



The FAIR Newsletter



Spearheading the Direct Democracy Movement in British Columbia - Volume 1, Issue 3 - Autumn 1994

BILL 36 TO BE PROCLAIMED IN EARLY 1995 ?

It is now over THREE years since the government's election promise to bring about direct democracy in British Columbia, Canada. Bill 36, the (long-awaited) Recall & Initiative Act, although passed by the B.C. Legislature on July 7th, 1994, does not come into effect until it is proclaimed by Cabinet. According to the Attorney General's office, Cabinet is "in the process of writing the financing and communication (or advertising) regulations". In Second Reading stage, it was determined that the bill should come into effect "in early 1995" . . . no deadline more specific than that.

Bill 36 had its first reading on June 16th, 1994 and its second reading on July 6th. On July 7th, it was given third and final reading. On July 8th, Bill 36 was given Royal Assent by Lt. Governor David Lam.

The process of proclamation will be done by Cabinet, independent of the House because Bill 36 is "one of those bills that comes into effect through regulation". That means that Cabinet may, whenever it pleases, proclaim Bill 36 (independent of the House/Assembly).

On January 1st, the FAIR Foundation will begin 'THE DEMOCRACY CLOCK' which will count the number of days that Bill 36 has been held up since Royal Assent. On that day, the clock will strike 184 (over HALF a year). Hopefully it won't take as long to proclaim Bill 36 as it is B.C.'s Direct Legislation Act which had the same intent as this bill. The clock is STILL ticking since March 29, 1919 (over 75 years).

The FAIR Foundation is planning a 76th anniversary rally at the Legislature on Wednesday, March 29th, 1995 to commemorate the 76th year of delay in the proclaiming of direct democracy in B.C. . . . if Bill 36 still hasn't been proclaimed (3/4 of a year later). Come and join us! ☐

HOW IKA JAGIC ET AL. MAY MAKE HISTORY

Ika Jagic, and 250 other citizens of Okanagan East riding in British Columbia may well be the first grass roots organization in Canada to recall a politician. At least, that is what the advocates of recall are hoping for when Bill 36 is proclaimed.

Spokesperson, Ika Jagic, is convinced that her group can do what most critics of Bill 36 claim is impossible: gather enough qualified signatures within a 60 day period to recall Judi Tyabji.

If each of the 250 volunteers can get 2 qualified signatures a day (without so much as an inducement of coffee), then in 36 days the group will have the 18,000 signatures it requires to recall their MLA. At that point a by-election will be called. If the call for a by-election is close enough to election time, then there may be no need to suffer the costs of a by-election. The gift of RECALL will make our politicians much more accountable than ever before. ☐

OUR MISSION STATEMENT -

The FAIR Foundation was founded for the purpose of promoting FAIR government. Going hand in hand with that is FAIR monetary policies. FAIR not only means: For Action in Referenda . . . but also: For Action in Reform . . . Monetary Reform. That is, we, the citizens, MUST take back the control of the creation of our money to prevent inflation, spiralling debt and further taxation. THE TIME HAS COME . . . for FAIRDOM !

Options for Extended Democracy

A familiar observation about present-day democratic government is that most of its forms were evolved and concretized in the horse n' buggy days. While B.C.'s "Recall and Initiative Act" (Bill 36) was passed on July 8, 1994, (but not ratified yet by Cabinet) it contained so many roadblocks to public use of direct democracy tools that it is ineffective; no significant advance in democratic process has resulted. The "Timid Democrats" in government have not only squelched a simple U.S. style direct democracy in B.C. for now, serving up "window dressing" instead, but have also missed out on an grand opportunity to empower citizens.

While not giving up on the repair of the Bill 36, there are other areas to focus on that will put on pressure for democratic reform:

- * **Constituent Controlled Free Votes**
- * **Proportional Representation**
- * **Promise Registry and Watchdog**
- * **Online Access to Government Information**

There are many issues in the Legislature that are not government policy platform issues. These issues could be subjects of **Free Votes** where the vote of the representative is in some manner determined directly by constituents (not only his/her party affiliation or personal beliefs). This would not violate the constitutional requirement that the Legislature must pass public laws.

