



The FAIR Newsletter



Spearheading the Direct Democracy Movement in British Columbia - Volume 1, Issue 2 - Summer 1994

B.C. - FIRST PROVINCE IN CANADA TO HAVE DIRECT DEMOCRACY ? !

On July 8th, 1994, the Government of British Columbia passed Bill 36 - "The Recall and Initiative Act". This very important legislation could enable the people of British Columbia to bring issues to province-wide votes or to hold MLAs accountable to their constituents who could recall them.

B.C. may be the first province in Canada to have direct democracy! HOWEVER, the legislation only comes into effect when the Attorney General decides it's appropriate for the regulation to be passed by cabinet (i.e. proclaimed), perhaps in early 1995. Hopefully it won't be delayed for 75 years like its predecessor: The Direct Legislation Act.

On Page 2 you will find the summary of Bill 36. Let us know what you think about the legislation . . . is fair and workable? We would like your opinion!

In this issue:

Summary of Bill 36: The Recall & Initiative Act

Report on FAIR's Presentation to Caucus

Review of the 1st Direct Democracy Conference

Direct Democracy at work in Rossland, B.C.

Review of Dr. William Downe's book

Lecture on Direct Democracy by Dr. T. E. Cronin

HISTORICAL STEPS TOWARD DIRECT DEMOCRACY IN B.C. (& CANADA):

The first step was taken in 1919 when The Direct Legislation Act was enacted in British Columbia. However, it was never proclaimed because a similar act in Manitoba was declared unconstitutional.

The second step was taken on October 17th, 1991 when, by chance, two important referendum questions appeared on the ballot at election time: "Did the people of B.C. want recall and initiative legislation?" The party which eventually won the election promised to abide by its outcome. Even though only 41% of the voters supported the winning party, over 80% supported recall and 83% supported initiative legislation.

The third step was taken over two and a half years later, with the introduction of the recall and initiative legislation on June 16, 1994. With many cautious restrictions embedded within, it was finally passed in the early morning hours of July 8, 1994.

THE NEXT STEP - DOING IT !

The next step towards direct democracy, after proclamation, will be the gathering of signatures for the first petitions. The first recall petition may be launched by Ika Jagic to recall Judi Tyabji MLA for Okanagan East. Ms. Jagic says she has about 225 people ready to canvass for the required 16,000 signatures (40% of registered voters).

The first initiative petition could be to lower the thresholds of Bill 36.

BILL 36 - RECALL AND INITIATIVE ACT
(Enacted July 8, 1994) *Editor's notes are in italics.*

SUMMARY OF INITIATIVE REQUIREMENTS:

- # 1 - 10% of the total number of registered voters must sign the petition which includes a draft of the proposed Bill. (*See Chart, page 3.*)
- # 2 - The petition must be signed within 90 days from the date on which it is issued by the chief electoral officer.
- # 3 - 10% of the registered voters in each and every one of the 75 constituencies in B.C. must sign the petition.
- # 4 - For an initiative vote to be successful (a) more than 50% of all eligible voters in B.C. must vote in favour of the initiative and (b) it must be passed by 2/3 of all the electoral districts. (*Assuming a typical 75% B.C. voter turnout, that would mean that 2/3 of those who voted would have to vote in favour of it because all votes not cast, count against the initiative.*)
- # 5 - If the initiative were to pass all the requirements, the government must "introduce" it during the current or next session. (*This means it is NOT binding on the government to legislate it. The Bill could be delayed or struck down.*)
- # 6 - If the initiative petition is referred to the chief electoral officer, he must hold an initiative vote under this Act, subject to the advice of the Lieutenant Governor in Council, and the vote must be held only once every three (3) years beginning on September 28, 1996. (*It's once or twice a year in the States.*)
- # 7 - The initiative must not relate to any other petition issued in the last 132 days.
- # 8 - A person must not, directly or indirectly, accept, pay, give, lend or procure any inducement while canvassing for signatures on a petition. An "inducement" includes money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind. (*Looks like coffee could be a "no-no".*)
- # 9 - If the petition meets the signature requirements, a select standing committee has the option to (a) recommend the draft Bill be introduced at the next session of the

Legislature or (b) refer the initiative petition and draft Bill to the chief electoral officer for referendum.

- #10 - The Lieutenant Governor in Council is able to make regulations respecting the financing of petitions and initiative votes under this Act. (*The Charlottetown plebiscite had no such restrictions.*)
- #11 - Penalties for contravening this act include fines up to \$10,000 or 2 years imprisonment.

SUMMARY OF THE RECALL REQUIREMENTS:

- #12 - An MLA cannot be recalled during the first 18 months in office.
- #13 - The petition must be signed by more than 40% of the total number of individuals who were registered in the last election (*This is not the same as the current voters list.*)
- #14 - A recall petition must be signed within 60 days of issue by the chief electoral officer.
- #15 - Same as Initiative Requirement # 8.
- #16 - Same as Initiative Requirement #11.
- #17 - If the chief electoral officer determines that all the requirements have been met, the member in question ceases to hold office and a by-election is called.

SOME OF THE REACTIONS TO BILL 36:

David Mitchell, Independent MLA (June 16):
"Bill 36 cheats public on recall and initiative."

The Canadian Taxpayers Federation (June 17):
"Bill 36 Restrictions Would Impose Fines and Jail Sentences for Serving Beverages."

