



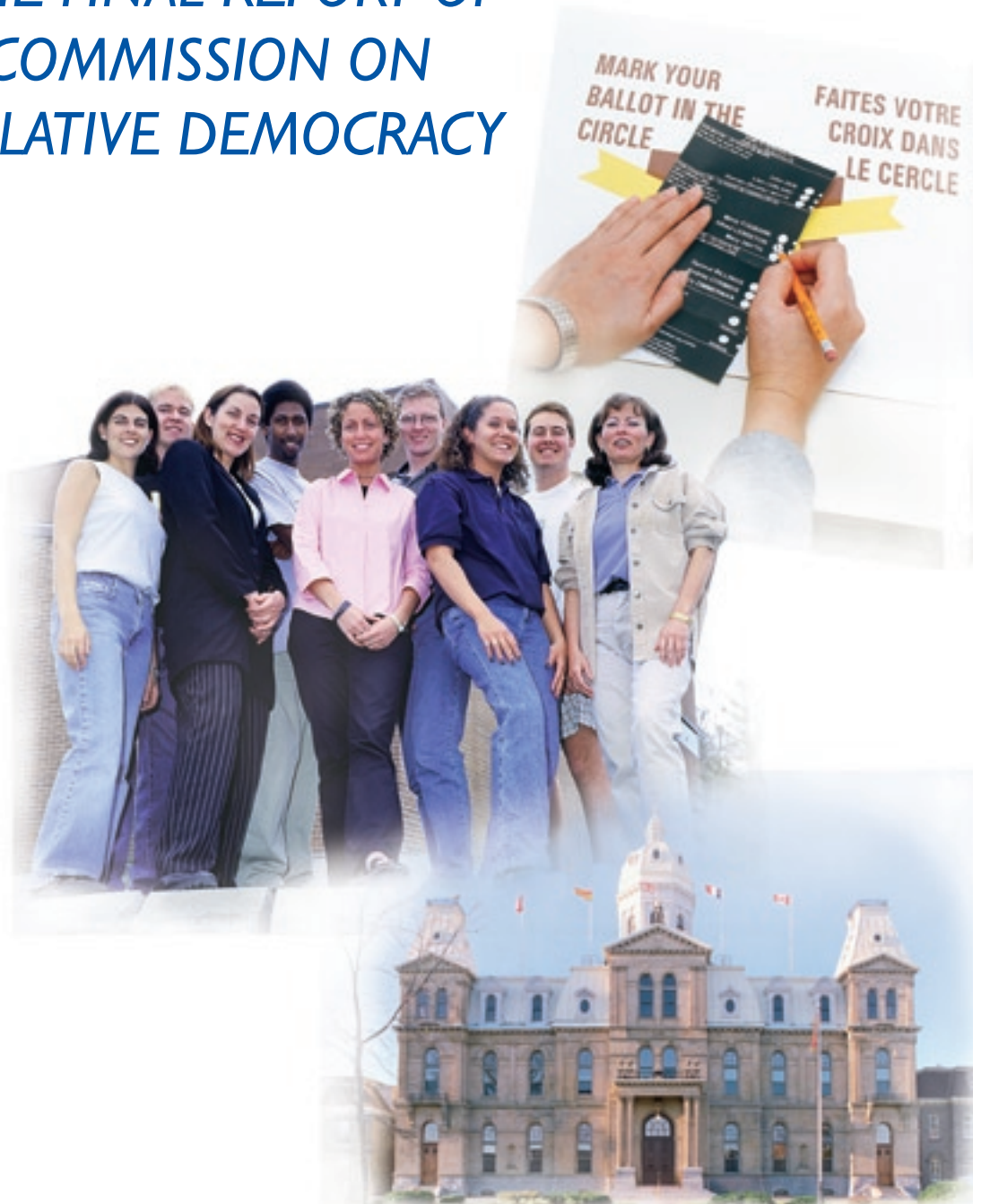
# IMPROVING THE WAY GOVERNMENT WORKS:

