

# *An Accountable and Responsible Government*

*A New Generation of  
Canadian Leadership...*

*The Government's Response to the Final Report  
of the Commission On Legislative Democracy*

*...Renewing Democracy  
in New Brunswick*

*June 2007*

New  Nouveau  
**Brunswick**

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## A Message from Shawn Graham

I am pleased to present my Government's Response to the *Final Report of the Commission on Legislative Democracy*.

The Commission on Legislative Democracy was established in December 2003 to help identify options for enhancing citizen-centered democracy in New Brunswick.

The goal was to examine and make recommendations on strengthening and modernizing our electoral system, democratic institutions and practices in an effort to make them fairer, more open, accountable and accessible to all New Brunswickers.

The initiatives contained in this response may seem ambitious. But I believe that governing isn't just about managing the problems of today, it's about planning for a better tomorrow. This will mean balancing the desire to keep our most valued traditions with the need to move forward with a progressive vision of the future.

In the time since the Commission delivered its Final Report, many New Brunswickers have taken the opportunity to debate its proposals and consider the good work done by the Commissioners. Many of its recommendations are included in this Response.

The *Charter for Change* also included many commitments to improve the public institutions we all share as New Brunswickers. I am proud to have incorporated these initiatives into my Government's plan as well.

Despite the challenges we face as a Province, I am confident that, by working together, we can strengthen our civic institutions, improve our political environment, and continue to build a New Brunswick that will serve as a model for generations to come, as we strive for self-sufficiency by 2026 and beyond.



A handwritten signature in black ink that reads "Shawn Graham". The signature is written in a cursive style with a horizontal line under the name.

Premier of New Brunswick



## **Renewing Our Democratic System**

Democratic renewal is vitally important for the future of New Brunswick.

This may seem like an exaggeration. Surely there are more pressing issues that need the government's attention? We face so many urgent economic and demographic challenges, why should the government spend its time on democratic reform?

These are sensible questions. After all, achieving economic self-sufficiency will require making expensive improvements to the material infrastructure of our province (roadways, for example). This will mean making very difficult decisions about the strategic allocation of increasingly limited resources. Why shouldn't the government concentrate most of its attention on this challenging task instead of worrying about something as idealistic as "democratic renewal"?

The answer is, of course, that building a self-sufficient economy cannot be separated from building a healthy and sustainable society. Developing a regional economic growth strategy that is sustainable over the long-term will also require making sensible investments in the "non-material," civic infrastructure of the province (which is to say, improvements in health, education, and other elements of the public sector, including the government). A civic infrastructure that is both reliable and effective will provide the fertile ground necessary for the growth of a more robust private sector.

To put it simply, an economic environment that truly welcomes entrepreneurship and innovation will need to be buttressed by public institutions that are open and trustworthy. To make longer-term plans, people need to have faith that their government is accountable and responsible. Look at it this way: if your government is going to invest significant resources in upgrading the province's material infrastructure, then you, as a taxpayer, will want to be assured that the government itself is operating as efficiently, effectively and honestly as possible. If you felt otherwise, you would be foolish to risk your investment here.

As will be discussed in the next section, the notion that our public sector is based on fundamental democratic principles (which must be periodically renewed) is not a recent idea in New Brunswick. In fact, the history of this province abounds with examples of ongoing democratic reform and renewal.

But this is not to say that such renewal is a given—far from it. It will take effort. It will take skill. It will take initiative. Truly meaningful democratic renewal in New Brunswick will mean collectively undertaking reforms that will advance the prospects of our citizens for generations to come. This will require leaders at all levels of New Brunswick society to step forward, sharing both their talents and their time. These are the signs of a healthy and progressive democracy.

We believe that New Brunswickers will once again rise to the challenge.

## ***The History of Democratic Reform in New Brunswick***

Perhaps it is simple modesty, but all too often it seems New Brunswickers are apt to discount their province's history of civic innovation and democratic renewal. This is true despite the fact that even a cursory glance through history reveals steady progress in the reform of our public institutions.

Take our electoral system. In 1785, only male landowners over the age of 21 had the right to vote in provincial elections. After many years of struggle, women who owned property won that same



right in 1919. After 1967, only 40 years ago, the ability to vote was extended to those citizens who did not have the good fortune to own land. The franchise was further broadened in 1971 by lowering the voting age from 21 to 18. And in 1974, the desire for more direct accountability between elected representatives and their constituents led to a major overhaul of the entire electoral system, seeing the replacement of the old multiple-member county system with smaller, single-member districts.

Our democratic system is more than the right to vote. New Brunswick obtained its first representative democratic assembly when, in 1833, King William IV decreed that the council of elected members would meet separately from those councillors who were appointed by the Crown. The struggle for Responsible Government was a common endeavour in all the British colonies in North America prior to Confederation. The decision to join in a new federation with the other colonies to create the Dominion of Canada was another milestone in our democratic evolution.

Democratic renewal is an ongoing process. It is about renewing those shared public institutions that we all rely upon to more fully participate with our fellow citizens. Fortunately, history shows that New Brunswickers have been leaders in pursuing and implementing such reforms.

It was the government of Premier Louis J. Robichaud, for example, that introduced the Equal Opportunity Program. This program was controversial at the time, since it abolished the "county council" form of local government, and expanded the role of its provincial counterpart, thereby giving the province responsibility for education, hospital services, welfare, and the administration of justice. This was a fairly radical reorganization of the government, but it was arguably necessary to ensure that public services would be fairly and equally available to all citizens throughout New Brunswick, whether urban or rural.

While the *Official Languages Act*, introduced in 1969, perhaps best exemplifies this guiding principle, Robichaud's government was also responsible for bringing in various other reforms aimed at reducing inequality and intolerance, such as revising liquor laws, accepting the collective bargaining rights for the civil service, establishing a department focused on youth, appointing a provincial ombudsman, and adopting a healthcare system that did not require the payment of premiums.

Successive governments, irrespective of their political orientation, have worked to consolidate many of the social reforms first introduced as part of the Equal Opportunity Program. It was Premier Richard Hatfield who implemented the *Official Languages Act*, brought in the *Political Process Financing Act*, and established the Youth Council of New Brunswick, the Advisory Council on the Status of Women, and the Premier's Council on the Status of Disabled Persons.

While many of the most sweeping democratic reforms came about during the turbulent eras of the 1960s and 1970s, renewal efforts have continued in one form or another to the present day.

Premier Frank McKenna, although perhaps best known for his emphasis on job creation, also initiated an overhaul of the public sector in an effort to increase government efficiency and effectiveness. Perhaps the best example of the McKenna Government's confidence in the idea of "reform through innovation" was the creation of Service New Brunswick (SNB). SNB is organized as a Crown Corporation mandated to deliver government services to the public, both electronically (using telephone and Internet connections) and through a network of service centers strategically located throughout the province. SNB's approach to delivering public services electronically serves as a model for future efforts at extending the e-government concept more broadly.

The last few years have also seen a growing concern across Canada about the need for increased accountability in government. Many jurisdictions have begun taking steps that could lead to significant democratic reforms (most notably British Columbia's Citizens Assembly, Prince Edward Island's Commission on Electoral Reform, Ontario's Democratic Renewal Secretariat, along with various initiatives undertaken by the Federal Government).

As his government's contribution to these efforts, Premier Bernard Lord established the Commission on Legislative Democracy in 2003. The Commission, which was given a broad mandate to identify various options for enhancing citizen-centered democracy in New Brunswick, presented its Final Report the following year that included numerous recommendations for reforming the province's electoral and legislative systems.

This is where our own journey begins...

## ***Our Contribution to Democratic Renewal***

As discussed in the preceding section, New Brunswick has a proud history of democratic renewal. We now have a tremendous opportunity—we, the Government, and we, the citizens of New Brunswick—to make *our* contribution to this long and noble tradition.

A few of the recommendations made by the Commission on Legislative Democracy have already been implemented, such as the enactment of a new law setting out an independent process for drawing electoral boundaries after every decennial census (*Electoral Boundaries and Representation Act*).

Numerous amendments have also been made to the *Elections Act*. These amendments have:

- Improved the options available for persons voting away from their home constituencies during elections;
- Improved the flexibility of voting in advance of Election Day;
- Increased the level of service available to both linguistic communities;
- Introduced new special ballot officers, and;
- Reduced the time permitted to call a by-election from twelve months to six months.

A new *Fiscal Responsibility and Balanced Budget Act* was also introduced, which requires the Government to publicly release regular financial updates, in addition to tabling a budget no later than March 31 each year.

It should be noted that all of these measures were passed by the Legislative Assembly with the cooperation of members from both sides of the House. This consensus reflects the strong tradition among the major parties of pursuing democratic reforms in a non-partisan manner.

