

Engaging Citizens in the Public Policy Process

A D R I E N N E B A T R A †

Good afternoon, my name is Adrienne Batra. I am the provincial director of the Canadian Taxpayers Federation. We are Canada's leading taxpayer advocacy group. We are trying to lower your taxes. We try to hold government accountable, and we also are trying to improve Canada's democracy by recommending change to government. It's not our job just to complain, it is also our job to give some options and give some change to how our public policy process can move forward in our country.

I want to thank the organisers from the Western Frontier International Group for having me here today. I think, more often than not, we hear too much lip service paid to things like democratic reform, public policy, administration and accountability, and not enough is done to talk about it. So I thank you for having me here.

Professor Garven just spoke of bringing all the things together: the electoral reform and the Parliamentary reform and how that adheres to public administration reform. I think they all do go hand-in-hand. Some of the things that I'm going to focus on specifically are engaging the individual citizen in the public policy process, because I believe that without the citizen—without the taxpayer—there would frankly be nothing to administer. So there is an importance to looking at, from the ground up, where we are and how our system can be changed and in bringing the individual citizens back to the table.

Specifically, I'll focus most of my comments on one important aspect of what I believe we need to do to engage citizens, and it has to do with citizen-initiated referenda. More often than not, on Election Day our politicians tell us one thing, and then what happens the day after is certainly another. But on Election Day, the public—we the public—own 99 per cent of the public policy debate. We take responsibility for it, but

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what happens after the fact is up to the politicians, is up to those individuals we elected. Even though they were elected with a 45 per cent or a 35 per cent majority, it's then their responsibility to reflect the views that we feel we elected them to.

So I view it from this perspective: we are more of a spectator democracy than a participant democracy. Ninety-nine per cent of the time we're sitting back watching; the other one per cent of the time we're actually actively involved. I know most people in this room right now follow the issues: we are the "chattering class." We want to know what's going on, but frankly, average citizens don't, and they don't recognise that the decisions that are made by our public bodies and are publicly administered have so much impact on them on a daily basis. Unfortunately, there has been a major disconnect in the past 20 or 30 years in our country.

So one of the proposals, of course, is to engage citizens in referenda. And what that would mean, very simply, is aside from what you are voting for (as a political platform), it would give individual citizens the opportunity and the tools to go to their neighbours, their community groups, the media—whomever—and gain enough support for a specific issue, regardless of what it is, and put that issue on a ballot and have them justify why we need to have an urban reserve in Winnipeg for example; or why we need a province-wide smoking ban. Regardless what the issue is, we as citizens need the opportunity to be able to come to the table without abdicating our responsibility every five years to politicians—that's what we're talking about. Citizen-initiated referenda gives Canadians the right to do what the government frankly already has the right to do, and that's to hold a referendum on issues in which citizens have a direct say. It gives us choice, and it gives us a little bit more accountability than what we have today.

One of the things that I always talk about when I give comment in public about what's happening with our political system, or what's happening with the politicians, is that there is no accountability. It's just a word. Accountability means nothing if actions are not taken. One way whereby we can have more accountability in our system is to give citizens the tools by which they can hold politicians' feet to the fire. Opposition parties can do one thing, citizens groups like the CTF can do another, but public pressure is the best way to move the government. Regardless of whether you agree or disagree with their philosophy, the public needs to be more engaged.

Citizens' initiative improves democracy by changing the focus of politics towards issues, rather than personalities. We've seen more often than not that politicians who can smile the best or shake hands the best get elected. Frankly, that's not good enough. We need individuals in there that are ready to tackle the issues and talk about things that are

important to Manitobans and things that are important to Canadians—things that represent “Canadian values.” Citizens’ initiative recognises the principle that if voters are wise enough to vote in an election, then they are also smart enough to vote in a referendum.

Those that aren't in favour of things like citizen-initiated referenda say that it hurts a democracy; that as we elected officials for one reason, why do we need another tool—why do we need a referendum? Why should we have citizens given the opportunity to have referenda?

