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Remaking Alberta's democracy: [National Edition]

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Abstract (summary)

When the Alberta legislature reconvenes in September, its agenda will include The Citizens' Initiative Act (Bill 211), a private member's bill drafted by Tony Abbot, a Progressive Conservative MLA representing Drayton Valley-Calmar. Under prevailing Alberta practice, the PC caucus conducts an internal vote to establish the party's position on each bill. Therefore, the fate of Bill 211 will be decided by a secret ballot. Even though most of the members of the Liberal opposition are known to support the bill, the government's majority is so huge the Tory caucus position will automatically prevail -- assuming party discipline rules, as in fact it always does.

These are stiff requirements. Switzerland requires only 50,000 signatures for an initiative petition for the whole country. In most American states that use the citizens' initiative, the petition threshold is around 3% or even less. [Matthew Mendelsohn] and [Andrew Parkin] recommend 8%. Whatever the right threshold might be, it is clear that under the conditions contained in Bill 211, no proposal would stand a chance unless it had exceptionally wide backing.

Ironically, the top-down character of democracy in Alberta is exemplified by the key step in the approval process for improving that democracy -- a secret vote in a body (the Conservative caucus) that always meets in camera. Albertans who want Bill 211 to pass and who live in a riding represented by a Conservative had better pick up the phone and let their MLAs know how they feel. Otherwise, as has happened with this issue in the past, the whole thing could be decided in a closed caucus meeting before anyone realizes what's happening.

Full Text

Tom Flanagan is professor of political science at the University of Calgary.

At the United Alternative conference held in Ottawa in October, 1999, Alberta Premier Ralph Klein called for "practical approaches to issues such as recall, referenda, plebiscites, and other ways to increase accountability." He will soon have a chance to demonstrate his support for direct democracy.

When the Alberta legislature reconvenes in September, its agenda will include The Citizens' Initiative Act (Bill 211), a private member's bill drafted by Tony Abbot, a Progressive Conservative MLA representing Drayton Valley-Calmar. Under prevailing Alberta practice, the PC caucus conducts an internal vote to establish the party's position on each bill. Therefore, the fate of Bill 211 will be decided by a secret ballot. Even though most of the members of the Liberal opposition are known to support the bill, the government's majority is so huge the Tory caucus position will automatically prevail -- assuming party discipline rules, as in fact it always does.

The citizens' initiative is a process by which a group of voters can draft legislation and present it directly to the electorate for approval or rejection. This may sound radical in a parliamentary democracy -- bypassing the legislature and letting the people decide for themselves. Bill 211, however, is anything but radical.

Under the Citizens' Initiative Act, referendum approval of an initiative would not make it law, nor would it even direct the legislature to pass the draft proposal. It would only require the government to introduce the draft bill into the legislature at the next session. Parties and MLAs would still be free to vote for or against it in legislative proceedings, and it would not become law until it was passed, received royal assent, and was proclaimed in the usual way.

Bill 211 is thus an example of the so-called "indirect initiative," which exists in several northern American states, such as Massachusetts, Michigan, and Maine. This is the form of citizens' initiative recently advocated for Canada by political scientists Matthew Mendelsohn and Andrew Parkin in this newspaper.

Bill 211 builds further hurdles into the approval process. To be successful, a proposal would have to receive a supermajority of 60% in a referendum, not the 50% + 1 that is usual in making democratic decisions. It would also have to receive 60% support in at least two-thirds of Alberta's ridings (56 of 83), thus ensuring that a regionally concentrated majority could not impose its will on the whole province. These onerous conditions ensure that nothing would pass without very wide public support. Moreover, the bill stipulates that no proposal could require an expenditure of public funds, impose a tax, or legislate contrary to the Canadian Charter of Rights and Freedoms.

Finally, the pathway of getting to the referendum is purposely made arduous. To be placed before the voters, a proposal would first have to be endorsed in a petition signed by 10% of the total of votes cast in the last provincial election, which after the 2001 election would mean about 101,000 signatures. Moreover, the 10% threshold would have to be cleared not only for the province as a whole, but in two-thirds of ridings.

These are stiff requirements. Switzerland requires only 50,000 signatures for an initiative petition for the whole country. In most American states that use the citizens' initiative, the petition threshold is around 3% or even less. Mendelsohn and Parkin recommend 8%. Whatever the right threshold might be, it is clear that under the conditions contained in Bill 211, no proposal would stand a chance unless it had exceptionally wide backing.

Many proponents of direct democracy will be lukewarm about this legislation because the citizens' initiative process it creates will be so difficult to use. However, this is the best they are likely to get at the present time or in the foreseeable future. Canada's elected politicians, even those who make speeches in favour of direct democracy, are not eager to institute it in a robust way.

I support the bill in spite of its obvious limitations. The citizens' initiative is a valuable supplement to our party-dominated form of representative democracy. There are indeed times when group think among elected politicians deafens them to what voters are thinking and saying, and the initiative can be an effective way for voters to get their representatives' attention.

Ironically, the top-down character of democracy in Alberta is exemplified by the key step in the approval

process for improving that democracy -- a secret vote in a body (the Conservative caucus) that always meets in camera. Albertans who want Bill 211 to pass and who live in a riding represented by a Conservative had better pick up the phone and let their MLAs know how they feel. Otherwise, as has happened with this issue in the past, the whole thing could be decided in a closed caucus meeting before anyone realizes what's happening.

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