This is a good beginning, but there is still much more to do. A truly comprehensive renewal of our civic infrastructure will require tackling a number of complex issues. A brief listing of some of the most important of these renewal initiatives is given below. Many, but by no means all, of these reforms have been based on the recommendations made in the Final Report of the Commission on Legislative Democracy. Each initiative will be elaborated on at greater length in the sections that follow.

## **Making Your Vote Count**

A properly functioning electoral system is the very bedrock upon which the rest of the public sector rests. Both the executive and the opposition benches of our government are filled according to the choices made by voters during provincial elections. If our legislative system is to have any legitimacy, the public must have absolute confidence in the fairness and openness of the electoral process. For that reason, we believe that further improvements could be made to our current system.

- The Government will assist in the creation of a new, independent electoral commission, called Elections New Brunswick, which will be formed by combining the offices of the Chief Electoral Officer and the Supervisor of Political Financing.
- Elections New Brunswick will be given a mandate to both modernize the elections process, and to help raise voter awareness of (and participation during) provincial and municipal elections.
- Increased voter participation will be encouraged through further amendments to the *Elections Act* that will allow for the use of more advance polls, online registration, and various other measures designed to boost voter turnout.
- Fixed election dates will be established for the fourth Monday in September, every four years. Under this system, the next provincial election would be scheduled to take place on September 27, 2010.
- There will be a thorough review of relevant electoral reform initiatives occurring in other jurisdictions, both across Canada and internationally, in an effort to make further improvements to New Brunswick's current Single-Member Plurality electoral system.
- The case for changing our electoral system to include elements of proportional representation has not yet been made. Therefore, there will not be a referendum on any new form of electoral representation during the 2008 Municipal Elections.

## **Making the System Work**

In order to function properly, our particular legislative system requires many different parts to work together as a whole. The elected members of the Executive Council and the Government Caucus rely daily on the Loyal Opposition, the independent Offices of the Legislature, and the non-partisan civil service for advice on many important issues. While it can be argued that the tension inherent in this system is essential to having an effective and efficient government, certain improvements may serve to relieve some of its more unnecessarily contentious aspects.

- The members of the Legislature will be asked to consider various new measures that would enhance the role of the Assembly. These improvements would be made easier following the adoption of a standard legislative calendar with set fall and spring sessions.
- Higher levels of public accountability will be expected from members of the Legislature who sit on the Executive Council. This will be partly achieved through various amendments to the *Members' Conflict of Interest Act*.
- Both the *Right to Information Act* and the *Protection of Personal Information Act* will be comprehensively reviewed and updated. A committee under the leadership of Dr. Donald

Savoie of the Université de Moncton has been formed to undertake research and consult with stakeholders on new legislation that will strike a proper balance between recent advancements in communications technology, the need to provide citizens with access to public information, and the obligation of respecting modern confidentiality requirements.

- Specific legislation will be introduced that will provide protection from reprisal to provincial public servants who, in good faith, disclose government wrongdoing (i.e. “whistleblower” protection). This legislation will not take away from the Executive Council’s right to set policy and implement decisions. It will, however, address the misuse of government funds and resources for illegal or unsanctioned purposes.
- The authority of the Auditor General to examine important issues of public management will be strengthened (by calling upon the expertise of the Auditor General when designing legislation to protect public servants who disclose government wrongdoing, for example).
- Formal agreements will be signed with Crown Corporations that will clearly spell out the expectations of the Government (acting as shareholder, on behalf of the public) with respect to standards of accountability and results expected.
- A new lobbyist registration system will be developed, and will be available online, to ensure that the citizens of New Brunswick know who is lobbying their government, and for what purpose.
- A more transparent and independent process for making appointments to government agencies, boards and commissions (ABCs) will be established. This process will permit all New Brunswickers an opportunity to apply for vacant positions, ensure merit-based appointments to significant ABCs, and set fixed terms for each position.

## ***Making Your Voice Heard***

Even if the public considers the Legislature to have been fairly elected, and that the government is being effectively run, New Brunswickers should not have to wait until an election to have their say on issues of importance. After all, apart from other members of the Legislature and the civil service, the Government relies most heavily on input from the public when making complex decisions. Of course, to be most effective, it is helpful to have a diversity of ideas, coming from a broad cross-section of society. For that reason, the following initiatives will be made to encourage wider public engagement in the democratic process.

- The Government will establish a multi-stakeholder network to provide leadership across the public policy community. This network will look at how e-consultation techniques can be used to more fully engage the public on issues of public policy. Through the development of this network, New Brunswick will be taking a leading role in a new era of citizen engagement that will not only change the way our government listens, but will also serve as a model for other jurisdictions.
- Political parties, especially their local riding associations, will be encouraged to nominate (and support) women candidates in provincial elections. Initially this encouragement will be based on providing various voluntary incentives, including an augmented election expenses rebate, for parties to increase the number of women who are nominated as candidates.

- A new civics education program will be introduced into school curricula that will not only encourage youth to become more involved in their local communities, but will also provide young people with the tools necessary for more active and informed participation in the broader democratic process.
- This Government places great emphasis on establishing higher levels of cooperation and mutual respect with First Nations. For that reason, there will be a concerted effort to improve relations with First Nation communities by initiating an ongoing bilateral process, involving regular meetings between the Chiefs, Cabinet Ministers, and the Premier. The establishment of a day to formally recognize the Treaties with First Nations is a significant step in this process.
- Greater levels of cooperation are also needed between the provincial government and its municipal counterparts. The provincial government will improve relations with municipalities by undertaking more regular consultations on matters relating to local concerns. As well, Cabinet Ministers are expected to participate in the annual meetings of the major municipal associations.

### ***The Importance of Democratic Values***

Early in its work, the Commission on Legislative Democracy presented the citizens of New Brunswick with eight democratic values to consider when looking at the province's electoral system, the functioning of its Legislature and how the government makes its decisions. The responses gathered from these voluntary submissions were instrumental to the Commission in making its final recommendations.

**Fairness** – Fairness means that the electoral system should be fair to voters, parties, and candidates. It should not benefit one group of voters or one political party at the expense of another.

**Equality** – At the heart of our system, equality means that all votes should count equally when electing MLAs. It also means that all candidates and parties have a fair chance to voice the views of their members and participate in the process.

**Representative** – Our legislature should not just represent voters living in a particular geographic area, but should represent the distinct nature of our society.

**Open** – Openness is the basis of a transparent and participatory democracy for people. It is an essential ingredient to help keep government accountable to citizens.

**Effective** – An effective government and legislature is one that is able to make decisions, consider diverse viewpoints and respond to changing economic and social circumstances.

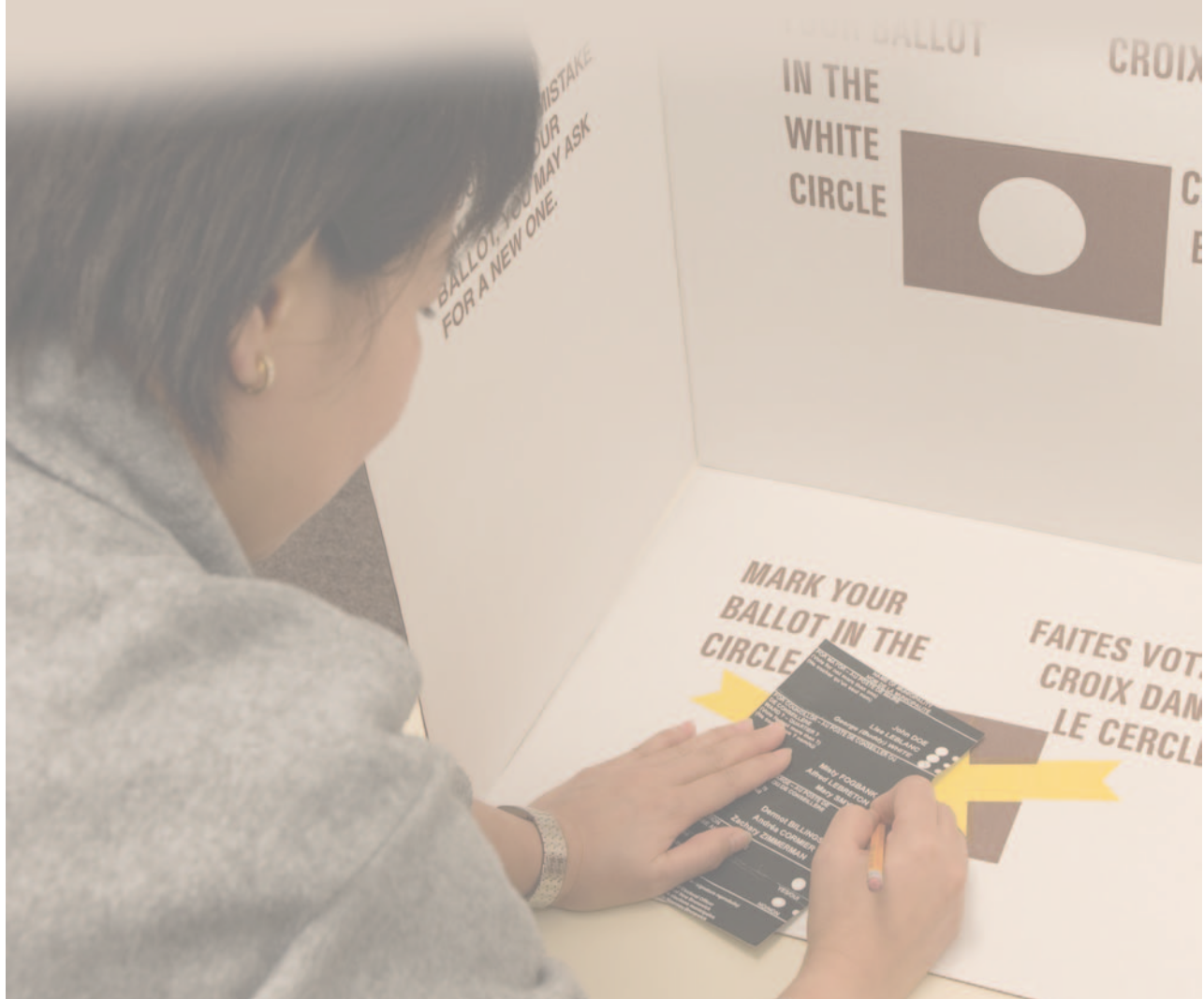
**Accountable** – Accountability requires governments and legislatures to justify their actions on a regular basis, while allowing voters to pass judgment at election time on the performance of their representatives.