## GOVERNMENT RESPONSE TO THE FINAL REPORT OF THE COMMISSION ON LEGISLATIVE DEMOCRACY



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## Summary of Initiatives

1. A more open and independent process for appointments to government agencies, boards and commissions (ABCs) will be established allowing all New Brunswickers to apply for certain positions, setting fixed terms, and ensuring merit-based appointments to significant ABCs.
2. Fixed election dates for the third Monday in October, every four years will be established.
  3. A new law setting out an independent process for drawing electoral boundaries after every decennial census has been put in place.
  4. A new, independent electoral commission called Elections New Brunswick will be formed combining the offices of the Chief Electoral Officer and the Supervisor of Political Process Financing, with a mandate to modernize our elections process and raise voter awareness of participation at election time.
  5. New, lower limits will be set for individual, corporate, and union donations to political parties.
  6. A *New Brunswick Referendum Act* will be introduced allowing for the holding of binding, province-wide referendums under strict financial rules and regulations.
  7. Political financing rules will be toughened around party leadership contests, setting financial contribution limits, spending limits and disclosure requirements.
8. A referendum on changing our electoral system to a form of mixed member proportional representation will be held on May 12, 2008.
9. A new, compulsory Civics Education program for youth will be introduced into the elementary and secondary school system.
10. A new *Fiscal Responsibility and Balanced Budget Act* has already been introduced requiring the government to publicly release regular financial updates and table a budget no later than March 31 each year.
11. The Legislative Assembly will be asked to consider new measures to enhance its roles by allowing for a stronger role for legislative committees, a fixed legislative calendar with set Throne Speech dates, and a revamping of the Standing Rules to make the House more efficient, effective and less partisan.
12. The Leaders of political parties that receive a significant portion of the provincial vote but which do not win any seats will be offered an opportunity to participate in question period in the Legislative Assembly.
13. Voting will be encouraged through amendments to the *Elections Act* allowing for a more open advance poll process, online registration, and other measures to boost voter turnout.



14. After 25 years in existence, the *Right to Information Act* will be updated to better serve the public's right to know, while balancing the advantages of today's communications technology advancements with modern confidentiality requirements.
15. Formal agreements will be signed with Crown Corporations and other similar agencies, which will clearly spell out the expectations of the government shareholder on behalf of the public as to the standards of accountability and results to be met.
16. The authority of the Auditor-General to examine important issues of public management will be strengthened.
17. A Registry of New Brunswick Lobbyists will be created to ensure an open and accountable process for interested groups to bring forward important issues to government.

## New Brunswick's Democratic Values

New Brunswickers' most important values. These were set out by the Commission on Legislative Democracy.

**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** – Equality means that all votes should count equally when electing MLAs.

**Representative** – Our legislature should not just represent voters living in a particular geographic area, but should represent the diverse faces and voices 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.

The changes we are bringing forward are designed to reflect these same values.



## Improving the Way Government Works

Improving the way government works covers almost every aspect of how our democratic system functions. These can be grouped into three main areas:

**ONE**  
**Making Every Vote Count**



This is about the first and most important step in the democratic process – voting. The focus here is on making sure casting votes leads to fair and representative results through the electoral system. It is about when elections can be called because that too affects voting. It covers where people vote – based on fair riding boundaries, which communities it contains, and how many New Brunswickers vote for a local representative. It deals with the administration of elections, to make it easier for people to vote and to ensure people know more about our democratic system.

**TWO**  
**Making the System Work**



This is about what happens after the votes are counted – making the system of government, the legislature and political parties work better for people. The focus here is on enhancing the role of Members of the Legislative Assembly (MLAs) so they, and the legislature itself, can represent people better and work more effectively. It is also about improving the way government appointments are made to agencies, boards and commissions. It covers political parties and how they act to make them more open and transparent. And it touches on the operations of government, to be the same.

**THREE**  
**Making Voices Heard**



This is about listening more closely to people and giving them more of a say in decisions that affect them and their communities. The focus here is on using referendums as an occasional tool to make decisions. It is about boosting youth voter turnout and participation; electing more women to the legislature; and seeking the input of aboriginal people into how they can participate more in the democratic process. And it is about stronger forms of participatory democracy.

These three themes add up to one big theme: improving the way government works.

That's the goal.

## Making Every Vote Count

### 1. Improving the Way Our Electoral System Works



The electoral system is central to the type of legislature and government the people elect. It translates votes into seats, determining who forms government and just how representative our legislature will be.

There is much to recommend about our current first-past-the-post electoral system. It provides stable, accountable government with strong local representation. But its drawbacks are well known too. Its “winner-takes-all” effect can produce lopsided majorities and small oppositions in an unbalanced legislature. Smaller parties find themselves unrepresented in the legislature despite winning an important percentage of votes. Votes not cast for the winning candidate are perceived to be “wasted” as they do not count towards the final result.

New Brunswick has not been alone in studying whether an alternative electoral system that is more proportional would be better for voters, legislatures and governments. Our neighbours on either side of us – PEI and Quebec – have been doing so. Ontario is doing so, and BC is preparing a second referendum process in the wake of a referendum during which a clear majority of voters expressed a desire to improve their electoral system.

