



Fourth Session, 39th Parliament

---

REPORT OF PROCEEDINGS  
(HANSARD)

---

# LEGISLATIVE ASSEMBLY MANAGEMENT COMMITTEE

**Victoria**  
**Tuesday, August 28, 2012**  
**Issue No. 1**

HON. BILL BARISOFF, MLA, CHAIR  
AND SPEAKER OF THE LEGISLATIVE ASSEMBLY

ISSN 1929-8668 (Print)  
ISSN 1929-8676 (Online)



**LEGISLATIVE ASSEMBLY MANAGEMENT COMMITTEE**

Victoria  
Tuesday, August 28, 2012

*Chair:* \* Hon. Bill Barisoff (Speaker of the Legislative Assembly)

*Members:* \* Hon. Rich Coleman (Fort Langley–Aldergrove BC Liberal)  
\* Gordon Hogg (Surrey–White Rock BC Liberal)  
\* John Horgan (Juan de Fuca NDP)  
\* Shane Simpson (Vancouver-Hastings NDP)  
\* Ben Stewart (Westside-Kelowna BC Liberal)

*\* denotes member present*

*Officials Present:* Craig James (Clerk of the House)  
Kate Ryan-Lloyd (Deputy Clerk and Clerk of Committees)  
Bob Faulkner (Acting Executive Financial Officer)

---



## CONTENTS

Legislative Assembly Management Committee

Tuesday, August 28, 2012

	<b>Page</b>
Adoption of Agenda.....	1
Committee Procedures.....	2
Legislative Assembly Financial Records Audits: Implementation Progress Report.....	10
Legislative Assembly Management Committee: Annual Report, 2009-2011.....	15
MLA Expense Information Disclosure.....	16
Clerk Consultant: Role and Function.....	20
Committee Meeting Schedule .....	22



## MINUTES

# LEGISLATIVE ASSEMBLY MANAGEMENT COMMITTEE



Tuesday, August 28, 2012

10 a.m.

Douglas Fir Committee Room  
Parliament Buildings, Victoria, B.C.

**Present:** Hon. Bill Barisoff, MLA (Chair); Hon. Rich Coleman, MLA; Gordon Hogg, MLA; John Horgan, MLA; Shane Simpson, MLA; Ben Stewart, MLA

**Officials Present:** Craig James, Clerk of the House; Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees; Bob Faulkner, A/Executive Financial Officer,

1. The Chair called the Committee to order at 10:07 a.m.
2. **Resolved**, that the Committee adopt its draft agenda, as amended. (Ben Stewart, MLA)
3. **Resolved**, that the Committee approve the minutes of the meeting held July 31, 2012. (Shane Simpson, MLA)
4. The Committee reviewed the draft *Legislative Assembly Management Committee Governance Document* and suggested amendments and revisions.
5. **Resolved**, that draft minutes of the Committee's *in-camera* deliberations be prepared to record *in-camera* decisions made by way of formal motion; and further, that pursuant to the usual practice, the Committee shall approve draft *in-camera* minutes at the subsequent meeting, and once approved, the minutes shall be publicly available on the Assembly website. (Gordon Hogg, MLA)
6. **Resolved**, that pursuant to the statutory provision of section 5(8) of the *Legislative Assembly Management Committee Act* which requires that minutes must be 'promptly' prepared for release, the Committee shall undertake to have draft minutes approved at minimum at their quarterly meetings, and may also adopt the practice of releasing draft interim minutes to permit an earlier release of information. (Gordon Hogg, MLA)
7. **Resolved**, that the draft *Legislative Assembly Management Committee Governance Document* be revised to state that the Committee shall hold quarterly meetings and that additional meetings may be held at the call of the Chair, as required. (Shane Simpson, MLA)
8. The Committee requested that the Office of the Clerk prepare an overview of statutory provisions to the *Legislative Assembly Management Committee Act*, and other related legislation, with respect to matters raised during the Committee's review of the draft governance document.
9. The Committee reviewed and discussed the document titled *Summary of Audit of the Legislative Assembly Financial Records: July 2012, Prepared for the Legislative Assembly Management Committee, August 2012*.
10. The Committee reviewed the draft *Legislative Assembly Management Committee Annual Report 2009-2011* and agreed to defer approval of the report to permit Members additional time to review the document.
11. The Committee reviewed the disclosure and categorization of Members' expenses, including travel and constituency office expenses.

12. The Committee considered the status of constituency office staff at dissolution and requested that the Office of the Clerk obtain a legal opinion on the matter.

13. The Committee discussed the role and function of the Clerk Consultant position and agreed to request further information from the Office of the Clerk on position responsibilities and compensation.

14. **Resolved**, that the Committee meet in-camera to discuss personnel and negotiation matters. (Gordon Hogg, MLA)

15. The Committee met in-camera from 11:57 a.m. to 12:18 p.m.

16. The Committee resumed in public session at 12:18 p.m. and agreed to plan a meeting during the week of September 24, 2012.

17. The Committee adjourned to the call of the Chair at 12:20 p.m.

---

**Hon. Bill Barisoff, MLA**  
**Speaker and Chair**

**Craig James**  
**Clerk of the House**

TUESDAY, AUGUST 28, 2012

The committee met at 10:07 a.m.

[Mr. Speaker in the chair.]

**Mr. Speaker:** Good morning. First of all, welcome to our first public LAMC meeting.

### Adoption of Agenda

**S. Simpson:** Maybe if the Chair could provide some advice. We want to have a little bit of discussion around the Clerk Consultant position. Could you tell us where in the agenda that would best fit — under 3 or under other business? Where would we best deal with that matter?

**Mr. Speaker:** I would think that would fit under "Any other business."

**G. Hogg:** Just with respect to the agenda, item 7 is the Legislative Assembly Management Committee rules and procedures. I would suggest that we move that up to after adoption of the minutes, or at some point, so that if by that point we have approved the rules with respect to in-camera items, we'll have the flexibility for some of the other items which may well be moved in camera. I think we should be dealing with that earlier rather than later in the agenda.

**Mr. Speaker:** Is everybody in favour? All in favour of moving item 7 up to item 3?

Motion approved.

**Mr. Speaker:** Any other business? Any other agenda items that anybody wants to add?

Hearing none, we have adoption of the agenda.

**B. Stewart:** So moved.

**Mr. Speaker:** Moved by Mr. Stewart, seconded by Mr. Hogg.

Meeting agenda as amended approved.

**Mr. Speaker:** Moving on. Adoption of the previous meeting of July 31, 2012. It would be under tab 2.

**S. Simpson:** So moved.

**Mr. Speaker:** Moved by Mr. Simpson, seconded by Mr. Coleman.

Any discussion on the minutes? Hearing none.

Minutes of the previous meeting adopted.

**Mr. Speaker:** Now we're moving on to the Legislative Assembly Management Committee procedure, which is moved up into that section. That would be tab 14.

**Hon. R. Coleman:** One other thing that we've had, because the agendas and the binders were put together late last night. One of them is the letter from the Information and Privacy Commissioner that isn't on the agenda today. We think we might want to discuss that under "Any other business." We don't think the letter is actually confidential.

We could get some advice from the Chair at that time with regards to whether we could have that discussion about the constituency offices and about that particular recommendation, so we could get some direction to go and try and see if we can get past the concern that she's expressed with regards to that.

**C. James (Clerk of the House):** If I could just make a comment. I did contact Elizabeth Denham last week, who is away. Her counsel yesterday advised me that they have no difficulty with the letter being disclosed publicly. It is actually contained in the binder.

[1010]

**Hon. R. Coleman:** I know it's in the binder. At one time we thought we'd have it on the agenda. My understanding is that because we hadn't made contact with her, it might not be on the agenda.

**C. James (Clerk of the House):** Right. It is under item 5, "Disclosure of MLA expense information."

**Hon. R. Coleman:** Okay, so that's where you want to deal with it?

**C. James (Clerk of the House):** Yes.

**Hon. R. Coleman:** Okay.

**J. Horgan:** Where is the letter in the binder?

**Mr. Speaker:** Tab 10.

**J. Horgan:** Tab 10. Good. And secondarily, the document that I have, the Legislative Assembly Management Committee draft governance document, says dated August 24. There's a revised document in this binder that I've just seen when I sat down that was revised August 27. Could the Clerk advise me of what changes, if any, were made between the document that I've read and the document that I see before me now?

**C. James (Clerk of the House):** Kate, would you care to explain?

### Committee Procedures

**K. Ryan-Lloyd (Deputy Clerk and Clerk of Committees):** Yes. Good morning, Members.

The Legislative Assembly Management Committee draft governance document. The changes between the two versions were relatively minor in nature, based on some feedback that I had received from the Clerk and the others working to prepare this document.

I had added specific section numbers to illustrate more clearly the source of the committee's statutory authority. For example, in certain sections of the document it describes the powers and the duties of the committee and the Speaker, and in those sections I added a particular reference to the portion of the statute just for clarity.

There are some minor editorial changes throughout, but substantially, there should not be substantive differences in the document that was circulated to you on August 24.

**J. Horgan:** Well, on page 1, paragraph 4 on the draft document is gone. It says: "A quorum of the committee is five members of the committee consisting of the Speaker; in the Speaker's absence, the Deputy Speaker; at least three government members; and one opposition member." That's no longer in this spot in the document, so where did it go?

**K. Ryan-Lloyd (Deputy Clerk):** Yeah. I had received some very good feedback that the document was repetitive in sections, and so the information.... The details with respect to quorum are now under "Proceedings and business." The overview page, which is the first page of the document which Mr. Horgan is referring to, was meant to serve as sort of a general introduction to the document as a whole, but it did repeat a lot of information that is still, in fact, in other sections of the document.

I'm sorry if it has caused some confusion with respect to those revisions, but there is nothing that was there before that is not present there currently in the revision.

**G. Hogg:** I, like John, just received this document this morning, and I've been working off the information which was sent to us. So I've heard two changes to the document before me with respect to what I had originally received, one being the letter and, secondly, the changes to this. Are there any other changes in the three-ring binder that we've just received that vary from what we received by e-mail earlier in the week?

**C. James (Clerk of the House):** The addition of a lot of reference material relating to the public disclosure of MLA expenses, as I outlined in my e-mail to members on the weekend, was not included because of the size of material itself.

This material references the situation in Newfoundland

and Alberta and also references the current situation in more detail in British Columbia. So there is a vast amount of additional reference material which is included, by way of explanatory notes and schedules of payments and so on from the public accounts, in the binder before you this morning.

**G. Hogg:** So as we go through the agenda, if you could highlight those points that those of us who have just looked at the previous information.... You could highlight the differences and then provide a bit of a synopsis for us so that we're not trying to cross-reference what we've already made notes on.

**Mr. Speaker:** Okay. Any other comments?

**G. Hogg:** Can I suggest, then, that the Clerk lead us through the draft governance document?

**K. Ryan-Lloyd (Deputy Clerk):** The draft governance document is very much a preliminary document that we have prepared to assist members of the committee with respect to looking at the statutory authority, which forms the basis of the committee, as well as the substance of the responsibilities that would naturally fall to the committee.

As members know, the committee was established in 1992 by the Legislative Assembly Management Committee Act and, unlike other parliamentary committees, does not receive, in conjunction with that authority, a specific terms of reference from the House. The committee is essentially guided by statute and by its own past practices and procedures.

