



Fourth Session, 39th Parliament

REPORT OF PROCEEDINGS
(HANSARD)

LEGISLATIVE ASSEMBLY MANAGEMENT COMMITTEE

Victoria

Wednesday, October 17, 2012

Issue No. 2

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

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

LEGISLATIVE ASSEMBLY MANAGEMENT COMMITTEE

Victoria
Wednesday, October 17, 2012

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

Members: * Hon. Michael de Jong (Abbotsford West BC Liberal)
Eric Foster (Vernon-Monashee BC Liberal)
* Gordon Hogg (Surrey-White Rock BC Liberal)
* John Horgan (Juan de Fuca NDP)
* Joan McIntyre (West Vancouver-Sea to Sky BC Liberal)
* Shane Simpson (Vancouver-Hastings NDP)

** 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)

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MINUTES

LEGISLATIVE ASSEMBLY MANAGEMENT COMMITTEE



Wednesday, October 17, 2012

10 a.m.

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

Present: Hon. Bill Barisoff, MLA (Speaker and Chair); Hon. Michael de Jong, MLA; Gordon Hogg, MLA; John Horgan, MLA; Shane Simpson, MLA

Substitute Member: Joan McIntyre, MLA, for Eric Foster, 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 10:04 a.m.
2. The Committee agreed to add the following item to the agenda: Correspondence from the Clerk Consultant.
3. Following a presentation by the Government House Leader, the Committee discussed options for the public disclosure of MLA expenses.
4. **Resolved**, that the Committee publicly release Members travel expenses in the aggregate and individual formats presented today by October 31, 2012. (Gordon Hogg, MLA)
5. The Committee agreed to prepare a revised proposal regarding disclosure of constituency office expenses and seek the input and advice of the Information and Privacy Commissioner in order to expedite progress on this matter. The Committee agreed to ensure that all Members have an opportunity to review the proposed constituency office disclosure report planned for public release in early 2013.
6. The Clerk of the House provided the Committee with a progress update on the extensive administrative and financial work underway.
7. The Committee reviewed and considered the revised draft *Legislative Assembly Management Committee Governance Report*. It was agreed that the minutes of public meetings of the Committee would not require a formal adoption process.
8. The A/Executive Financial Officer presented the Committee with the Vote 1 Financial Report for the first quarter of the 2012/13 fiscal year (April 1-June 30, 2012).
9. The Committee reviewed and considered the revised draft *Legislative Assembly Management Committee Annual Report 2009-2011*. **Resolved**, that the Committee adopt the Annual Report 2009-2011, as amended. (Gordon Hogg, MLA)

10. Resolved, that a Finance and Audit Committee, comprised of the Speaker, the Caucus Chairs and the Clerk, be established to examine and make recommendations to the Legislative Assembly Management Committee on financial management and audit related matters. (John Horgan, MLA)

11. The Speaker read a letter from E. George MacMinn, O.B.C., Q.C., Clerk Consultant, dated October 3, 2012 regarding his intended donation to the Legislative Library of all net remuneration received during his two-year appointment.

12. Resolved, that the committee meet *in-camera* to discuss personnel matters. (Gordon Hogg, MLA)

13. The Committee met in-camera from 11:47 a.m. to 12:10 p.m.

14. The Committee resumed in public session at 12:10 p.m.

15. Resolved, that the Speaker, on behalf of the Legislature and the people of British Columbia, send a letter thanking the Clerk Consultant for his generous gift. (Hon. Michael de Jong, MLA)

16. The Committee adjourned to the call of the Chair at 12:11 p.m.

Hon. Bill Barisoff, MLA
Speaker and Chair

Craig James
Clerk of the House

WEDNESDAY, OCTOBER 17, 2012

The committee met at 10:04 a.m.

[Mr. Speaker in the chair.]

Amendments to Agenda

Mr. Speaker: The first item on the agenda is "MLA expense disclosures."

Hon. M. de Jong: Mr. Chair, with respect to the agenda, I have a copy of a letter, October 15, from the Clerk Consultant that refers to an earlier letter of October 3, which the Clerk Consultant asks the committee to be informed of — and, I think, publicly.

If that's the case, then I wonder if we might add that somewhere on the agenda.

[1005]

Mr. Speaker: Okay, under "Any other business." That will be added to the agenda, right at the end.