The Commission on Legislative Democracy has set out a model called New Brunswick Mixed Member Proportional (NBMMP). It brings together elements of the current first-past-the-post system with which we are all familiar such as single-member ridings, and adds an element of proportionality through regional PR lists. It sets out a two-vote system whereby voters would have the choice, the freedom, to cast one vote for a local candidate of their choice just as they do now, and another vote for the party of their choice. All votes would be counted, however, in determining the ultimate distribution of seats in the legislature. It would result in a closer distribution of seats to votes. These are important features that should be borne in mind.

This is one model. It may not be the optimal one. It needs to be examined in more detail and discussed publicly so we can all further assess its merits and New Brunswickers can learn more about it. Nevertheless, having considered other alternatives, the Commission has recommended that a form of mixed member proportional representation is the model that would work best in New Brunswick should voters decide to adopt a more proportional electoral system.

Mixed member proportional representation best meets the following four criteria for change that should define any new voting system in our province:

- **Fairer representation** – ensuring all New Brunswickers’ voices are represented in the legislature.
- **Equality of votes** – ensuring each voter’s ballot has equal influence in determining the election outcome and that as few ballots as possible are perceived to be wasted.
- **Local representation** – ensuring that New Brunswickers have their own MLA from their community or region to directly represent their concerns and that that MLA is accountable to them.

- **Effective government** – ensuring that the election results in the clear selection of a stable government and legislature that is able to govern on behalf of all New Brunswickers.

The government believes that New Brunswickers should have the final say as to whether they wish to change to a new electoral system or retain the current electoral system. We will give New Brunswickers that say and that choice.

A province-wide referendum will be held on May 12, 2008, at the time of the next municipal elections. This referendum will ask voters to choose between a new form of mixed-member proportional representation or retain the current first-past-the-post voting system. The results will be binding. Should voters say “yes,” then the next provincial election following will take place under the new electoral system.

This will provide sufficient time for New Brunswickers to engage themselves on the topic of electoral reform, for alternative versions of NBMMP to be considered and refinements made, for the referendum process to be established and the vote to be held. It will also provide sufficient time for the new electoral system to be put in place, should New Brunswickers vote “yes.”

Between now and referendum day, all New Brunswickers will be invited to participate in a general public debate and discussion on changing our electoral system. Information will be provided to the public through a new elections commission called Elections New Brunswick. A new *Referendum Act* will ensure that the referendum on a new electoral system will be open, fair and transparent.

Also, a Democratic Renewal Unit has been created to facilitate public input across the province on the implementation of initiatives to improve the way government works.

## **2. Improving the Way Electoral Boundaries are Drawn**

Electoral boundaries define where we vote and who represents us. The number and size of electoral districts and the communities which reside in them all matter to ensure a fair, effective and representative legislature. How electoral boundaries are drawn is critical to achieving these results.

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

Three elections have been held on the previous boundaries. Population shifts within the province were creating significant deviations in riding size and undermining the core principle of voter parity. It can affect the quality and effectiveness of representation citizens receive. When the Final Report of the Commission on Legislative Democracy was written, 22 of the 55 ridings had a deviation of plus or minus 15 per cent or greater. Six ridings had a deviation of plus or minus of 25 per cent or greater. The effect of this is to make the vote of one person worth significantly more than another depending upon where you live. This is unfair.

The Legislature passed a new *Electoral Boundaries and Representation Act* (Assented to June 30, 2005) to establish a regular and fully independent boundary drawing process to take place before the next election and after each decennial census in the future. The work of the independent Boundaries Commission has been completed. Key features of this new boundary drawing process include:

- A fully independent boundaries commission of 5-7 members that has final authority over the boundary changes, not political parties or the legislature.
- Requiring consultation amongst all parties prior to the approval of the commission members by Order-in-Council.
- A built-in public consultation process with New Brunswickers by the commission so people can have their say.
- Maintaining the size of the legislature at 55 ridings to ensure strong local representation and accountability.
- Respecting voter parity by drawing boundaries with a population deviation of plus or minus 10 per cent.
- Allowing for a population deviation of up to 25 per cent below the provincial average, under exceptional circumstances.
- Requiring the commission to take into account specific considerations when drawing boundaries including: representation of New Brunswick's two official linguistic communities, communities of interest, geography, population size, rural representation, and any other considerations that the Commission considers appropriate.
- Drawing boundaries after every decennial census to ensure population shifts are taken into account and voter parity and effective representation are maintained.

### **3. Improving the Way Elections are Called**

For more than 100 years, premiers and prime ministers enjoyed the privilege of determining when elections should be held. In today's public environment, this has helped generate some cynicism about our democratic process and who it is designed to benefit. The public wants more certainty about how democracy functions and a clearer focus on their needs, not those of parties and politicians. This includes when elections should be held.

