

PRESENTATION SUMMARY

NORTH VANCOUVER PUBLIC HEARING
DATED 2 JUNE 2004
AT THE LONSDALE QUAY HOTEL

THE FOLLOWING INFORMATION IS A BRIEF SUMMARY OF THE PRESENTATION TO THE CITIZENS' ASSEMBLY ON ELECTORAL REFORM. IT ATTEMPTS TO CAPTURE THE KEY ISSUES AND ARGUMENTS THAT WERE PRESENTED AND DISCUSSED DURING THE PUBLIC HEARING. IN SOME INSTANCES, THE PRESENTER HAS ALSO MADE A SUBMISSION TO THE ASSEMBLY AND THIS IS ACCESSIBLE VIA THE WEBSITE AT WWW.CITIZENSASSEMBLY.BC.CA BY CLICKING ON "GET INVOLVED". IF SUCH A SUBMISSION IS AVAILABLE, IT WILL BE NOTED AT THE END OF THIS REPORT.

David Millar

DESCRIPTION OF PRESENTATION

A presentation to assert and defend democratic rights.

KEY THEMES

Mr. Millar discussed the need for the Citizens' Assembly to question and identify its role and its representative nature and expressed the concern that the Citizens' Assembly may be doomed to fail as a result of the constitutional structure. Mr. Millar expressed the opinion that, as reflected in the models of Themis, Goddess of Justice, a great divide exists between the theory and practice of justice within the government of British Columbia. The presenter went on to note two articles referring to the power of Judges in Quebec and the United States. Regarding these articles, and the influence of judges in modern societies, Mr. Millar stated that without control of the law, we don't have control of democracy. Mr. Millar argued that as Judges are government employees, we are no longer being judged by our fellow citizens and perhaps more dangerously, governments have thereby become judges in their own case.

RECOMMENDATIONS

The presenter recommended that the Assembly make the argument for the essential requirement of a citizens' jury (selected in the same manner as the Citizens' Assembly).

QUESTIONS, ANSWERS AND COMMENTS FROM THE AUDIENCE

- Q Are you saying that in a trial where you are suing the government you should have a regular jury?
- A That's right. What people have forgotten is that section 32 of the Charter means that the Charter doesn't apply to the citizens of Canada, it applies to the government. The BC Human Rights Tribunal is punishing citizens, rather than citizens making sure that the government doesn't impinge on *their* individual human rights.