Well, there are a lot of good reasons for it. One is that Canada has a culture of referenda: the woman’s right to vote, prohibition, smoking laws, gambling. We've had so many avenues whereby we can put an issue on a ballot, but we don't as citizens have the opportunity—well, there is only so much that can be talked about or said during an election. There are new and emerging issues that always happen and take place after an election. So what happens then? Why don't we have the authority to get together, to get our neighbours together, and put something on a ballot? We should have that right and we’ve seen some of the initiatives that took place in B.C. with the Citizens Assembly—a very positive step in right direction. What we are advocating for is the opportunity for more of that discussion to take place with direct democracy.

I want to bring some of my comments back to what I said earlier. More often than not, we see so much disconnect in our political system. We see cynicism, we see apathy. Apathy is the biggest detriment to our democracy today, and we fundamentally believe that by having individuals engaged directly by things like citizen-initiated referenda, that we can address that apathy, because they would feel that their vote counts. We hear all the time: “why aren't the 18 to 35 demographic voting?” They don't feel that their vote counts. They don't feel that a political party accurately reflects their views. Well, this way they can take an issue—aside from all the political fodder—that’s important to their neighbourhood and to their community, and bring it forward, and have the discussion take place.

How this affects public administration and how this affects the reform of public administration is this: we are the ones paying the bills. We are the ones paying the taxes. We are the ones that this affects directly. Some may have a different perspective of what the role of government is. I suspect I could argue and agree with half the people in this room on certain issues when it comes to that. But regardless of how you feel about what the role of government is, and what the role of public administration is, and about public policy, one thing is important to recognize: there has got to be some sort of framework put into place whereby we can all move forward in this area.

We in Manitoba have something called the *Balanced Budget Taxpayer Protection Debt Retirement Act*. I'm sure a lot of you in this room know what that is, but the average citizen out there doesn't. It's one of the most important pieces of legislation that was ever passed in our province. What it means, and the taxpayer protection portion of it means very specifically that if the province wants to raise your taxes—if it's the provincial sales tax, if it's income tax, corporate tax—any major tax Manitoba, they have to come back to the citizens and explain why, and justify why they want to raise your taxes. At the time at which this was passed it was groundbreaking—the only other province in Canada to have something like this is Ontario. Other provinces are looking at implementing something like this, but Manitoba was the trailblazer in this area, and it is very important.

The reason I want to acknowledge this is because it speaks a little bit to what I said earlier about the citizen-initiated side. We have taken one step in right direction. We just need to get our politicians to take it one step further, giving us the tools to put something on a ballot. Openness and transparency in government is somewhat of an oxymoron. We have freedom of information laws all across Canada, and I understand some of you in this room are law students, so you'll obviously become very familiar with this in the future. Freedom of information laws allow public access to government records, and it is our opinion that freedom of information is a fundamental democratic right, which enhances timely access to substantive critical government information necessary to the full disclosure of what government is doing, what government isn't doing, and how we can measure their performance.

Manitoba had our Freedom of Information law introduced in 1988, and why this is important is because what it does is it allows citizens like myself, and everyone in this room, the opportunity to go to the government and say, I want information on how much you spent on X. If you have an issue that is specifically near and dear to your heart and you want to know where money has gone, that's what a freedom of information law gives you the opportunity to do. In the past few years we've seen our law essentially reduced to rubble. There have been amendments and there have been changes, but fortunately, and you don't hear me say this very often, it is to the credit of the current NDP government (yes, I am giving them credit). They have undertaken a review of this law, which is important, because we are hopefully going to usher in a new era of government accountability, once the legislature sits and new laws and bills are proposed how we can change our freedom of information.

Tying this all together, it is the Ombudsman's office in Manitoba's responsibility for monitoring this *Act*. Again, back to the public administration of it, it is the Ombudsman's office's responsibility to

investigate complaints from individual citizens on things in which they feel that the government has done them wrong. If they have a complaint against MPI, if they have a complaint against Manitoba Hydro, or the Department of Health—whomever it may be, it is the Ombudsman's responsibility to investigate that individual citizen's complaint.