**Inclusive** – Inclusion of different types of people and differing viewpoints is at the heart of a participatory democracy.

**Choice** – Choosing candidates, parties, and leaders at election time is the central democratic action of voters. Voters must be able to exercise real choice as part of a healthy and vibrant democracy.

## Making Your Vote Count

In New Brunswick, voters must be assured that their vote counts towards electing a responsible and effective government. There must be a sense of inclusion when you cast your ballot, knowing that your vote is important, and that you belong to a system envied in many parts of our modern world. You are part of an open and viable democratic system. A system that respects your empowerment as a voter, your right to know when elections will be called, how your election is being administered, and that your vote is equally important in all parts of the province.



## **Changing the Way Our Electoral System Works**

The way people govern themselves says much about what they value as a society. In New Brunswick, as in the rest of Canada, our governing institutions are infused with one overriding principle—democracy. As responsible citizens in a representative democracy, we express our beliefs and aspirations through the electoral system; in other words, by voting, by volunteering with political parties, by assisting Elections NB with its work to ensure a free and fair election and, of course, by seeking elected office.

It is through this electoral process that we choose from amongst our peers those individuals who will represent our interests as Members of the Legislative Assembly. The political process should not be remote from the daily lives of our citizens. Representative institutions are the means through which we govern ourselves. This important task is not reserved to a “political class” or select group of individuals; it is the right and responsibility of every New Brunswicker.

Our system has served us well in New Brunswick. And yet, our electoral process does have its share of problems. While structural changes may address some problems with our system, we will have to look inward to deal with the more persistent problems that occur in our otherwise healthy political culture. This means searching for answers as to why some people have become disenfranchised with the current system. Why do younger voters actually participate in such low numbers? Why are so few women elected given that women comprise half of the electorate? Why do some New Brunswickers feel excluded from the system? Is there a way to make a life of public service more appealing?

To know where we’re going, we need to understand where we’ve been. This old adage is especially true when the issue is electoral reform. Viewed from the perspective of a single generation, it may sometimes appear that our electoral system is static and unchanging. In fact, as was shown in the earlier section on the History of Democratic Reform in New Brunswick, the electoral process used in this province has changed considerably over time.

Take, once again, the decision to retire the use of the county system as the primary geographic unit for representation. For most of its history, New Brunswick used county boundaries as electoral districts, from which multiple representatives were elected using a variation of the bloc voting system. Far from providing more effective representation, the election of multiple members from a single county district often led to confusion and ambiguity. This was mainly due to a lack of any direct lines of accountability between MLAs and the communities they were elected to represent (this situation became even more complicated when MLAs from opposing parties were elected from the same county district).

There are other problems created by electing multiple members from one geographic area. One MLA might view the entire county as their constituency and work on behalf of all constituents. Another MLA from the same county might take the view that their support is confined to one demographic group or geographic area within the riding (and, therefore, that is the group or area for which the MLA feels most responsible). Yet another MLA may decide that, since the other two representatives seem to be largely involved in constituency work, why not ignore such concerns and concentrate instead on policy work within the Legislature. Because there is no clear line of accountability, voters have difficulty judging the performance of their representatives.

While this county system may have been appropriate for its era, as our society developed, citizens began to expect more individual accountability from their elected representatives. These criticisms eventually led to a major overhaul of the county system in 1974, when these districts were converted into single-member districts, giving constituents a direct line of accountability to their MLAs.

New Brunswick currently uses this Single Member Plurality (SMP) electoral system, better known as “First-Past-the-Post.” There are certain definite advantages to using this system: it is relatively straightforward and easy to understand; the constituencies are a reasonable size, with a directly recognizable geographic link between the constituents and their elected representatives; it tends to produce stable majority governments with a strong Opposition in the Legislature; and it encourages the development of broad-based political parties with experience in building consensus on very difficult issues.

In addition, since people are voting for individual candidates (not necessarily a particular political party), independent candidates have a much better chance of being elected to the Legislative Assembly than would be the case using an electoral system that relies heavily on choosing candidates drawn exclusively from party lists. And, although this remains a matter of some debate, it can also be argued that this aspect of the SMP system invests the individual MLA with a responsibility to their constituency that may, as experience has often shown, exceed that of their responsibility to a particular leader or party caucus.

Of course, like all electoral systems, Single Member Plurality also has some disadvantages. Perhaps most troublingly, the use of SMP has coincided with the continued under-representation of women, aboriginal peoples, persons with disabilities and other minority groups within the Legislature. A great deal of time, academic effort, and public debate has been devoted to the question of whether or not this is the direct result of the electoral process or trends caused by factors largely unrelated to the SMP system (such as a lack of opportunities in society more generally).

One conclusion that has come from this research indicates that the political parties, whether it is the local riding association or the larger organization, play the key determining role in advancing inclusiveness in candidate selection. In many ways, it is the responsibility of the political parties, and not the electoral system, to promote and encourage a more diverse range of candidates.

Critics of Single Member Plurality also cite the fact that there can be a disproportionate result between the elected seat count and the popular vote, leading some people to believe that their votes have been “wasted”. This is a major concern.

A healthy democracy requires its electorate to feel engaged and empowered. A citizen should feel that his or her vote has meaning and equal weight with other voters. While certain steps have already been taken to address this concern (for example, the passage of the *Electoral Boundaries and Representation Act*, which better protects the concept of “one person, one vote”), this Government agrees that more work must be done to ensure that all New Brunswickers continue to have faith in the fairness of the electoral process.

To assist in this effort, the Commission on Legislative Democracy was tasked by Premier Lord to look at the possibility of abandoning the use of the Single Member Plurality system, in favour of a switch to some form of proportional representation. Although the previous government had the right to set the terms of reference for the Commission, this direction may have closed off an opportunity to more thoroughly investigate the advantages of the current SMP system, as well as exploring other options for electoral reform.

In its final report, among other significant changes to our political system, the Commission recommended that the Government should give further consideration to the potential benefits of adopting a hybrid form of proportional representation, called Mixed Member Proportional Representation (MMPR).

It should be noted that even its most ardent admirers admit that proportional representation is not, by itself, a “magic bullet.” Many of the problems that are currently confounding our political system would likely remain following a switch to MMPR (probably accompanied by new problems arising as



a direct result of making the change). Indeed, this might actually *increase* voter frustration, especially in the short-term, leading to an even greater sense of public alienation from the political process.

Further, the system proposed by the Commission creates two classes of representatives, one selected by constituents within a defined geographic area and another chosen from a party list for each of four regional areas. With the former group, the line of accountability is clear. Voters know whom they have selected and know that their MLA is accountable to them. The latter group is selected as “compensation” for a lack of electoral success at the riding level and are not, therefore, directly accountable to the electorate. They might be accountable to those who selected them for the party list, whether it is the party leadership or party members at large, but they would lack the direct link of accountability to the electorate that is necessary for legitimacy in our democratic system.

The MMPR system may also aggravate other problems that our political system currently is perceived to have, such as the ability of MLAs to adequately represent local concerns, the influence of money on the political process and the influence of central party organizations on the selection of candidates.