A positive change in the electoral process would be **Proportional Representation**: while not 'direct', this form of parliamentary democracy has been adopted in some European countries and in recently in New Zealand (by referendum). The style adopted there was the MMP (mixed member proportional) system where 1/2 of the house is elected by FPTP (first past the post) constituency elections such as we now have across BC, while the other half is selected from the party lists so as to provide a net proportional representation of all parties according to popular vote. This way each constituency gets its rep by majority, and the whole province is represented according to its vote by party. A disadvantage might be that no one party could rule: an advantage is that a party could not dominate the scene when it did not have overwhelming electoral support.

The current government was handed the Recall and Referendum issue by the Socreds at the end of their term. As their term draws to a close, it might guess that many NDP members might like to ensure some future voice in the Legislature, rather than risk a significant 'wipe-out' that could happen even if the party received 40-50% of the vote. As with Recall and Referenda issue, the Proportional Representation modification could be put on the next election ballot, requiring the next government to work the concept into law within 3 years.

Another idea for correcting the ongoing abuses of the current system is a **Promise Registry**. Political actors and parties - before elections and when in power) make all variety of promise-like statements, including published party platforms. We all know how actions may not result from these statements, and how high-sounding promises are distorted to fit the needs of the moment.

A **Watchdog Group** would have to exist independently of parties or media agents. Some formal rating of each 'promise' would be needed: (eg: do-able, suspicious fluff, pure & cheap demagoguery.. etc). All the information would be kept in a public database. Some form of commitment statement and consequence for renegeing from the politician/party would be sought and recorded (eg: "I promise to bring in and pass a law that will define and enforce sustainability in forests and fisheries, within 2 years of my election, or I will 1) resign, 2) poll my constituents for re-direction 3) donate \$10,000 to charity"). With clear statements and enforceable penalties, much of the politicians' tendency to try to 'fool the people' would evaporate.

An election is like a contract: there should be some consequence if an obligation or undertaking is not fulfilled.

In a number of U.S. states there are laws requiring increasing amounts of **government information** to be placed in public, easy and free to access databases. (Internet users can connect with the latest California Electronic Government Information list with a Mosaic browser at: http://www.cpsr.org/cpsr/states/california/cal_gov_info_FAQ.html). B.C. should have its own Bill to ensure that all information concerning the decisions affecting the public be made accessible in a timely manner. The technology is available at low cost, and most government material - from legislation, committee minutes, voting records, research and background briefs, policy proposals, etc etc are already in electronic form. The task of organizing the materials for online access is not great compared to the cost of running a 'closed' government.

Request comment on these ideas, and many other tried democracy enhancements, from your MLA.

by Joel Harvey (384-1164)

**A F.A.I.R. REVIEW OF BILL 36:
(INITIATIVE AND RECALL ACT)**

Perhaps the comments which best sum up the debates on Bill 36 on July 6, 1994 were expressed by Committee member, Cliff Serwa. In Hansards, pages 12857, 12858, he stated the following:

"The committee work on this particular area was not objective...We became reinvolved with the committee stage where the summation process took place. But we were denied an opportunity to participate in that process. A decision was made, in isolation, on the manner in which the material would be compressed. It was decided that the Chairman (Mr. Udjal Dosanjh) and one, as yet unnamed, staff member would do the summary report....As I recall, no attention was paid to any changes in recommendations. This whole thing was structured, organized and written...and not by a committee objectively searching for the public's information. That's the scam behind this whole thing and that's the tragedy for democracy."

Throughout the debates, whenever any amendments to the bill were proposed, Attorney General Colin Gabelmann continually stated that he could not accept any changes because of the unanimous agreement by the committee and the lengthy process of public input which had brought these recommendations forward. His continual bleating of "Far be it for me to override the results of a Parliamentary Committee" where finally laid to rest by Mr. Jack Weisgerber who told the Attorney General that the creation of legislation was the responsibility of elected representatives and not a parliamentary committee.