And what we've done in the past number of years in the Ombudsman's office is we've completely eroded the opportunity for his office to do its job properly. We haven't given his office the appropriate level of funding; they don't have enough investigators. They investigate complaints into the freedom of information law (interestingly enough, he just overtook that from the City of Winnipeg as well). The point is that we have not given enough funding to a government department that is responsible for looking at the complaints by individual citizens.

I think that that in and of itself speaks to where priorities are for the civil service, but more specifically, where priorities are for government. I think more often than not that they forget that their—well, I'll be quite blunt about it—that their paycheques are being paid by the individual citizens and not some government money tree outside that magically appears in their mailbox every two weeks.. And I'm not being flippant when I say that—I'm actually being quite serious. Many of the individuals in government right now, regardless of what province or what level they are at tend to forget that their first and foremost job is to serve the public, and not to be getting rich off the system.

This is why Ombudsman's offices have become very important in the public policy debate, because we as individuals have to rely on this office to champion efforts that we may be concerned with. And right now that office is being inundated. I'm not familiar with what is happening in other provinces, but I suspect there are some concerns there as well.

So we are in the situation right now where we can't really address how government is affecting the individual when we are taking tools away from the very office that is responsible for looking at that. I think that this is an important debate that has not yet taken place. I suspect (and I hope) that it will.

Another issue related to public administration involves whistleblower legislation. Whistleblower legislation would protect civil servants who blow the whistle on something that they've seen in their department—waste, mismanagement, or whatever the case may be—right now we don't have this in Manitoba. They've implemented a sort of a watered-down version federally, but they're still tinkering with it.

I think whistleblower legislation is extremely important to our civil service for the simple fact that we wouldn't find out about sponsorship scandals, we wouldn't find out about gun registry boondoggles, we wouldn't find out about Hydra Houses, if there wasn't an individual within that department or organisation telling someone about it and

getting the auditor to move forward. So I think whistleblower legislation is extremely important when it comes to public policy and governance. There needs to be a mechanism whereby our civil servants are protected and this is one way to do so.

What the meat of that legislation would look like, I don't know. That's why with a roomful of lawyers; you guys can come up with that wonderful piece of legislation. All I know is that it's one of those important aspects we need to protect civil servants who thereby are protecting the public purse, which is the number one issue that I'm concerned with.

When it comes to Canada's number one public policy issue it's health care—undoubtedly it's health care—and I don't think there is going to be any debate in this room about that. We have billions of dollars spent on an annual basis on health care, but the fundamental question we all have is: where does the money go? A lot of the money goes towards salaries; a lot of the money goes towards building new buildings; a lot of the money goes towards buying machinery and equipment.

All these are very important things, but they don't account for everything, and so one of the things that the Canadian Taxpayers Federation has done is we have released information from the health authorities on waiting times. One area whereby we measure how we do our health care spending is by wait times, and what we have found is that over the past six years, wait times for MRIs, diagnostics, and CT scans are increasing; so, it begs the question: where is the money going? We released the information and then we called on the Minister of Health to publish wait times on a website, to which they agreed (again, to their credit, they agree to do so), but it was only after there was some outcry from the public to find out what our wait times were like.

The point was, this is one of the areas whereby we can truly hold the government accountable. However, we can only hold them as accountable with respect to how much information they give us. While they gave us the information on the wait times, which was one step, the other question is: where is the rest of the money, and how do we get to that money or find out where that money is going?

This is where our auditors come into play. We talk about the important role of our provincial auditor. Everybody in the country knows the name Sheila Fraser now, and she's managed to make the role of an auditor just that much more important. It is extremely important provincially and federally that we have more engagement from our auditors, and frankly, from our ombudsmen. Our auditor right now doesn't have the power to change. What he has the power to do is make a recommendation: he can make a recommendation to the legislature, and it is up to the legislature to decide what will be implemented, if anything at all. And in many cases we've seen recently, with the Hydra House scandal that yes, the

provincial auditor has a lot of stroke in this province and if it wasn't for the hard work that he did, we wouldn't have known where the \$2.1 million gone.