Times Colonist - Victoria (June 17 & 21):
"Recall act 'just window-dressing'. "
"No heart behind this democratic plan."

Vancouver SUN (June 18 & July 8):
"Recall legislation a law of hypocrites."

The Province (July 10):
"Hollow note ends session."

Victoria Regional News (July 13):
"Recall -- unprecedented and unworkable?"

ACTIVITY REPORT - WHAT HAS FAIR BEEN UP TO THIS SPRING ?

The FAIR Foundation has been busy the past few months promoting the legislation of functional recall and initiative referendum legislation. Here were some of our activities:

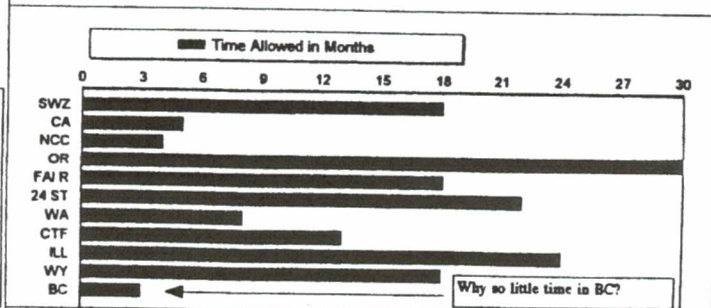
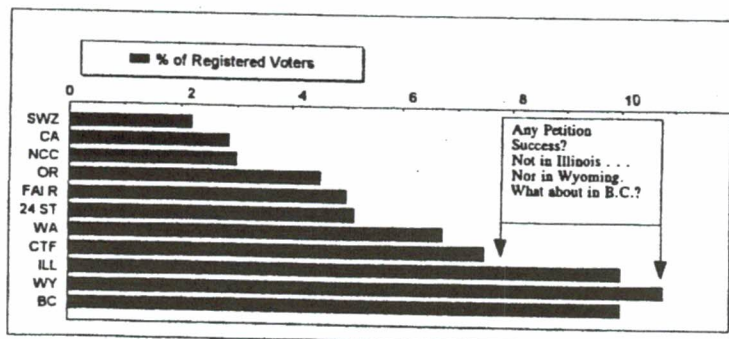
- April 21 - We wrote the Premier as suggested in our last newsletter ("Call to Action") to say that we didn't agree with the very restrictive initiative and recall petition requirements. We recommended that the new legislation should be fair and workable, giving him our suggestions. (See Volume 1, Issue 1)
- May 2 - The Premier replied: *"It is unfortunate that you do not agree with many aspects of the Report on Recall and Initiative. However, I should point out, it was put together by the all-party Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills. The committee held 25 public meetings throughout the province and heard submissions from 261 advertisements placed in provincial daily and weekly newspapers. As you can appreciate, the Committee had to balance a wide variety of views in coming to its recommendations. The report's recommendations reflect what the committee heard from British Columbians."*
- May 26 - We made a presentation to an NDP Caucus Committee (see article pages 4 and 5) to try and persuade the government to make the numbers more functional.
- June 16 - The government tabled Bill 36 - The Recall and Initiative Act.
- June 28 - We produced the following chart which we mailed to each MLA and was used throughout the debate.

A Few Things To Fix . . . In Bill 36 ?

(The Long Awaited Recall & Initiative Act)

COMPARISON OF DIFFERENT "INITIATIVE" PETITION / REFERENDUM REQUIREMENTS

	1	2	3		4	5	6
VARIOUS JURISDICTIONS WHERE DIRECT DEMOCRACY EXISTS (or is Proposed by a Group)	Required # of Signatures As a % of Registered Voters	Total # of Months Allowed	What are Petition Regional Requirements If Any ?	Initiatives Approved 1981-1990 vs Those That Made The Ballot	Comparative Results of Petition Drives from 1981-1990	Referendum Passage Requires Over 50% of Which Voters?	How Often Can Referenda Be Held ? Every . . .
Switzerland	2.2%	18					
California	2.9%	5			Very Successful		3 Months
National Citizens Coalition (Proposal)	3.0%	4		27/58	Very Successful		
Oregon	4.5%	48					
* FAIR (Proposal)	5.0%	18	None	16/37	Very Successful		
24 State Average (United States)	5.2%	22				Only Active	Year
Washington	6.7%	8		6/14	Successful		
Canadian Taxpayers Fed. (Proposal)	7.5%	13					
Illinois	10.0%	24		0/0	No Success		
Wyoming	10.8%	18		0/0	No Success		
B.C.'s BILL 36 (at First Reading)	10.0%	3	75/75			All Eligible	3 Years



WILL IT BE FAIR?

SUMMARY OF THE FAIR FOUNDATION'S MEETING WITH AN NDP CAUCUS COMMITTEE

On May 26, 1994, we presented our case to six NDP MLAs at the Legislature in Victoria, British Columbia in hopes of being able to help them achieve their goals and our own goals.

FLIPCHART PRESENTATION BY IAN WOODS:

"The government is the servant of the people ... and not its master." Winston Churchill

What are the NDP objectives?

1. Get Re-Elected?
2. Good Government?

WHO VOTED FOR INITIATIVE IN THE FIRST PLACE?

