referendum that may be generated by the decisions that that citizens' assembly makes, there needs to be, right at the very beginning, a commitment and a plan put in place for how the voters of Ontario will learn and understand what the issues are.

In British Columbia, a slim version of the final report of the citizens' assembly was sent to everybody in January. What's called a householder pamphlet was sent to every household in March, and the Referendum Information Office, which had a budget of about \$860,000, put up a Web site and established a 1-800 call centre. It clearly wasn't enough, because all of the opinion polls and anecdotal evidence that I heard was that people simply didn't get engaged with the question of, "What's this all about?"

**1440**

Gordon Gibson and I had a conversation the day before the referendum vote. His early suggestion in the design of the citizens' assembly process was that Yes and No committees would not be necessary and that the debate on changing the electoral system would just take off, that it would be talked about on street corners, that everybody would be discussing why they would make this decision and whether they'd vote yes or no. I have to tell you, that never came to pass. Getting people to be interested in what the fundamentals are of electoral reform is not an easy challenge to overcome.

Now, Madam Chair, I'd be happy to answer any questions members of the committee might have.

**The Chair:** I have Kathleen Wynne.

**Ms. Wynne:** Thank you very much for being here. So what more needs to be done? What are the elements that you think are missing in terms of the issue you were just talking about, the public education piece? How do we engage people in that conversation?

**Mr. Neufeld:** I'm not a communications expert, but I have to tell you that these don't work.

**Ms. Wynne:** The flyers that go to the door don't work.

**Mr. Neufeld:** This is highly ineffective. Having a Web site which has got a semi-academic discussion doesn't work. Yes, the academics will go and highly motivated citizens will read through it, but it's opaque to most people. At our 1-800 call centre, they were overwhelmed with the response. I was answering questions at the same time that they were answering questions and I was getting 5,000 calls a day, while they were getting 50.

So clearly, just saying you're going to have a 1-800 centre isn't enough either.

**Ms. Wynne:** All of those things assume some motivation on the part of the elector to access them and to look for the information, as opposed to being engaged actively. The elector then has to take some action in order to get the information.

**Mr. Neufeld:** I guess the observation I'd have to make is that there were a lot of cynics when the citizens' assembly process began in British Columbia. I remember one of our commentators in the press said, "Sure, we'll let them go for a couple of weekends of discussion on electoral reform. Just watch them all leave. Nothing could be more boring. Watching paint dry is going to be way more interesting." That commentator and many others who were highly cynical were proven completely wrong. What happened was the citizens' assembly came very quickly to the realization that if you change the electoral system, it changes everything.

Somehow, that has to be a message that is widely understood by the public and communicated by the media. That's a real challenge. I'm not sure what the best communications approach is, but I encourage you to think about it early. Don't make this an afterthought, after the citizens' assembly comes out with its report: "How are we going to deal with the public education aspect?" That's too late. You need people to start early, and what I do know about the communications challenge is it's constantly changing as our society's changing. What worked two years ago might not work this year.

You have to have people who are savvy with this, who understand how to deal with capturing the public's interest in order to really make this work. This isn't like selling a new product. The problem here is you've got to take a neutral approach as well. This is about people making a fundamental decision about how their legislators are going to be selected.

I think, in fairness, in British Columbia, both the governing party and the opposition party decided at an early point that they were not going to take sides on this. They were going to leave it up to the public. For that reason, there wasn't an informed political debate going on about why one side was good or another side was bad.

This apparently will not be the case in the 2008 referendum. The throne speech was very clear that every member of the assembly is going to be encouraged to express their own opinion and that it's not going to be the parties represented in the Legislature that are going to say yes or no. I'm sure there's nothing preventing them from doing that, but the encouragement was going to be that individual cabinet ministers and individual members of the Legislative Assembly are going to be encouraged to express their support for one system or the other or talk about what the problems are that they foresee with either the current system or the proposed STV system.

**Ms. Wynne:** And they will not be in the middle of an election campaign themselves. The municipalities will be going through an election process at that point.