Hon. M. de Jong: Yeah, I think that's fine.

Mr. Speaker: Mark down "Clerk Consultant's letter."

G. Hogg: I assume that with the inclusion of the minutes, we have some discussion with respect to the process of those. Normally they would be approved, as well, at some point — if we're going to do that.

C. James (Clerk of the House): That's part of the discussion.

G. Hogg: Yeah, it's part of the discussion later, so we'll just deal with it at that point.

C. James (Clerk of the House): Exactly.

S. Simpson: In regard to the letter that Mike has talked about, I'm not sure that I've seen that letter. I wonder if it could be made available to people before we get to that conversation.

Mr. Speaker: Okay.

Hon. M. de Jong: I think if we're going to read it out, then people should have copies of it.

S. Simpson: Yeah, it would be good to have a copy.

Mr. Speaker: Can we get copies of that letter?

J. Horgan: Who is it to?

Mr. Speaker: It's addressed to myself.

Any other additions to the agenda? Okay, moving on.

MLA Expense Information Disclosure

Hon. M. de Jong: What I thought I'd do for the committee is go through some material. The committee has been dealing with this matter of disclosure for some time, and maybe we can bring an aspect of closure to disclosure and actually get on with doing this. I have a couple of slides here.

Kate, you can go to the first slide here.

I thought, as we hopefully come to some decisions and resolutions on this matter today....

J. Horgan: If I could, Mike. This is your first meeting of this committee as it's currently constituted. You're talking about a historic position at which you have had the majority on the committee and not brought this forward in any meaningful way. Now, the morning of the event, we're advised of correspondence from the Clerk Consultant, and now we have something on the screen that's extremely difficult to read.

This information could have certainly been provided to us in advance of this meeting so that we could have had a proper and thorough discussion of your views on this matter.

Hon. M. de Jong: That's fine. The document you see is a letter that has been before the committee since September 2011.

J. Horgan: Again, if you wanted to discuss it today, it would have been useful to remind us of what the letter said in September 2011. It is now October 2012. I don't keep track of correspondence for over a year in anticipation of a meeting with which I had notice only yesterday. It would have been easy to pass it along. I'm just down the hall.

Hon. M. de Jong: I'm not sure what the.... My understanding was that the committee in the past has been discussing the aspect of the issue of disclosure.

J. Horgan: If you want the committee to deal with it, then you should provide it to the committee before we arrive.

Hon. M. de Jong: Well, the committee has been dealing with it. The committee has been in correspondence with officers of the Legislature, and I'm suggesting that in continuing to deal with it, we try to resolve it in a way that the committee is content with.

Now, you may not be content with the suggestion, but that's fine.

J. Horgan: Carry on.

Hon. M. de Jong: As one who has not been party to the discussions at the committee, it occurred to me that a lot of the concern that has been expressed in the past around....

Mr. Speaker: We don't have copies of this, Mike. I can't see that at all. Do we have copies of the presentation?

Hon. M. de Jong: We'll pass it out. I think someone did make me copies.

[1010]

The letter that's on the screen and that I think people have in their package is from September of last year, from the Information and Privacy Commissioner. The letter says several things.

First of all, it urges MLAs and this committee, having charge of this matter, to engage in regular disclosure of breakdowns of MLA expenses, including MLA constituency office expenses, in a manner similar to other jurisdictions. She cites Saskatchewan and Nova Scotia.

Now, that's actually, it occurs to me, the part of the letter that hasn't got a lot of play in the discussion, because it's the second part where she.... She describes this to me as "the wrinkle." "The wrinkle," she says, "that members have to be aware of relates to our unique laws around privacy protection and how that impacts on employees in a constituency office."

She makes a distinction between offices that have one or two employees and offices with more than two employees. In the case of offices with more than two employees, she doesn't have a concern.

By the way, the guideline, I'm told, that she is referring to in the second paragraph of the letter is from StatsCan, which is a guideline they use in terms of aggregating information in a way that protects privacy — the point being that in the last paragraph of that letter she makes it quite clear that she encourages MLAs to post quarterly details about their salary, benefits and expenses in each of the categories described in the attached guideline.

She actually provided a guideline for us to use. Just to place this in some sort of context for us, she refers to Nova Scotia.