So again, bringing this all back to public administration and public policy and getting individuals involved are these organisations like the auditors, like the ombudsmen, who play a huge and key role in ensuring that the funds that are being administered are being administered appropriately. Now the degree to which it is appropriate is debatable, but appropriate enough to adapt to what we as Manitobans believe as to where our money should be going.

We are talking today, of course, about changing public administration, and I have graduate degree in public administration and I didn't really know what that meant, to be quite honest with you. I didn't know what we mean by that. I don't think that is just one thing. I think that parliamentary reform and democratic reform both come together, so that's why I spoke on the issues that I did today.

We have a lot of other ideas that we believe will improve our system. We think that there are gag laws that we have federally, and perhaps potentially provincially, that restrict citizens and citizens groups from engaging in the public policy process. I think that is detrimental to our democracy. We have in some provinces (most notably British Columbia), fixed election dates so the citizens can break out the lie detector tests every four years—they know exactly when the election is coming around. We think that things like fixed election dates are important, so we know when we can anticipate a whole new flurry of government spending to be unleashed upon us.

MLA and MP recall: I know there are a couple of MLAs in this room and they probably don't want me to talk about this, but MLA recall or MP recall would mean that a safeguard, a mechanism, would be put into place whereby if your MLAs or your Members of Parliament aren't doing what you believe they were elected to do, you as citizens again have the opportunity to recall them and to fire them. Frankly, I don't believe that five year job security should be an inherent right; there should be an opportunity whereby we can hold them accountable and fire them if we have to.

The last thing, of course, I'm just going to briefly touch on is funding to political parties. Again, publicly administering funds to political parties, we believe, is a huge problem, because what it does essentially is it completely abdicates the responsibility of politicians to be open, accountable, honest, and truthful when they know that at the end of the day, regardless of what they say and do, they are going to get funds from the public. You may agree with them, you may disagree with them, but they don't have to really earn your vote, because they are going to get public funds for however many votes they get. And we've seen that just

recently in the federal election with the *Election Finances Act* making those changes. As I said, I don't really want to get into that too much because that's a conference in and of itself.

I don't really have much more to say other than that I want to thank you guys for having me here. I think that in order to talk about public policy and talk about public administration, we need to talk about all of these issues and how specifically getting the citizen involved and getting the individual involved is important, because if we want to talk about good governance, it requires real accountability. Some of the things that I just talked about, I believe, will instil some of that accountability back into our system.

Thank you.

Q & A WITH GARNET GARVEN AND
ADRIENNE BATRA

In Manitoba, today we are dealing with an issue regarding Hydra House, which deals with the alleged misappropriation of \$1 million of the taxpayers' money and questions arise whether the government knew about it or should have known about it at an earlier time.

Right now there is debate going on about the public accounts committee, which will investigate the Hydra House scandal. The debate is regarding whether public servants should be called on to testify, to let their knowledge be known.

Of course, we have seen with the sponsorship scandal, there seems to be a greater awareness about the public accounts process, and those that can testify before it. In Manitoba this would be somewhat more unusual, to have public servants testify regarding their knowledge of a particular program within government. But certainly on a base level when you talk to individuals in Manitoba, I think most Manitobans say: "whatever it takes to get the answers." But you've alluded to the fact that we don't have whistleblower legislation in Manitoba.

How do you think the calling on of current public servants to testify on matters that they may have been involved with, in programs, if that is a positive thing for democracy in general?

Adrienne Batra: Well, that's a very good question, Kelvin. I did speak of whistleblower legislation. I think it is important to protect our civil servants in areas like this. The federal sponsorship scandal, when that blew—that committee, the public accounts committee, organised very quickly. It's not the same in Manitoba; where there is a much more arduous process in order to get the public accounts committee to meet. One is the government House leader, is the essential decider whether or not they meet. So, I believe that the public accounts committee should be at the call of the chair, which is, interestingly enough, chaired by the opposition. It's in the better interests of the opposition to have the public accounts committee to meet, as opposed to the government, which is understandable. But having civil servants give testimony, I think, is important, and the reason why I say that is for the simple fact that they are men and women that are looking at the numbers on a daily basis. The Minister, although I would never say that he or she is not responsible, can only give the information that he or she is given by the civil service. And so I think it is important that the Deputy Minister at

the time, and the senior civil servants that were involved in the Hydra House process from the outset—and I know they would go back to the Filmon days—I think it is beneficial to the public to have full disclosure as to what happened.