[1015]

The Legislative Assembly Management Committee annual report, which has been prepared for this committee since 1992, has a compilation of all decisions by the committee, describes very much the practices that have been adopted by the committee previously and also asserts, as does section 5 of the act, that the committee is able to establish its own practices and procedures as it sees fit.

With respect to the preliminary document in your hands today, I tried to assemble some background information, using the act, essentially, as guidance. In particular, I know, questions had been raised about the proceedings of the committee and those which may be appropriately considered in camera.

I have tried, for your information and consideration today, to compile a list, which is on page 7, under "In-camera meetings," of the types of responsibilities which you may choose to consider in camera. They're listed there in bullet form, but certainly, this document has been prepared in an attempt to try and assist you with your deliberations and would very much benefit from your input and direction to ensure that it reflects the committee's preferences in terms of its own process.

**C. James (Clerk of the House):** And if I could add, rather than complicating the matter by way of expanding upon the information that's contained in this particular discussion document, I think it's very simple. If members of this committee wish to conduct their affairs in a similar way that select standing and special committees do, a motion to that effect would certainly accommodate the many principles, practices and procedures that are extant regarding the practices of those committees.

**G. Hogg:** Just with respect to the issue of the committee and its formal powers and duties, it refers to "conduct of its members." Can you define that, what that means, and how that differentiates between what's the responsibility within caucus for control of members, as opposed to the Legislative Assembly, and how that's enforced? And is that a delegated responsibility?

**C. James (Clerk of the House):** Well, the conduct of employees, as you will recall at the last meeting of the Legislative Assembly Management Committee, was delegated to the Clerk of the House, if that's what you're referring to. That authority has been vested in me.

**G. Hogg:** I'm referring to conduct of members.

**K. Ryan-Lloyd (Deputy Clerk):** That is a reference, if I might, from section 3 of the act, but you're quite correct. In actual fact, the practice of the committee previously has been to examine primarily the financial and administrative policies as they affect members, but the phrase "conduct of Members of the Legislative Assembly" actually is a direct linkage back to the language of the statute, which, of course, dates to 1992.

There have perhaps been instances from time to time where that may have been discussed by the committee, but in my short experience with the committee it hasn't grappled with issues of conduct on a regular basis.

**G. Hogg:** Maybe at some point we should be reviewing the legislation, then, and making sure that it reflects the intent that it has. I'm not sure what role that would be in terms of LAMC looking at discipline or conduct of members outside of the roles that are already dictated and allocated to the Speaker within the operation of the House or to a Whip within the context of the caucuses.

**C. James (Clerk of the House):** I think it would be very healthy for the committee to consider an update to the legislation. It's past due.

**J. Horgan:** In the overview, Kate: "The Legislative Assembly Management Committee Act provides the committee with its formal powers and duties relating to various areas, including..." And there's a list. In item 3 there's "the appointment and management of assembly

staff," which has been delegated, as of the last meeting, to the Clerk.

"The review and approval of estimates of expenditure for the Legislative Assembly, Vote 1." I've been on this committee since April of 2011, and I've never participated in any discussion or overview of the budget estimates for Vote 1. Has that been the practice in the past? Has that not happened, and why didn't it happen in the 15 months that I've been on the committee?

**Mr. Speaker:** What has happened in the past is that normally it comes forward, it's sent out to the members, and it basically comes back. If members have no disagreement with anything that's in there, it simply goes back and is put into Vote 1.

**J. Horgan:** Is there any record of the estimates approval document ever coming to any member of the opposition caucus in the past 15 months?

**Mr. Speaker:** It should be. We could certainly check into it, John, but it should have gone to you. It's supposed to go to all the members.

**J. Horgan:** Of the committee?

**Mr. Speaker:** Yep.

[1020]

**J. Horgan:** Okay. Well, to my knowledge, I've not received one.

**G. Hogg:** The substitutions. It says it's part of the Legislative Management Committee — that a member of the committee may appoint a designate to take the member's space at a meeting. So that means if I am not going to attend a meeting, I can allocate someone to substitute for me?

**C. James (Clerk of the House):** That's correct. And Mr. Stewart is a classic example, because when the legislation was drafted, it was felt that the other member would be the Minister of Government Services or the provincial secretary, two positions which have ceased to exist. The practice has been for many, many years that the chief government Whip take that spot, and that's been the continuing practice, yeah.

**G. Hogg:** Can I run through a couple more questions?

**Mr. Speaker:** Certainly.

**G. Hogg:** It says that the committee may formally delegate any of its powers to the Speaker, and any formal delegation of power shall be conveyed by minutes. So I think that we need to look at our procedures and make

sure that we have, in fact, appropriately delegated some of those things which appear to be assumptively delegated in the past and make sure we do that.

For in-camera meetings, it makes reference to guidelines and anything considered appropriately as an in-camera item showing on the agenda. I would suggest that we should have motions to go in camera as well. So some things would be predetermined to be. But if there are items which are taking place within the framework of a meeting.... A motion in front of a public meeting saying, "We now defer in camera" — we'd be able to move on that.

Secondly, it says that the in-camera meeting minutes will be made publicly available. That seems to me to contradict the intent of going in camera and may be compromising if it is an issue of dealing with personnel or if it's an item that may be dealing with a union contract or something to that effect. Making those minutes public prior to the resolution of the issue would seem to be contradictory.

**C. James (Clerk of the House):** The issue of in-camera meetings and them being minuted just does not occur. The standard practice with select standing and special committees is that when committees go in camera, there is a note in the minutes that the committee went in camera, but there's no description as to the content or the discussion in camera.

Hansard does not record, nor does it print, the in-camera proceedings, insofar as.... In some parliamentary committees where the information is required to be used perhaps in a report of the committee, then it is printed in two copies — one for the Chair and one for the Deputy Chair. At the end of the hearing the document is shredded.

**G. Hogg:** That doesn't appear to be what's written here, where it says that once approved, minutes of in-camera meetings will be made publicly available.

**C. James (Clerk of the House):** Yes, and there's nothing wrong with that, Gordon.

The point I'm trying to make is this. The committee will have its minutes, and the public discussion is minuted. But when the committee goes in camera, it says that the motion was moved by Gordon Hogg that the committee now revert to in camera. That's all that's mentioned, and then the committee moved out of an in-camera proceeding into a public forum. There is no discussion on the minutes as to the nature of the in-camera proceeding, other than to legitimize the fact that the committee actually did go in camera.

**G. Hogg:** So there are minutes kept of in-camera meetings as well.

**C. James (Clerk of the House):** There would just be

notes, and the notes would be kept by the Clerk. Those notes go nowhere.

**K. Ryan-Lloyd (Deputy Clerk):** In case it might help, I think that what I was trying to do with the government's document is to create something that was a bit of a hybrid between the past practice of the committee, which of course held in-camera meetings on a regular basis.... And the practice previously, of course, was for the Clerk to the committee to record all the decisions that were made by the committee. Because they were based on in-camera proceedings, those decisions wouldn't reveal many of the contents, necessarily, of some of the details under consideration.

But once the committee had come to an agreement, minutes would capture the decisions, the outcomes of that meeting. Then, upon approval by the committee at a subsequent meeting, they would be released to those who may have a request or in interest in the document.

Going forward, because of the committee's wish now to meet more regularly in public session, I think it's an opportunity to refine how the committee would like to see its practices unfold. If you wish....

For example, certainly in a public meeting, the usual practice for a parliamentary committee would be to have minutes prepared and published in conjunction with the public transcript that would be available on the legislative website. Should the committee decide in the future to meet in camera on a certain issue, the committee would give the Clerks direction with respect to any reporting out publicly of any decisions made during in-camera proceedings.

[1025]

**G. Hogg:** Certainly, my experience in local government is that you go in camera, you keep your minutes of your in-camera meeting, but they meet strict criteria as to what constitutes an in-camera item. Those minutes are kept, but they're not made public. I read this to say that minutes of in-camera meetings will be made publicly available.

**Mr. Speaker:** Do we want to change that?

**G. Hogg:** That appears to me to be inconsistent with what I understand being said.

**K. Ryan-Lloyd (Deputy Clerk):** Absolutely. The intention would only be, of course, to release an in-camera minute of decisions should that be the wish of the committee to provide that level of information. It's certainly not the intention at all to release in-camera deliberations or the details.

**G. Hogg:** So it would be made publicly available on motion of the committee.

**K. Ryan-Lloyd (Deputy Clerk):** Once approved by the committee at a subsequent meeting.

**Mr. Speaker:** Do you want to make a motion to make that change?

**G. Hogg:** So moved.

**Mr. Speaker:** Seconded by John.  
Any further discussion on it?

**J. Horgan:** On that motion?

**Mr. Speaker:** Yes, on that motion.

**J. Horgan:** No.

Motion approved.

**Hon. R. Coleman:** I've got a couple experiences around this table, of course, going back many years. I think the relationship between John and I.... We've managed to actually get to here today to have this public meeting. I want to congratulate everybody on that — and also this draft governance document.

There was a day when the two House Leaders couldn't be in the room long enough to have a LAMC meetings back a number of years ago — and different times. Now this formalizes that relationship much better, I think. When I read this last night, I thought that this reads a lot like what I was given when I sat on a select standing committee many years ago in opposition. I would assume that's what we're basing this on, and I think that to have this governance document....

We've only had a month to put it together, basically, and I know everybody sort of skimmed it this morning to have a quick look at it. I think it gives us the basis to operate today, but we should also take some time as we leave this meeting to spend a bit more time on this document to see if there is anything else we think should be added or subtracted from it, simply because it's the first governance document. The important piece of this, though, is that we will have to deal with, at some point in time, the in-camera stuff, and we should have some foundation for that as we go through even this first meeting.

Somebody has done some pretty good work quickly on this, as near as I can understand. Of course, I wasn't able to receive it on the 24th, so I don't have any other document to compare it to that I can say is different. Evidently, it's very expensive to download data when you're overseas, so we didn't bother, but I think this is good, and it gives us our foundation to operate from. As I read through it, I still think there are some improvements that can be made on how we define the ongoing role of this committee going forward.

**Mr. Speaker:** I'm sure there will be some refining that will be done.

**J. Horgan:** I have a couple of questions on the in-camera section as it's written. The last bullet, Kate's — other topics due to the nature of the items to be discussed deemed to warrant an in-camera deliberation. What other topics are contemplated there? Or are you leaving that open for interpretation in the future?

That's fine, but I agree with Rich that we've taken great strides to be sitting here today talking into microphones rather than talking across a coffee table, but that's pretty open-ended. In keeping with what Gord said, we want to make sure that we are living up to the spirit of the intent of in-camera meetings, which is to protect from litigation labour, legal and land. It's historically the way to go. I'm just wondering if you had anything in mind when you put that there other than to give the widest latitude to the committee.

**K. Ryan-Lloyd (Deputy Clerk):** No. It was intended, essentially, to provide the committee with an opportunity going forward to adapt to different circumstances that might arise. I think there is a great range of issues that come before LAMC, many of an administrative matter, which are quite different than the types of matters that typically come to a parliamentary committee in terms of a typical policy enquiry. So I wanted to leave it open-ended so that the committee could adapt appropriately in the future.