**Mr. Neufeld:** That's correct.

**Ms. Wynne:** You said you thought that the election issues overtook the referendum issues in the first referendum.

**Mr. Neufeld:** Many commentators in British Columbia thought the referendum was all but invisible. In fact there was a lot of concern that people would not vote in the referendum because the legislation, for the first time in British Columbia, was set up so that you could decline a ballot. You could decline either an election ballot or the referendum ballot. You could come in and vote on just one if you wanted to. In fact only 60,000 fewer people voted in the referendum than in the election, despite the fact that there was actually quite a low level of general understanding of what the question was about in terms of BC's STV model.

**Ms. Wynne:** Just a last question: You're saying that that political discourse or political debate was probably a necessary and missing element in the first referendum in BC. Are you saying you couldn't engender that during an election campaign?

**Mr. Neufeld:** I wouldn't want to speculate about whether you couldn't engender it, but if you were going to engender it, I think you'd have to very consciously do it with some other means.

**Ms. Wynne:** It's risky.

**Mr. Neufeld:** I had a chat with John Hollins. In his observation, he was out to be part of a team that was international, actually looking at this referendum being conducted on a fundamental question at the time of an election. His observation was that people expressed some frustration that their member or the politicians they were engaging with were saying, "Well, that's up to you." They're saying, "Wait a minute. You're our leaders or you want to be our leaders. You have to have an opinion on this. This is really important. Why aren't you willing to express an opinion?" Quite consciously, the throne speech regarding how this process is going to unfold in 2008 has addressed that.

The other thing that is being addressed, and it may be something you want to consider, was the issue of electoral boundaries. There are far fewer constituencies under some electoral systems than others. It was one of the questions that came up in the debate that was held before the referendum. People said, "I don't know whether I'm going to be represented by two members, seven members or something in between. I don't know whether the boundaries of my constituency are going to go south of where I live or north of where I live and I'd just sure like to know that before I put a yes or a no on this," and it simply wasn't possible.

I'm not saying it's necessarily going to be possible, but it could be an equation that you ask the citizens' assembly members to certainly consider so that it's part of the informed debate that follows.

**Mr. Prue:** It seems to me that the politicians necessarily hid during the election. They could have spoken out but they chose not to, probably because they saw the polls that said it was evenly split and didn't want to antagonize one side or the other.

I certainly know that was my experience, running municipally. When they asked, "How are you going to vote on the referendum on legalized gambling?" I told them that was their choice. They didn't like that answer. I finally said, "As a private citizen who has one vote, I'm going to vote no," which they liked. But they had to push me and they had to push these politicians. There's no doubt in my mind the politicians stayed away from this question in droves, and that brings me back.

Apart from saving the \$20 million -- and I admit we all want to save \$20 million -- what possible benefit was there for holding the referendum at the time of the election? The turnout?

**1450**

**Mr. Neufeld:** The other benefit tends to be around turnout. It's already part of the discussion in BC. Local government elections do not traditionally have the same kind of turnout.

**Mr. Prue:** Exactly. You're going to get about a 35% or 40% turnout instead of a 60% turnout.

**Mr. Neufeld:** Yes, in general terms, it's a 30% to 35% turnout in municipal elections. The concern is, is that legitimate in terms of really making this fundamental decision if only this small core of voters are going to turn out? The flip side of it is that some of the municipal politicians have said, "We're probably going to get the best turnout we've had in decades, because people have more than one reason to come and participate." The argument can be made both ways.

A stand-alone referendum is another option. The cost would be even higher and, again, the issue of turnout becomes part and parcel as to why you would want to do it that way.

**Mr. Prue:** We went to BC. The budget of \$800,000 could be described as laughable, trying to get to that many people in a heightened election period, to get them to understand. There was never any thought, I understand, given to having a larger budget or putting out a pamphlet with the pros and cons, giving each side one page on a 3-pager that folds, just to explain why they're supporting it or why they're opposing it, so that somebody would have something to read.

**Mr. Neufeld:** I think to say that this was a bit of an afterthought is perhaps the issue. It wasn't in the design of the document that Gordon Gibson came up with. The citizens' assembly process worked so well --

**Mr. Prue:** It was brilliant.

**Mr. Neufeld:** But there was this vacuum after that, and the small Referendum Information Office wasn't really adequate to fill that vacuum in terms of the public information need that I think just wasn't filled. I think that's a lesson learned from our experience. The issue of the boundaries is a lesson learned. The issue of Yes and No committees being funded and having some advance opportunity to get their message out is a lesson learned. I guess for you the question is, is having it in conjunction with a general election going to potentially have the election overwhelm the referendum question, and is that something you're going to recommend against?