Fixed election dates allow the Chief Electoral Officer to better plan and ensure an even smoother elections process. Potential candidates, particularly women, can take steps to plan their professional and personal lives knowing when the next election will take place. Voters will know well in advance when the next election will be held and can ensure they are in the province and their riding in order to cast their vote. At a time when voter turnout is declining everywhere, removing barriers to voting (while maintaining existing options) so it is easier to vote makes sense. And voters will be able to judge the actions of their elected officials in the run-up to an election.

The government will therefore introduce legislation to set a fixed election date for New Brunswickers to vote on the third Monday in October, every four years, as recommended by the Commission on Legislative Democracy. The proposed legislation will also respect situations which could lead to

an election as a result of Canada's and New Brunswick's parliamentary traditions.

Importantly, this legislation will also preserve the constitutional authority of the Lieutenant-Governor when it comes to issuing the writs of election, as well as the sovereignty of the Legislative Assembly in determining non-confidence in the government of the day; both important features of our system of responsible government.

Other important elements of establishing fixed election dates in New Brunswick to make this democratic process more open and fair will include:

- Establishing the election campaign period at 28 days.
- Reducing the timeframe for calling by-elections from one year to six months.
- Setting spending rules in the pre-election period prior to the formal issuing of the writs of election.

#### **4. Improving 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 elections infrastructure in a way that respects New Brunswick's unique characteristics, such as our linguistic duality, will help put citizens first when it comes to our democracy.

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 Chief Electoral Officer and the Office of the Supervisor of Political Financing, similar to what every other province now does. Elections New Brunswick will be given an enhanced mandate to promote knowledge about our democratic institutions and practices in the province. This is aimed at boosting voter turnout, particularly amongst young New Brunswickers, through greater information about our system of elections and democracy. As well, it 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.

Changes to the *New Brunswick Elections Act* have already been approved by the legislature in order to ensure we meet our commitment to language-of-service standards, and to ensure the efficient functioning of elections apparatus. At the same time, we will be consulting the CEO with respect to implementing the Commission's specific recommendations to boost voter turnout by making it easier for citizens to vote, particularly young people. This includes giving the CEO 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 and other matters.

## Making the System Work

### 1. Improving the Way the Legislature Works



The Legislative Assembly is at the centre of our democratic process and system of representative government. MLAs are elected by citizens to represent their interests, give them a voice in the legislature and help solve any problems they have with government. They are also chosen to make decisions on their behalf. They carry out a variety of roles: representing their riding, passing legislation and making policy decisions, and scrutinizing government to help keep it accountable. It is important to maintain a strong democratic link between voters and MLAs through the legislature to ensure they represent all of us well and to keep them accountable at all times.

Government also recognizes that not all voices are heard under the current legislative system. Often, parties such as the New Democratic Party or the Green Party may receive a significant portion of the total vote and yet not elect a single member. As a result, the range of opinions and views held by voters are not represented in “The People’s House.” This has to be changed in order that all voices can be heard.

Therefore, the government will propose to the legislature that those parties that register in New Brunswick, offer candidates and receive a significant portion of the popular vote, be recognized on the floor of the legislature by letting their leaders pose questions during oral question period on occasion, if agreed to by the Official Opposition.

Improving the way the legislature works is essential to make the system work better for citizens. The nature of governing has changed over the years, becoming more complicated and sometimes remote from people. This has led to the executive branch of government becoming more influential at the expense of the legislature. Society has changed, with more diverse and organized voices insisting on being heard.

The government believes it is time to improve the way the legislature works on behalf of people. Making the system work better for citizens requires members on both sides of the House to consider what steps must collectively be taken to raise the level of democratic debate, enhance the role of MLAs and the legislature as an institution and make the legislature even more accountable to the public it serves.

In accordance with Motion 76, passed during the last session of the legislature, the government has forwarded to the chairs of the Legislative Administration Committee and the Committee on Procedures certain recommendations of the Commission on Legislative Democracy dealing with enhancing the role of MLAs and the Legislative Assembly. In particular, MLAs from all sides have been asked to consider how we can improve the conduct and effectiveness of the business conducted in the people’s house.

The Standing Committee on Procedure has been asked to consider a complete review of the Standing Rules with an eye to conforming them to modern business practices. If for no other reason, a complete review of the Standing Rules could result in the introduction of plain language into the document, making them more accessible to members and citizens alike.

To improve the way the legislature works, the government is interested in putting in place the following initiatives:

- a stronger role for legislative committees in considering legislation, undertaking public policy development and consulting New Brunswickers
- a fixed legislative calendar with set Throne Speech dates
- improved debate time and procedures around bills to give MLAs more of an opportunity to consider important legislation.

These committees will be asked to consider what improvements are required for legislative research purposes to support MLAs, providing a more up-to-date Hansard online and how these might be administered.

