



Democratic Reform

1. A New Brunswick Referendum Act

Our mandate: we must examine and propose a New Brunswick Referendum Act that allows for binding, province-wide referendums on important public policy issues.

Referendums are a form of direct democracy. They allow individual voters to decide or provide guidance to their elected representatives on specific issues, by answering a question placed on a ballot. In this manner, citizens are able to participate more directly in decisions affecting them.

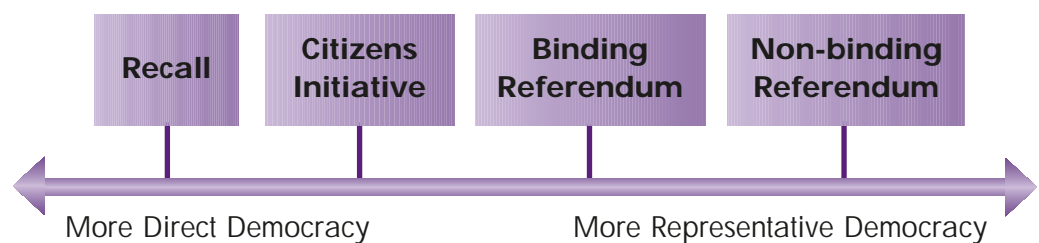
Types of Direct Democracy

There are three basic types of direct democracy:

1. **Referendum** – a specific question or questions put to voters on a separate ballot; can be binding or advisory; can be held at same time as federal, provincial, or municipal elections or separately;
2. **Citizen Initiative** – allows a certain number of citizens to petition for a referendum to be held to amend or pass a law; can be direct, which goes to voters for decision or indirect, which goes to legislature for action;
3. **Recall** – a procedure allowing for a number of citizens to petition for the recall of an elected representative before the expiry of their term.

Types of Direct Democracy

- a sliding scale -



Referendums in New Brunswick

New Brunswick has no formal legislation governing how and when referendums should be held. The province has held two province-wide referendums in the past 40 years:

- 2001 - on whether to retain VLTs. This was binding, one-time, legislation; held at time of municipal elections.
- 1967 – on whether to lower the voting age from 21 to 18. This was advisory only, held at time of provincial election.

New Brunswick passed a *Taxpayer Protection Act* in 2003 requiring a referendum to be held if the government wants to introduce a new tax, increase the HST, or place tolls on a provincial highway.

All provinces and the Parliament of Canada allow for some form of provincial referendum or municipal plebiscite. Five provinces have specific referendum legislation. The chart below lists examples of recent referendums across Canada:

Recent Referendums across Canada

2004 Nova Scotia on allowing Sunday Shopping (October)

2001 New Brunswick on retaining VLTs

1997 Newfoundland and Labrador on retaining denominational schools

1995 Quebec on sovereignty-association

1992 Canada on approving Charlottetown Constitutional Accord

1988 PEI on building Confederation Bridge

Arguments For and Against Referendums

Arguments For

Referendums allow voters to participate more directly in decisions affecting them. They complement representative democracy by allowing the government and the legislature to seek public guidance on important and often controversial issues. Referendums can help keep governments and legislatures more accountable. It brings government closer to people. It allows governments to consult the public other than just at election time. Referendums brought about by citizen petitions can help force issues onto the public agenda. Finally, they can be cost-efficient if held at the same time as other elections.

Did you know that three municipalities in NB put plebiscite questions before their local voters in the 2004 municipal election? To pass, each must receive at least 60% of all votes cast?

Arguments Against

Referendums are contrary to our system of representative democracy where we elect MLAs to decide on issues for us. They can weaken the will of legislatures and governments to deal with difficult issues and bypass consensus building as an alternative. It is difficult to reduce complex issues to simple, “yes” or “no” questions. Ensuring the public has sufficient information to make an informed decision in a referendum is a challenge, as is ensuring a clear, unbiased question. Referendums can also become divisive and can potentially undermine minority rights through the will of the majority. They can be controlled by political elites who can set the question and determine spending controls. Finally, there is an additional cost to holding a referendum.