**Mr. Prue:** My last question is that the Electoral Boundaries Commission is going to be looking at where the new boundaries are going to be and how many ridings are going to be put together, and people are going to be told, "You will be in a five-member constituency and this is what it looks like." Is that all going to happen before the next referendum?

**Mr. Neufeld:** That's right. As I understand it, the Electoral Boundaries Commission is going to be established in the current session of the Legislature in British Columbia. They will be asked to go out and establish the boundaries for the current single-member plurality system and as well establish the boundaries for the proposed single transferable vote system. Both sets of boundaries would be widely published. People would know which boundary they'd be within under both systems, and that would be part of what would inform their decision in the referendum.

**Mr. Prue:** Because in our discussions with some of the people there, they felt that that was a key factor in some of the No votes.

**Mr. Neufeld:** That was certainly a concern in rural and northern British Columbia, that people didn't know how big the constituency boundaries were going to be and how many representatives they were going to have.

**Mr. Prue:** It's quite conceivable in some of those rural and northern boundaries that they would have been quite enormous in terms of size; not in population but in terms of --

**Mr. Neufeld:** Physical size.

**Mr. Prue:** Physical size. OK, thank you.

**Mr. Arthurs:** I'd just like to ask a couple of questions. One is with respect to the declining of ballots. I think you said it was the first time in BC where people would formally decline a ballot. Just quickly, how would that have been processed? Was it a simple question of whether the constituent wanted a ballot for the provincial election and for the referendum, or did they have to formally decline one or the other of the two ballots in some fashion?

**Mr. Neufeld:** Procedurally, the way it worked was this: A voter would come to their assigned voting station -- it was the normal situation; they'd get a where-to-vote card and it would tell them that this is where they should go -- and they would be confirmed on the voters' list. They would be given both ballots. If they said, "No, I don't want that one," there was a check box for "declined," and I think they had to make a signature that they had formally declined.

But the default was that they were given both, and if they only wanted to vote in one and not the other, then they had to formally request that they not have that vote as part of the process. We did have a lot of blank ballots as well.

**Mr. Arthurs:** They would have taken both and only filled out one and not the other.

**Mr. Neufeld:** As a result, it was rejected. I think our rejection rate on the referendum ballots was two and a half times what it was in the election.

**Mr. Arthurs:** You referenced some 60,000 declined ballots, I think. Is that in addition to the declined ballots?

**Mr. Neufeld:** That's in addition, yes.

**Mr. Arthurs:** My second general question: You made the comment -- I want to be sure I'm right or understood it all -- about the lack of public understanding, maybe, that the electoral system change would change everything. Was I accurate --

**Mr. Neufeld:** This was one of the comments made by the citizens' assembly members, that when they realized that, the job got really exciting and very interesting for them. It's by no means a panacea, as you've heard from many witnesses, but the electoral system and how we select our representatives does have far-reaching effects in terms of the representation model and how citizens engage in it. I think this was basically the message that the citizens' assembly found so very motivating.

**Mr. Arthurs:** So part of the education process, then, if I can draw a simple analogy, is advising the voter, educating the voter that it's not a matter of choosing between two four-door sedans; it's a choice between maybe a big, honking SUV and a two-seater hybrid.

**Mr. Neufeld:** Or maybe an airplane.

**Mr. Arthurs:** Or an airplane.

**The Chair:** Thank you. I have a couple of questions that go to the information to the general public about what's happening, the whole discussion around electoral reform and changes in the system. I'm interested in your observations, because certainly in our very short experience here in the discussion of this select committee on electoral systems -- at least, as we listened to Claude DesRosiers talk about an evolution in our Legislature, I think the media reporting has evolved as well. To me, what I found here is that the media seem to be more interested in, I guess it's been termed the "gotcha" journalism. It's not about the discussion that we're having around electoral systems and the process involved. They're more interested in where the members are going and trying to find a little titillating sensationalism, rather than reporting the discussion.