In keeping with the recommendations of the Commission on Legislative Democracy, Members of the Legislative Assembly will be asked to consider the creation of a new, fully independent committee to review and recommend fair compensation for the work of MLAs. Recommendations will be based upon expert opinion from the field of human resources and compensation, and at the same time reflect New Brunswick's economic position. The goal of the committee will be to recommend compensation levels which will attract the candidates New Brunswickers deserve with a salary and benefits that New Brunswick taxpayers can afford.

Members on all sides must now determine how best they can improve the way the legislature works and serve New Brunswickers better.

## **2. Improving the Way Appointments are Made**

Making the system work better for people includes improving the way appointments are made to government agencies, boards and commissions (ABCs). Doing so will help improve integrity in the overall political process by raising trust and accountability. It will help ensure ongoing competence of arms-length governance boards having significant regulatory or adjudicative powers. And it will help improve governance standards for these public sector organizations and ensure an even closer eye is kept on the money they spend on behalf of taxpayers.

The government will be using legislation to institute new mechanisms and procedures to make appointments to ABCs more open, transparent, independent and accountable as set out by the Commission on Legislative Democracy.

To improve the way appointments are made, the following features will become part of ABC appointments in New Brunswick:

- ABC appointments will be open to all New Brunswickers to apply. Key vacancies will be advertised and all appointments publicized.
- A new ABC Appointments Unit will be established to coordinate the appointments process. It will develop specific procedures to guide the development of ABC position profiles, recruitment strategies, review of applications and assistance with board governance.
- Guidelines and procedures for appointments appropriate to the ABC itself will be established.
- Fixed terms will be set for all appointments.
- Promoting diversity in ABC appointments so as to be inclusive of New Brunswick's two official linguistic communities, women, First Nations,

persons with disabilities, visible minority groups, new Canadians and all regions.

- A specific appointments process to key ABCs, such as Crown Agencies, will be established to ensure merit-based appointments aimed at appointing qualified, competent individuals. This will include:
  - *Developing board profiles*
  - *Preparing position descriptions setting out skills required and qualifications as well as any compensation*
  - *Advertising of vacancies and position descriptions*
  - *Identification and reviewing of potential candidates*
  - *Preparation of shortlists for review by Lieutenant-Governor-in-Council.*

In the spirit of cooperation, the opposition will be asked to consider with the government how members on both sides of the House can play a constructive, positive and appropriate role in the review of some appointments for significant agencies, boards and commissions. It is important that such a role be carried out in as non-partisan and professional a manner as possible.

Recently, Members of the Legislative Assembly favourably considered amending the role of the rarely-used Ombudsman Committee to be expanded to include review and oversight of the activities of all the Officers of the Legislature. This includes the Auditor-General, Chief Electoral Officer, Ombudsman, Conflict of Interest Commissioner, Official Languages Commissioner and others. The new Standing Committee on Legislative Officers will reinforce the independence and authority of the Legislative Assembly and may play a role in the selection process for these positions in the future.

The public also wants to be assured that the hiring procedures of their government reflect the best practices for recruitment, selection, training and feedback available across Canada. We will be examining these best practices in order to continue to provide a modern and effective public service. More work will be done in the domain of policy development that continues to ensure an open and accountable process for hiring public servants.

### **3. Improving the Way Political Parties Function**

We live in a party-based democratic system. Political parties choose the candidates who become MLAs. They select the leaders who become our premiers. They are the basis for forming a government and an opposition in the legislature. Strong, open, democratic and accountable political parties are therefore critical to the advancement of ideas and democratic debate on behalf of our province and the people who live in it.

New Brunswick has already established a strong framework for political party accountability over the years. Through various acts of the legislature, rules govern political party financing, elections, conflict of interest and so forth. But political parties are in many ways the public utilities of our democracy. We must be vigilant, therefore, in collectively ensuring the highest standards possible of political party conduct. In doing so, we must also keep in mind that despite receiving some public dollars, political parties in New Brunswick are still basically private organizations operating principally



through volunteers. Participation in the political process through parties should be encouraged.

To help bring greater transparency and accountability to the elections and party financing process, the government will introduce amendments to the *Political Process Financing Act* that would for the first time set spending and contribution limits and require public disclosure of contributions and spending by political party leadership candidates in New Brunswick. It will help ensure that the process of choosing party leaders, who are one step away from becoming premiers, remains above reproach.

In the past few years, there has been a shift in thinking on how political parties should raise money. The federal government has implemented a system with fewer financial contributions by corporations and unions and increased the level of public funding to the party structure. The funding is allotted based on a minimum level of the popular vote and a percentage of all votes cast in the election. These types of measures can help smaller parties gain traction and support for new ideas and approaches.