**Mr. Speaker:** Any other questions or comments?

**G. Hogg:** In the minutes it says the committee must promptly file its minutes. I'd like to see that be time-limited and, if there is an extension required, that that happened. "Promptly" seems to have been an issue in the past. So the minutes must be submitted at the next meeting, and if there is some reason for delaying the minutes or annual reports, then there has to be a motion of LAMC to accept a delay — whether at the next meeting, 30 days, 60 days or whatever makes sense in terms of that — so that there is some control, rather than just "promptly," which seems a bit a vague to me.

[1030]

**Mr. Speaker:** Understanding that we're going to have quarterly meetings, I would think that it would be at the next meeting.

**G. Hogg:** At the next meeting. So if that could be....

**Mr. Speaker:** Particularly at the next quarterly meeting at the very latest.

**G. Hogg:** So if we could say, rather than "promptly,"

that those would be received at the next quarterly meeting?

**C. James (Clerk of the House):** Sorry to interrupt, but I think that if the committee wanted to use the principle of interim or draft minutes that could be publically available much sooner, that would be helpful...

**G. Hogg:** Sure.

**C. James (Clerk of the House):** ...subject to the caveat that the committee would approve them in a subsequent meeting.

**G. Hogg:** Do we need a motion for that?

**Mr. Speaker:** Well, yeah. If we're going to make some changes, I think we probably should.

**G. Hogg:** Okay. I'll so move.

**Mr. Speaker:** Seconded by John. Any further discussion on it?

Motion approved.

**S. Simpson:** Just in regard to proceedings, under "Meetings" it says: "Meetings are held quarterly or at the call of the Chair as required." I'm sure that what was meant here.... We should clarify that, I think, to say that there will be quarterly meetings. Additional meetings would be held at the call of the Chair as required.

It just reads slightly that they'll either be quarterly or the Chair can call them, and it suggests that there may be some ability to move around the quarterly meetings. I think our intent was that we're going to be quarterly meetings. If we need more meetings, the Chair will deem whether those are necessary.

Shall we just clarify the language on that? That would be page 6, under "Proceedings and business."

**Mr. Speaker:** Do you want to move that, Shane?

**S. Simpson:** I would.

**Mr. Speaker:** Second?

**C. James (Clerk of the House):** If I could just clarify for members that seconders are not necessary if you're going to use the principles that are guiding select standing and special committees.

**Mr. Speaker:** Great. Any further discussion on that?

Motion approved.

**J. Horgan:** A ton more questions.

**Mr. Speaker:** Ten more, did you say?

**J. Horgan:** A ton more. That's about my weight.

I know this is going to require legislative change, but I think we should discuss it. A quorum requires all government members to participate, and I don't know if that's necessary. I think that if the Speaker, who's traditionally a government member, can break ties — if only two government members can show up and two opposition members can show up, there's still the opportunity to break ties through the Speaker — it seems to me restrictive to have all members on that side required to attend for quorum. So I just flag that as something as part of a legislative review.

Similarly, the document that Kate prepared says, on my page 5 — and I'm assuming it's similar to everybody else; yes, it is: "The committee must report annually to the Legislative Assembly on the decisions made by the committee during the previous year. The report must include the reports regarding its accounts of financial procedures." I'm confident that has not happened, so what are the consequences of us not living up to the spirit of the legislation?

**C. James (Clerk of the House):** Well, there are two issues here. One is the annual report of the Legislative Assembly Management Committee, which is the topic of consideration for this morning as well, and the audited financial statements are those that are audited by the Auditor General. Bob might be able to speak to that, but if not, those are statements that are also included in the public accounts for the province of British Columbia.

Bob, do you have a comment on that?

**B. Faulkner:** I'm more....

**J. Horgan:** Sorry, Bob. I'm good with the accounts, because it shows up in the public accounts. It's the....

We haven't issued an annual report since when, Kate — 2009?

**K. Ryan-Lloyd (Deputy Clerk):** The last public annual report was for the calendar years 2007 and 2008. The one that is under consideration for this morning covers 2009, 2010, 2011.

May I, John, just with respect to your question about quorum...? The provisions of six of the act, which describe a necessity for quorum, do include the necessity for an opposition member to be present. Is that how you read it?

**J. Horgan:** It says one opposition member.

**K. Ryan-Lloyd (Deputy Clerk):** I see what you're say-

ing. Okay. Thank you.

**J. Horgan:** As we all know, we had some challenges meeting because we weren't able to get.... This is no slight. I mean, there are just three of you and two of us. Two is easier than three. But that restricted our ability to meet. As you know, we were putting dates off and putting dates off because we couldn't pull it off.

I think that there should be some way.... We've discussed today substitutions, which I think had not been common practice, aside from the government minister now being determined to be the government Whip.

[1035]

So if we're going to act as a committee — and Rich and I talked about standing committees being inflexible on substitutions — I think that when we go to review this act, we should be looking at the substitution issue and ensuring that we can meet as regularly as possible at the call of the Chair. It's compromised if you need all of the members of the government, rather than just two. That's my point.

**C. James (Clerk of the House):** Just for the information of the committee, the practice with select standing and special committees is that quorum is a majority of the members, which parallels that in the House, which might make it easier.

**J. Horgan:** But substitutions are required by motion in the House, which I think — and both of us.... Well, I can't speak for Rich, but we have talked about it, and we both agree that we need to fix it.

**Hon. R. Coleman:** It's an ongoing challenge with all select standing committees. We may have a cabinet shuffle take place. Somebody comes off the committee. Then we can appoint, but then we have to formalize it later on because of the way the legislation doesn't allow us to do it between sessions. So there might be some work to be done there.

**Mr. Speaker:** Just getting back to your annual reports. I think that if it's going to be an annual report, it should probably be tabled before the House annually.

**J. Horgan:** Yeah, that's my read of it as well. I have one more, Bill, if no one else is wanting to get in.

**Mr. Speaker:** Yeah, keep going.

**J. Horgan:** It's, similarly, on page 5: "The committee does not have jurisdiction to deal with the appointment, supervision and management of the permanent officers of the Legislature such as the Table Officers and the Sergeant-at-Arms."

I'm okay with appointment, supervision, but I'm con-

cerned about management, because as I read the act, the six of us are responsible for what goes on within the staff here at the Legislature. It's been quite clear over the past number of weeks that we have been accountable, all of us, and we have, each of us, taken that responsibility. But we are not able to supervise and manage all members of the Legislature.

If we don't manage the Table Officers and the Sergeant-at-Arms — and it's nothing personal, Gary — who does?

**Mr. Speaker:** The Speaker.

**J. Horgan:** And that's been delegated to you? I don't see it in the act, other than there is no.... In the document I've seen and in the act I don't see a section that says the Speaker is responsible for the supervision and management of Table Officers.

**C. James (Clerk of the House):** Well, that's been an evolving practice. It's been around for years and years, extending way back even before the old Board of Internal Economy. If this committee wishes to become more active in the management of those positions, then that's certainly its prerogative under the legislation.

**J. Horgan:** So can you demonstrate to me, Craig, a body of literature that highlights this practice? Or is it just a convention over time? If we are responsible for you, then I think we should have some management ability beyond the Speaker.

If we as a committee want to delegate it to the Speaker, that's fine, and we are now going to minute those delegations. But if it's practice, one of the challenges the public has with this institution is that it's no longer contemporary.

The standards by which the private sector, not-for-profits and others operate in terms of transparency and accountability don't always exist here. It's this grey area which we seek guidance from you and Kate and others within the Table Officers to direct us.

But it's also our responsibility, if we are going to be accountable for that management, that we have, actually, some oversight responsibilities that we can exercise. I don't see that in this governance document with respect to senior Members of the Legislative Assembly.

**C. James (Clerk of the House):** Right. Well, it's one of the topics that I wanted to speak to at length as we get into the other agenda items. One of the issues that I want to discuss was the quarterly meetings and the reason for quarterly meetings and when the quarterly meetings would be held.

One of the issues is that of course, the government's quarterly financial statements are published. The next one will be around September 15, I understand. I think it would be helpful if this committee met shortly after,

maybe the first week in October.

My proposal is to bring to the committee each quarter, if not sooner, a financial report on the working of Vote 1, including anything that we do in our office and any of the branches. That would certainly be one initiative that I would hope to develop and bring to the committee.

In terms of the other responsibilities, it seems to me that this committee is acting on behalf of all Members of the Legislative Assembly, and I have no difficulty at all in the view that I should be reporting to this committee as the board of the House and me being the chief executive officer. I think that's very appropriate and prudent.

To that extent and along those lines, I will be, over the course of the next few months, providing all members of this committee with information about the working of this place, including the vast capital projects that we have ongoing that Gary Lenz is in charge of — restoration, rehabilitation, disabled access and a number of other matters which members probably are not fully aware of.

[1040]

I'm hoping that disclosure of that information will be very helpful for the members and that they'll understand how the place works and be able to guide myself and Kate and the other branches in relation to what their expectations are.

**J. Horgan:** I'm fine with that, but if we are going to adopt this governance report, I would prefer that we do not have in that report a paragraph that says the committee does not have jurisdiction.

If we're going to evolve that from this meeting forward, then I don't believe we should bind ourselves by putting in writing that we don't have jurisdiction that I think we all agree would be useful for you and your staff, as well as for members of the assembly who are accountable to the public for the activities that happen here.

**C. James (Clerk of the House):** I'm not opposed to that, but it's my understanding that this would require a legislative change to the act.

**Hon. R. Coleman:** John, I just want to be clear about something. We're not talking about getting down to the minutiae of deciding that we're going to walk into the Sergeant-at-Arms office as a member of the committee and tell him how to run the office.

The way it works, as you know, in government is that I have a deputy minister. I have ADMs, who are responsible for the line stuff. I get briefed by them and give direction. I don't go into the office and say: "This is how you should answer the phone."

The balance that's struck is that you must have an operational person in charge, but they have to report back to us in some way. I think the language is probably the important piece here for you and for me so that there is the ability to deal with that, if it's a concern for

the committee.

That's why I said I didn't think this document was complete. I think there's some language that needs to be worked on here to deal with that. If it is a legislative change, we should consider it at our next meeting. Decide whether we want to put that into the legislative drafting and into the thing, to see where, prioritizing, we can fit it into the session that we'd want to pass it in.

Obviously, the act, which is a number of years old, is worth a look anyway at this time, so I think the two of them can come together.

I get the language issue for you, and I actually agree with you. My concern is that the committee doesn't think that it's going to become, someday, the operating committee of everything that happens here, because frankly it wouldn't work.

**Mr. Speaker:** It would be a lot more than quarterly meetings.

**J. Horgan:** Yeah. I don't disagree with that at all, Rich. I don't want to tell Gary how to do his business. I just like coming in and looking at the sword collection and the able staff. I don't have any quarrel with that.

But we have a document now that says a collection of staff... We're not responsible for them. They're not responsible to us. It seems to me that if we're going to have a board of directors model, which is what we talked about and what we're hoping to evolve, then the board of directors has to be able to ask critical questions and not be told that we don't have jurisdiction. That's my issue.

**Mr. Speaker:** Oh, I see where you're coming from.

**Hon. R. Coleman:** If it's legislative, we've got to change it. This has to reflect what the law is today, but if there's a change we need, we need to know what that change is so we can put it in place.