I guess what I'm interested in is, in the process in British Columbia -- which took, what, about three years?

**Mr. Neufeld:** It was actually April 2003 when the assembly formally established that they were going to have a constituent assembly and hired a chair, and two years later the election campaign was underway. So it was just over two years from beginning to end.

**The Chair:** What I'm interested in is the interest that was shown in your general media and, qualitatively as well as quantitatively, how much discussion was in the general reporting of what I call this other leg to democracy, which is our media? What is your observation? How was it in British Columbia during those two years?

**1500**

**Mr. Neufeld:** The major newspapers -- the Vancouver Sun, the Times Colonist, the BC Province -- all gave quite a bit of coverage to the establishment of the assembly, the debate that was going on, the design of the mixed-member proportional system they devised and the

design of the single transferable vote system they devised. There was pretty good coverage in local newspapers and a little bit on the electronic media when the public hearing process was underway, because it sort of astounded everybody that, in the middle of summer, you'd get so many people coming out to these public hearings. They were very, very well attended and quite lively in terms of their presentations. If you haven't seen it, there was quite an excellent one-hour documentary done by the Knowledge Network. It's available for purchase and shows the emotion and the level of interest that was associated with the citizens' assembly process.

Curiously, as we got closer to their decision, the press coverage kind of dropped off. The media interest really didn't go anywhere after the citizens' assembly basically made the news-making decision that there was going to be a referendum and it was going to be on this system that everybody found surprising. Mixed-member proportional was kind of the default that everybody expected, and STV came out of nowhere and took over by far the majority recommendation of the assembly.

Once that was out, nothing really substantive seemed to get reported, and the discussion never really got legs after that.

**The Chair:** There is one other question I have, and that has to do with voter turnout. Sometimes in the discussion of electoral reform or looking at an electoral system, one looks at it with some hope that maybe one of the end results is going to be more interest in somehow being able to raise the numbers, which I don't think in and of itself happens, because the numbers of all systems, I understand, are going down. But as the chief electoral officer of British Columbia, what technical things can be done in your evaluations of being this person who looks after elections, things that can be done by the system to encourage, let's say, voter turnout or to assist in higher voter turnout?

**Mr. Neufeld:** You're fortunate in that you have one of the most energetic and innovative chief electoral officers anywhere in the world, as far as I'm concerned. He's got more ideas in the average year than I can possibly generate. John Hollins, I think, has probably got the best bead on this, which is that you really take a service orientation: You remove the impediments to participation; you make it extraordinarily easy for people to vote anywhere; whether they're out of town or coming home from work, any voting place is accessible to them. Traditionally, this flies in the face of a lot of safeguards that we built into the system. Election acts tend to be tremendously prescriptive about how we're going to make sure that we know who voted and that they voted in their assigned voting location, and if they didn't, then there are other safeguards so that there's no possibility of any fraud.

John is interested in preventing the fraud but really raising the service levels to a very high level, to take any excuse that could come up in terms of process away from the average individual, the person who says, "Ah, there's a lineup," "It's too far to get to a voting place," "I don't

know whether I'm registered and I don't know whether I can register," those sorts of questions.

So I think, short of taking the step of saying, as 23 countries, in the last count I did, have around the world, "Voting is an obligation and we're going to make that mandatory," which we also heard flies in the face of a lot of Canadian values -- the opinion polls I've seen consistently have 70%-plus of Canadians saying, "No, that's not our sense of freedom." Compulsory voting is not something that they consider a Canadian approach. Short of that, I think what you have to do is concentrate on staying current with our evolving society, where people aren't willing to wait in lines and they want convenience; they want to be able to vote when it's convenient for them.

**The Chair:** Thank you. I have Kathleen.

**Ms. Wynne:** One quick question: The 60%, the supermajority -- I wasn't in BC, and I'm sorry I don't know -- is that going to be the rule in the 2008 referendum?