GIVEN: 75% voted in the last election

And out of those: 83% voted for Initiative

Of whom: 11% spoiled their ballots

And only: 6% voted against it,

THEN: If you don't do anything about "initiative" ... you risk losing a significant amount of support in the next election.

THERE ARE TWO TYPES OF LEGISLATION:

Workable	Un-Workable
Reasonable	Un-Reasonable
Functional	Window Dressing
Something	Nothing
FAIR	UNFAIR

FUNCTIONAL or FAIR LEGISLATION ?

Given that those states in the U.S. that have similar signature thresholds to what is proposed for B.C. (i.e. Wyoming & Illinois) is there any chance that a petition here can be successful? Not only that, but the proposed 3 month time constraint is the shortest period of time allowed in any jurisdiction. Why?

Also, in the (proposed) legislation, a referendum requires 50% +1 of ELIGIBLE voters. Assume a good turnout of 75% ... That means a super-majority of 67% must vote in favour of it! Those that don't bother vote, are voting AGAINST it.

IS THIS FAIR? Reasonable? or Functional?
WHAT WILL THE VOTERS PERCEIVE?

IF VIEWED AS REASONABLE ...

(Then the NDP are the 'Good Guys') "Hey, we like this legislation. Let's use it ... Thanks NDP. More power to us ... More power to you!"

IF VIEWED AS UNREASONABLE ...

(Then the NDP are the 'Bad Guys') "That's Nothing Legislation! Another election promise broken! Let's dump 'em ..."

OUR SUGGESTIONS for petition signature requirements:

1. Maximum of 5% of Registered Voters
2. Maximum of 18 Months to collect
3. 2/3 of all Ridings (not 75 out of 75 Ridings)

GOOD GOVERNMENT OBJECTIVE:

Most of the people are happy most of the time.

Which is the ultimate objective of DIRECT DEMOCRACY.

BENEFITS OF DIRECT DEMOCRACY:

1. Better image for politicians: (Teacher/Conductor vs Dictator/Manipulator)
2. Responsibility for decisions on sensitive issues can be shouldered by the voters.
3. Voters are 'empowered'.
4. Government gains popularity.
5. B.C. becomes the leading edge of 'the new democracy' in Canada.

DOES IT WORK? YES ... in our own backyard!
(See accompanying article about "Rossland" page 10.)

SOME QUESTIONS:

1. Could Direct Democracy become an instrument of Good Government?
2. Could promotion of Direct Democracy help win the next election?
3. Don't you think 5% of Registered Voters in 18 Months in 2/3 of all ridings is FAIR?

THE BIG QUESTION:

WILL THE NDP's DIRECT DEMOCRACY LEGISLATION BE FAIR ?

___ YES
___ NO

... cont'd

Presentation by Lorenzo Bouchard:

Good morning, Caucus Members.

You're all probably aware of my having been around the Legislature over the past two years, carrying placards supporting direct democracy tools of Initiative, Referenda and Recall. I'd like to offer you an explanation for my actions and explain why I'm dedicated to democratic principles and democratic reform.

Researching is a hobby of mine and when I study democracy, I am drawn to commence my studies at Athenian democracy, in place over 2,500 years ago. As I researched some of the prime movers of that society, such as Pericles, Solon and Aeschylus, I wondered what had induced this society to give the vote to a large segment of the population.

I also pondered the depth of psychological knowledge shown in the Greek tragedies, of which Aeschylus was a great author. Yet on his tombstone was inscribed not "author of Agamemnon and Prometheus Bound" nor "Laureat Tragedian", but simply, "He fought at Marathon". He felt that the greatest achievement in his life, was to stand and fight for Athenian democracy against Persian autocracy.

As I further researched, I found that all of those prime movers were initiates of the Inner Mysteries. One of them even donated the Temple of Apollo to the Mystery School. Above one doorway in the Temple was the inscription, "Know Thyself". All these individuals knew about their own high potential, as well as the higher potential of human kind. All understood the need of democratic tools to develop and fulfil this potential in humanity and were devoted to that task.

I'm sure that all the members of the Caucus here, have their own personal dedication to humanity. To anyone who has worked as a teacher, social worker, counsellor or parent, we all appreciate the satisfaction of helping someone in their own development. Providing that assistance to others, also allows us to further expand our own potential. I believe that there is no higher dedication than to participate in this development.

The accountability tools of Initiative, Referenda and Recall in democracy allow citizens to use their

abilities to evaluate, decide and act, all of which are needed for their own inner development. The national psyche develops according to the processes of government we live under.

In B.C., we are at a crossroads with the potential for great development of ourselves and the State. We can choose to continue to be treated as children and constantly told what to do and what is best for us or, we can choose to mature our democratic process so we are all equal adults using our own judgements, based on our evaluations and decisions, and act in a way we feel is best for each of us.

We in Canada, with our diverse cultural and racial background, can be a great example for the world.

Thankyou.

THE REACTION:

Here were the comments made to us by different MLAs on the committee after our presentation:

"People are cynical about politicians ... many of us would be recalled."

"People get too emotional about certain issues."

"The urban majority would overrule the rural minority."

(Editor's Note: 53% are urban voters. 47% are semi-urban, rural, semi-rural and coastal/remote).

"24,000 votes got me in. It would only take 12,000 votes to recall me. 100 people working for 60 days getting 2 signatures per day = 12,000 signatures."