Garnet Garven: This notion is a fundamental point: it's the question of how it changes the historical nature of the public service and the issue of accountability, and certainly it's important to have public servants. There are lots of vehicles where information comes out now, but this notion of transferred blame on public servants is a concern in terms of how it changes the balance between ministerial accountability and the role of the public service. I think it's important to get at truth issues here, but whether in fact this is transfer of blame now to the administrators, and away from decision-makers, is an issue that we're going to have to be careful of, because it can change the historical and fundamental nature of the public service, and what it means to have a professional public service. You could create a partisan model which we've strived for years not to adopt.

Just a comment on the gun control debate. I think it demonstrated in pretty vivid terms that the government who has introduced the legislation will focus only on benefits, and never admit the costs; whereas the opposition of course, focuses on the costs which aren't always just costs. Some of them are actual harms and I think that's important: that we should talk about not only cost-benefit, but costs and benefits and harms.

But my question is really for Adrienne. Our government frequently says, "get out and vote, get out and vote." But that is a once in four years or so activity, and equivalent to people who go to church to be hatched, matched, and dispatched. There is no appetite created for political or civic involvement. I was surprised you didn't comment on the recent American election, where there was no end of referenda questions for people to consider. And to use referenda to actually shape their society through spending decisions and legislative initiatives, and...

Adrienne Batra: I was just waiting for a smart question from the floor about that. I didn't bring up the American experience, because that in and of itself can be a very divisive issue, but that's an excellent point.

There were 11 states in the U.S. that just in the last week had referenda on a variety of issues, one of course is the issue of gay marriage, and those particular 11 voted against it to maintain the traditional definition of marriage. But I think that the point is, that it brings to the forefront

the fact that citizens can make a decision, and can put a very important, and albeit divisive issue on a ballot and make a difference.

In Manitoba, we've seen the different communities that don't want to see the expansion of gaming—they, too, have put issues on a ballot in a separate referendum, other than what happens in an election, and they voted against it, and some have voted in favour of it.

In Sweden, they have referenda—that is, citizens can put a question on the ballot. They've voted almost 86 times to increase their taxes in Sweden. So obviously, we don't want to that in Canada. But the point is, that regardless of the issue, divisive or not, agree or disagree, it's important that we give citizens the tools to be able to put something out there, and to make their voices heard.

To your other point regarding apathy, and why we don't have people coming out and voting, I don't think that people really and truly believe that putting an X beside someone's name, or a political party's name, necessarily reflects everything that they truly and fundamentally believe in, and that's why I think things like referenda are so very important.

First, a quick comment to Adrienne. You may remember that almost 90 years ago in Manitoba, there was a Liberal government that brought a law in to provide for citizen-initiated referenda. That law was eventually ruled unconstitutional.

My question is to Garnet. This is the issue: you put innovation, entrepreneurship, risk-taking as one of the profiles of the new public servant. In my experience, when I was at the federal level, that's something that you have to be very aware of. It has to be nurtured. It's actually very, very difficult within a civil service to encourage entrepreneurship, and risk-taking, and innovation, because the civil service tends to be conservative and rigid in many respects.

Garnet Garven: I think you're right, and that's the challenge that we have. It really was the more substantive framework that Professor Schwartz was talking about: a decision process; a way in which to make better choices and better decisions.

But I think it's also not helpful to think that analysis is not being done in government in all sectors. The benefit-cost (and that's the right ratio: benefit-cost, not cost-benefit) on these issues is being done extensively. Those who have been involved in Cabinet hear the details and the studies that go on. You may not like their analysis, you may think that more needs to be done here, but there are comprehensive reviews being done.

The question comes down to: how do we make the political decisions and choices? I think we have to get better at it, and I think the values

framework can help people, and also political decision-makers, make better choices.