**Mr. Neufeld:** Yes, it is going to be the rule.

**Ms. Wynne:** Would you comment on it?

**Mr. Neufeld:** This was a unanimous decision of the members of the Legislative Assembly. It's not a point of intense amount of debate in British Columbia. There are some people who thought that the referendum result was adequate to endorse the single transferable vote system, but politically, everybody seemed to agree that, no, these were the rules that were established, and the threshold wasn't met. It was a high enough percentage. It required 60% of the overall vote and 60% of the constituencies -- 48 out of the 79 had to be 50% in favour of it -- and this was to address the possibility of the lower mainland and the urban ridings of southern Vancouver Island carrying the day. I don't expect that there's going to be an outcry about this very high threshold being required again.

**Ms. Wynne:** Thank you.

**The Chair:** I also have Norm Sterling.

**Mr. Norman W. Sterling (Lanark-Carleton):** What would be your estimate of the voter turnout -- on the question, what do you think it would have been if there hadn't been a general election, if it was just purely on the election system? Do you think you would have had 5%, 10% of people come out and vote?

**Mr. Neufeld:** That's a very speculative question. I would hope more than 5% or 10%, but I doubt it would have been more than 25%.

**Mr. Sterling:** And you say in your municipal elections, they draw, what, 30%, 35%?

So if we presume that this may raise the bar by two, three, five points, you could end up changing the system of electing members with a third of the people voting. Is that a legitimate referendum?

**Mr. Neufeld:** It's a great question. I think it's going to come up in the debate in the coming two years. I hope, sincerely, that this is the best-attended municipal election in a long time, or that if people decide they're not going to vote municipally, they at least come out for the referendum; it's on a very, very important question. But this is

something that you have to face here too if you decide you're going to have a referendum held on its own.

**Mr. Sterling:** You see, the problem is that in the two jurisdictions where I've had the opportunity to talk to people involved and observe the political scene, Scotland and Ireland, that says to me that it doesn't change the system very much, bottom line. Basically, what happens is the majority government in those two cases finds a partner, and then they have a coalition government, in both cases made of two parties, then act like a majority government. You travel on like you're a majority government, and you have six parties instead of three, or whatever the number is.

The problem I have with the whole referendum is, if you ask people, "Do you want to change your system of government?" it's a slam dunk. People are going to vote for change in their system of government because of what's going on in Ottawa and their general cynicism toward politics. So you're going to get this response to whatever they come up with. You could invent a brand new scheme that was just absolutely nuts, and people would vote for it.

**Mr. Neufeld:** The counter-argument to that is that they're not voting, the people who feel that way. They're that part of the core, now, that I'm told is between 25% and 30% who are never going to vote again in their lives.

**Mr. Sterling:** I don't know. I have a difficult time. People didn't understand what the STV system is, and 57% vote for it.

**Mr. Neufeld:** Almost 58%.

1510

**Mr. Sterling:** Yes. Basically we're on a path down a road, changing the system and nobody's going to defend the status quo. One of the reasons I think the politicians didn't enter into the debate --

**Mr. Neufeld:** Some retired politicians did.

**Mr. Sterling:** Yes, but current ones -- is because if you go out and defend the status quo, they will be just seen as feathering their own nest, that, "Oh, those guys just don't want to change because this is a big" -- all the cynical stuff that people talk about will be portrayed to those particular politicians.

There's not an even debate. You can't have an even debate on this as you go forward. Basically, what you're going to do is throw it over to the citizens' committee, they're going to talk, they're going to understand the machinations and probably come up with an STV system, or something of that ilk because of the choice part of it, and people will vote for it regardless.

**Mr. Neufeld:** I understand your point completely. The interesting thing that came out in the No debate in British Columbia -- and this was led for the most part by some former senior bureaucrats and some former powerful politicians in British Columbia -- was on the whole issue of not having majorities. The concern was that the proposed system would lead to very weak coalitions.

The counter-argument to yours is that the No side has a fighting chance here as well in that the perception is that coalitions or minority governments are weak and you

get all this waffling, a lack of decision-making, inefficiencies and waste.

I understand your point, but there's another one that I think you could hear from the proponents of the status quo.

**Mr. Sterling:** My other observation is that all the parties race to the middle, that essentially the politics becomes too local for a situation where you have to make decisions that are good for all of the province, so you basically get the elevation of a municipal council kind of atmosphere upwards and pressuring decisions that are not for the good of the whole, but are good for some communities and not good for others.