"It costs \$300,000 for a by-election and \$10 million for a referendum."

"Loss of accountability concerns me ... I may want to vote for what I think is best for B.C. rather than for the voters that voted me into office."

"The referendum on Recall and Initiative was only a promise ... a vote-getter ... that's all!"

DIRECT DEMOCRACY CONFERENCE

On April 16th, 1994 one of the first direct democracy conferences ever to be held in Canada took place in Burnaby, B.C. It was hosted by the B.C. branch of the Canadian Taxpayers Federation. The reason for the conference was to encourage the provincial party-in-power to live up to its election promise of October 1991: to enact recall and initiative legislation.

Approximately 100 people attended the day-long event and *FAIR* was there to pass out copies of our Spring newsletter and take in the inspiring and insightful presentations. Here are the highlights:

PANEL DISCUSSION:

DAVID SOMMERVILLE - (President of the National Citizens' Coalition with over 40,000 supporters.)

"British Columbians and Canadians as a whole are growing increasingly angry, frustrated and cynical about their political leaders and institutions. Year after year, whether a PC, Liberal or NDP government is in power, big government just gets bigger, more costly and more oppressive.

"The problem in Canada is that there is no institutional check on the dictatorial power of Parliament, and as a result, the people have lost faith in the system. The solution is direct democracy: direct rule by the people. There is no subject beyond the people's understanding and if there were, it would be beyond that of their representatives."

JOHN KELLY - (Of the Council of Canadians.)

"The right of the people to initiate laws and enact them independently of the Legislative Assembly is the very definition of direct democracy. The reason we need direct democracy is to provide a sense of unity for the Canadian people.

"The powers of an agent do not exceed the powers of a principal. Whatever an agent can do, presumably a principal can do better, so in this case we, the people, are the principals"... and the politicians are the agents.

GORDON GIBSON - (former Liberal MLA & party leader 1975-79.)

"There are 3 problems why direct democracy isn't employed here:

1. Sovereignty in our system of government does not lie with the people. It still remains with the Queen and Parliament.
2. The ideas of direct democracy are somewhat new, at least to us in Canada.
3. In the 1800's, virtually every British House of Commoner was opposed to giving the vote to the working class. In the early 1900's, virtually every male politician in the world was opposed to giving the vote to women. Today, we say, how could anyone have held a contrary view ..." and yet that's what we are up against now!

"Do we really need direct democracy? It's clearly good for better government for several reasons: Politicians become more responsible (if they realize they can be recalled); we have a more involved electorate (if citizens can use initiative); and it makes for safer politicians ... (issues like abortion, capital punishment, changing a system of weights and measures can be dealt with by the public in a referendum)."

PRESENTATIONS:

JASON KENNEY (Executive Director of the Association of Alberta Taxpayers - 30,000 members.)

"The critics of direct democracy don't criticize direct democracy in principle ... so instead, they criticize the particulars of its application: 'the ungovernable democratic anarchy, the California initiative system where monied interests can buy their way on to the ballot and run roughshod over authentic deliberative democracy'.

"B.C. is seen as the beachhead for adopting workable direct democracy mechanisms and in particular: initiative."

LUNCHEON SPEAKER:

ANDRE CARREL - (See Rossland article page 10)

"The people are never wrong. They may be imprudent or unwise but never wrong."

WORKSHOPS:

A Review of the B.C. Select Standing Committee's Report on Recall and Initiative.

- DAVID MITCHELL, MLA (Independent MLA for West Vancouver-Garibaldi.)

"Because of parties, which are special-interest groups in their own right, Parliament has been a haven, a ghetto in my view, for ... party machines, bosses and party whips.

"Parliament must be revitalized and brought back to its original design as a place where representatives of the people speak on behalf of the people.

"It would be much more preferable and far more honest for the government simply to admit that it does not believe in these reforms (of initiative and recall) and never intended to use them.

"The committee's recommendations are so restrictive that recall or initiative actions would be rendered virtually impossible."

Where Do We Go From Here?

- TROY LANIGAN (Provincial Coordinator (B.C.) of the Canadian Taxpayers Federation and main organizer of the Conference.)

Mr. Lanigan suggested talk shows, letters to the editor, letter or phone call to elected officials. Be specific and to the point. Use a specific experience. Always commend politicians when appropriate. Contact the local media and say: 'I'm sure you're covering it.' Groups that form to promote direct democracy should have strong mission statements, like The FAIR Foundation. Goals should be specific, short and long term.

- GORDON GIBSON (Columnist & former politician)

"They (recall and initiative) are well tried in other parts of the world and therefore it is part of the task of those of us who believe in these things, to try to explain why it will work here."

* * *

Book Review: CANADA At the Crossroads - After Referendum Where Do We Go? by William Downe (This is available from FAIR for \$3.00.)
Reviewed by Christine Monford, FAIR Director.

This is an easy to read booklet (of 37 pages) written in mostly conversational manner. It takes us back to the root of democracy in Grecian times when every citizen had the right to express an opinion and to vote on each and every decision affecting the state.

Some the highlights are: discussion around representative government versus democracy. The former with no accountability and politicians retain power and the latter where citizens superintend the administration of laws and retain power year round.

The author elaborates on direct democracy by using the examples found in Australia, Italy and various states in the U. S., giving fine examples of how we can use it to empower and respect Canadian citizens. The booklet will fill you in on these examples and offer suggestions for the Canadian experience.