As the Electoral Boundaries and Representation Commission discovered, maintaining local representation is very important to New Brunswickers. Although this is often seen as a rural issue, the diversity within our urban areas also requires careful thought when determining riding boundaries. Under the MMPR system, the number of local ridings would be reduced from the 55 we have currently to 36. Instead of an average of 13,263 electors<sup>1</sup>, each local riding would contain an average of 20,264 electors. This would significantly increase the geographic size of rural ridings, some of which are already quite large, and decrease the number of urban ridings.

For example, there are currently 14 ridings across north-eastern New Brunswick. With the exception of the riding of Bathurst (which is centred on the City of Bathurst), 13 of these ridings cover significant rural areas, including the four ridings that radiate out from Miramichi City. Under the proposed MMPR system, the total number of ridings in the three counties that comprise this area would be reduced to eight from 14. The four Miramichi ridings would become two.

The same reduction in local representation would occur in the south-western part of the province. The counties of Kings, Charlotte and Saint John, including the City of Saint John, would see the number of representatives drop from 13 to eight, with the number of MLAs from the City of Saint John being cut from six to four.

Increasing the number of electors in each riding means increasing the amount of money spent on nominating candidates and fighting election campaigns. There is already a concern that our political system is skewed toward more affluent candidates or to groups, demographic or otherwise, that can raise more money.

In a riding with a smaller number of electors, money has less of an influence on the outcome of nomination contests or elections, while the impact of reputations within these communities plays a much more significant role. If we have a choice on which factors should play a greater role in determining success in our political system – and we do – the choice should be to limit the influence of money and to preserve the influence of community in the selection of candidates by riding associations or voters.

In short, a golden opportunity to implement much needed democratic reforms might be lost in the wake of an overly hasty move to an unfamiliar electoral system. As a result, this Government will lay out a plan that will first try to fix the most serious problems arising from the use of Single Member Plurality (many of these initiatives, such as challenging political parties to do more to encourage women, youth, First Nations, and persons with disabilities to enter into public life, are outlined in the sections that follow).

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<sup>1</sup> This figure is taken from the Final Report of the Electoral Boundaries and Representation Commission.

Although the political culture in New Brunswick is unique, we believe that there are many lessons to be learned from other jurisdictions that share our Westminster system of government. For that reason, we will monitor the electoral reform initiatives undertaken in other provinces, studying various options for possible implementation of more sweeping electoral reform in the future, should systemic problems persist despite of our concerted efforts.

Switching to Mixed Member Proportional Representation would be a radical transformation of our electoral system. It would require profound transformations to the very framework of our democracy in ways we may not yet fully understand. This Government wants to be absolutely certain that any electoral reform on such a grand scale is exhaustively examined before any premature decisions are made. If our electoral system has to be changed—and we agree that improvements are needed—then we, as responsible New Brunswickers, have an obligation to do it right.

## ***Changing the Way Electoral Boundaries are Drawn***

Electoral boundaries do not simply define where we vote, they define the community of interest that is represented in the Legislative Assembly, and they influence who our representatives will be. For this reason, determining the number and size of electoral districts is a critical first step toward achieving a fairer, more effective, and better representative Legislative Assembly.

The Commission on Legislative Democracy said it was time that New Brunswick had a provincial law governing how and when electoral boundaries are drawn and who would be responsible for setting these boundaries. At the time, we were the only province that did not have a formal legislated process for setting electoral boundaries. Such a law helps safeguard important democratic principles, such as voter parity, effective representation, and communities of interest.

On June 30, 2005, the Legislative Assembly of New Brunswick unanimously adopted the *Electoral Boundaries and Representation Act*. For the first time in the history of the province, electoral redistribution would take place based on a process defined by legislation.

The Lieutenant-Governor-in-Council appointed the first Commission in accordance with the Act on July 28, 2005 (the appointments took effect on August 22, 2005). These appointments were the result of the unanimous recommendation of the Legislative Administration Committee of the Legislative Assembly. The Legislative Administration Committee is composed of representatives from all political parties represented in the Legislature and works on a consensus basis.

The *Electoral Boundaries and Representation Act* requires the Commission to hold two sets of public hearings: one prior to the release of its preliminary report, and a second one following its release. This second set of public hearings would provide an opportunity for the general public to make representations on the recommendations contained in the preliminary report of the Commission.

The Act also required a preliminary report to be filed within ninety days of the establishment of the Commission, and the final report to be filed within ninety days after the filing of the preliminary report. As prescribed by the Act, the recommendations of both the preliminary and the final reports included the division of the province into 55 electoral districts, the boundary description, as well as the name of each electoral district (the names are based on geographic considerations).

Of course, this was not the first time New Brunswick has redrawn its electoral boundaries. The last major changes took place prior to the 1995 provincial election. However, the Representation and Electoral Boundaries Commission of 1991-1993 was appointed by an order-in-council under the

*Inquiries Act*, while the new *Electoral Boundaries and Representation Act* establishes a regular and fully independent boundary drawing process that must take place after each decennial census.

It is imperative that we continue to have a transparent and fair process to establish our electoral boundaries. It must be continually revised to take into account geographical shifts in the population, while still continuing to ensure fair representation for both our rural and our urban areas.

As the legislation currently stands, any new Commission must look at setting boundaries for 55 ridings. It is our view that the Commission should be given some flexibility to increase or decrease the number of ridings to ensure that the quality of representation is maintained while respecting the principle of “one person, one vote.” The Government will sponsor a consultation process to determine the range of flexibility that should be given to the Commission prior to the appointment of the next Commission.

## **Changing the Way Elections are Called**

In New Brunswick, as in many other jurisdictions based on the Westminster Parliamentary system, the government has traditionally had the luxury of deciding when to call a general election within their five-year mandate. This privilege has come under increasing scrutiny in recent years, with critics charging their governments with flagrant opportunism in the choice of an election date. In some instances, governments have been accused of clinging to power, and others, of timing their election to best optimize their chances of winning.

Ideally, the Legislative Assembly should be considered a place of honour and integrity. It is unlikely that the vast majority of New Brunswickers vote for purely partisan motives; more likely, they simply believe in electing a responsible government that will work to improve the future of our province. Further, there appears to be a growing consensus among New Brunswickers that moving to a “fixed” election date would be an appropriate reform of the current system.

Establishing fixed election dates would have the added advantage of allowing the Office of the Chief Electoral Officer to better plan ahead, which should result in an even smoother elections process. Once an election has been called, the Office of the Chief Electoral Officer (OCEO) is required to recruit and train thousands of volunteers and staff within a very short timeframe. Most people would expect the actual day of the election to be a busy time for the OCEO; however, what is less well known is the great deal of time and effort required both before and after Election Day. While these duties may not garner as much public attention, the OCEO is responsible for staffing the Returning Offices in each riding, providing workers for advance polls, and doing all of the other miscellaneous activities that are vital for ensuring a fair and successful election.

Although a comprehensive cost-benefit analysis has yet to be done, we do know that better planning for elections would allow citizens time to more fully participate in the process. This could lead to much-needed improvements in volunteering and voter turnout. It could also mean that potential candidates, especially women, might be more interested in entering public life (knowing when elections would likely take place, they could take steps to better plan their professional and personal lives).

With fixed election dates, voters would know well in advance when the next election is to be expected, thereby allowing them to make alternate voting arrangements if they suspect that they will be away from their riding on the day of the vote. At a time when voter turnout is declining everywhere, removing barriers to voting (while maintaining existing options) simply makes sense.

Another benefit of fixed election dates would be to give voters the ability to better judge the actions and intentions of their elected officials in the run-up to an election.

It is important to note that the legislation that will be proposed by this Government would still protect the constitutional authority of the Lieutenant Governor to dissolve the Legislative Assembly and call an election, especially in the case of a vote of non-confidence in the Government.

Other factors will need to be taken into account when designing this new legislation, such as a possible conflict with a federal election or religious holy days. Other legislation would need to be reviewed and, if required, amended to allow for fixed election dates.

The Government will, therefore, introduce legislation to set a fixed election date for New Brunswick on the fourth Monday in September, every four years. Under this new system, the next provincial election would be scheduled to take place on Monday, September 27, 2010.

## **Changing the Way Elections are Run**

The administrative infrastructure of elections is an equally important part of ensuring free, fair, open, and transparent elections for New Brunswickers. Modernizing our electoral infrastructure in a way that respects New Brunswick's unique characteristics, such as our linguistic duality, will help put citizens first.

As recommended by the Commission on Legislative Democracy, the Government will create a new elections commission called "Elections New Brunswick." This new, independent agency, reporting to the Legislature, will combine the current responsibilities of the Office of the Chief Electoral Officer and the Office of the Supervisor of Political Financing (which is similar to the structure used in all other provinces).