Kate, can you go to the next slide?

This is what Nova Scotia does. This is what they post with respect to constituency offices. That's the measure of detail that is posted on line in Nova Scotia. You can see it's a pretty detailed breakdown.

In her guideline in this letter from September 2011 — go to the next one — she actually helps by breaking this down in a way that I think makes sense, categorizing the various aspects of what goes on in a constituency office. The area where she again says we need to be careful, given the unique construct of the law in B.C., is with respect to salaries. She suggests, in cases where there are more than

two employees, that we aggregate that amount; where there are two or less, that we combine that category with something else like office administration — again, I think something eminently doable.

[1015]

Could you go to the next one, Kate?

I asked her about this. This is the one, of course, that I have up. To the extent that it's consistent — and she thought it was — with the guidelines that she has laid out, she thought that that was a pretty good start. The committee can finalize the categories that we want to include and tailor it. If we want help from her, she's happy to do that, although she doesn't necessarily want to get down into the minutiae of that. Her point in her letter and subsequently is that we should be disclosing this material to a far greater extent than we do presently.

This is a document that I think, Craig, you've taken a stab at with respect to travel expenses that I believe, from reading the committee material from past meetings, the committee has already agreed to post and to do so in a uniform way. I think this is a good model. It's a good template, as far as I'm concerned, for that.

Here's another version of what the constituency office expense template could look like, which would be consistent with the advice from the Information and Privacy Commissioner.

What I'd like for the committee to do, and would like to make a motion that we certainly will discuss, is commit to the posting, in substantially the form shown earlier, of the travel expenses. Again, that's the slide that we just saw — this one.

We commit to beginning that — I was going to say next month — December 1. That will give everyone, I think, ample time to start familiarizing themselves with the format. Then, with respect to the constituency office, we finalize that format and commit to beginning that process of reporting on January 1 of 2013.

Take the information and the work that has already been done, finalize it, and commit to having that up, in the case of the travel expenses, for December 1 and the constituency office expenses for January 1.

Mr. Speaker: Just to interrupt, Mike. There has been a commitment by the committee for the travel expenses — that we would actually have something posted in October. I would think that we would have to.... We've been working at this for the travel expenses to make something available for October because that was a commitment that we made to have....

Hon. M. de Jong: I'm fine with that.

Mr. Speaker: It's going to take a lot of refining back and forth, but I certainly think, for the travel expenses, that that should be done for October, because that was our commitment — to get it done.

Hon. M. de Jong: Then we should keep that commitment.

Mr. Speaker: Shane.

S. Simpson: I don't know whether Mike's finished. I wanted Mike to finish his comments.

Hon. M. de Jong: I think that's it, yeah.

S. Simpson: Two things. First of all, just to follow up on the Speaker's comments, we had said we'd put out the first six months of the year by the end of October. I think we should continue to fulfil that commitment.

We looked at the material, the format, and the format looks pretty good that has been developed by the Speaker around members' expenses, separate from constituency offices. The members' expenses piece looks, generally, pretty good there.

I think we need to take that, of course, and make some determination about how we'd post that in relation to.... I know that ministers post out every month, I believe, on the open government website. Ministerial expenses are posted, I believe.

We want to put those in a place where they're close, because obviously a number of ministers' expenses are claimed against their ministry responsibilities, not their MLA responsibilities necessarily. People who want to look more closely at how a minister is expending need to be able to look at both those numbers. We should make that as easy as possible for them to do that in one place. That might be where that ends up at some point.

We could have a discussion about that. I think that's fine, and we should move forward on trying to do that.

[1020]

On the matter of the constituency offices, there are two things. One is, absolutely, looking to post that up. I'd like a little more clarification from the Privacy Commissioner in terms of dealing with the issue — the wrinkle, as Mike called it — that she addressed and that I think we've discussed here, the objective being to make sure that we satisfy two views here.

One is that she's satisfied that the privacy issues she has identified are addressed in a way that satisfies her and that the Auditor General is satisfied that the breadth of disclosure satisfies him in terms of what he wants to see there — maybe it's a conversation between the two of them; I'm not sure, but it might be — and we move as quickly as we can in getting the information that Mike has talked about available and out. But we'd like to see what that looks like and, obviously, get some more direction.