The last part of the book deals with the influences under which Canadian government evolved. The author takes an in-depth look at English Common Law and the British Parliamentary system.

The chapter in Switzerland was the most informative and enlightening. The author presents strong evidence that Switzerland is the most fully developed democracy in the world. After all, they have been working on this system since the 1800's. Sovereignty is retained at the citizens level and not with the government. There has evolved strong accountability and trust where citizens and elected representatives make the laws, not the courts.

The low cost of government in Switzerland is a direct result of at least three crucial factors:

1. legislators are only paid for actual attendance
2. legislators do their business in about 12 weeks per year
3. legislators have their own jobs and are not paid as politicians. As well, they have their own privately funded pension plans.

I recommend this booklet for anyone interested in direct democracy and how it can apply to Canada.

* * *

Summary of a Lecture by Dr. Thomas Cronin - author & American professor - at the University of Victoria Feb. 21, 1994.

"Direct democracy in the United States is a product of the Populist Movement of the 1880's. It is essentially an import from the cantons in Switzerland by the agrarian Populist movements. They were looking for some instrument to deal with the state governments who were controlled by bankers, railroads and other elitists of the time.

"In the United States, the 'initiative' process was enacted to be a safety valve for discontented citizens. Typically it takes 8% or so of the voters to put a measure on the ballot. If 50% of those who vote are in favour, it becomes law. In many cases it becomes a binding law that can't be overturned for four years.

"The 'referendum' process takes place as follows: the legislature passes the law, if the voters are angry with it, they petition the government. If successful, the petition is filed with the state until the next state election. This allows the voter to throw out the law, if they have a 50% vote.

"The 'recall election' instrument enables voters to evict an elected official. In most states, a 25% threshold of petition signatures is required. Only one governor and six or seven state legislators have been recalled in recent years.

"Twenty-four states now have initiative and referendum. Sixteen permit recall. The biggest users are: the Dakotas, Oregon, California, Colorado, Arizona and Washington. Essentially it is a West Coast phenomenon, perhaps because the party systems are historically stronger in the American East and the constitutions were written at an earlier time.

"These instruments already exist at the state and local level and they are likely to exist in additional states and localities in the future. It is not a question of whether we should have them or not. That debate is mute and unrealistic. The question becomes how to make refinements or modifications that can make them: a) stronger, more representative, responsive and responsible institutions and b) so that voters can use these instruments without too much irrationality or confusion. That becomes the goal.

"The key concerns by political scientists and to some extent some judges and informed journalists are:

"1. What about minority rights? The record shows that, on balance, the Americans who vote on issues that would affect minority rights are no less intolerant or prejudicial than the legislators themselves. The legislators have created enough intrusion on the rights of minorities. We need to work at both elevating the quality of judging by the legislators as well as by the voters.

"2. Will not there be media blitz's around election time that will bring out voters who's opinion is overly skewed? Yes. One needs a fair amount of regulation and some thresholds for public financing, if one is going to create an even playing field.

"3. Are people who run for office less likely to vote courageously on issues for fear of being recalled? I think that's nonsense. 99% of the measures the state deals with will continue to be handled by the elected representatives.

"4. What about the problem of the confused voter? There's a growing number of political scientists who are concerned that there are too many issues on the ballot. Maybe we should have a "cap" of five or so issues over which we don't go in any one given election for fear that we overwhelm the voters. There have been a lot of studies on this issue and the data is inconclusive.

"5. There are far more people feeling that this is a tool for the already well-organized and less a tool that has real access for the average voter. For example, there are political consultant firms that have developed in several states like California that make an industry out of this. You can be paid to collect signatures in America. And anybody can give whatever money they want to these campaigns. It is very hard to regulate the money that goes into them. The courts have ruled that funding regulations are not constitutional. It's an argument that I think is wrong.

"Direct democracy, at least United States style, has a lot of flaws and imperfections that we are only beginning to come to understand and trying to remedy. We have a fair way to go in order to have something we can be proud of. We should be willing to live with them and view them as a safety valve to be used occasionally at local levels."

Dr. Thomas Cronin is the author of Direct Democracy - The Politics of Initiative, Referendum, and Recall, Harvard University Press, 1989.

Legislating the impossible

A recall and initiative bill features huge obstacles

Designed to self-destruct

The NDP has been delaying its long-promised recall and initiative legislation. Now that the government has introduced a model, observers say the obstacles contained in the bill clearly render it useless. This half-hearted effort means little to referendum advocates like Lorenzo Bouchard, who believes that the disregard shown by politicians for the public should be repaid in kind.

After more than two and a half years of delay the provincial government has finally produced recall and initiative legislation. But advocates of direct democracy aren't celebrating. They say the NDP's measures are designed to be unworkable.

For the recall of a politician, a petition sponsor would have 60 days to sign up 40% of those residents who lived in the constituency during the previous election. If the bid succeeds, the seat would be opened to a by-election.

For initiatives, the NDP's model would give a sponsor just 90 days to get 10% of all eligible voters—in each of 75 constituencies—to sign petitions. This translates into roughly 3,000 signatures in each electoral district and more than 200,000 province-wide. If the sponsors fail to reach this 10% threshold in even one out of 75 constituencies, the petition is dead.