**J. Horgan:** It would be my recommendation that if we're going to be responsible as a committee for this precinct and everything that happens in it, we have to have the ability to do that. This portion of the act restricts that and sets up a class of employees that are beyond the reach of elected representatives, save the Speaker. That compromises the Speaker's ability to have a working relationship with staff and our job as an oversight committee.

If we can't oversee that component, then we're not able to fulfil our responsibility. So an amendment, if that's required, would be one that I would support. It jumps off the page to me as something that... We are accountable for your actions, Craig, and your staff, but we have no ability to control that by supervision or management, according to this.

**Mr. Speaker:** John, would you feel comfortable for

the next meeting, then, if we brought forward by different members different changes that we thought should be legislative changes that could be recommended to government from LAMC to look at some kind of legislative changes?

**Hon. R. Coleman:** Just a sec. I agree with that, but I think it's something we would need done within the next 30 to 60 days, because obviously you're lining up the legislative drafters for each session of the Legislature now.

I find, as the House Leader, that the legislative drafting instructions on those sorts of things have to be done in a timely manner. Otherwise, we won't have the drafters to actually do the drafting, because there are a limited number of those people that we have available. They're pretty specialized.

[1045]

There's obviously a legislative agenda that has to be dealt with outside of this committee. I think that if it's in the legislation and we have concerns about things in the legislation, it's our responsibility in the next very short period of time to read the legislation again to see if there are any changes that need to reflect back into this document. Then we should get them here, make the motion, and that would allow me to get it into the drafting cycle for the Legislature.

**Mr. Speaker:** Because this is new and we will be having a meeting sometime in October, I think that if members could take it upon themselves to look at the Legislative Management Committee Act, and if they think that there are some changes, basing it on some of the information that we've got here now, they could bring forward that information.

Then we can discuss it as a group and then make a motion to indicate to the Government House Leader the legislative changes that we would like to see brought forward for the next session.

**Hon. R. Coleman:** Having said that, my recommendation is, because we're here during the week of Union of British Columbia Municipalities, that that meeting take place that week, near the end of September, so that we can get moving. I know what happens with legislation backing up against the wall, and if we do want to make the changes, we're going to want to move on it relatively quickly.

**G. Hogg:** Well, I would like to refer the legislative changes and the spirit of the discussion we've had today to the Clerk so that we get a look at highlighting those pieces of legislation that we discussed. Then we can respond to that prior to the next meeting rather than us individually going out and looking at it, because I think a number of things have been addressed.

I also think that we should get another copy of this

draft governance document, updated based on this, for the next agenda. So if those two items could come back to us.

We've made some motions which are binding to us now, but I think if we get a chance to look at those and make sure that we have a chance over the next month to be able to review those and come back and look at both of those items within that framework, I would so move.

**Mr. Speaker:** Just before we get to that... Ben, you had a comment, and Shane has a comment, I think.

**B. Stewart:** I think that in the spirit of trying to craft this document, which is really the first attempt at writing something that has been previously handled somewhat by convention and also by the legislation that exists around LAMC.... I think that an understanding about the operational versus functional parts needs to be determined. In this case, in terms of the relationship that already exists between the Speaker's and the Clerk's office and this committee, I'm a bit concerned about where John's comments about the accountability....

I think that this is more the equivalency of a board of directors that gives the chairman the ability or the delegated authority to do some of these things. Otherwise, we're going to be meeting about things. I mean, it's fine to come to the committee, but I still think that the relationship between the Speaker and the Legislative Assembly.... Its operations have to be able to function without being hamstrung by....

I think that the Clerk is the CEO, as he described, and I think that it's important that the accountability of the Clerk to the committee is important. That's what we should be trying to describe, and what areas of authority that the Clerk has and also the committee, so that functionally on a day-to-day basis the Speaker can make certain that the Clerk is accountable in dealing with the things that we have put into that accountability and responsibility document.

**S. Simpson:** I'll make a reference to that and then deal with the other issue I had. I think here we're dealing with a unique group of employees — the permanent officers. They're appointed by the Legislature. They are officers of the Legislature. They're not employees in any traditional sense.

We as the members of the Legislative Assembly Management Committee have a responsibility in relation to that. Clearly, the Speaker is going to deal with day-to-day matters, or through the Clerk is going to deal with that. But I think the point — and it's a point that I would agree with — ultimately.... And you hope you never have to deal with this, but if somebody has to deal with those matters, at some point it comes back, and the accountability rests here.

I think, as Rich says.... I'm sure Rich isn't interested

in the minutiae of what ADMs and people who work for him do, but at the end of the day, he calls his deputy or his ADMs in, and they're accountable to him. He's not doing their jobs, but he's holding them accountable.

At the end of the day, we need to have the ability to do that. Certainly, not to do their jobs; none of us want to do their jobs or spend the time doing it. So I think it is a unique relationship with the permanent officers appointed by the Legislature. I would hope we would reflect that here.

[1050]

It would be worthwhile. I think the conversation we're having here.... I know there are a number of references to where this may be legislative.

I would agree with Gordie, though. I think that if we could ask that Craig and Kate, or whatever, take a look at the conversation and make a determination about what things we're talking about here are legislative.

Then I think that Rich is quite right. There's probably not a reason why we can't reconvene during UBCM week — if we're all going to be here, regardless, for a period of time — and then just go through those and sign off on that. Then that affords Rich the opportunity to put the wheels in motion that have to be put in motion to get any legislative changes at least considered.

**C. James (Clerk of the House):** If I could just offer one comment, which I hope is not overly provocative. Despite everything that's been said here this morning, I do agree with John Horgan in relation to the management of employees, and I hope to hold myself up as an example of an exemplary Clerk of the Legislative Assembly who is fully and totally accountable, not only to this committee but to all members of the Legislative Assembly, and in the proper and prudent financial carriage of Vote 1 to the public.

**G. Hogg:** I agree with both Ben and Shane in that, but I just think we need to have the protocol for doing that. Reporting here with a formal delegation from LAMC to the Speaker to be able to do the management portion of that, I think, establishes both of those things. It establishes the accountability here but delegated authority for the operation of the institutions to the Speaker.

**J. Horgan:** I agree with what Gord's just put on the table. My concern about explicitly not having jurisdiction currently is that it compromises my ability as a member of the board to raise issues. In a less friendly and convivial gathering than the one we're having today, we may well have some disagreements along the way, and I don't want to be compromised — or whoever replaces me in the future.

I've said recently that we're just passing through here and it's the institution and the people that are here permanently or on a regular basis that we need to be conscious of. If we're the board of directors and we are re-

stricted from inquiry because of jurisdiction, we should change that. That's my concern.

I don't want to manage paper clips. I want to make sure that I have the ability if there is incompetence demonstrated or malfeasance that I have an obligation and a responsibility to follow up on — that I can. That's what I'm trying to do.

**G. Hogg:** Question on the motion.

Motion approved.

**Mr. Speaker:** Any other comments or questions on item 3?

**S. Simpson:** Now, just so I'm clear on the motion, what we've done is.... The comments that have gone today — Craig and Kate are taking those back. They're going to look at the document based on that, look at the need for legislative amendment — if that's required to do what we've talked about here.

We're going to come back and meet in September, hopefully, and then deal with those changes and, if there are legislative obligations, pass those on and deal with whatever adoption we have to make around that at this committee, which allows the Government House Leader to take that forward.

**G. Hogg:** Plus a redo of the draft governance.

**S. Simpson:** Yeah, a new document that deals with these questions.

**Mr. Speaker:** Okay. Everybody's comfortable with that?

Moving on to.... Well, it'll be item 4.

### **Legislative Assembly Financial Records Audits: Implementation Progress Report**

**C. James (Clerk of the House):** Right. Now, if members could just be patient with me for a few minutes, I would like to recount a series of events which have occurred since my arrival last September. In fact, early August last year the Auditor General called me on a personal matter, and we met. During that meeting I did ask him about his work with the Legislative Assembly, anticipating my arrival on September 1 as Clerk of the House.

We did discuss it to the extent the Auditor General was able to reveal any detailed information about his work on the Legislative Assembly, but I was concerned sufficiently enough that upon my arrival the first week in September I did have a conversation with the Speaker about initiatives that I had in mind in order to return the Legislative Assembly to a proper financial footing and, as

well, embarked upon the retaining of Arn van Iersel, who was available to assist me with an organizational review.

Members have a copy of the organizational review — this document here — which was circulated at the last committee meeting of the Legislative Assembly Management Committee.

[1055]

It was a high-level review and not an audit, but it was very helpful to me to understand more intricately and with more detail, I suppose, how this place was organized and was functioning.

Over the course of the autumn I also undertook a very fulsome budget review for Vote 1. I'm a little concerned or was a bit surprised this morning to learn that the opposition had not received the information. I will certainly make sure that in the future they are in receipt of a very fulsome budget submission, which was ably assisted by Arn van Iersel and others over the course of the autumn and presented to the Speaker.

My understanding was that it should have been disseminated to all members of the Legislative Assembly Management Committee. If it hasn't, it will be in the future. I am quite happy to share a copy of that report with anybody, including the public, this morning as well.

Throughout the autumn the Auditor General had contacted my office. I had met with the Auditor General and his staff, particularly Malcolm Gaston, over the course of the autumn and the winter numerous times on the various number of issues that they were raising in relation to the management, certainly the fiscal management, of the Legislative Assembly.

We worked our way through a number of different issues over the course of time, but in the autumn I understood from the Auditor General that he was going to be or had an interest in auditing constituency offices. I again had Arn van Iersel undertake a review of constituency offices — not an audit but a high-level review of the constituency offices in the Legislature. He did undertake to do so.

He provided this document, which was again circulated at the last committee meeting. It laid out a few concerns that he had in relation to the operation of constituency offices.

Going much further ahead — and his comment in his most current report about auditing constituency offices — I have prepared a checklist, a document which lists some of the issues that members and their staff in their constituency offices should address and be comfortable with prior to the Auditor General announcing any arrival in their office in relation to auditing constituency offices.

That document has been sent to members of the Legislative Assembly Management Committee, and it is in their hands in relation to whether they wish to circulate that to members of their own caucus.

The review of the constituency offices was undertaken and completed in a quick amount of time. We did a cross-

jurisdictional survey across the country and in Australia and the United Kingdom in relation to other members' expenses, constituency offices and so on, and it was quite revealing. The results of that were also publicly available, and those that don't have it are welcome to contact my office to obtain a copy.

One of the issues that the Auditor General has raised is the question of internal audit. Back in the fall I decided that it would be important to embark upon an internal audit and risk management program, which again resulted in discussions with Deloitte in Vancouver, who were willing and able to enter into a contract that would prepare a program on internal audit and risk management for the Legislative Assembly of British Columbia.

Currently Bob Faulkner, myself and Arn van Iersel and Jeff Erdman of Deloitte and an assistant that he has in his office have been feverishly working toward a document that would demonstrate and instil in the Legislative Assembly our own internal audit regime. Bob Faulkner can speak more about the technical requirements and necessity of an internal audit function but also to identify the many risks that are facing the Legislative Assembly as it properly manages itself and deals with its budget estimates.