Based on the recommendations of the Commission on Legislative Democracy, the following specific steps will be taken to improve the way political parties function:

- New contribution limits will be introduced for private individuals, trade unions and corporations. Specifically, individual contribution limits will be reduced from \$6,000 to \$3,000. Also, donations by corporations or unions will be reduced significantly from \$6,000 to \$1,000.
- Spending limits for leadership selection campaigns of \$300,000 per candidate will also be established
- Contribution limits for leadership selection candidates will match the new contribution limits to political parties in general
- Summary disclosure of contributions and expenses to date will be required by leadership candidates in advance of the actual date of the leadership contest
- To encourage participation, the political donation tax credit system will be enhanced to recognize current practice at the federal level. The overall maximum credit allowable for individuals will rise from \$500 per year to \$650.
- A new provincial funding formula will be developed to assist political parties to be reimbursed for certain election expenses on an equitable, more transparent level. Similar to federal legislation, individual candidates receiving eight per cent of the vote will be eligible for 50 per cent reimbursement, and provincial campaigns receiving eight per cent of the vote provincially will also be eligible for 50 per cent reimbursement of eligible election expenses.
- Restrictions on donations from individuals under the age of majority will also be introduced, as well as restrictions on contributions from municipalities, universities, community colleges, district education councils and regional health authorities.

Overall, this accountability and financing package will reduce the appearance of corporate, union or individual influence, while providing greater opportunity for smaller parties to participate in public discourse.

#### 4. *Improving the Way Government Operates*

It has been more than 25 years since New Brunswick's *Right to Information Act* was proclaimed into force. At that time, CNN was in its first year of operation, personal computers were more of a novelty than a household appliance and the only mail circulating in New Brunswick required a postage stamp, not an e-mail address. Over this time period, much has changed in the way of standard expectations and service delivery, all of which necessitates a review.

In today's on-demand world, it is less tolerable to the public that information is not available at the touch of a button or the click of a mouse. However, the information sharing regime of government has not kept pace with the changes that have come about since 1980. These new standards and expectations need to be reflected in a modernized *Right to Information Act* that balances a range of factors including the right to information, privacy and confidentiality of personal and commercial information, the legislature's scrutiny function, and the government's obligation to engage in deliberative policy making and decision-making with public servants providing impartial advice.

A complete review of the *Right to Information Act* (RTIA) will be undertaken in order to modernize the application of this important democratic safeguard. Led by the department responsible for the RTIA, the Executive Council Office, there will be consultation undertaken with the public at large and key stakeholders, such as the opposition parties and the media, before bringing a proposal forward to the Legislative Assembly.

Among the options for improvement to be considered will be the use of automatic disclosure requirements to facilitate accessibility to information that is most often requested, for example, use of the government airplane and the guest register at the provincial fishing lodge at Larry's Gulch. Also, government will be required to publicly disclose the results of any opinion polling conducted by departments or agencies within a certain period of time. Finally, consideration will be given to expanding the public disclosure of salary and expense figures to include more government-funded organizations.

We will enhance the role of the Auditor General by strengthening provincial financial guidelines. Appropriate measures will also be adopted to protect those who report the misappropriation of funds. Government will work with the Auditor General to ensure the protection of public servants, and all of those who deal with public funds, when a potential misappropriation has been identified and brought to light.

The Auditor General has a mandate to report on the value of money spent, procedural practices, and programs offered by government on behalf of the people of New Brunswick. We will take the appropriate actions to heed the comments of the Auditor General and his office. For instance, the following are areas that have been identified as requiring attention, and upon which the government is taking action.

The Auditor-General's Office has commented often that within the current reporting framework for government departments, the use of annual reports is an area that could bear some improvement. Many provinces have moved away from the static reporting of annual reports and toward department service plans which allow for reporting on results as well as expectations. In New Brunswick, recent strides in new ways of reporting have included

the Key Result Areas report of the Department of Education relating to the Quality Learning Agenda, and the annual Progress on Prosperity reports which summarize cross-departmental government activities related to the Greater Opportunity Prosperity Plan.

A stronger commitment to public reporting and performance measurement is essential for the public to have information about government decisions. It will lead to more informed consultation and greater public accountability. Therefore, the government will examine the current policy on annual reporting by departments with a view to improving the quality and accessibility of the information presented to citizens.

The Auditor General's Office has also stated that better Crown agency performance and protection of the public interest would be facilitated by improvements in how Crown agencies are governed. New Brunswick has made continual improvements in the area of Crown agency governance. While best practices are already being put in place across a number of New Brunswick's agencies, board and commissions, there is no question that the pursuit of improvement in the areas of accountability and effective ABC performance will continue.

