



Backgrounder

Democratic Representation Act

- The Government has introduced a bill in the House of Commons, entitled the *Democratic Representation Act*, which will amend the constitutional formula for the decennial readjustment of seats in the House of Commons among the provinces.

History of the Seat Readjustment Formula

- At Confederation, the concept of representation by population was a guiding principle in determining the initial allocation of seats in the House of Commons among the provinces. At the same time, a formula was included in the *Constitution Act, 1867* to determine how seats would be readjusted to respond to population changes across the country over time.
- The Confederation formula required a readjustment of seats following each decennial census. While representation by population has always been a primary feature of the seat readjustment formula, protections have been made to ensure the effective representation of provinces with smaller or relatively declining populations. For example, in 1915 an amendment to the Constitution was added to ensure that no province would have fewer seats in the House of Commons than it had in the Senate, regardless of a decline in its population.
- The readjustment formula has been changed by Parliament a number of times since Confederation and each reformulation has sought to strike a balance between providing that provinces be represented in the House of Commons in a manner that is roughly proportional to their populations while ensuring provinces with declining populations continue to be represented in a fair manner.

The 1985 Seat Readjustment Formula

- The current formula for allocating seats in the House of Commons among the provinces was passed by Parliament in the *Representation Act, 1985*. It is based on the following steps as outlined in the *Constitution Act, 1867*:

STEP 1: Base formula for determining provincial seats (s. 51(1), Rule 1)

Population of the provinces	÷	279 (# of prov'l MPs in 1985)	=	National Quotient
Provincial population	÷	National Quotient	=	Provincial seat allocation

STEP 2: Minimum seat guarantees (s. 51(1), Rule 2 and s. 51A)

Provincial seat allocation	+	Senate floor & Grandfather floor	=	Total provincial seats
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STEP 3: Territorial seats (s. 51(2))

Total provincial seats	+	One seat per territory	=	TOTAL SEATS
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- Step 1 is based generally on the principle of representation by population by determining a national quotient (which notionally represents the average national population count per seat) and then dividing the population of each province by this quotient.
 - However, the 1985 formula set 279 as a permanent divisor in determining the national quotient, which was the number of provincial seats in the House of Commons at the time that formula was passed, rather than the actual number of provincial seats in the House of Commons (which is currently 305).
 - As a result, provinces with fast-growing populations get a proportionate share of only 279 seats, preventing them from receiving a share of seats that is in line with their relative share of the population.
- Step 2 then provides additional seats to certain provinces when the seat count determined under Step 1 based on their population is lower than the number of seats they are entitled to pursuant to one of two minimum seat guarantees provided for in the Constitution.
 - One such “seat floor” was added to the Constitution in 1915; the “Senate floor”, at section 51A of the *Constitution Act, 1867*, guarantees that no province can have fewer seats than it has Senators.
 - Another floor was added in the 1985 formula; the “grandfather clause,” in section 51, guarantees that no province can be allocated a number of seats that is less than the number of seats it had in 1985.
- Currently, all provinces except Ontario, British Columbia and Alberta benefit from a constitutionally-guaranteed floor in representation, receiving additional seats than they would otherwise receive under Step 1, which further dilutes the relative seat shares of faster-growing provinces.

Effects of the 1985 Formula

- While the 1985 formula has tempered the rate of growth in the House of Commons, it has done so at the expense of provinces with faster-growing populations. Faster-growing provinces have accordingly become under-represented in the House of Commons relative to their population size under the 1985 formula, and are likely to become even more under-represented in future readjustments under this formula.
- As a corollary, constituencies in these provinces, on average, consist of much larger populations. For example, MPs from Ontario, Alberta and British Columbia represent, on average, 26,500 more constituents than MPs from other provinces. After the next readjustment under the current formula, this difference is projected to increase to at least 29,000.

The New Seat Readjustment Formula

- The new formula will restore fair representation for British Columbia, Alberta and Ontario, while continuing to protect the effective representation of smaller and slower-growing provinces.
- This bill is introduced pursuant to Parliament's authority to amend the Constitution in relation to the House of Commons under section 44 of the *Constitution Act, 1982* (this was the same constitutional authority under which the existing formula was passed in 1985). The new formula supports the "principle of the proportionate representation of the provinces" that is entrenched in section 42(1)(a) of the *Constitution Act, 1982*.
- The *Democratic Representation Act* proposes to introduce a new seat readjustment formula that would include the following steps:

STEP 1: Base formula for determining provincial seats (s. 51(1), Rule 1)

$$\begin{array}{|c|} \hline \text{Provincial} \\ \text{population} \\ \hline \end{array} \div \begin{array}{|c|} \hline \text{Maximum Riding} \\ \text{Population} \\ \hline \end{array} = \begin{array}{|c|} \hline \text{Provincial seat} \\ \text{allocation} \\ \hline \end{array}$$

STEP 2: Minimum seat guarantees (s. 51(1), Rule 2 and s. 51A)

$$\begin{array}{|c|} \hline \text{Provincial seat} \\ \text{allocation} \\ \hline \end{array} + \begin{array}{|c|} \hline \text{Senate floor \&} \\ \text{Grandfather floor} \\ \hline \end{array} = \begin{array}{|c|} \hline \text{Total provincial seats} \\ \hline \end{array}$$

STEP 3: Territorial seats (s. 51(2))

$$\begin{array}{|c|} \hline \text{Total provincial} \\ \text{seats} \\ \hline \end{array} + \begin{array}{|c|} \hline \text{One seat per territory} \\ \hline \end{array} = \begin{array}{|c|} \hline \text{TOTAL SEATS} \\ \hline \end{array}$$

- The key change in the new formula is to remove the divisor of 279 in determining the allocation of provincial seats in Step 1. Instead, a maximum national average riding population is used, which is set at 108,000 for the next readjustment following the 2011 census (i.e. approximately the national average riding population at the time of the 40th General Election) and increases in proportion to national population growth for subsequent decennial readjustments of seats.
- The other aspects of the formula, including minimum seat guarantees for provinces whose populations do not merit more seats and the provision of one seat per territory, would stay the same. These non-population-based protections ensure enhanced representation for slower-growing provinces in the federation.
- For subsequent readjustments, the overall growth of the House of Commons is limited by increasing the maximum national average riding population in proportion to national population growth. The formula thus ensures that provinces growing more quickly than the national average will receive additional seats to accommodate this growth.
- Based on current population projections for the 2011 census (assuming medium growth and medium migration trends), the proposed formula would result in additional seats for Ontario, Alberta and British Columbia in the next readjustment. No province would lose seats due to constitutional seat guarantees.

	Current seats	Projected seats after the 2011 census	
		Under the 1985 formula	Under the new formula
Newfoundland and Labrador	7	7	7
Prince Edward Island	4	4	4
Nova Scotia	11	11	11
New Brunswick	10	10	10
Quebec	75	75	75
Ontario	106	110	124
Manitoba	14	14	14
Saskatchewan	14	14	14
Alberta	28	29	33
British Columbia	36	38	43
Nunavut Territory	1	1	1
Northwest Territories	1	1	1
Yukon Territory	1	1	1
TOTAL	308	315	338