Those are some of the initiatives that I had undertaken over the course of time. Of course, one of them was to address early on some of the issues contained in the numerous management letters and draft reports that had been sent to me by the Auditor General.

I had prepared a document which listed the issues and whether we agreed with them. By and large, 98 per cent of the recommendations to date have been agreed to. Certainly, all of the recommendations in the latest Auditor General's annual report have been agreed to, and we're feverishly working toward ensuring that all of the recommendations are implemented in a very timely and thoughtful and accurate manner to satisfy the Legislative Assembly.

[1100]

I have made it clear to everybody, including the Auditor General, that I will not have my name attached to a bad audit. That is the point upon which I am operating as the Clerk of the Legislative Assembly. I hope that when the Auditor General again audits this place, he will see that every recommendation that he has been making over the years — going back to and including the 2007 report of Arn van Iersel, when he was the Auditor General — is fully implemented satisfactorily to the Auditor General.

In connection with that, we have a number of other items which have to be addressed as well, and that's capital. That's why Gary Lenz is here this morning — in case there are questions concerning capital projects. It's a huge area in this Legislative Assembly, and it's a very difficult area to manage, simply because the building is, in some areas, crumbling. It is remedial in nature. It is expensive to fix.

It would be very helpful to have the input and advice from this committee in relation to the priorities attached to rehabilitating the building, which is necessary, and other projects which go on within the building, on the outside of the building and, certainly, on the grounds itself. So those are some of the areas that we've been trying to address.

Early in the autumn I also launched a review of our emergency preparedness and disaster recovery response within the Legislature. Gary Lenz, the Sergeant-at-Arms, and I and the Speaker have been working very closely to prepare a document. We are in close contact with legislatures up and down the coast, throughout Australia, in particular Melbourne, where there are floods; Brisbane, where there are fires; and of course in New Zealand — Wellington and Christchurch — where there earthquakes.

As a consequence, we're putting together what we hope to be a very exhaustive and authoritative document and plan for all employees of this place, including, as I understand it, a person in Vancouver who has developed an app for your smartphones so that if there is a problem — whether it's security-related, whether it's an earthquake or whether there is some other event that occurs on or near this place — all anybody has to do is have a look at their phone, and in an instant we will know where they are, and they will know what to do and how to go about doing it.

In the meantime, the Sergeant-at-Arms has prepared.... You may see a little Sea-Can that's across the street — very nondescript. In it consists a vast array of emergency equipment, supplies and other materials that would help in the event that this place does crumble as a result of an earthquake. Those are some of the other initiatives, over the course of time, that I've been involved with and have spearheaded.

With us this morning — everybody knows, of course — is Bob Faulkner. Bob Faulkner has been seconded from the Office of the Auditor General. John Doyle, Stuart Newton, the comptroller general, myself and Kate Ryan-Lloyd conducted an interview with Bob. Bob was very interested in coming to us. He is here for up to six months to help us move forward in a very expeditious manner and in a manner that is pleasing to the Office of the Auditor General, in particular the Auditor General, to the extent that we're able to.

Behind Bob, as well, is Gary. Gary is here, as I mentioned, because of his intimate involvement with capital projects.

Of course, Kate, being the Deputy Clerk and Clerk of Committees, is an enormous resource and great help in terms of not only the parliamentary committees, which have never seen such a level of activity at this stage in a parliament, but also with her managerial, financial and computer skills relating to the work that the committee is undertaking.

For those of you who have found our webpage on the

Internet, you will notice today that the audio portion is being broadcast on television internally, and the audio portion is being webcast on the Internet for those who have an interest in hearing from it.

Now, in getting to the report.... There are two public reports. The first report in question is Arn van Iersel's report labelled *Special Audit Report to the Speaker: The Financial Framework Supporting the Legislative Assembly*, April 2007. Arn does conclude with several recommendations. He does also refer to his view that things were not bad, materially sound, in relation to the financial operation of the Legislative Assembly, which at that time, in 2007, was very helpful.

[1105]

If you would like to have copies of this report, you can get it on the Internet. We do have other copies here, as well, for distribution. Some of this material is listed as well in the spreadsheet, which is under tab 3.

I ask you if you could turn now to tab 3, and we can quickly wander through the various recommendations that have been made over the course of the last number of years.

If you can indulge me for a moment in relation to a description of all of this, this spreadsheet was sent to you over the course of the weekend, and it does parallel the recommendations that are contained in both reports but primarily the July 2012 report of the Auditor General.

The first significant report of the Auditor General was the recommendation at the back of his report, on page 7 of the report in question, and it is simply to "take steps to immediately address the numerous and pervasive deficiencies reported in my audit of the Legislative Assembly's financial records for the years ending March 31, 2009, 2010 and 2011, and in my office's 2007 special audit report to the Speaker," which is the one I've just referred to.

The status as of August 12 is that "significant progress has been made on the OAG-identified deficiencies and recommendations. The next steps are for the executive financial officer" — Bob — "to deal with remaining accounting items in implementation of LAMC decisions, and LAMC to meet to make decisions on these key recommendations."

The timeline is that we expect to have this all in place well before July 2013. The responsibility is the executive financial officer for accounting items and LAMC for the policy items and those that have been assigned either to myself or to the EFO.

I can go through this template if members want, or if you wish to talk separately about any of these items or to just take them back and review them, that's fine. But I'm quite happy to continue if that's the wish of the committee.

**Mr. Speaker:** Do you want Craig to go through these items so everybody...?

**G. Hogg:** Is every recommendation that has come forward out of the Auditor General reflected in this spreadsheet?

**C. James (Clerk of the House):** Yes.

**G. Hogg:** In terms of the assignment of Bob Faulkner, are we assuming that Bob's review on this and Bob's sign-off on this constitute delegated approval from the Auditor General, or will it go back to the Auditor General as well for a sign-off?

**C. James (Clerk of the House):** Well, no. The process is this. Bob Faulkner is here as the executive financial officer to oversee the implementation of these recommendations and to report back to the Legislative Assembly Management Committee on the status at each and every meeting that the Legislative Assembly Management Committee has.

So at the end of September there will be another progress report. There will also be a financial report based on the quarterly financial statements that have been published. So this is an internal working document in relation to all of this.

Now, you need to know as well that any material that we're preparing or that I'm preparing, I am sharing with the Auditor General so that he can actually see the progress that is being made. If he is not satisfied with that progress, I want to hear from him so that we can expedite our correct measures.

**G. Hogg:** So the intent is to have the Auditor General come to a subsequent meeting and be able to comment on the progress that we make?

**C. James (Clerk of the House):** That's right. The Auditor General, as I understand it, will be back in the office the first week in September. I think the final week of September would be an opportune time for him to appear, and he's very eager to do so.

**G. Hogg:** Sorry, one other question. I noticed the significant progress, majority of accounting adjustments, transactions referred to. It's softer wording than I'm used to in terms of setting goals and expectations around that. I'm certainly not an expert in terms of the financial records, but those seem like soft words in terms of the progress that's being made. Maybe you can look at and see whether or not those can be made a little more rigorous in terms of being more specific, in terms of what has been accomplished and what has not.

Then my expectation is that I don't have a need to go through these in detail, but I'm happy to have that come back to us at a meeting where we have the Auditor General present and allow him to look at and ask some specific questions that we might have as well to reflect

the action statement.

**Mr. Speaker:** Shane, you have a comment.

**S. Simpson:** Just to follow up on Gordie's comment, I don't think we need to go line by line through this. I look forward, though, to your working and your consultation with the Auditor General.

[1110]

If when Mr. Doyle is going to be here sometime around the end of September, for him then to tell us that he's satisfied and happy with this approach and where we're going or any advice that he can provide us at that time.... You and Bob will be that much farther along in the work that you're doing. It might be a time to have a more detailed conversation when Mr. Doyle's here, and he can say, "Here are my thoughts about this," whatever those might be.

**C. James (Clerk of the House):** In the meantime, if members then do have questions or comments or suggestions about this, if they could direct them to Bob Faulkner, that would be very helpful.

**Hon. R. Coleman:** The only thing I would like to understand before Mr. Doyle comes is the chronology of when certain things were started after the 2007 report, whether they were advised during the last audit of any progress that had been taking place because when I read the two reports, one would assume that nothing has been done between 2007 and 2012. Yet when I read the information, a lot of things were done between 2007 and 2012 and weren't reflected in the latest Auditor General's report.

I would assume that there must have been conversations saying this is where we're at with different items with regards to this during the conversation leading up to the latest Auditor General's report.

It would help me if I had a chronology of when these things were sort of started, what the progress was going into this audit or through this audit, if there was any conversation with regards to any progress that was already being made.

When he's here, then I can maybe try and connect the dots as to why something wasn't in the report that could have been or why the information wasn't maybe reflected the same way as I would understand from the material I've read. I wouldn't mind knowing a chronology on it.

**C. James (Clerk of the House):** Well, there is a chronology, and it is a document which is confidential. It's an internal working document only for the members of the Legislative Assembly Management Committee. It is an extensive, 29-page spreadsheet which lists all of the recommendations and issues the Auditor General has raised since 2007.

**Hon. R. Coleman:** So if I could have that.... It may already have been downloaded and I'm just having some difficulties syncing one of my devices. I may already have it. But if I don't have it, then if I could get that, that would be great.

**Mr. Speaker:** I think the only reason that we did the spreadsheet today was to make sure that not only the members know but that the general public could realize where we're at today versus where we were at six months ago or eight months ago or a year ago or two years ago. I think the whole idea of the spreadsheet was to show the fact that we had moved down through the segments, that this has been an ongoing procedure for the last 12 months.

**Hon. R. Coleman:** Yes, but I just think it's helpful, Mr. Chair, that when he comes to the next meeting, I have that information in front of me so I can have the conversation around the latest report and where we should go from here.

**Mr. Speaker:** Okay.

**B. Stewart:** Just further to what Gordie Hogg just mentioned, I think the definition.... This is the Clerk's office or this side of its interpretation — significant progress, the majority. I think we also want to know how that is seen from the Auditor General's point of view so that we have balance in terms of that. It's not a very easy definition. "Significant" is kind of relatively general.

**Mr. Speaker:** Any other comments? Questions?

**C. James (Clerk of the House):** If I could raise another issue, another initiative which I undertook just prior to the last meeting of the Legislative Assembly Management Committee. That was the establishment of a Legislative Assembly Management Committee working group which consists of myself, Kate Ryan-Lloyd, Gary Lenz, Arn van Iersel and a person by the name of Jennifer Smith, who's a former chief financial officer, I believe, with the Ministry of Transportation and Highways. I'm not entirely certain.

The purpose of this working group, which now includes Bob Faulkner, is to review all of these issues and comments by the Auditor General — review our internal practices to ensure that despite any comment or observation by the Auditor General, they are proper and would stand the test of any kind of audit.

What I'm recommending to the committee this morning is that because many of these issues that we're dealing with include members, I would hope that we could change the name to the audit working group and that the caucus chairs would be willing to serve on this working group.

Interjection.

**C. James (Clerk of the House):** I should let you know that you can join by telephone. It's better if you're in person. We meet every Thursday morning.

[1115]

It may not be necessary for you to actually be physically present or by phone every Thursday, but certainly when there are significant issues affecting members, whether they be parliamentary offices or constituency offices or any other matter, that we draw on your advice and expertise in terms of guiding. A report then could be brought back to the Legislative Assembly Management Committee.