Elections New Brunswick will be given an enhanced mandate to promote knowledge about our democratic institutions and practices in the province. Greater public awareness will help boost voter turnout, particularly among young New Brunswickers. As well, Elections New Brunswick will be given more independence and resources in the conduct of its operations to ensure an effective, efficient, and transparent elections process at all times.

Along with fixed election dates, these changes will allow for increased transparency in our electoral system. As the reporting system and electoral process improves, improvements will be made in the disclosure of political spending and fundraising. This will allow for greater accountability and transparency for those who support political activity in New Brunswick.

In the short term, changes to the *Elections Act* have already been made to ensure that we meet our commitment to language-of-service standards, and to ensure the efficient functioning of elections apparatus.

There will also be further consultations with the Office of the Chief Electoral Officer with respect to implementing recommendations to boost voter turnout by making it easier for citizens to vote, particularly young people, while maintaining high standards to prevent voter fraud. This includes giving the Chief Electoral Officer more flexibility in administering elections, creating a permanent voters list, opening up the advance poll process, improving access to polling stations, exploring the use of technology such as electronic tabulation machines, as well as exploring the possibility of having polling stations at New Brunswick Community Colleges and University Campuses.

## ***Making the System Work***

This is about making the system more accountable to you, the voter. The Legislative Assembly of New Brunswick should be a model of excellence for our province. It should reflect the openness and transparency of other democratic institutions while engaging in a rigorous, yet civilized, debate for the betterment of the people of New Brunswick. The elected members should inspire us, as citizens, to want to do better, to do more, and give more of ourselves to our society. New Brunswickers should feel empowered, engaged, and part of what is, after all, their system.



## Changing the Way the Legislature Works

The Legislature is the heart of our democratic system in New Brunswick. In our complex society, where the public has increasingly little time to spend contemplating the minutiae of public policy, we depend on the elected men and women of the Legislative Assembly to act as our daily representatives. And because we, as citizens, do rely so heavily on our MLAs to make informed and reasoned decisions, it is essential that the organizational structures supporting the work of the Legislative Assembly function as smoothly as possible. As New Brunswickers, we should take pride in the way our MLAs are supported in the legislative process; in some areas, however, there is still some room for improvement.

One such improvement would be the adoption of a standard legislative calendar. Under this system, the Legislative Assembly would resume sitting at approximately the same time each year (fall and spring sessions), thereby allowing both the Government and the Opposition to better plan their upcoming agenda. This would have the additional advantage of allowing MLAs the opportunity to more carefully consider (and effectively debate) important legislation.

The predictability inherent in having a standard legislative calendar would greatly benefit individual MLAs, who would be better able to manage their busy schedules. Many private MLAs<sup>2</sup> need to reconcile their personal lives, careers and professional lives with the work they do representing their constituencies and serving their constituents. A set legislative calendar would help them better plan around their responsibility to attend and participate in the sittings of the Legislative Assembly. As will be discussed in a later section, a standard calendar may also be an especially useful feature in attracting more women to public life.

There is a long-standing tradition in New Brunswick that private members serve part-time and are allowed, if not encouraged, to have other professions. Nevertheless, there are some private members who choose to pursue their duties as MLAs on a full-time basis. In certain cases (for example, the Leader of the Opposition, other Party Leaders in the Legislature, or other Officers of the Legislature), there is a provision allowing for an extra salary due to their increased responsibilities. Generally, however, MLAs who decide to serve full-time do not receive any additional salary for their decision to do so.

Regardless of whether or not they have other employment, being an MLA requires a heavy commitment in terms of time. In addition to the time spent in the Legislative Assembly, MLAs are expected to serve on Committees and are required to take on other responsibilities within their respective caucuses. As well, MLAs spend many hours dealing with the concerns and problems of their constituents. For the typical MLA, many an evening and weekend is consumed by community meetings, local activities and other important events, both in their riding and across the province.

On average, an MLA spends 55 hours a week at their various tasks. The workload is even higher for Cabinet Ministers and Party Leaders. Of course, having a standard calendar would not reduce the amount of hours worked by MLAs, but it would significantly reduce the uncertainty around the scheduling and time commitments that MLAs face under the current system.

There would be a certain level of flexibility built into having a standard legislative calendar. In the event of an unscheduled election being called, the standard calendar would be suspended pending the final outcome. Given the importance of the Legislative Assembly as a symbol, it should also be

<sup>2</sup> In our Legislative Assembly, all MLAs who are not members of the Executive Council (i.e. Cabinet) are considered "private members." This designation includes members of the Government caucus.

noted that the Assembly would still retain the right to make scheduling changes when appropriate (such as in the case of the death of a prominent citizen, for example).

It would be difficult to overstate the symbolic importance of the Legislative Assembly to the people of New Brunswick. It is true that the general public may not give much thought to the Legislature if everything is running smoothly; when problems occur, however, the public's level of confidence in the institution may suffer as a result.

That is why it is necessary to periodically review (and take steps to improve) the *Members' Conflict of Interest Act*. Such a review would not only assure the public of the continued integrity of their elected representatives, it would also give the Members an opportunity to discuss and carefully debate these issues in more detail.

The perennially controversial issue of compensation for elected officials should also be addressed. Given its obvious political implications, this will undoubtedly be a challenging issue for Members of the Legislative Assembly; for that very reason, we feel that it is a subject that needs to be tackled in a fair and non-partisan way. With this in mind, the Government will be asking the Legislative Administration Committee (LAC) to strike an independent subcommittee, chaired by a knowledgeable and impartial authority, to study the issue of MLA salaries, as well as the current pension and severance structure.

Members will also be asked to consider other special initiatives designed to improve the functioning of the Legislative Assembly. Some of these initiatives might involve making further improvements to the Legislative Assembly's website. An up-to-date version of Hansard could be made available online, for example.

In the Westminster system, Hansard is the traditional name for printed transcripts of parliamentary debates. At the moment, the only way for the public to access the official record of the New Brunswick Legislature's debates is in paper form. Having a fairly current edition of Hansard available online would complement the other resources now available on the Legislative Assembly's website, giving the public an even better grasp of the issues debated, and business conducted, by their elected officials.

## ***Changing the Way Political Parties Function***

Our democratic system relies on political parties to choose the candidates who will become our MLAs. They select the leaders who become our premiers. They are the basis for forming the Government and the Opposition in the Legislature. Political parties are critical to the democratic system. They need to be approachable and accountable in order to best serve the people of New Brunswick.

New Brunswick has established a strong framework for political party accountability over the years. Through various acts of the Legislature, rules have been passed that govern political party financing, elections, and members' conflict of interest. Political parties are the "public utilities" of our democracy. Yet, government can only call on political entities to adhere to the highest standards of conduct. It is ultimately up to the political parties themselves to set their own standards, as they are self-regulating entities driven by the will of their members.

Although direct public financing at the federal level only came into existence in the last few years, provincial political parties have received public financing in New Brunswick since 1979. This

money is used to pay for administrative costs, to publicize their political programs, and to coordinate the activities of their members. The funding is based on a formula that is set out in the *Political Process Financing Act*. However, political parties are still basically private organizations operating principally through volunteers in New Brunswick.

Political parties should encourage people to be involved through their model behaviour. And yet, often parties or individual riding associations are delinquent in keeping their basic bookkeeping up to date (therefore causing delays in reporting and general accountability to the people of New Brunswick). In an effort to make political parties more accountable to the general public, the Office of the Supervisor of Political Financing (or, as proposed in this document, Elections New Brunswick) would be given the power to withhold payments from parties that are delinquent in their reporting responsibilities.

The people of New Brunswick want their political parties to be accountable for their actions. When these goals are met, our democratic system will be strengthened. This higher level of accountability will encourage more people to become active in New Brunswick's democratic system.

Although there are some who believe that the government should take a more active role in regulating and monitoring party leadership and nomination contests, it is our view that this would be impractical and irresponsible. Aside from the cost and administrative burden that this would impose on Elections New Brunswick, this could also be interpreted as interference in the political process. Ultimately, it should be up to the voters, and not to the government, to decide if a political party is well run, manages its affairs properly and does a fair job of selecting leaders and local candidates.

## **Changing the Way Government Operates**

As citizens, we entrust a tremendous amount of responsibility to our government. In return, we expect the government to operate as efficiently, effectively, and fairly as possible. In order for this social contract to endure, citizens must retain a high level of confidence in their governing institutions. To earn that trust, governments must strive to remain accountable for their actions.

### **Information Sharing**

One of the pillars of government accountability is public access to accurate and timely information. While this has always been the case, it has become ever more urgent in a world redefined by the Internet and 24-hour cable news, where reams of information is available at the touch of a button or the click of a mouse.

Unfortunately, the government's system for information sharing has not kept pace with these recent technological developments. It is easy to say that governments should, at least in principle, make information available to the public, but which information? How should it be released? By whom? Within what timeframe? And, how do we protect personal information?