In particular, there is a need to ensure that there is clear understanding between the Crown agency boards and government about both the mandate of the boards and the performance expectations of government. It also needs to be understood that government will be monitoring board performance in relation to compliance with legislation and stated performance objectives.

Beginning with the most significant ABCs, and in particular the major Crown Corporations, Memorandums of Understanding (Shareholder Agreements) between the ABC and sponsoring departments will be established. These MOUs will clarify the mandate of the ABC and the performance expectations of government. They will also provide a framework for accountability with respect to the achievement of results.

For several years, the Government of New Brunswick has taken an internationally recognized leadership role in re-engineering the way it provides services to citizens. This cutting-edge approach allows New Brunswickers from all corners of the province to access information and services through a single window known as Service New Brunswick (SNB). Over the past three years, SNB has worked to provide even more access to New Brunswick residents, with 42 per cent more online services (applications, payment taking), 62 per cent more government forms and new information databases available. This is in keeping with the commitment of government to provide all appropriate services online.

In keeping with government's efforts to remain transparent, SNB will be called upon to develop a New Brunswick Lobbyist Registry that will be made mandatory through the introduction of a new *Lobbyist Registry Act*. This system will make available to the public the names of lobbyist, their clients, parent companies and financial activities. Ensuring that the public is well informed will increase the effective transparency of government. This will be a significant step in illuminating the role of those who act as lobbyist to government.

## Making Voices Heard

### 1. Improving the Way Referendums are Held



People want a stronger say in decisions affecting them and their communities. Referendums allow people to have that direct say on important public policy issues. They allow voters to participate in actual decision-making. Used wisely, referendums can complement our form of representative government.

Provincial referendums have been used only twice before in New Brunswick – in 1967 on lowering the voting age and in 2001 on retaining VLTs. The *Municipalities Act*, however, does have a plebiscite provision allowing individual municipalities to ask voters to decide on a particular local-governance issue. *The Taxpayer Protection Act* requires the government to hold a referendum if it intends to introduce a new tax, increase the HST, or place tolls on a provincial highway.

New Brunswick has no provincial legislation governing the conduct of referendums. The federal government and five other provinces do. As it is proposed that a referendum be held in May 2008 on improving our electoral system, it is time to put in place a made-in-New Brunswick *Referendum Act*. This would set the “rules of the road” for this referendum as well as any other in the future. Such rules are necessary to ensure any referendum is fair, encourages participation but protects against influence and abuses, requires a clear question, protects minority rights, sets an appropriate threshold for passage and outlines future action by government in the event of a “yes” vote.

It is important to recognize that referendums should not be, and will not be, held on a regular basis in New Brunswick. They should be held on an exceptional basis only, focused on significant provincial public-policy issues. As well, they should be initiated by government only, rather than allow politically-divisive referendums introduced by individuals through petitions or political parties.

As announced in the Speech from the Throne, the government will improve the way referendums are held by introducing a *New Brunswick Referendum Act* that will ensure referendums are clear, fair, independent, open, transparent, efficient and encourage the participation and involvement of New Brunswickers. Key features of the *Referendum Act* will include:

- Referendums will be initiated by government only.
- Referendums will be on exceptional issues only.
- Referendum results will be binding on government to act.
- A clear question that can be answered with a “yes” or a “no” will be required.
- Explicit protection for minority rights, including minority linguistic rights, which will prohibit referendums on such issues.
- Independent supervision of the complete referendum process by Elections New Brunswick, including provision of neutral information to voters in advance of the referendum.
- A double-majority threshold for passage.

- Participation will be encouraged and channelled through official referendum committees for the “yes” and “no” sides.
- Spending limits of approximately \$400,000 will be set for each official referendum committee.
- Contribution limits will match the new contribution limits to political parties in general.
- Disclosure of all contributions over \$100.
- Registration of expenditures by individuals and groups over approximately \$1,000 will be required.

## **2. Improving the Way People are Included**

Participation in our democracy is strengthened when more voices are heard and more people are included. Sometimes, unintentional barriers exist that affect such participation. Youth voter turnout is less than the population as a whole at 50 per cent rather than 69 per cent. The number of women MLAs has declined to only about 12 per cent; far less than the 51 per cent of the population they represent. Aboriginal people are not traditionally active in provincial politics. Addressing these “participation gaps” will be a priority for democratic renewal in New Brunswick.

### **Youth**

Re-engaging young New Brunswickers in the democratic process and boosting youth voter turnout is critical for the long-term health of our democracy. It will take time to correct the current trend, but we must start now. The government will therefore undertake the following initiatives:

First, create “active citizens” through the education system by establishing a new, compulsory Civics Education program in the elementary and secondary school system. Working with teachers and schools, this new program will be integrated with the current social sciences curricula. The mission statement of the Department of Education will also be amended to formally recognize “exercising the responsibilities of citizenship” as a learning outcome.