So if you're happy with that, I would very much encourage you to be able to participate in one form or another — or your designates.

**Mr. Speaker:** Any problems with that with the two caucus chairs?

**S. Simpson:** I guess that's what's going to happen.

**Mr. Speaker:** You heard the train coming.

**S. Simpson:** Yeah, and obviously, there are some timing challenges around that, but as a rule, I think it's a good idea.

**G. Hogg:** So you'll advise us of the times of the meetings and how we can call in to those?

**C. James (Clerk of the House):** Yes. And there will be an agenda as well, and there will be notes. I'm quite happy to supply the committee with our....

**G. Hogg:** Every Thursday?

**C. James (Clerk of the House):** Every Thursday morning.

**G. Hogg:** At what time?

**C. James (Clerk of the House):** Generally, ten o'clock. This Friday it's at eight because of....

**J. Horgan:** Because it's not Thursday at ten o'clock. [Laughter.]

**C. James (Clerk of the House):** That's right. Anyways, we'll supply you with our notes and other material.

**G. Hogg:** This is really coming together well.

**C. James (Clerk of the House):** Yeah. That's right.

**Mr. Speaker:** Does anybody have any questions on the spreadsheet that was passed out?

Hearing none, we'll move on to the annual report of the Legislative Assembly Management Committee. I use the word "annual" loosely.

**Legislative Assembly Management  
Committee: Annual Report, 2009-2011**

**J. Horgan:** Do we have a couple of them here? How many are we doing? Just one?

**K. Ryan-Lloyd (Deputy Clerk):** Yes.

**J. Horgan:** For three years?

**K. Ryan-Lloyd (Deputy Clerk):** Under tab 5.

The members of the committee have seen, I think, previously a draft version of this annual report which compiles the minutes and decisions of these meetings since 2009. It is prepared and is included under tab 5 in your binders this morning for your final review. If there are no amendments or revisions that you would like to see to that document this morning, upon your motion to approve the annual report, it could be released as a public document.

Like all parliamentary committee reports, it would be presented to the Legislature when the House next sits, but by way of deposit with the Office of the Clerk, a formality this morning, it could be released forthwith.

The style of the report compiles all of the decisions of the committee by subject and also provides a chronological summary of minutes that have been previously approved by the committee at meetings throughout that time period, 2009 through 2011.

I'd be happy to answer any questions you might have about the draft annual report.

**Mr. Speaker:** Any questions or comments?

**G. Hogg:** Well, having just seen it, it's difficult to approve it. I think that we can receive it.

**Mr. Speaker:** Did you want to wait till the next meeting?

**G. Hogg:** I would move that it would be received, and we can look at it and provide comments at the next meeting. It doesn't have to be deposited.

**K. Ryan-Lloyd (Deputy Clerk):** The members did receive a copy of this at the last meeting in July, but I know it was a fulsome agenda, so I'd be happy to ensure that....

**Hon. R. Coleman:** I think we just need time to look at it.

**K. Ryan-Lloyd (Deputy Clerk):** Absolutely. Then, perhaps even informally, members could advise the Speaker and the Clerk of their approval of the document or any changes, and then we could release it at the earliest opportunity in the weeks ahead.

**G. Hogg:** So does it have to be released? Is it problematic to wait till the end of September, when we have the next formal meeting?

**K. Ryan-Lloyd (Deputy Clerk):** No. Certainly, whatever the committee....

**G. Hogg:** Are there any things in it which are big changes or contentious? Anything that you want to highlight for us to look at specifically?

**J. Horgan:** Define "contentious."

**G. Hogg:** Interesting, then. Interesting.

**Mr. Speaker:** It's in the eyes of the reader.

**J. Horgan:** I do recall reviewing this document at the last meeting, and there were some errors of dates and so on that appear to be corrected.

I know that in the future, by resolution, we will be issuing an annual report, so it won't have to be a compilation of greatest hits, which is what we've got here. It makes it more difficult to follow, because I don't believe that any of the members currently, save the Chair, were on this committee in 2010 or 2009. So, I mean, I do believe that I'd like to go back and check with the opposition members of the committee at the time these decisions were made, just to confirm.

But I see that the typographical errors and the dates have been cleaned up, and I would support Gordie's view that let's dispatch this as quickly as possible and, perhaps, if all members could get back to the Speaker or the Clerk as soon as is practical and have this issued to other members of the Legislature as quickly as possible.

**Mr. Speaker:** So it will come back at the next meeting, so all members understand it.

[1120]

**J. Horgan:** I'm wondering if we can do it before that. I mean, we've got the document. This is our second go-round at this. Two members were on the phone, so they wouldn't have seen it, but now we've got it. Let's go through it. It's 26 pages. I would suggest that with a verbal confirmation that the material is as accurate as we can make it — being new members — we get it to other members of the Legislature as quickly as possible.

**Mr. Speaker:** Okay. When I get that, we can release it.

**S. Simpson:** If there's nothing problematic, if nobody finds a big flag that we need to talk about further, there's no reason why it shouldn't be able to be released.

**C. James (Clerk of the House):** This also raises the issue of the committee's website, which was a discussion at the last meeting of the Legislative Assembly Management Committee. This morning we did have included on the parliamentary committees site, Legislative Assembly Management Committee. Clicking on that, you will come up with the same kinds of information that other parliamentary committees would have — terms of reference, the legislation, annual reports.

Perhaps members could advise me, in particular, as to when agendas for these meetings would be released so they would be publicly available. The meeting dates would be available and, of course, by clicking on it, in terms of the actual meeting of this committee, the access to the audio portion on the web.

Kate is very willing to speak to that matter as well. If you have any changes to the website that you see would be useful, or material that should be put on it, it would be helpful to know that. We'll place it on there.

**J. Horgan:** I immediately got anxious because I think we have the worst website on the interwebs. The assembly needs to modernize it and make it more user-friendly. There's a dense amount of material. When it was suggested that we had discussed the website, I would have remembered that. If it's just to put a LAMC link, then that's fine with me. But in the future I would.... Not to micromanage too much, but I think we can do a better job of this in 2012 so that the public doesn't lose interest after a few minutes of frustration and then move on.

I've been trying to access it for seven years as a member, and I have difficulty sometimes. Infrequent visitors would not find this a user-friendly site.

**S. Simpson:** There could be other factors involved in that.

**C. James (Clerk of the House):** I sympathize with you, John. In fact, I've asked Kate to have a look at the website with a view to bringing in changes, which I think this committee would be interested in hearing about before anything is done.

**K. Ryan-Lloyd (Deputy Clerk):** May I just, for the clarification of the committee, confirm that the intention of the changes to the website, which have gone live this morning in support of this public meeting of the Legislative Assembly Management Committee, were based on the direction that we received at the former meeting to align the support services and information about this committee with other select standing committees.

There is, however, one exception, which I'll just draw your attention to, on the final page of the handout that I've just distributed. There's a proposal there in due course that members' expenses would be provided on a quarterly basis, as previously agreed by the committee, on this portion of the website, which already includes a summary of indemnities and allowances and other information about salaries and pensions.

This final page is not yet complete because, of course, the committee has not yet had an opportunity to approve the publication of those expenses in its final form. I only attached it here as an illustration of what that page will look like. This last page does not yet exist because the information has not yet been completely prepared for your review.

**Mr. Speaker:** Carrying on, 6, disclosure of MLA expense information.

#### MLA Expense Information Disclosure

**C. James (Clerk of the House):** In your binder are several tabs that relate to, as I mentioned earlier, the current practice and system of disclosing MLA expenses. I'm not going to lead you through page by page. It is there as reference in case you get asked. But I do also include with it another document, which is a letter from Elizabeth Denham relating to the issue of constituency office assistants, and in particular.... The issue is one that surrounds, certainly, privacy — the privacy of individual constituency assistants, who the CRA has classified as employees of the member.

[1125]

Members are independent contractors. As a consequence, releasing information, it has been thought, would breach their privacy. So the Speaker and I are going to be arranging to meet with Elizabeth Denham and work through this matter, but also with the Auditor General in terms of following the public funds.

This is an issue that we're approaching with some caution but certainly an issue which is foremost on everyone's minds in terms of being able to disclose the public funds that have been sent to constituency offices.

The letter under tab 10 is for your information. You can read it at your leisure, and if you have any questions about it or wish to participate in this matter, certainly the audit working group, consisting now of the caucus Chairs, would be able.... This is one of those issues which I think would be very helpful to seek their advice upon in relation to this particular matter.

Now, the current status of public disclosure. I just want to read this for the record, because it's very important.

"A general theme throughout the Auditor General's report is public disclosure through publishing a full set of financial statements for the Legislative Assembly. Further recommendations include publishing details of payments made to MLAs, including transitional payments to former MLAs, and more detail on how

constituency office allowances are spent.

"The expectation for following the recommendation was that the financial statements and supporting schedules of detailed information would be published on the Legislative Assembly website. Government ministries do not publish individual financial statements but do publish annual service plans and report against the prior year's service plan, including actual spending against budget.

"The public accounts are the full financial statements for government and report at a summary-level basis the operating results of all ministries and offices of the Legislature, including the Legislative Assembly's Vote 1.

"The only jurisdiction at this time which publishes its own full financial statements for their Legislative Assembly is Newfoundland and Labrador. The annual report of the House of Assembly Management Commission includes audited financial statements and schedules disclosing payments to MLAs similar to that in B.C.'s public accounts. In addition, spending by category of expense is provided for each constituency office along with details of any exceptional authorizations made by the Speaker, such as late expense claims or unusual travel costs.

"In contrast, as another example, Alberta publishes summary-level financial information quarterly but has a detailed schedule of payments and reimbursements for each MLA, including additional salary and travel payments for MLAs serving on the executive council or participating on standing committees. The B.C. MLA remuneration schedules are less detailed than those for Alberta MLAs.

"The Public Sector Accounting Board, which oversees public sector accounting and reporting in Canada, does not require the legislative assemblies in this country nor ministries of the Canadian or provincial governments to individually report financial results. The consolidated public accounts of the government is the norm.

"There are, however, separate financial statements for Crown corporations and other organizations. The Office of the Auditor General in British Columbia also publishes audited financial statements for itself as part of its accountability reporting.

"The required content of the public accounts is specified in section 9 of the Budget Transparency and Accountability Act.

"Attached in your binder are schedules from the public accounts for the year ended March 31, 2012, and its supporting schedules, which are available on the Ministry of Finance's public website. These show the information currently available to the public about the Legislative Assembly's Vote 1 and payments to and expenses of MLAs, MLAs on executive council, Legislative Assembly staff and suppliers.

"It is important to note that constituency assistants are considered as employees of MLAs, and their remuneration and benefits are considered private information. Hence, the issue with Elizabeth Denham and the involvement of the Auditor General on this matter."

**Mr. Speaker:** Have you got any further comments on this section?

**C. James (Clerk of the House):** No.

**Mr. Speaker:** Any other comments by members?

**J. Horgan:** Well, I'm sitting with Bob Faulkner, who is a longtime employee of the Auditor General's office and now is our executive financial officer.

