

Since when is democracy not in the public interest?

Justice branch refuses to proceed with charges recommended by RCMP in Central Saanich municipal election

BY DAPHNE BRAMHAM, VANCOUVER SUN SEPTEMBER 16, 2009

Not a single charge will be laid in Central Saanich, even though the RCMP's commercial crimes section recommended 19 charges against people and organizations involved in last November's municipal election.

B.C.'s criminal justice branch has refused to proceed, despite acknowledging failures to register as campaign organizers and incorrect, incomplete or no information at all filed about campaign donations and spending.

Prosecution was not necessary or in the public interest, according to criminal justice branch spokesman Neil MacKenzie.

Not in the public interest? It's hard to understand what could more be more important in a democratic society than free and fair elections. And knowing who is financially supporting or campaigning for specific candidates is key to that.

Disclosure is required under the Local Government Act. Penalties include disqualification from council and future elections, fines of up to \$5,000 and/or imprisonment of up to one year.

There's also something odd about MacKenzie's apparent defence of the decision not to lay charges because there didn't appear to be any intent to mislead or act fraudulently.

Since when do well-intentioned groups and individuals get a pass on following the rules?

Complainant David Wilson has appealed to Attorney-General Mike de Jong to override his ministry's decision. Wilson has no reason for optimism. The B.C. government's position has long been that it's up to citizens to enforce the Local Government Act's election provisions.

So now, the onus has been thrown back on Wilson to defend the integrity of democracy's most basic building block -- elections.

It means Wilson can either drop the matter or find the money to pay not only the legal and court costs, but the cost of building a case because -- of course -- he has no access to the RCMP files, reports or recommendations made after more than 400 hours of investigation.

This is an absurdity that the government has so far refused to remedy, even though Wilson's complaint is not unique.

RCMP investigated similar complaints in Langley. No charges were recommended, but only after consulting with officers with legal training, senior department of justice officials and B.C. ministry officials "to ensure the accuracy of our interpretation of the provisions of the act as well as the

procedures and practices of the ministry with respect to complaints arising from the act."

West Vancouver police have also investigated complaints and its report and recommendations are currently before Crown counsel.

RCMP investigated in Central Saanich because Peninsula Co-op was one of several groups named in Wilson's complaint. Among its directors are Paul Hames, the local police chief, and two police board members.

It spent more than \$16,000 on candidates who were willing to support a rezoning of seven acres of land -- some of which is outside the urban boundary -- so the co-op can build a grocery store adjacent to its gas station.

"The Crown [counsel] shouldn't be playing judge with this kind of legislation," Wilson said Tuesday. "People don't realize how the election process has been co-opted. They may think we have a democracy, but I'm not so sure."

Eventually, he'd like to see Elections BC oversee municipal voting. He'd like limits on both donations and spending with full disclosure of every cent raised and spent. Because without transparency and full disclosure, Wilson says, citizens can't determine whether their elected officials are acting for the common good or the good of those who paid for their campaigns.

Fortunately for Central Saanich residents in particular and B.C. citizens in general, Wilson is unwilling to let the matter drop. By the end of the month, he plans to file a petition in B.C. Supreme Court.

"I still want to proceed and try to bring this into the open," he says. "I could be going quietly into retirement. But this is just not ethical or moral."

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