Second, promote knowledge and awareness in schools and classrooms of our democratic process through a variety of practical and fun measures. This will include supporting a province-wide mock election process in high schools called “Youth Vote NB” to take place at the time of the next provincial election.

Third, raise awareness of the importance of voting and the value of citizenship through Elections New Brunswick. Using websites, mail outs and other measures, young voters will receive information about our democracy as they turn 18.

Fourth, make it easier for youth to vote by examining online voter registration and more convenient ways of voting for youth away from their home ridings studying at universities or community colleges.

### **Women**

Fairer, more equitable representation within the legislature means electing more women. Currently, New Brunswick is tied with Manitoba for having the

second-fewest number of female legislators. More steps must be taken within the legislature and within the political parties to remove the barriers that exist to electing more women to the Legislative Assembly of New Brunswick.

Beginning with the legislature, reforming the operations of how it conducts its business could make it more conducive to women seeking elected office. This can include more regular sitting hours, childcare support and a more reasonable atmosphere and decorum that make elected office more attractive.

Political parties also have to do their part. It is clear that voters do not discriminate between male and female candidates when casting their ballots. But they simply do not often get the choice to vote for a female candidate. Various institutional barriers exist within internal political party processes that have a negative impact on encouraging more women to run for office.

In addition, the new Democratic Renewal Unit will be mandated to work together with Elections New Brunswick and the Women's Issues Branch to organize promotional materials and seminars targeted at supporting women considering offering their names as candidates for provincial office. These measures, taken together with positive developments such as the potential introduction of a new proportional representation electoral system and the promotion of ABC appointment opportunities, should improve the number of women being elected to the New Brunswick Legislature and other representative bodies.

### **Aboriginal People**

While participation by aboriginal people in the democratic life of First Nations communities is high, the same cannot be said for provincial politics. Issues such as representation in the legislature, self-governance and autonomy, and processes for resolving outstanding legal claims and status all have an impact on provincial participation. Determining what interest exists amongst aboriginal people and First Nations communities for greater involvement in provincial democratic life is an important step that should be taken. The government will therefore raise the issue at future meetings of First Nations Chiefs and ask them how we could work together to increase the participation of aboriginal people in our province's democratic institutions and practices.

### **3. Improving the Way Government Listens**

People want more responsive government. They want a government that listens to them and communicates regularly with them. They want more input into government decisions. No longer are people prepared to simply have government make all decisions on their behalf all the time. They are not accepting of a "one-size-fits-all" consultation processes.

At the same time, they are not demanding to make decisions that they elect governments and MLAs to make on their behalf, nor are they demanding a say on every issue, at all times. But more responsive government is more effective government.

Civil society organizations – typically voluntary, not-for-profit and community-based – form part of the democratic landscape in New Brunswick today. They

communicate the needs and demands of their members to governments, while offering a mechanism for government to communicate back.

Improving the way government listens to people means taking all this into account. It means exploring new and different ways of consulting people. Some methods are more effective than others. New technologies, such as the Internet, are changing the way people get information. At the same time, it is opening up new ways for government and citizens to communicate with each other and create more citizen engagement.

To improve the way government listens, the government will undertake the following initiatives:

- Adopt a new *Fiscal Responsibility and Balanced Budget Act* setting out regular public reporting of the province's financial status
- Require the Minister of Finance to issue a pre-budget consultation document and hold public consultations prior to each budget
- Take steps to increase public awareness of and participation in District Education Councils and Regional Health Authorities, including paying an appropriate per diem to members as compensation for their time and contribution.

## Timeline

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### 2005

- *New Electoral Boundaries and Representation Act* (Assented to June 2005)
  - Boundaries Commission commences work and public hearings (Preliminary report submitted in November 2005)
  - *Fiscal Responsibility and Balanced Budget Act* introduced in Legislature (December 2005)
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### 2006

- Boundaries commission reports in spring
  - Democratic Renewal Unit created
  - New electoral boundaries formally in place for all 55 ridings
  - Shareholder Agreements with Crown corporations
  - ABC appointments unit created
  - Elections New Brunswick Commission established
  - *Referendum Act* introduced
  - *Political Process Financing Act* amendments introduced
  - *Elections Act* amendments introduced
  - *Right to Information Act* consultations begin
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### 2007

- New financing rules introduced for party leadership contests
  - Civics curriculum commence in province
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### 2008

- Referendum question on changing to a new mixed member proportional electoral system on May 12, 2008