These are challenging questions. For that reason, the Government has appointed a special committee under the leadership of Dr. Donald Savoie, one of Canada's most respected experts in public administration, to undertake a comprehensive review of both the *Right to Information Act* and the *Protection of Personal Information Act*. This committee will consult with the public, the Opposition, and other key stakeholders (such as the media) on how the government should modernize and improve these critical pieces of legislation.



## **Protection for Disclosure of Wrongdoing**

The government, like any large organization, does not always operate as flawlessly as it could. Sometimes this is the result of implementing well intended, but ultimately mistaken, policies. Sometimes it is due to accumulated inefficiencies in the system. And sometimes, on rare occasions, the system breaks down because of deliberate misconduct.

Luckily, the vast majority of public servants consider themselves to be just that: servants of the public. When a member of the civil service sees an example of flagrant incompetence or dishonesty, they should feel secure enough in the system to bring this behaviour to the attention of the proper authorities (as designated in a clear internal disclosure policy). There are some instances, however, when the normal supervisory function of managers fails. In such cases, conscientious government employees may feel it necessary to make disclosures to authorities outside of their department.

With this in mind, the Government will introduce legislation to protect from reprisal those public servants who, in good faith, disclose government wrongdoing. The spirit of this legislation will be preventative and corrective, rather than punitive (although legal action may be necessary in certain cases). Its primary purpose is to prevent mismanagement and wrongdoing from ever taking place, if possible, but to correct such behaviour if it does occur. It must be stressed that this legislation would not give civil servants license to publicly criticize government policy, embarrass government officials or disclose confidential information.

It is also understood that the protection of the most vulnerable employees (contract or casual workers, for example) is especially important. The proposed legislation should protect all government workers who make a disclosure of mismanagement or wrongdoing, regardless of their employment status. Extensive consultations will be conducted with stakeholders prior to the tabling of any legislation.

## **Role of the Auditor General**

Popular assumption seems to hold that there is an adversarial relationship between the Auditor General, an independent Officer of the Legislature, and the executive branch of the government.

In actual fact, the government relies heavily on the Office of the Auditor General to regularly conduct objective reviews of government operations in order to maintain a high level of performance. The government depends on these audits, not only to highlight areas that might require improvement, but even more importantly, to provide informed and objective suggestions as to how these improvements could be most effectively carried out.

The Auditor General's 2003 Annual Report is a perfect example of this function. The result of a careful study of Crown Agency governance in New Brunswick, the report gives many useful recommendations, such as requiring the development of "memoranda of understanding" between Crown Agencies and their responsible departments. This measure helps ensure that there is a clear, mutual understanding of the mandate (including performance expectations) that the government has set for the Crown Agency in question.

Given the importance of its ongoing functions, the Government agrees that the role of the Auditor General should be strengthened. This will mean calling upon the expertise of the Office on a more frequent basis to provide advice regarding administrative issues and initiate studies in areas where reform is needed.

## **Lobbyist Registration**

As inheritors of a constitutional tradition that dates back many centuries, New Brunswickers have always had “the right of petition” when it comes to public policy issues and government decision-making. Anyone who has a concern, question or idea should have the opportunity to bring these to the attention of their civil servants or their elected officials. This right is fundamental to democratic government, due process and the rule of law.

Good government means openness. No citizen should need to use an intermediary in their relationship with their government; however, just as our system has continued to grow and develop over time, so have the options available to citizens for expressing their rights when demanding a more responsive system.

One significant change has been in the way that individuals, groups and corporations advocate for policy changes or compete for government resources. This activity, known as lobbying or government relations, was once the exclusive domain of the political spoils system. However, with reforms to political financing and stricter controls on government procurement policies, this is no longer the case.

In its place has risen a more professional approach to policy advocacy and competition for contracts or resources. Lobbying is often thought of as a corporate activity (usually targeting the regulatory and legislative process); however, individuals and groups also make use of their access to government officials and decision-makers to influence policy development, secure financial support, or obtain contracts. While many of these government relations activities are undertaken by volunteers or by people employed at other tasks within their organizations, there has also been an increase in the number of individuals and companies that specialize in this area.

It is true that in our province, the intensity of these activities may not be as significant as is the case with the federal government or various other provincial governments; nevertheless, it must be noted that the Government of New Brunswick is lobbied on a regular basis by a variety of individuals and groups, including municipalities, universities, unions, businesses, advocacy groups, voluntary organizations, and trade associations as well as government relations professionals.

In keeping with the Government’s commitment to remain open and transparent, Service New Brunswick (SNB) will be called upon to develop a lobbyist registry for New Brunswick. This registry, which will be publicly available online, will be made mandatory through the introduction of a new *Lobbyist Registration Act*. This new Act will incorporate the modernized version of both the *Right to Information Act* and the *Protection of Personal Information Act*. This new Act would, furthermore, prohibit the use of contingency fees to pay for government relations services.

Lobbyist registration is a comparatively new development in Canada (in addition to the federal government, British Columbia, Newfoundland, Nova Scotia, Ontario, and Quebec have all introduced legislation requiring lobbyist registration). The most important features in each of these systems include such details as the name of the lobbyist, on whose behalf they are lobbying, and the name of any other party that may be directly involved in the particular lobbying effort.

Setting up such a registry in New Brunswick would provide citizens with the information needed to provide oversight to lobbyists (whether they are individuals or groups, voluntary organizations or specialist firms), as they interact with government. By making this system more transparent, we will increase the awareness of these activities and, hopefully, address any concerns that the public may have with the way that government decisions are made.

## **Changing the Way Appointments are Made**

Like other governments, New Brunswick uses provincial agencies, boards, and commissions (ABCs) to provide advice to government, deliver services to New Brunswickers, and regulate key sectors of our economy. These organizations, which function at arms-length from government departments, undertake important work on behalf of the people of New Brunswick.

As citizens, New Brunswickers have a right to expect high levels of efficient and effective governance from these ABCs. The people of New Brunswick must be assured that the directors of these ABCs, especially those having significant regulatory or adjudicative power, are the most qualified candidates to hold positions of such responsibility.

This is why it is so important that our ABC appointment process reflects the best practices currently available for the recruitment, selection, and training of those individuals who will have the privilege of serving the public's interests. The Government will, therefore, institute new mechanisms and procedures to make the process of appointment to provincial agencies, boards, and commissions more open, transparent, and accountable.

At its most basic level, this begins with the establishment of a merit-based appointment process to key ABCs that will ensure the selection of qualified, competent individuals. This appointment process will be open to all New Brunswickers, with special effort being made to promote diversity in appointments, so as to be inclusive of New Brunswick's two official linguistic communities, women, First Nations, persons with disabilities, visible minority groups and all regions of the province.

A new ABC appointments policy will be created to guide the appointment process. This policy will establish procedures to assist in the development of ABC position profiles, recruitment strategies, and review of applications. Vacancies to key ABCs will be advertised, fixed terms will be set for all appointments, and background information on successful candidates will be made publicly available. This policy will also provide general guidance to directors on governance-related issues (establishing long-term plans, for example, with an emphasis on strategic direction and clear objectives).

Appointees to provincial agencies, boards, and commissions are expected to demonstrate the highest levels of integrity while serving the interests of all New Brunswickers. For this reason, it is important that the appointment process is perceived by the public to be as fair and objective as possible. It is simply not enough that appointees be qualified, competent and capable, the public must also *know* that they are. For this reason, the Government will continue to keep the public informed about its ongoing efforts to incorporate "best-practices" in the governance of their agencies, boards, and commissions.

## **Agencies, Boards, and Commissions**

*The following are examples of some (but by no means all) of the most significant agencies, boards, and commissions currently operating in New Brunswick:*

Advisory Council on the Status of Women  
Commission on Post-Secondary Education in New Brunswick  
Community Non-Profit Task Force  
Efficiency NB  
eNB.ca  
Kings Landing Historical Settlement  
N.B. Advisory Council on Youth  
New Brunswick Arts Board  
New Brunswick Credit Union Deposit Insurance Corporation  
New Brunswick Emergency Measures Organization  
New Brunswick Energy and Utilities Board  
New Brunswick Human Rights Commission  
New Brunswick Insurance Board  
New Brunswick Investment Management Corporation  
New Brunswick Liquor Corporation  
New Brunswick Power Corporation  
New Brunswick Provincial Capital Commission  
New Brunswick Securities Commission  
Premier's Council on the Status of Disabled Persons  
Regional Development Corporation  
Self-Sufficiency Task Force  
Service New Brunswick  
Workplace Health, Safety and Compensation Commission

## ***Making Your Voice Heard***

This is about really listening to people when they have concerns. It is about engaging with people on issues and representing their interests in the Legislature. It is about having real dialogue with our First Nations Communities and understanding their needs. It is about persuading women and youth to participate more fully in the system. It is letting those who feel disenfranchised know that their voice is important too. While not every point of view will become policy, government must make every effort to include the greatest number of people in the decision making process. It is simply about listening and responding to our number one concern, and that is you, the voter.