The Attorney General no longer used that excuse to block further amendments to the bill which would have made the legislation more fair and functional. His statement of unanimous agreement by the committee was also refuted when one committee member commented that they were not allowed to submit their protests

at committee level but could only express them on the floor of the Legislature.

The most odious clause in the proposed Initiative portion of the bill, written by Mr. Dosanjh, is that the results are not binding on the government. Even if citizens managed to work their way through all the hoops in the process, the draft bill need only be presented for first reading and can, as many bills do, die on the order papers.

In summary, the Initiative clause requires signatures from 10% of the eligible voters in each constituency, collected over a period of 90 days. Only 1 day is allowed between elections for voting on any proposed Initiatives.

The Recall clause requires signatures from 40% of the eligible voters in the affected member's riding collected over 60 days. Both clauses have many restrictions concerning signature gathering and voting procedures. Mr. Weisgerber stated that "The Initiative portion of this bill is totally unworkable and provides only a framework that can be amended after the next election."

Bill 36 has now made it through debates and has Crown assent. It has not however been ratified by Cabinet to make it law. We are still at the same stage as 1919 when a similar bill was left to die. FAIR supports this bill only as a vehicle to future amendments as it remains a small step in the right direction.

We express no thanks to Mr. Udjal Dosanjh for convoluting the democratic process and robbing the citizens of a fair parliamentary report based upon public input. Nor do we thank Attorney General Colin Gabelmann for purposefully manipulating the debates to block most amendments. We do, however, express our thanks to those few "Honourable Members" who were sincere in their efforts to bring about fair and workable Initiative and Recall legislation. In particular, we would like to thank Mr. Cliff Serwa, Mr. Jack Weisgerber and Mr. David Mitchell.

ISSUES -

(Last newsletter we held a referendum among our readers. The outstanding issue of the day, locally, provincially, nationally and internationally was . . . THE SPIRALLING DEBT!

INITIATIVE ONE - MONETARY REFORM: Not many of us realize that there is a simple solution to controlling the deficit and eliminating our 1/2 Trillion Dollar debt. It is so simple that it is mind "bobbling"! By taking back the control of the Bank of Canada, we, the citizens of this "fair" land, could issue our own *interest-free* (or debt-free) money. As soon as we stop renting money from the banks, then we can pay off all our debts with "truly Canadian money", money based on our total production. This would not only solve our national debt problems, but also help solve our unemployment problems AND cut taxation back to the minimum. THE BOTTOM LINE: more services with less taxation AND more \$ for all of us . . .

Never has there been a greater need for action on one issue. This issue is at the root of all. Two different approaches to implementing this initiative are found in *THE FREEDOM FLAME NEWSLETTER* (604-474-6683) and the *MONETARY REFORM HANDBOOK -- A Citizens' How To: Take Back the Banks*. If you are a concerned citizen and care about your family, your community and your country, you will want to read both of these newsletters. "Direct democracy is not one person's business . . . it's everyone's" This is your call to action -- and our thankyou!

ANNOUNCEMENT OF ANNUAL GENERAL MEETING - February 11, 1995 at
Christine's - Potluck Dinner - RSVP - 474-6683 - 7:00 for dinner . . . AGM at 8:00 pm

We hope that you enjoyed this issue and will join us in supporting our cause to help promote *fair* monetary policy and *fair* government through direct democracy here in British Columbia, in Canada and elsewhere in the World.

The opinions expressed in this newsletter are designed to encourage healthy debate of issues that are important to one and all. Letters to the Editor will be gratefully received. Please limit your comments/ideas/news to one camera ready 8-1/2" by 11" page with your message (including name and address). Those approved by the directors may be circulated to the membership. Please recycle this newsletter by passing it on to a concerned citizen.

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----- clip and send ----- > The FAIR Foundation Membership Application < -----

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Further Reading: *Direct Democracy Handbook* (10\$88) _____ "

Monetary Reform Handbook (10\$88) _____ "

Common Good -- Common Cause -- Common Sense (5\$43) _____ "

Sponsor's Name (if applicable): _____

SEND TO: The FAIR Foundation, 2616 A Peatt Road, Victoria, B.C. V9B 3T8 (604) 474-6683

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