**Mr. Neufeld:** And that's an observation that's been made by Irish parliamentarians. There's been a suggestion that one of the failings of the BC citizens' assembly model was it excluded political practitioners that could bring that kind of an argument into the equation. I know that's something the committee is going to be considering, and I think it has validity.

**Mr. Sterling:** The last one is, what do you think about the Irish method of accounting, where they take 1,000 ballots off the top and use those for the subsequent votes in the STV system?

**Mr. Neufeld:** The design of the BC system does not use that equation.

**The Chair:** I have Mr. Patten before we wrap up.

**Mr. Patten:** My question is a technical one. Thanks for joining us. I was in BC for a couple of days and I thoroughly enjoyed and was impressed with the integrity of the process. Having said that, there are some realizations of improving upon it and some learning, as there is at any time.

You're working, obviously, at the provincial level and you're working with municipalities that have their own structures, presumably, for their set-up, and I don't know whether you have any unorganized areas. So that means, theoretically, that the province really has to pick up the opportunities for those folks to vote, because they're not going to be voting for city councillors or what have you. How does that work in terms of those areas, and what is your relationship with the municipalities in terms of the set-up that you're going to have?

**Mr. Neufeld:** Richard, you're asking really tough questions here, because this is all still very new. It's less than a month since the throne speech was made, and there's no legislation around any of this to guide me. So far, the discussion has been that the province will run the referendum, the local municipal chief electoral officers will run the local government elections, and where there are no elections, the province will have to establish voting locations for the referendum, like Indian reservations and unorganized territories and so on. At the moment, my discussion with senior officials that are responsible for local government elections is that it will probably work best if we try to the maximum extent possible to share voting locations and share the costs of those voting locations. We'll have one team on one side of the room or beside another team in the middle of the room so that

it's kind of an assembly line process: You vote in the election, you vote in the referendum, or vice versa. The votes will be counted separately and will be reported separately.

In British Columbia, the municipalities have the opportunity to use the provincial voters list if they choose to. Many municipalities, especially the smaller ones, simply don't use a voters list at all. But the requirements are likely that people will have to be registered provincially in order to cast a ballot in the referendum. So the hope is that we're going to streamline this to make it convenient for voters. It's the same place they would be going anyway to cast a local government election ballot. If there isn't a ballot that they would normally cast, they will be informed about where they're able to cast a referendum ballot. All the standard absentee voting provisions -- voting by mail and so on -- will also be available. There will be some efficiencies, but not the same kinds of efficiencies as if we were running it at the same time as a general election.

**The Chair:** I know Mr. Hollins and have had a chance to speak with him at length, and I found him to be a remarkable individual and truly, truly ahead of his time. I have to say that one of the questions, of course, is this whole notion of voter turnout, and his, if you want, expertise in actually making it happen through the ideas that he does have is quite significant. Again, he's way ahead. Our Election Act in Ontario I think is 30 years old, which is part of the problem, because it doesn't allow his operation to do some of the things that he feels can be done. So I certainly have a great deal of respect and understanding. I think he is one of the best; I totally agree with you. I had asked that question in the context of what was happening in British Columbia, but I know we have one of the best. I thank you for making that comment, and I totally agree with you.

Thank you for coming here from British Columbia to speak to us. It was very valuable, as all the presentations have been.

**Mr. Neufeld:** Thank you for your attention.

1520

#### FAMILY COALITION PARTY OF ONTARIO

**The Chair:** This morning, the Family Coalition Party was not able to appear, but the representative is present here in the audience, and if it is the committee's wish to have him make a presentation for about 10 minutes -- OK? Thank you very much. It's Giuseppe Gori, the leader of the Family Coalition Party of Ontario. It's not very often that I see that name in Ontario as Giuseppe.

**Mr. Giuseppe Gori:** Yes. Thank you, Madam Chair. I am profoundly grateful for allowing this opportunity. Hell broke loose this morning and I couldn't possibly come. I'll try to be very quick.