## Changing the Way Government Listens

Whether it is population decline, rising healthcare costs, or balancing economic growth with environmental sustainability—New Brunwickers are likely to face increasingly serious challenges in the years ahead. Finding solutions to these problems will require equally serious discussion, leading to equally serious action.

Government will certainly have a significant role to play in these public deliberations. Nevertheless, the challenges that we face are not simply problems of government; they are problems that extend throughout our entire society. This is why it is so important for government to seek input and advice from a diverse cross-section of our citizens.

While inaugurating this new era of citizen engagement would place additional responsibilities on the government, it is important to note that it will also mean new roles and more responsibilities for the average citizen. After all, government cannot hope to solve complex social problems without the concerted efforts of the general public. For this reason, governments must engage with the public in ways that have rarely been tried before, not only at election time, but throughout the government's mandate.

Given the innovative nature of this approach, the New Brunswick Government has obtained the services of a leading expert in citizen engagement to assist in the initial development of this new era of deliberative dialogue and public consultation.

Over the course of the next year, the Government will establish a multi-stakeholder network that will provide leadership across the public policy community. This network will examine ways in which the latest e-consultation techniques can be used to engage New Brunwickers on specific public policy issues. By developing a guide to collaborative government, the Network will also provide citizens with more general information on how they can become actively involved in such deliberations (including how they can make the most out of the new citizen engagement tools that are being developed).

As part of the effort to ensure more effective coordination and review of policy across the government, the Executive Council Office (ECO) will be assigned new responsibilities with respect to consultations. In addition to monitoring government-sponsored consultations, ECO will encourage the collection and dissemination of information regarding best practices, act as a central clearinghouse for information, and ensure that any consultations are undertaken at the appropriate time and in accordance with recognized standards (for example, ECO will be assisting in the consultations and review of the *Right to Information Act* and *Protection of Personal Information Act* mentioned earlier).

With these changes, New Brunswick will be taking bold steps toward a new era of citizen engagement that will not only change the way our government listens to the public, but will also act as a model for other jurisdictions.

### **First Steps on the Path to Citizen Engagement**

Non-governmental organizations (NGOs) tend to be non-profit, community-based groups that must operate with very limited funds, few full-time staff, and must therefore rely on the hard work of many highly dedicated part-time volunteers. Given this situation, it is difficult for most of these NGOs to undertake regular consultation sessions with government. This is unfortunate. NGOs often

give voice to a unique perspective that can be absolutely essential in giving the government a more complete understanding of complex issues.

For this reason, the Government has created the Community and Non-Profit Task Force. This task force has a mandate that includes “raising awareness and setting out the context of the non-profit sector, identifying strategies to enhance the relationship with government, and identifying further activities in support of the task force goals.” A widely respected former federal Cabinet Minister has already been appointed to head this task force.

The lines of communication must be kept open between government and the province’s NGOs. After all, it is often these community-based, non-profit organizations that are on the front line in dealing with the less fortunate members of our society. Having improved contact between these groups and the relevant government departments (such as Family and Community Services) would allow for a more effective application of limited government services, which would be in the interest of all New Brunswickers.

The Government has also created an arms-length task force to assess the economic and fiscal challenges facing the province. This Self-Sufficiency Task Force was given a mandate to: stimulate a debate about the future direction of the province; inform New Brunswickers of the deeper issues affecting the province’s capacity for growth; analyze the public’s appetite for change; introduce the public to the wider ideas behind self-sufficiency; and advise the Premier on a series of reforms to direct the Self-Sufficiency Agenda.

To accomplish these objectives, the Self-Sufficiency Task force has been actively seeking input from a wide cross-section of the public in an effort to generate ideas for creating a self-sufficient economy in New Brunswick by 2026. Given the importance and complexity of the issues involved, New Brunswickers from all walks of life have been encouraged to participate in the deliberations by submitting their recommendations and opinions to the Task Force.

A similar approach has also been adopted with regard to the issue of post-secondary education in New Brunswick. The Commission on Post-Secondary Education was created to examine a broad spectrum of post-secondary institutions and to focus on many themes, including: accessibility, relevancy, quality, competitiveness, collaboration, and affordability.

The Commission will operate in close collaboration with officials from the Department of Post-Secondary Education, Training and Labour and will take on several tasks, including: gathering data relevant to the broad range of post-secondary education and training issues facing the province; developing a discussion paper that will guide the efforts of the commission; holding broad consultations with post-secondary stakeholders and the public through such methods as facilitated roundtables, public events, individual consultations and submissions; and examining best practices throughout Canada (and elsewhere in the world) in an effort to identify some options that are best suited to the needs, challenges and opportunities of New Brunswick.

Although each of these commissions are fairly high profile, it is important to remember that most of the consultation work performed by the government is conducted directly with stakeholders or with a regional focus. Whichever approach is taken, the objective is still the same—to provide those in government with the best possible information on which to base their decisions, and to actively bring more New Brunswickers into the decision-making process.

## **Changing the Way People are Included**

It is the active participation of its citizens that makes a democracy strong. The more voices that are heard, the more diverse the opinions, the more resilient our entire community becomes.

And yet, sometimes, unintentional societal barriers exist that adversely affect such participation. Voter turnout among the young, for example, has been consistently much lower than the population as a whole; women made up only 12% of the Legislative Assembly in the last election (this despite making up over half the population); and, while active within their own communities, members of First Nations have been generally uninterested in other aspects of political life in New Brunswick.

Addressing these “participation gaps” must be a priority if we are to successfully implement meaningful democratic renewal in this province.

### **Youth**

The youth are our future. We all say it, because we know that it’s true. Their voices must be heard, and their concerns should be respectfully addressed. This is especially true on those issues that affect them directly (which was one of the reasons the government has implemented a \$2,000 tax credit for first year university students). The Government will also develop and implement “Youth at Risk” programs; it is, after all, especially important to understand the experiences and concerns of those young people who most need our help.

Youth must know that they are valued and relevant participants in our democratic system. The ultimate goal of any modern society is to have an educated, healthy, and engaged population. This will mean challenging our educational system in New Brunswick to offer the tools and learning experiences needed for our young people to become better-informed citizens. That is why the Government will incorporate an enhanced civics education curriculum in our schools.

Civics education, from our perspective, does not mean simply making information available. It means that students must understand, not only how to conceptualize, but also how to apply these democratic principles; in other words, how to become truly engaged in their society. This will include challenging the system to offer volunteer experiences, leadership opportunities, and in-depth knowledge of our electoral systems at the municipal, provincial, and federal levels. It will mean participating in their communities, and better understanding how to address complex issues at any level of government.

### **Women**

As a society, we have come to accept the idea that opportunities in both the private and the public sector should be based on the principle of gender equality. And yet, although women have been actively striving to fully participate in our legislative system for almost a century, the percentage of women involved in many important areas of the public sector are still astonishingly low.

In today’s society, women should have access to all of the tools needed to pursue a career in politics. Unfortunately, this is a principle that is not often followed in practice. Women candidates for elected office continue to face institutional challenges that are still largely incomprehensible to many of their male colleagues. This is not a situation unique to New Brunswick; in fact, it continues to pose a challenge in most democratic societies.

It has been argued that the introduction of a higher level of decorum in political debates might attract more women to public life. Quite frankly, a change of this kind would probably be



appreciated in all quarters. Perhaps a more significant element in attracting more women, at least to a career in the legislature, might be the introduction of a set legislative calendar, which might allow for a better balance between professional and personal life. Again, a move toward this kind of balance would likely be welcomed by more than just women candidates/members.

It seems clear that voters do not regularly discriminate between male and female candidates when casting their ballots. Unfortunately, various institutional barriers continue to exist within the internal political party systems that have had a negative impact on encouraging more women to run for elected office. Oftentimes, voters do not even get the option of voting for a female candidate.

For that reason, political parties have to be encouraged to do their part to remedy the chronic under-representation of women in the political process. As stated earlier, it is always a delicate issue when the state tries to tell political parties how to run their own affairs. There is, however, an indirect way to encourage political parties to do their part in this process, and that is through the election expenses rebate system.

Currently, local riding associations receive a 50% rebate on campaign expenses if their candidate receives a minimum of fifteen percent of the overall vote. These funds are very important to the ongoing operations of the local association. To encourage the selection of women as candidates, this rebate would be increased to 55% for those campaigns that are represented by female candidates. The local incentive would be put in place for the 2010 General Election.

Since political parties in New Brunswick also receive an election expenses rebate based on an overall threshold of voter support, this incentive could also be implemented at the provincial level. In this case, if a provincial political party meets or exceeds a minimum number of female candidates (20 out of 55, for example), a system could be set up whereby the parties could be entitled to a similar rebate on their provincial campaign election expenses.