Key Referendum Act Issues

The following key issues must be considered in establishing a New Brunswick Referendum Act:

- **Binding** – should the results be binding on the government so they are implemented?
- **Timing** – how often should referendums be held, and when?
- **Issues** – what kinds of issues should be decided by referendum?
- **Spending** – should there be rules governing spending by parties, groups, and individuals during referendum campaigns?
- **Majority** – what size majority should determine passage of a referendum; should there be a higher threshold, such as a double majority, for issues impacting minority rights?
- **Question** – who should set the question for a referendum: the government, the legislature, or citizens?

2. Public Involvement in Decision-Making

Our mandate: we must examine and recommend ways to involve the public more in government and legislative decision-making.

New Brunswickers wish to participate more in decisions affecting them and their communities. They want to have a say in what government and the legislature decide. There is a desire to create a more participatory democracy in our province. This will help make our democratic institutions and practices more open, responsive, and accountable to people.

Referendums are one way to involve people more in decision-making. But people want more regular and on-going mechanisms to participate, particularly as it affects their own region and community.

Our form of representative democracy elects MLAs to represent us and take decisions on our behalf. We need, therefore, to find ways to involve people while allowing formal decision-makers, such as MLAs and civil servants, to act.

Many people are either too busy, uncomfortable, or unwilling to involve themselves more directly in government decisions, even if they had more of a chance to do so. What they do expect, however, is that the government and legislature take the steps necessary to provide them with information on issues affecting them, create mechanisms to consult with them, and let them know afterwards what was decided.

Public involvement in decision-making is also very much a matter of how much authority people are given to make decisions. Consultation is not the same as decision-making. Asking people to become more involved at the community and local level depends upon the authority and responsibility they are given to take decisions.

Recent Examples

Over the past several years, the government has created District Education Councils (DECs) Regional Health Authorities (RHAs), and Community Economic Development Agencies. These have helped involve people more in local decisions affecting their community. Each has some delegated authority from government to make decisions on its own.

Province-wide local consultations have taken place on a variety of policies and bills to hear the views of New Brunswickers over the past 5-10 years. This includes climate change, coastal areas protection, a *Protected Natural Areas Act*, the Premier's Health Quality Council, Social Policy Reform, Health Services Review, and pre-budget consultations in 2004. Regional consultations have

taken place in the Miramichi and Restigouche-Chaleur regions on economic development.

The legislature has also struck a number of select committees in recent years to study certain issues with input from New Brunswickers. This includes public auto insurance, wood supply, a wellness strategy, education governance, smoking on school property, energy and electricity restructuring.

At the same time, government decisions regarding health care and the environment, as an example, have caused some people affected by the decisions to call for more consultation with them.

Local and Community Decision-Making

People are now more involved in decisions at the regional and community level through DEC's and RHAs. DEC's are now fully elected locally as are a number of the RHA positions. Many of the initial positions for DEC's, however, were uncontested and some were not filled.

More public involvement in local and community decision-making will depend upon how much responsibility such regional and local authorities are given and greater awareness as to the significance of these authorities. While most people appreciate the opportunity to have their voices heard and suggestions considered, bringing decision-making closer to people involves delegating more, not less, authority to them.

Examining the responsibilities of local and regional authorities and governance to determine just how effective and representative they are, could help increase democratic participation, public involvement, and accountability in government decision-making. Looking at the role of Local Service Districts and their representation is part of this.

Involving the Public

There is no one method or process that works best to involve the public in decisions. It depends upon the issue or region at stake. Time frames can also have an impact, with some decisions required more urgently.

Nevertheless, there are a number of steps that can be taken to involve the public even more in both government and legislative decision-making. This can include:

Information – providing timely information in a manner that people can access and is a necessary first step to involving the public.

Consultation Papers – distributing specific consultation papers setting out various policy options.

Website – using the government and Legislative Assembly websites more as e-consultation tools with interactive mechanisms.

Advertising – taking out ads in local and provincial papers to provide factual information on issues and inviting comment and views.

Public Hearings – holding regular public hearings on issues to provide information to people and listening to their views.

Legislative Committees – using all-party committees of the legislature to study specific issues and hold public hearings and receive input.

Mandatory Consultation – requiring public consultation to take place for important bills and in advance of every budget.

Open House Legislature – adapting the rules of the legislature to allow the public more direct input on legislative business; for example, allowing citizens to petition for debates on specific issues or petition on-line for new laws or amendments to existing laws.