
Reforming Politics in British Columbia

by Geoff Plant, MLA

During the 2001 election campaign the Liberal Party of British Columbia laid out a road map for institutional change to the way government works. In this article the Attorney General of British Columbia elaborates on some of these ideas.



In the run up to the 2001 campaign, I told the voters of the constituency I sought to represent that I believed it was time for change. Not just a change in the cast of governors, but change in the way government works, and change even in the institutions of government themselves.

Our campaign platform – *The New Era* – laid out a roadmap for institutional change. We committed to change the public service, to change the operations of government and to open up a formal discussion about electoral reform through the mechanism of a Citizens' Assembly on Electoral Reform.

The job of this assembly would be to assess all possible models for electing MLAs – things like preferential ballots, proportional representation, and even the status quo.

We also promised to give the Citizens' Assembly a mandate to hold public hearings throughout BC and, if it

recommended changes to the current electoral system, to put those recommendations to the people through a province-wide referendum.

In the last election a strong majority of the popular vote translated into a massive majority for one party in the legislature. As a result, parties like the Greens received a significant number of votes, but elected no representatives.

But the fundamental goal of elections is not to serve the needs of political parties. The goal of elections is to give citizens a voice in choosing their government. Thus the urgent question for all elections, is this: how do we create a system that better serves all of the people of the province?

The history of electoral reform in British Columbia has traditionally focused not on enfranchising political parties, but voters.

In 1876, for example, BC dropped property ownership as a qualification to vote, thereby expanding the franchise.

Forty years later, the province extended voting rights to women. In the late 1950's BC's voting age was dropped from 21 to 19, and then in 1992, was reduced still further to 18, to conform with national standards.

Even the most significant changes in the last ten years have focused on reforming politics to better serve the interests of voters. For example, the 1995 *Recall and Initiative Act* represented an attempt to put more power in the hands of voters.

Of course there is also a legislative history of regulating political parties, culminating in the 1995 *Election Act*, a statute which prescribes in 160 pages of mind-numbing

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detail the ways in which we are, and are not, permitted to engage in electoral democracy.

But the main focus of electoral reform is and ought to be, not the political party, but the voter.

The challenge is to find ways to ensure that citizens are satisfied with the politicians they have elected, and with the process used to elect those politicians. It's not an easy task.

But I do believe we need to ensure our inquiry is not limited to a mindset that automatically identifies partisan representation as the benchmark of a successful electoral system.

In his speech at the Cabinet swearing-in ceremony on June 5, Premier Gordon Campbell elaborated on his vision for open, accountable and democratic government when he said that he wanted BC's new government "to reflect a fundamental change in attitude."

The Legislature, he said, "is there to serve the people, and the cabinet is there to serve the Legislature. He went on to say:

Our Legislature will be open. It will be a place where we all learn from one another. It will be a place where we strive to reflect the values of British Columbians and to unite our province in common purpose.

Simply put, the government has embraced the challenge of earning back some measure of trust and respect for political leaders.

One measure of political credibility must be the extent to which elected leaders keep the commitments they made in seeking office. One of the first acts of the new government was to honour the *New Era* commitment for fixed election dates. So we have amended the *Constitution Act* to provide that the next provincial election will be held on Tuesday May 17, 2005. Thereafter, barring dissolution for loss of confidence, provincial general elections will be held on the second Tuesday in May every four years.

The intention behind this change is to disperse power from the Premier's office, by ensuring that the timing of elections cannot be manipulated for political or partisan purposes.

The enactment of a fixed election date means everyone in BC knows we have four years to keep our commitments and that in May 2005 they will be able to hold us to account for our record.

Similarly, we have followed up the fixed election date reform with laws establishing a fixed date for the tabling of the provincial budget and a set legislative calendar – again with the goal of increasing public accountability.

We have introduced lobbyist registration legislation, not to regulate the profession of lobbying, but to provide a measure of public disclosure of the significant volume

of political persuasion and influence that takes place behind closed doors along the corridors of power.

We have also committed to free votes in the Legislature, to permit MLAs to vote freely on behalf of their constituents on all matters not specifically identified as a vote of confidence.

Free votes help decentralize the power base. Free votes, and an expanded role in government policy-making, through the use of government caucus committees, help give individual MLAs a real voice in the decision-making process of government – an opportunity to exercise judgment – and gives the electors of constituency MLAs a more direct voice in the Legislature, through their elected representatives. It is a reform that looks forward by recalling a past in which the firm hand of the whip played a less intrusive role in the control of parliaments.

Free votes, government caucus committees, fixed budget dates, three years service plans, and a new approach to ministerial accountability that creates personal financial incentives for ministers to meet their government-wide and individual ministerial budgets are all part of the toolkit for dispersing power away from the Premier's office, out to ministers, and beyond them to the private members of the legislature and the voters they were elected to serve.

Reforming recall and initiative legislation – another platform commitment – will make it easier for citizens to hold MLAs accountable to the people of this province.

We are also working on legislation to honour additional commitments targeting electoral reform. We promised to amend the *Election Act* to eliminate loopholes on disclosures of financial contributions to parties and to include donations of labour, as well as to outlaw donations from charities to political parties.

These commitments represent a response to some specific issues identified as problems with the 1995 *Election Act*. But in arguing for these particular reforms, I do not want to impose unreasonable constraints on a public discussion concerning our regulation of elections.

I recently came across a marvellous speech given in 1999 by Roderick Macdonald when he was president of the Law Commission of Canada. In that speech Professor Macdonald talked about the limits of prescriptive regulation as a tool for social change. He identified as one of the misconceptions of the last half century "the belief that it is possible to make people better by detailed Parliamentary prescription."

Sustaining these misconceptions of law are two debatable suppositions about the motives and capacities of human beings. One is that people are not able to function in society without the assistance of public officials staffing specialized regulatory bodies. The other

supposition is that people are naturally inclined to exploit one another and will always try to extract disproportionate advantage in situations of conflict.

From this perspective, I believe it may be both timely and appropriate to encourage a broader discussion about reforming the regulation of elections.

A Citizen's Assembly

A Citizen's Assembly is a noble idea, but one not without its practical challenges.

BC is a unique political entity. We are neither New Zealand, nor German, nor Israel. Our population is widely dispersed and diverse. Our expectations of elected representatives are sometimes less than clear. And we cannot re-design our electoral system without asking ourselves the question: what is it that we expect our MLAs to do?

The fundamental objective of the Citizens Assembly takes us back to the fundamental objective of electoral reform, that is, to create a system that better serves all the people themselves. To achieve this objective we believe

it is necessary to take the question of electoral reform out of the hands of the politicians and to place it in the hands of the people we are elected to serve.

The challenge is to find a way to create a Citizens' Assembly that effectively represents the citizens of this province and gives voice to their concerns.

Premier Campbell has suggested that the Assembly should be selected randomly, as are members of a jury. I have heard objections to this proposal. Among them, of course, is the familiar objection that we might not end up with citizens with the expertise needed to address these complex issues. Well, that is an interesting dilemma. It presupposes that democracy has become incomprehensible to the citizens it intends to serve. I am unwilling to accept that contention. In truth, while I confess I might want to be at the front of the line at the first congress of philosopher kings, we had better figure out how to ensure that a system of government that is intended to work for ordinary citizens is comprehensible to them.