Of course, for this new incentive to be most effective, consensus would have to be reached among the various political parties regarding the optimum provincial minimum threshold for women candidates. These consultations will be held under the auspices of Elections New Brunswick, in cooperation with the Women's Issues Branch of the Executive Council Office.

## **First Nations**

While civic participation within First Nations communities is high, the same cannot be said for interest in the realm of provincial politics. Issues such as representation in the Legislature, self-governance and autonomy have undoubtedly all had an influence on the traditionally low participation of First Nations people in provincial politics.

At the moment, few provinces have established a truly bilateral, regularly held consultation process between Aboriginal leaders, Premiers, and their respective Cabinet Ministers. In an effort to build better relations with the First Nations Communities in New Brunswick, this Government will initiate an ongoing bilateral process of regular meetings between Aboriginal leaders, the Premier, and members of Cabinet that will seek to address issues of mutual interest.

It is also important to show respect for the contribution that First Nations have made to New Brunswick over our long period of association. That is why the 2007 Speech From the Throne announced that September 25<sup>th</sup> would become Treaty Day in our province.

## **Persons With Disabilities**

People with disabilities have long faced significant obstacles to their full participation in our public life. While there has been some progress made, such as the creation of the Premier's Council on the Status of Disabled Persons and the removal of barriers to public facilities, programs, services and information, we know that there is still much more to do if we are to ensure that public life in our province is as inclusive as it could be.

With this in mind, Elections New Brunswick will be asked to specifically include persons with disabilities in its attempts to increase voter awareness and participation in our provincial and municipal elections. As part of these efforts, Elections New Brunswick has already begun to test various types of voting equipment in order to determine which system would allow for the most independence to persons with disabilities when exercising their right to vote.

## **Municipalities**

No level of government has a monopoly on ideas or solutions. Changing our province for the better will require all levels of government to work together. Put simply, we must strive to create a greater level of cooperation between the provincial government and its municipal counterparts. With this mind, the Government will improve relations with municipal governments by arranging for the Premier to meet annually with representatives of New Brunswick's municipalities, as well as encouraging appropriate Cabinet Ministers to attend the yearly meetings of municipal organizations.

# **Working Together for Democratic Renewal**

These initiatives are a good beginning, but they are only a beginning. True democratic renewal means continuing to respect our most deeply held values even as we challenge ourselves to do better. It means looking deep inside of ourselves, understanding who we are as a society and where we want to go.

No one is promising that reaching an agreement on the future course of our province will be easy. Opinions will often differ. Tempers will likely flare. We can, however, take comfort in knowing that the democratic traditions of our province run deep and, with every generation, are poised to renew themselves once again.

Of course, such renewal is by no means automatic. It takes work. This Government will do its part to reinvigorate our democratic system. We understand that this is our opportunity to choose the legacy we want to leave for our children, grandchildren, and great-grandchildren.

With ingenuity and resourcefulness, we can restore hope in the future of New Brunswick. But to be successful, we need to work together to make these dreams a reality. In the end, that may very well be our most difficult challenge...and, perhaps, our greatest accomplishment.

## Timeline

### 2005

- *New Representation and Boundaries Act* (assented to June 2005)
- Boundaries Commission public hearings (preliminary report submitted in November 2005)
- *Fiscal Responsibility and Balanced Budget Act* (assented to June 2006)

### 2006

- Boundaries commission reported in spring
- New electoral boundaries formally in place for all 55 ridings
- Modifications to the *Elections Act*, improving language of service and voting options, lessening restrictive voting procedures, lowering the age of poll workers and creating new special ballot officers
- Civics' Education review conducted

### 2007

- Further *Elections Act* amendments to be introduced
- Creation of Elections New Brunswick
- Legislation to be introduced establishing Fixed Election Dates
- Policy will be introduced setting a Standard Legislative Calendar
- ABC appointments policy to be established
- Amendments to the *Members' Conflict of Interest Act*
- Review of the *Right to Information Act* and the *Protection of Personal Information Act*
- Developing new citizen engagement tools using e-consultation techniques
- Civics courses commence in province
- Civic engagement strategy to begin with women, First Nations, youth and persons with disabilities
- Improving the relationship with New Brunswick First Nations
- Strengthening the role of the Auditor General
- New legislation to protect public servants who, in good faith, report government mismanagement or wrongdoing

### 2008

- The *Lobbyist Registration Act* to be introduced
- Shareholder Agreements with Crown corporations to be implemented

### 2009

- Consultations with political parties on the minimum number of women candidates to qualify for the augmented election expenses rebate

### 2010

- First fixed date election to be held (September 27, 2010)

### 2011

- Decennial Census to take place
- Consultation on the appropriate number of ridings for the New Brunswick Legislature

### 2012

- Appointment of Electoral Boundaries and Representation Commission

## Summary of Actions

### **Making Your Vote Count**

- The creation of a new, independent electoral commission, called Elections New Brunswick, which will be formed by combining the offices of the Chief Electoral Officer and the Supervisor of Political Financing. Elections New Brunswick will be given a mandate to both modernize the elections process, and to help raise voter awareness of (and participation during) provincial and municipal elections.
- In an effort to make political parties more accountable to the general public, Elections New Brunswick would be given the power to withhold public financing payments to political parties that are delinquent in their reporting responsibilities, including reports from constituency organizations.
- Increased voter participation will be encouraged through further amendments to the *Elections Act* that will allow for the use of more advance polls, online registration, and various other measures designed to boost voter turnout.
- Fixed election dates will be established for the fourth Monday in September, every four years. Under this system, the next provincial election would be scheduled to take place on September 27, 2010.
- There will be a thorough review of relevant electoral reform initiatives occurring in other jurisdictions, both across Canada and internationally, in an effort to make further improvements to New Brunswick's current Single-Member Plurality electoral system.
- The case for changing our electoral system has not yet been made. Therefore, there will be no referendum on any new form of electoral representation during the 2008 Municipal Elections.
- The Commission on Electoral Boundaries and Representation (to be convened after the 2011 Census) will be given limited flexibility to change the number of ridings represented in the New Brunswick Legislature. The range of this flexibility will be determined through a consultation process prior to the appointment of the commissioners.

### **Making the System Work**

- The Members of the Legislative Assembly will be asked to adopt a standard legislative calendar with set fall and spring sessions.
- Amendments to the *Members' Conflict of Interest Act* will prohibit members of the Executive Council (Cabinet) from accepting any additional salary or financial benefit from political parties.
- Both the *Right to Information Act* and the *Protection of Personal Information Act* will be comprehensively reviewed and updated.
- Specific legislation will be introduced that will provide protection from reprisal to provincial public servants who, in good faith, disclose government wrongdoing (i.e.

“whistleblower” protection). This legislation will not take away from the Executive Council’s right to set policy and implement decisions. It will address, however, the misuse of government funds and resources for illegal or unsanctioned purposes.

- The authority of the Auditor General to examine important issues of public management will be strengthened.
- Formal agreements will be signed with Crown Corporations that will clearly spell out the expectations of the Government (acting as shareholder, on behalf of the public) with respect to standards of accountability and results expected.
- A new lobbyist registration system will be developed, and will be available online, to ensure that the citizens of New Brunswick know who is lobbying their government, and for what purpose. The use of contingency fees to pay for government relations services will be prohibited.
- A policy setting out a more transparent and independent process for making appointments to government agencies, boards and commissions (ABCs) will be established. This policy will permit New Brunswickers an opportunity to apply for vacant positions, ensure merit-based appointments to significant ABCs, and set fixed terms for each position.

### ***Making Your Voice Heard***

- The Government will develop a new consultations policy (which will include the use of e-consultation techniques) to encourage the collection and dissemination of information regarding best practices, and to ensure that consultations are undertaken at the appropriate time and in accordance with recognized standards.
- Local riding associations will be encouraged to nominate women candidates in provincial elections through an augmented election expenses rebate (55% instead of 50% after meeting a minimum threshold of voter support). This incentive could also be implemented at the provincial level, if a political party meets or exceeds a minimum number of female candidates (20 out of 55, for example) and meets a minimum province-wide vote threshold. This will be implemented in time for the 2010 General Election.
- A new civics education program will be introduced into school curricula that will encourage youth to become more involved in their local communities and provide young people with the tools necessary for more active and informed participation in the broader democratic process.
- The Government of New Brunswick is committed to an ongoing bilateral process with First Nations. This process involves regular meetings between the Chiefs, Cabinet Ministers, and the Premier. The establishment of a day to recognize the Treaties with First Nations is also significant step in this process.
- The Government of New Brunswick will improve relations with municipalities by undertaking more regular consultations on matters relating to local concerns. As well, Cabinet Ministers, including the Premier, are expected to participate in the annual meetings of the major municipal associations.