If the petition does get all those signatures, it goes to a government committee, which can introduce it as a bill in the legislature or pass it on to the electorate for a vote. If the initiative is introduced, there is no requirement to enact the bill and, in fact, it could be allowed to die on the order paper like most private members' bills. The petitioners would then have to start the process all over again.

If the petition survives the committee and is passed on for a vote, it must wait until a designated initiative year: the first opportunity is September 28, 1996, followed by the last Saturday of September every three years after that. But as Troy Lanigan of the Canadian Taxpayers Federation (CTF) puts it, "If a petition is important enough to collect 200,000 signatures, surely it's important enough to put on a ballot immediately."

Winning a referendum will be another daunting task. It requires winning a double majority: a "yes" vote from more than

50% of the total number of eligible voters in all of B.C. (over one million votes) and a majority of eligible voters in at least 50 of 75 constituencies. But even after all of this, if the initiative does win approval, the government is not bound to make it law.

The harshest criticism of the bill has been heard from citizens' groups that have been pushing for an initiative and recall law since it won the support of more than 80% of British Columbian voters in a 1991 referendum. "The NDP promised us recall and initiative and we still don't have it," stated Ian Woods, a director of FAIR (For Action in Referenda), a citizens' group in Victoria. David Somerville, president of the National Citizens' Coalition, calls the bill "a cynical and manipulative sham" that proves that "Harcourt does not trust the collective judgement of British Columbians."

The CTF has laid out a detailed alternative that advocates lower signature thresholds—10% of votes cast in the last election with a one-year time limit—together with more lenient victory conditions: A "yes" vote would succeed—and be binding on the government—with a majority of total votes cast and a majority in four of the province's seven regions.

Of equal concern to the CTF is the anti-democratic nature of the bill. Each eligible vote not cast in the referendum is considered a "no" vote. This means that a person who stays home can be deprived of his right to abstain from voting. If turnout is about 75%, which has often been the case in provincial elections, a "yes" vote must win the support of 68% of votes cast to be approved. Mr. Lanigan, the CTF's B.C. co-ordinator, considers this clause "a perverse form of democracy in which those who don't

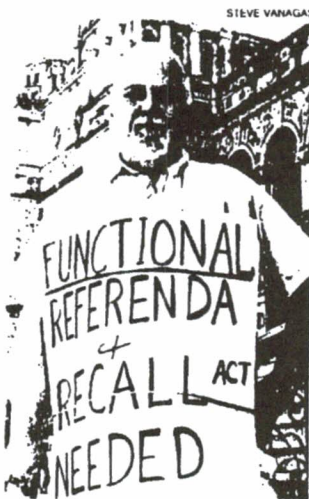
THE PROVINCE

exercise their civic responsibility govern those who do."

But Attorney-General Colin Gabelmann, who introduced the legislation (Bill 36) and declared that he voted "no" in the 1991 referendum on the issue, sees no such problem. "If people are interested in the initiative they will turn out and vote," he says. "By not voting, that shows you are not in favour."

Mr. Lanigan counters that the NDP has established one set of rules for the election of politicians and political parties and another set for citizen-driven initiatives. "If Premier Harcourt and the NDP had sought election under their proposed system—and every vote not cast in the last election was counted as a vote for the incumbent—he and the NDP would not have formed a government." The NDP received just 30% of the eligible votes in the 1991 election. Therefore by its own measure the party has no mandate to govern the province.

On the financial front, the government has gone to extreme lengths to avoid California-style professional initiative campaigning. Under the terms of the



Activist Bouchard: No respect.

NDP's bill petition sponsors could receive \$5,000 fines and a year in jail for serving coffee, pop or any other "inducements" to volunteers. Regulations governing spending, advertising, disclosure and opinion polling are left to cabinet to set arbitrarily from year to year.

Still, Premier Harcourt has not always believed in such an arbitrary approach. Mr. Lanigan cites a 1990 quote from then-opposition leader Harcourt in which he states: "Referendums are supposed to be citizen-

driven...not a floating crap game where the cabinet can change the rules."

Despite its endorsement of a "yes" vote in 1991, the NDP has long been hostile toward direct democracy. After its election, the Harcourt government waited more than seven months before shuffling the subject off to what independent MLA David Mitchell (West Vancouver-Garibaldi) called "The Committee of Delay." This NDP-dominated committee of MLAs toured the province for more than a year before issuing a report with

only grudging support for direct democracy.

A California initiative expert notes that delaying tactics and restrictive laws are to be expected from politicians facing a loss of power. "They mouth the platitudes about listening to the people when in reality they intend to never allow an initiative to pass," according to Joel Fox, president of the Howard Jarvis Taxpayers Association. "It's an anti-initiative, anti-referendum, anti-people attitude. They don't trust the people and anyone who doesn't trust the people shouldn't be leading the people."

He suggests that citizens' groups should put politicians on the defensive by turning the law into an election issue. This is an option that is favoured by pro-referendum activists like Lorenzo Bouchard, who has become a familiar face at the legislature in Victoria. For more than two years, three or four times a week, he has been circling the grounds of the legislature with a placard demanding direct democracy. Last week, Mr. Bouchard was working overtime. "When politicians show no respect for citizens," he says, "it's time for citizens to stop trusting politicians."