[1130]

Again, I've been a member for seven-plus years, I've been following government for a quarter of a century, and I have difficulty finding Vote 1 information in the

public accounts. I passed a document to staff and said: "Show me in this document where I can find that information." It's not an easy thing to do.

So we may be meeting the spirit and intent, but we're not disclosing and as transparent as we can possibly be.

I know that on an annual basis all members' remuneration — travel, capital city allowance information — is disclosed. What the public has been saying is that they want more disclosure, and we have agreed as a committee that on a quarterly basis we will do so.

My concern is uniformity of reporting, and I thought that.... Are we going to get to that section today — how we can uniformly report, what the criteria are going to be? Are we going to use the existing expense claim? Many of my colleagues have suggested that if we have to sign an expense claim.... Rich goes on line. As a minister, it's easier for him to do. He's got more complications, different cards for different activities. You're a minister for one activity; you're an MLA for another. But by and large, we need.... I believe what has bedevilled us in the past is no uniformity of reporting.

I thought that this agenda item was going to deal with how we will be reporting at the next meeting, our first of the many quarterly meetings that will follow. How are we going to disclose in as transparent and open way as possible?

**C. James (Clerk of the House):** Right. Well, I agree with you, John, and the issue that's confronting us, of course, is the recent arrival of Bob Faulkner. One of his media tasks will be, No. 1, to deal with the implementation of the various recommendations. The other one will be to deal very specifically with your question as expeditiously as possible, so that if the committee does meet by the end of September, the agreement by members that expenses in the form that's suitable to them and is acceptable to the Auditor General will be up and running on the committee's website in early October — which was an original plan.

Bob will be working feverishly on this matter, and over the course of the next week or two we will be sending you information as to the progress of that and seeking your input in terms of that, as well, while at the same time ensuring that the Auditor General is pleased with the direction that we're taking.

**Hon. R. Coleman:** Yeah, and I know we've had a chat about this before. There are a couple of things. First of all, the expenses of MLAs are dramatically different depending on the size of riding and geography and those sorts of things. So that's really going to have to be clear, with the urban riding versus the rural riding versus rural-remote, which is.... You know, some of these guys have got more land that they cover than the size of England and Ireland together sort of thing. So they have some challenges.

I agree with John. There has to be some uniformity here so that people.... And I don't have any problem — that we should just.... If you submit an expense claim, it's approved. It just goes on line. If we can get to scanning that, that makes it a whole lot easier by category for members.

The second challenge, of course, is we all feel like we would like to also provide some financial information on the operation of our constituency offices. I know I have ledgers going back 16 years — handwritten ledgers. There is not a whole lot of money that goes through the account. There are only four or five categories, so you could have a standardized format that says, "This is advertising and promotion; this is expenses relative to office expenses," and that sort of thing.

The challenge is that we don't have that uniformity. So if we had 85 constituency offices all report their financial activities and they're not putting them into the same or similar categories, there's going to be a lot of confusion for the public and other people relative to what the expenditures are.

I think we need to have, Bob, if possible, a chart of accounts that is standardized for constituency offices, so that we can have that chart of accounts. It's pretty easy to take the ledger — I mean, I do it all the time: go back and balance my ledger, look at what my staff are doing — to really produce an annual statement, which is effectively, probably somewhere around \$40,000 to \$50,000 in expenditures, which is what's left over depending on how much people are paying their staff.

The challenge that we face.... I think we'll just try and deal with the Elizabeth Denham issue now, if possible. I'd like us to also get an opinion on that letter. The letter basically states that because we have three or less employees, by telling somebody what all our other costs are we are breaching some confidentiality relative to the employment of those employees because somebody can now figure out what they're making and what their benefits and packages are.

[1135]

I don't know why that's a problem, and I haven't had a chance to talk, obviously, to her. But I think we do need to have a clarification as to why that really is a problem.

I mean, I don't think my staff cares if somebody knows how much they're making. But if we're breaching some freedom-of-information-and-privacy thing, then it puts all the MLAs in a box — that box being that if you actually do the disclosure of your other expenses, you're breaching a letter from the Information and Privacy Commissioner. Somehow we have to get an opinion or a solution to this.

I would be happy tomorrow to list all of my charts of accounts going back for however many years people wanted it. There's just not that much activity there, and it's pretty simple to report, but I think it's important.

I think the other thing John was correct about — we've

talked about it — is standardization of expenses. The easiest way to do that is.... For instance, an MLA gets an in-constituency travel allowance depending on the size of the riding. They get that as part of their everyday operation. They get it sent to them quarterly, I believe. For those that are rural and remote, in addition to that cost, because they're remote, they get another amount that is receiptable. That has to be done, you know, for the additional travel. That should be able to be put into the same standardized reporting-of-expenses side.

It should be pretty easy to get there. My only concern is.... We have this advice from the Information and Privacy Commissioner. How do we get to where we want to get to? The ultimate thing is: "Here it is. If you want to look at what John Horgan or Rich Coleman had spent in their constituency office in the last year, click here. It's there." It may be that we have to get to where we disclose what we're paying our staff — which I have absolutely no problem with either.

I think that's the challenge. Of course, the nuance here is who the employer is — right? I think that's where we run into the freedom-of-information-and-privacy piece. This has to be imminently solvable. John and I've talked about it. We're going to have to go back to the commissioner and say: "How can we solve this?"

We're not talking about the fact that somebody sends a constituency office half a million dollars to operate on. They get \$119,000 a year to operate an office and pay their staff. Your biggest expense is your staff and their benefits. Then there are some costs, which are costs relative to running any particular office. There's not a lot of flesh there for anybody, so it should be pretty simple to do, and we just need to somehow get some clarification from Elizabeth Denham as to how we could possibly get there on that piece, because I'd like to get there as soon as possible.

**Mr. Speaker:** I think there was a means of possibly doing it, but you'd have to do it in bulk. Individually, there's still that concern. I think the concern lies with the fact that it's the individual contractor. As members, you are individual contractors, and it's a totally different category that you're faced with in law.

The problem would be.... For most of us to believe that our constituency assistants wouldn't do something is great. But the possibility of somebody deciding they wanted to take legal or court action for whatever reason — then we put in jeopardy every member. But the fact that if it is disclosed from that perspective....

But I think we are going to meet with Mr. Doyle and Elizabeth Denham to see if there's something that we can figure out to bring it together, to figure out a way that this might work. I'm sure that Bob will work on a chart so that everybody is actually categorizing the expenses the same, whether it's advertising, travel or whatever it might be.

Shane, you had a comment or a question?

**S. Simpson:** In regard to that — and I know it's different for Liberal members — we have a collective agreement with our constituency assistants. You can go pick that collective agreement up at the Labour Board anytime you want. It wouldn't be hard math to tell you exactly what everybody in our offices are making, because it's there in the agreement what they're paid on an hourly rate.

The question I might ask, maybe, of the Privacy Commissioner is: how does that differ in terms of disclosure? You know, pretty easy to figure out what our folks make, just by taking a look at that agreement.

**Hon. R. Coleman:** Right, and frankly, I think that's fair comment. But if you read the letter, if you have three or less employees, there are certain disclosure rules around it, with regards to it. When you read the letter, you go: "Okay. Well, how can we solve this?" This is a pretty minor issue to me. It should be able to be done.

Maybe it's as simple as having your staff agree for disclosure. Sign an agreement to disclosure from the employer. Say, "I have no difficulty in disclosing my salary," and it's done with. Maybe that's the easiest. I don't know. It's just that in her letter, you know....

[1140]

**S. Simpson:** I know the concerns she raises in the letter, for sure.

**Hon. R. Coleman:** It's just that she refers to the \$119,000. She's saying, "The proactive disclosure of MLAs' salaries, benefits, expenses and explanation of these categories on a quarterly basis will contribute significantly to the cause of increasing transparency," etc. "Promoting this initiative is providing leadership on that side." She goes back.

On the other side she said.... She was fairly clear. For some reason, I can't find it right now. Basically, she says.... Maybe you can give it to me, Craig. But to paraphrase it, if you have three or less employees and expose what they're paying, you're breaching privacy laws. To me....

**C. James (Clerk of the House):** And open to litigation. Yeah.

**Hon. R. Coleman:** Yeah. I know she says that too. So she's concerned about protecting adequately the personal information of employees. But, you know, they're working in a public office. So we have to find a way to either get them to sign a disclosure agreement or something that says we can go ahead and disclose, and away we go.

**C. James (Clerk of the House):** Just for the information of members, if they haven't fully leafed through tab 10, the second letter, dated September 23, 2011, has, on

the final page, a list of guidelines for disclosing MLA expense categories relating to all members' expenses, which might help the committee in determining how to proceed.

**G. Hogg:** I think our intent is to go back and get whatever information we can to make this as open and disclosed as possible. Consistent with that, and perhaps blending a little bit with the next agenda item around constituency assistants at dissolution, we have an understanding that we employ RCAs, yet the practices around that are somewhat tenuous.

Certainly, as I have become caucus chair and tried to look more and more into that, I find that there are a number of different practices that do take place, and we clearly could need some consistency around that.

One option in terms of addressing that might be: if they were employees of the Legislative Assembly, then they automatically become disclosed — whatever their salaries are — no matter who the direct employer is. If they work for the Legislative Assembly, all of that would be disclosed as an employee of the public service. The salaries become disclosed within that framework.

I would like us to look at a little more broad framework in terms of addressing that. Certainly, there are a number of inconsistencies that I would be happy to outline to you in terms of the way those are handled. I think there are ways that we can, perhaps, look more creatively at how we can start to disclose that more effectively.

For example, they're direct employees, we say, of the MLA, yet if they go off to work in the public service, they get credit for their time working for us. So that's a bit inconsistent. And their pension plan.... So there are all of those things which they're in or they're not in, but they're sort of partially in and partially out. Maybe we should be looking at ways that put them all in.

I know that the BCGEU.... There are negotiations going on now, so we can't go too much into that, in terms of what that might look like, publicly, but certainly, I think, there are some more creative ways that we could be looking at and addressing those issues at this point in time.

I would like to move that we refer those issues to the Clerk to come back with a report, whether it's legal advice or other advice, in terms of how we could standardize those practices and perhaps blend in the disclosure more effectively through that.

**Mr. Speaker:** Yeah, I think one of the big questions that members have raised with me is that by talking about doing something of this nature, it's more the consideration of who, in the end.... Are they a continuing employee? After you are unelected or if you decide to quit and retire or what it might be, are those employees still there in the office?

The consideration and worry that some members had was — and don't take it wrong, vice versa — if I happen

to win an NDP riding and I had an NDP constituency member that was running the office or vice versa.... I happen to be a Liberal member. Are those people guaranteed their position to continue on?

Maybe, Craig, we could look into finding out if there's a means, at the end of each term, that they would be gone and a member could rehire but still be under the guise of being a legislative employee.

[1145]

**G. Hogg:** The legal advice we have on that is that it doesn't stand up. You can't say that you're not working at the end of this session and then they continuously work through. The advice we've had is that that just doesn't stand up.

I can say, "Effective the next election, you're served notice that you're no longer employed," but they continue to be employed and they work again the next day. The legal advice we've had is that that's just playing with it, and that won't stand up. There's no court which would uphold that. That's what our legal counsel tells us.