First of all, I would like to commend the government for going ahead with this reform that is really important

and really, really needed in Ontario and in Canada. I have a few points to make, and the first point is probably something that you already know about. The Law Commission of Canada has produced a report that we find very thorough and very complete. They went around the world, checking all the different electoral systems in different nations. Their work is available and their recommendations make a lot of sense. The first point is that we don't need to duplicate a lot of work here in Ontario. Fortunately, that work has already been done in great part.

The second point I want to make is that I'm actually trying to simplify the work of the citizens' assembly and your work. The scope of the citizens' assembly is clear: It's to propose to Ontarians a fair system of elections. This scope does not include rewriting the Charter of Rights and Freedoms. This scope does not include rewriting social laws for Ontario. The Law Commission of Canada recommendation numbers 6, 7, 8, 9, 10, 11, 12 and 33 were not within the scope of a fair electoral system and, even more so, were not in the scope of the Ontario election reform process.

Democracy is best served when freedom and equal opportunity are fully respected. So-called equal opportunity applied to a selected group is not freedom. As an example, we have a definition of "gender equality" according to the Status of Women Canada government Web site, which recognizes that treating women and men identically will not ensure equality. I suggest that this committee instruct the citizens' assembly to stay away from the pitfalls of discrimination, positive or negative discrimination alike.

This leaves about 25 recommendations of the law reform commission specifically regarding the system of elections. The Family Coalition Party supports all of them. We only have a comment on recommendation 4, and this is my next point. Recommendation 4 says:

"Two thirds of the members of the House of Commons should be elected in constituency races using the first-past-the-post method, and the remaining one third should be elected from provincial or territorial party lists. In addition, one list seat each should be allotted to Nunavut, Northwest Territories and Yukon."

Our question is, why does recommendation 4 say two thirds? Of course, a full proportional system would be 100% party lists. We are saying if a compromise solution is needed, it should probably be 50-50. The 50-50 solution produces fairer results and the law reform commission for provinces and territories with one seat already proposes essentially a 50-50 solution. The proposed solution, one third and two thirds, would say that the ridings would go only to about 175,000 voters each. By using the 50-50 formula, we could exactly combine two ridings into one with a population of about 200,000.

If you can give me a couple of more minutes, I have very short points. Number 1 is that subdividing Ontario into three regions, as the LCC proposed, is useful for federal equalization processes but is not needed for Ontario elections.



Madam Chair, you asked a question before about whether to ask more than one question instead of just one question. My suggestion would be to first ask the question about whether or not you support the following system of election and, as a second question, if you answered no to the first one, “Would you want to change the system into something else?”

One very small point is that when the citizens’ assembly will choose the proportion with respect to first-past-the-post, you can go all the way from 1% to 100% proportionally. The 1% proportional in Ontario, with about 100 ridings, would actually be feasible, because it would mean that the leader of any party who receives at least 4% of the votes during an election would automatically sit in the Legislature. That’s a possibility.

The Family Coalition Party repeats that it favours a 50-50 type of solution of mixed member proportional. That concludes my presentation, if you have any questions.

**The Chair:** Thank you very much. We do have one question from Michael Prue.

**Mr. Prue:** Just a little bit on the math: Again, we’re talking about the federal system. When you go to two thirds-one third, it takes it from about 120,000 up to 175,000. When you go to 50-50, it in fact takes it from about 120,000 to 240,000 people. A 240,000-person riding in northern Ontario would be as big as most of Europe. Do you think that could work? I don’t even know

how Howard Hampton and Gilles Bisson, who have the two biggest ridings, do it, and they’re at 75,000 members each.

**Mr. Gori:** The math, of course, varies according to the current number of voters from one riding, so that would be doubled. Of course, those people would be represented now by their local elected representative, according to first-past-the-post, but they would also be represented by another member, based on the proportional system. So essentially, the number of people at Queen’s Park would not change, and the people would be represented at Queen’s Park in essentially the same proportions, although in different ways. A person could call their local representative or the representative of the party of their choice, who sits in the Legislature according to the proportional system.

**The Chair:** Thank you very much, Mr. Gori, for being here. I’m pleased that we were able to accommodate you.

**Mr. Gori:** Thank you very much.

**The Chair:** The open session of the meeting is now going to end, and we will then maybe have a five-minute recess and come back again for our closed session.

*The committee continued in closed session at 1530.*





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