But despite the lack of trust apparent in the NDP's legislation, some British Columbians can't wait to put it to work. A Kelowna woman has volunteers ready to petition for the recall of MLA Judi Tyahji in Okanagan East. And Family Coalition Party leader Kathleen Toth is ready to circulate a petition to end taxpayer funding of abortion.

—Steve Vanagas

ROSSLAND, B. C. - Painting the Picture of a Great Performance

How would you like to live in a city where you didn't have to worry about the councillors raising taxes without your permission? . . . a city where the politicians are fully accountable? . . . a city where you can take an important issue to your fellow citizens for a vote, if you have enough support? Does this sound like ancient Greece? . . . or modern day Switzerland? Perhaps, but it is also much closer to home than that, at least for those of us who live in Canada and especially those of us who are British Columbians.

Rosslund, B.C. is the city where this is actually happening. It has been, since December 1990, when the councillors adopted its new "direct democracy" constitution, much to the surprise of everyone. Rosslund is setting a new direction for municipal politics in British Columbia and Canada. It is painting the picture of a great performance for other municipalities to follow.

Why Rosslund? Perhaps because it is located in the crater of an extinct volcano, in the heart of the Kootenays. Perhaps because it has a Swiss-born city administrator who knows this new system works in Switzerland. Or perhaps it's because Rosslund has a city council that was quite frustrated by the way Canadian citizens were treated by Federal politicians during the Meech Lake Accord debate. According to the Feds, if you didn't support the Accord you weren't a good Canadian. And yet, the majority of Canadians didn't buy that and reacted by voting against Meech Lake.

The reaction in Rosslund went further. Mayor Bill Profili, the councillors and Administrator Andre Carrel decided that things needed to be changed in Canadian politics to restore the respect between the government and the people. The best place to start was their own hometown. There had to be a way for Rosslund's council to set an example of a responsible, responsive government. That way, the citizens would feel part of the process of government, instead of feeling manipulated by government. The council proposed the following:

First of all, the people would be given the right to veto any new municipal bylaw with which they didn't agree. The citizens would have 30 days to file a petition with signatures from at least 20% of those opposed to the new bylaw. A referendum would be held within one year (costing about \$2,000).

Secondly, the citizens would be given the right to initiate their own laws, provided they could come up

with at least 20% voter support on the issue. (In a city of 3,700 people, 740 signatures would be required.) Then, it would go to referendum and a simple majority would decide the issue. The results would be binding.

Thirdly, the council agreed that any changes to their constitution would have to be put to the people. That way, any future council couldn't rescind the new constitution without citizen approval.

The proposal was strongly criticized by the Minister of Municipal Affairs. There were two concerns raised: How could council let itself be bound by citizens' referenda? (That could spell trouble.) Secondly, the citizens don't always know what's best for them. Mayor Profili and the councillors ignored the warnings:

"If the people put a referendum through, and we choose to listen to them, what is the provincial government going to do? Tell us not to listen?"

Rosslund went ahead with its bold experiment. The city councillors took their new constitutional bylaw to the people in December of 1990. There was a 60% voter turnout. The RESULT: 80% YES - 20% NO. Three and a half years and six referendums later, we can see what has happened:

The most popular referendum was put to the people to ask them if the city's boundaries should be expanded. At issue, was the fact that Rosslund has such a small industrial tax base, that the residents bear most of the tax burden. By increasing the boundaries, the city could include "Big Red", the ski mountain, which would increase the tax base. This pleased most people, especially businesses, which could see the increased opportunities. The boundary expansion would also control the surrounding watersheds, which pleased the environmentalists. However, there were those who thought that services to the new territories would increase taxation. RESULT: YES 65% - NO 35%.

The most surprising referendum was on a proposed tax of \$100 per person . . . which represented a large 20% tax increase. Rosslund's water supply (open creeks) was getting slightly contaminated. Eventually the city would have to build a water treatment plant at a cost of a few million dollars. The citizens had two clear choices: 1. Start a fund now and pay cash when the need arose or, 2. Borrow in the future and pay the additional interest charges. RESULT: YES 65% (to the tax increase) - NO 35%.

A third referendum dealt with increasing the signature threshold for the petitions that could force a

referendum. Should it be increased from 20% to 33% to prevent special interest groups from abusing the system? RESULT: NO 66% - YES 33%.

Over the three-year period, the councillors tried to increase their pay. Twice they passed a bylaw that was struck down by the citizens. The third time they put it to the citizens during the 1993 election. The councillors pointed out that their pay was well below the provincial average. But, the citizens didn't think the raise was justified. RESULT: NO 55% - YES 45%.

One group that tried to take an issue to ballot was a group of logging protestors. They blockaded a logging road, which forced an injunction. Then they started collecting signatures for a petition but failed to collect enough support within three months. RESULT: The protest was abandoned and the citizens were wiser because of the logging debate.

Rossland's council started with a vision:

"When the legislative direction of a community is under the control of its citizens, that community will truly reflect the character and qualities of its citizens." The councillors described a feeling of ownership and confidence taking hold . . . how City Hall wouldn't be the bureaucratic enemy which cannot be beaten, but instead, it would become the tool which citizens could use to develop their community goals.

"Election promises lose meaning because electors control the legislative agenda. A promise to lower taxes, if elected, is irrelevant because the electorate has direct and effective control over taxes."