**Mr. Speaker:** I think that's the big concern from members: the fact that they want the ability to make sure that they can hire the person for their office that, for whatever reason, they feel more comfortable with — if they're trustworthy or whatever — versus having somebody that has worked for somebody else and maybe doesn't work together. The members know the kinds of situations that we've got ourselves into already.

**G. Hogg:** And the inverse of the one you've described. If I'm defeated and a member of the opposition takes over and my CA is still there and has continuous, then if they're not part of a union contract but they're entitled to severance, does that accrue to you? So I think there are a number of questions that need to be clarified with respect to that.

**Mr. Speaker:** That certainly leads us into the next item, disposition of constituency assistants at dissolution.

Do you want to speak to that, Gordie?

**G. Hogg:** I think we have spoken to it. I think if we can just refer those issues to the Clerk to get a legal opinion consistent with the practices, too, that are taking place, and the influence that case law would have on a legal opinion as well....

**Mr. Speaker:** Okay. Number 7 we've done. We're onto quarterly financial reports.

**C. James (Clerk of the House):** Yes, and that was a topic I wanted to discuss, but I've already talked about the quarterly financial reports and tying the committee's quarterly meetings around the release of the quarterly

financial statements of government. Beyond that, John, did you want to raise the issue of the organization chart?

**J. Horgan:** I thought the Chair advised that discussion of the position of Clerk Consultant would be better done under other business, but if this is the time, then I'm quite happy to do that.

**Mr. Speaker:** I think we're at other business.

**C. James (Clerk of the House):** That's under tab 4.

#### **Clerk Consultant: Role and Function**

**J. Horgan:** Well, then I would like to ask a series of questions about the role and function of the Clerk Consultant. I'd like to know what the contractual relationship is between the Clerk Consultant and the Legislature, firstly.

**C. James (Clerk of the House):** Well, the Clerk Consultant was appointed by the Legislative Assembly on June 2, 2011, with the terms of reference that included a package that he previously had. You and I have had conversations about this, John. His salary is the same as it was before, as are his benefits and other conditions of his employment.

**J. Horgan:** Those conditions of employment are found where?

**C. James (Clerk of the House):** In the order of the House. His term is for a period of two years, and so it will end, basically, on August 31, 2013.

**J. Horgan:** In terms of benefits and compensation, I don't recall a benefits package being put before the Legislature. So who is monitoring that? Who wrote up those terms, and can the committee have a look at it?

**C. James (Clerk of the House):** Most certainly. The benefits are derived from the motion of the House in a letter from the Speaker to each of us — myself, Kate and George — laying out in detail the specific financial arrangements. But I can certainly supply that information in writing to the committee.

**K. Ryan-Lloyd (Deputy Clerk):** The letter which Craig describes is a relatively brief letter that I believe was circulated to members of this committee at your last meeting in July. We can certainly provide you with another copy of that.

**J. Horgan:** Thank you, but again, my concern is that we have an employee that has an undescribed job description that doesn't provide us with any understanding of

what the skills are with respect to the issues that are before us today, which is the financial management of the Legislative Assembly.

I know that the Clerk Consultant has legendary skills with respect to the operations of the Legislature, but we do, as you know, meet infrequently, and it strikes me that a \$250,000-a-year contribution to the Clerk Consultant is unnecessary if we're only meeting for a month, or two or three times a year.

[1150]

Our concern, I believe, as a committee, is how we get our financial house in order, and we brought Mr. Faulkner in to assist us in that regard. I'm not sure what role and function the Clerk Consultant played in the conclusion of the Auditor General's report, but I do know that he had a significant role in the lead-up to the release of that report. It would be interesting to know what skill set he brought to that discussion and, specifically, why that relationship is continuing on.

If we have an experienced Clerk and a Deputy Clerk, I don't know what the contribution is and why the public should be responsible for what will be, over the term of that contract, \$500,000.

**C. James (Clerk of the House):** Well, an order of the House is certainly a legally binding instrument. In the case of Mr. MacMinn, his term of employment for two years is legally binding. If the committee is interested in changing any of the terms and conditions of his employment, I could certainly discuss that with him, but I suspect that it would end up costing the Legislative Assembly a whole lot more than what's presently being made available to Mr. MacMinn.

**J. Horgan:** Again, as I understand it, the position was a motion of the Legislature that, you will recall, was not unanimously supported — unprecedented. I have a lot of difficulty at this point, a year on, being accountable for the management of the Legislature for the period in which I was not a member of the committee. The Clerk Consultant was the point person in those discussions. Yet where the accountability is for me is quite clear. It's with my electors.

Where the accountability is for the Clerk Consultant is not clear to me. Is there a reporting relationship? Does the Clerk Consultant report to the Speaker? Does he report to the Clerk? Do we pay him directly? Is he on a pension? Does he have a car allowance? Are his club fees paid for? None of that is public information. Everything that I do is now going to be public, and I have zero problems with that. In fact, I welcome it, as do other members of the Legislature.

The challenge for me is that we have a member of the Table that I don't believe is adding the value that he has in the past, and that's \$500,000 that we could use for other purposes. I feel strongly about that, and I would like to

move that the position of Clerk Consultant be eliminated from the Legislative Assembly.

**Mr. Speaker:** Rich, do you want to make a comment?

**Hon. R. Coleman:** Yeah, I do, on a couple of things. First of all, this dangerously slides into a personnel issue, which we discussed earlier with regard to some sort of confidentiality or in-camera discussion.

I don't have in front of me the legal agreements with regard to this. I do know that if you had a 55-year-serving employee, there would be some compensation with regard to their transition to retirement. This is a case. In this individual's case, he has been with the Legislature for 55 years, which is an incredible amount of time.

I'd want some advice, and I'd want to have a proper discussion about whether this motion would actually be binding or legal.

John, I think you and I discussed that we felt that maybe we should have a look at this position and take some time to do it properly. I'm happy to do that. I think we all probably are, and should. At the same time, we should have in front of us the questions you even put to yourself. What's the legal agreement? Obviously there's a motion of the Legislature. How does that affect how we'd be able to handle this if we want to take a review of this thing and look at the last year of it? Obviously there's a year to go in this two-year transition period.

I remember that the transition period was based on the precedent of the previous Clerk, which is exactly how it was done from the transition of the previous Clerk before. There was a two-year Clerk Consultant period of time. I'm happy to have the conversation and have a look at it with you or with the committee. I do think, though, that.... At this stage, I think the language in your motion puts us in a place.... I don't know that we can actually legally pass it and whether it should be a motion that we would, as a committee, review the position.

**S. Simpson:** Just something.... Dealing aside from the motion, it would be of some value, also, as to this conversation if it's going to be ongoing. I understand the Clerk Consultant gets put in place. Maybe there is some transition here. We're now a year into this. As was pointed out, we had an experienced Clerk who took over the responsibilities at the time.

[1155]

I'd be interested to know what the Clerk Consultant has done for the last year, what value they've added and what the intention is for what they plan to do for the next \$240,000. What's not at all clear here is what value has been added by that position. So I'd certainly, at a minimum, like to know what, in fact, this position has contributed.

**G. Hogg:** I think we are dangerously close to a personnel issue. If this is going to continue, I would move that

we go in camera to discuss it.

**C. James (Clerk of the House):** If I could just offer... I know it may not be information that's acceptable to members, but the role of this committee would not be one that it could undo a decision of the House. It would have to be done in the House.

Perhaps the House Leaders can discuss this among themselves. If John is interested in a written report on the details of the duties and the compensation, I would be very happy to provide that very quickly.

**G. Hogg:** Perhaps the House Leaders could discuss that and bring something back to us.

**J. Horgan:** I do not for a minute want to diminish the extraordinary contribution Mr. MacMinn has made to this Legislature, but when people retire in any other place in the world, they get a gold watch and they move away. They don't get a contract for two years.

I would love to have a report from the Clerk on the roles and responsibilities and the function and the compensation — right down to the car allowance and everything else — as soon as possible. I will agree with the Government House Leader that if the committee is agreeable, then a review of the position would be acceptable to me, and we can get on that and report back at the next meeting.

**G. Hogg:** Is that a motion?

**Mr. Speaker:** No, I think it's just a statement. Okay — by agreement.

**G. Hogg:** I assume that we have completed the formal agenda. I would like to move that we go in camera for two items — one that was referred to us with respect to a personnel issue and a second one with respect to negotiations.

Motion approved.

The committee continued in camera from 11:57 a.m. to 12:18 p.m.

[Mr. Speaker in the chair.]

### Committee Meeting Schedule

**C. James (Clerk of the House):** If I could just review the schedule of meetings, it would be helpful. I've heard

that the committee would meet the week of UBCM at the end of September, which is fine. We can also provide a financial report, a snapshot of where we are, but also a fiscal forecast, which hasn't been done for many, many years, if at all, which is very helpful for me.

If the committee could also think ahead beyond that into the next quarterly meeting, early December would be very, very good. Late November would be equally as good. At that time, it would tie in very well with my budget submission to the Legislative Assembly Management Committee, which then could be considered and approved so that it could be transmitted in a timely fashion to the Minister of Finance for inclusion in the budget estimates.

**Hon. R. Coleman:** They may even want that information by mid-December, so we should plan....

**S. Simpson:** So we should try to get to it by the end of November.

**J. Horgan:** Will we be inviting Mr. Doyle to come to our September meeting or subsequent meetings?

**C. James (Clerk of the House):** Yes. I'll contact the Auditor General on your behalf if that's....

**Hon. R. Coleman:** If he's available. Otherwise, it's got to be the next meeting after that.

**S. Simpson:** But try to get him for September.

**G. Hogg:** The Clerk's office will send out some tentative dates around that as well as the contacts for the 8 a.m. meeting on Thursday.

**K. Ryan-Lloyd (Deputy Clerk):** Friday.

**G. Hogg:** Friday?

**K. Ryan-Lloyd (Deputy Clerk):** Just this week.

**Mr. Speaker:** Hearing no further business, a motion to adjourn?

Motion approved.

The committee adjourned at 12:20 p.m.

## HANSARD PRODUCTION

Director  
Robert Sutherland

Post-Production Team Leader  
Christine Fedoruk

Editorial Team Leaders  
Laurel Bernard, Janet Brazier, Robyn Swanson

Technical Operations Officers  
Pamela Holmes, Emily Jacques, Dan Kerr

Indexers  
Shannon Ash, Julie McClung, Robin Rohrmoser

Researchers  
Jaime Apolonio

Editors  
Kim Christie, Aaron Ellingsen, Deirdre Gotto, Jane Grainger,  
Betsy Gray, Iris Gray, Linda Guy, Barb Horricks, Bill Hrick, Paula Lee,  
Donna McCloskey, Bob McIntosh, Anne Maclean, Constance Maskery,  
Jill Milkert, Lind Miller, Lou Mitchell, Karol Morris,  
Dorothy Pearson, Erik Pedersen, Janet Pink, Amy Reiswig,  
Heather Warren, Arlene Wells, Glenn Wigmore, Anita Willis

Published by British Columbia Hansard Services,  
and printed under the authority of the Speaker.

[www.leg.bc.ca/cmt](http://www.leg.bc.ca/cmt)

Access to on-line versions of the official report of debates (*Hansard*)  
and webcasts of committee proceedings is available on the Internet.