



June 01, 2011

Prime Minister Stephen Harper
Office of the Prime Minister
Ottawa, ON
VIA FAX: (613) 941-6900

Dear Prime Minister Harper:

As President of the BC Civil Liberties Association, I write to you concerning recent news reports of the suggestion made by the Quebec National Assembly and Government of Quebec that the principle of representation by population be disregarded in the composition of the House of Commons, that Quebec be guaranteed 24% of the seats in the House of Commons in perpetuity and that the redistribution of seats in the House of Commons that is about to take place be done on a basis that adds more seats to Quebec than the 75 seats which it is currently proposed to be allocated.

Guaranteeing Quebec 24% of the seats in the House of Commons without regard to its population does violence to the principle of proportionate representation. It is undemocratic and unfair. It is also, in our view, unconstitutional.

Our organization is deeply committed to principles of democratic governance and equality of voting power of each citizen. We recognize that the allocation of seats in the House of Commons has been subject to certain historical anachronisms (e.g., the “Senate floor” rule that protects smaller provinces from being allocated fewer MPs than they have Senators). But we advocate removing those, rather than creating new distortions and anomalies. In a democratic society, it is essential that each voter’s vote be given equal weight. Anything that erodes that does violence to democratic principles.

In litigation on the question of redistricting within provinces, courts have ruled that “equality of voting power is the single most important factor to be considered.” Providing one province with more seats than it is proportionately due, would infringe upon the Charter of Rights and Freedoms, which protects the right to vote as a fundamental democratic right. It would also breach other constitutional provisions. For example, section 52 of the Constitution Act, 1867, as amended, provides that, “The Number of Members of the House of Commons may be from Time to Time increased by the Parliament of Canada, provided the proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed.” We note that the Constitution Act, 1982, provides that the

principle of proportionate representation may only be amended by a vote of the Senate and House and "at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces." We note that the Constitution Act, 1982, provides that the principle of proportionate representation may only be amended by a vote of the Senate and House and "at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces." We rather doubt that any such majority of provinces, of Senators and of members of the House of Commons would be achieved so as to accede to the notion that Quebec receive a defined proportion of members of the House of Commons.

While exceptions have been made historically for some smaller provinces and territories with few MPs, it is simply untenable for anyone to argue that a province that is allocated 75 seats lacks sufficient representation so as to have its message heard in the House of Commons. Indeed, it should be kept in mind that continuing the allocation of 75 seats to Quebec already over-represents it in the House of Commons.

We trust that you will uphold the national interest in the principles of equality and democracy. We encourage you to reject suggestions to distort proportionate representation. We call on you instead to work to move closer to the constitutional ideal of completely proportionate representation in the House of Commons, both among provinces and in the drawing of constituency boundaries within provinces.

Yours truly,



Robert Holmes
President

cc: Hon. Jack Layton, VIA FAX: (416) 405-8918
Hon. Bob Rae, VIA FAX: (416) 954-9649
Hon. Dalton McGuinty, Premier, VIA FAX: (416) 325-3745
Hon. Christy Clark, Premier, VIA FAX: (250) 387-0087
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