Rossland's City Administrator Andre Carrel describes some of his observations since the new constitution:

"It was a truly fascinating experience to see business people and environmentalists form a coalition in support of a municipal council initiative . . . Their combined effort produced an astounding and effective campaign - advertising, banners, door-to-door lobbying and a flurry of letters to the editor in the local paper. Council was clearly on the sidelines in the public debate; the process had moved decision making from the Council Chambers to the community."

Political activist, Gerald Conners, who spent many years fighting city hall, seems much happier too:

"This . . . gives us quite a bit more control locally. Most people in this country have no control over government. They get a vote and that's it."

Mayor Profili states:

"Politicians must realize they aren't always right and the public isn't always wrong . . . People appreciate the cost of a referendum and they're reading the petitions because they understand they can bring consequences."

By no means is Rossland the 'perfect' city with the 'perfect' performance. But it is painting a picture for other municipalities that shows how beneficial direct democracy can be. Which city will be next to follow Rossland's lead?

* * *

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QUESTIONNAIRE: Which issues would you like to be able to vote on in a referendum?

Instructions: In each column vote "preferentially" (1-9) for the issues in order of importance. Use #s from 1 to 9 to indicate: 1 - Most Important, 9 - Least important, Blank - Of no importance. Treat each column separately. We have left room at the bottom of each column for any issues you feel we have omitted.

<u>INTERNATIONAL</u>	<u>FEDERAL</u>	<u>PROVINCIAL</u>	<u>MUNICIPAL</u>
<input type="checkbox"/> Population Control	<input type="checkbox"/> Free Trade	<input type="checkbox"/> Raw Wood Exports	<input type="checkbox"/> Sewage Treatment
<input type="checkbox"/> Bio-Diversity	<input type="checkbox"/> GST	<input type="checkbox"/> Clearcutting	<input type="checkbox"/> Capital Expenditures
<input type="checkbox"/> Intern'l Governance	<input type="checkbox"/> Balanced Budget Legl'n	<input type="checkbox"/> Balanced Budget Legl'n	<input type="checkbox"/> Watershed Logging
<input type="checkbox"/> Nuclear Free Zones	<input type="checkbox"/> Tax Cap Legislation	<input type="checkbox"/> Tax Cap Legislation	<input type="checkbox"/> Laws & Justice
<input type="checkbox"/> Role of the U. N.	<input type="checkbox"/> Elected Senate	<input type="checkbox"/> Free Votes	<input type="checkbox"/> Policing
<input type="checkbox"/> Civil War Control	<input type="checkbox"/> MP's Pensions	<input type="checkbox"/> Gun/Ammo Control	<input type="checkbox"/> Councillors Pay
<input type="checkbox"/> Food Distribution	<input type="checkbox"/> Crown Corporations	<input type="checkbox"/> Gambling	<input type="checkbox"/> Vagrancy Policy
<input type="checkbox"/> World Bank	<input type="checkbox"/> Young Offenders Act	<input type="checkbox"/> Health Care Policy	<input type="checkbox"/> Prostitution
<input type="checkbox"/> Environmental SOS	<input type="checkbox"/> National Daycare	<input type="checkbox"/> Education Policy	<input type="checkbox"/> Direct Democracy
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please return this questionnaire to us at *FAIR* and we'll print the results in a future issue.

WHO OR WHAT IS *FAIR* ?

Our acronym is **FAIR** : "*For Action In Referenda*"

The *FAIR* Foundation is an organization of concerned citizens that wishes to promote "*fair*" government by encouraging citizen participation in the decision-making process of government. We believe the time has come for citizens to be able to vote directly on important issues and to be able to recall elected representatives that misrepresent the constituency or themselves.

The Purpose of The *FAIR* Foundation is:

- To promote *fair*, workable and binding recall, initiative and referendum legislation in British Columbia, the rest of Canada and elsewhere.
- To stimulate public awareness of referendum rights, how it can be implemented and the benefits of direct democracy (participatory democracy and/or tele-democracy).
- To help citizens with the petitioning and referendum process.

NEXT ISSUE:

The Amendments to Bill 36.

We are a non-profit, non-partisan and non-issue biased organization located in Victoria, B.C.

* * * * *

We hope that you enjoyed this issue and will join us in supporting the cause to help promote direct democracy here in British Columbia, in Canada and elsewhere in the World. Please recycle this newsletter by passing it on to a friend.

The opinions expressed in this newsletter are designed to demonstrate the process of direct democracy and are not in favour of any particular issue. Letters to the Editor will be gratefully received. Those printed may be edited.

To become a member of The *FAIR* Foundation (which includes a one year subscription to The *FAIR* Newsletter), **SEND us your name and address along with \$20 for regular membership** (\$10 for students or those on limited incomes). Add \$2.00 to your membership fee and receive a copy of CANADA At the Crossroads (regularly \$3.00). Since we are a non-profit organization that is not deemed a charity, tax receipts cannot be issued.

----- clip and send -----

The *FAIR* Foundation Membership Application

Name(s): _____

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Town/City: _____ Postal Code/Zip: _____

Phone: _____ Fax: _____

Individual (\$20) _____ Limited Income (\$10) _____ Book Offer (+ \$2) _____ (amounts include GST)

Sponsor's Name (if applicable): _____

SEND TO: The *FAIR* Foundation, Box 8158, Victoria, B.C., Canada V8W 3R8 . (360-2000)
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