I know there's been some work done by the Clerk about providing direction to the caucuses about, sort of, "Here's what's coming in terms of the expectation, and here's the information you need to be properly accounting for in

your offices to make sure you're fulfilling those obligations," and make sure that we're getting that done.

I don't have any objection with the direction that Mike is going, but I'd like to have a little bit more clarification about the view of the Privacy Commissioner and how that weds with the Auditor General and then move forward with this model or whatever model works around this. We'll take it back and talk to our caucus about it, but let's get it done relatively quickly.

This may be one of those matters the committee has spoken before about. But we knew that while we've committed to quarterly meetings as a committee, we may need to meet a little more frequently in this early period as we're fixing some of the things or beginning to be more transparent. We may need to spend more time together. Maybe we're going to need to meet sometime in November, as a committee, to sign that thing off, if need be. We're certainly good to go with that.

Mr. Speaker: Just backtrack....

G. Hogg: I think that the comments that Shane made are consistent with the audit working group that Shane and I have the great privilege of meeting and discussing every week. The direction that Mike is proposing is consistent with, I think, the set of principles that we put out.

Staff have been working on those principles, and those principles are to be totally transparent in terms of the bounds — any legal inhibitions we may have around some of that — to ensure that the format is comparable, that we're satisfied and it's something that could get done and, as I said, makes the legal framework and the time frame.

I think what Mike is proposing is pretty consistent with the work that's being done by the audit working group. I'd like to get an update from Craig with respect to all of these items and where they are with it. If Mike's motion fits in with the work that's already being done, I'm quite comfortable with us being able to go forward with that. But I think this is work that's already being done, and I'd like to see it signed off or verified or ratified by the people who have been giving us some outside comment and direction with respect to that.

S. Simpson: And then move forward.

G. Hogg: And then move forward with it. That's right.

J. McIntyre: I have one comment related to this whole issue of the privacy. I actually, myself in the position of one CA.... I know that's been more than a wrinkle. I mean, it's a major issue if you've got one employee. I don't see a line there that you would lump it with. You don't lump that with communication, with professional development, with special events. There's no readily obvious category that you can combine it with that would not lead some-

one to know what my CA's salary is.

Mr. Speaker: Okay, can we backtrack first for a little and take on the...? We have made a commitment for the travel expenses. Could we deal with that one separately, get that one off the table so that we can have...?

I agree with Shane on the fact that even with this one, it's going to take a lot of refining, looking at what's there and how it's going. You know how often members submit all of their claims and whatever else. It kind of gets skewed in a different way. The six-month period is definitely showing up better than it would on a monthly basis, or whatever.

If we can deal with that one so that we can make sure that before the end of October we have something posted. I'm sure Shane will be refining that one as well, because we all know that when things get there, members look at them and say, "Well, where's that coming from?" kind of thing.

Can we deal with that one first, as an individual item, Mike? Can we take that...?

Hon. M. de Jong: Yeah, that's fine.

[1025]

Mr. Speaker: So we're going to move with.... There were two.... Was there just the one that we had for the travel expenses? Was there another option? I think we did have another option.

Now, have members got a copy of this? Okay.

J. Horgan: Just so I'm clear, the motion we're dealing with is the result of the work that's been done by the subcommittee, of which Gord and Shane are members and Craig is the chair. The material that Mike has brought forward will deal....

Mr. Speaker: Is moving into constituencies.

J. Horgan: Yes. So we're going to put that aside for now...

Mr. Speaker: We're going to deal with the first one first.

J. Horgan: ...and we'll start with the work that's already been done, which we're all part of. Then the separate stuff that the House Leader brought forward, we'll deal with after that.

Mr. Speaker: Yeah. Now, there are two options here. If members would look at their packages, the option of the one that you actually could see that Mike had. But there's the option of having it individually posted — individual members posted separately by individual members. So I think members should look at that.

Hon. M. de Jong: Mr. Chair, Joan has pointed out and, I think, others.... It strikes me that on the travel expense portion of this there are two choices. There is a format that has them posted individually. I guess if you were going to compare, you'd have to look at each one individually and then compare them. Then there's the other choice, which is the aggregate document — the spreadsheet that lists them all together.

I don't really have a preference. My guess is that initially.... We're probably kidding ourselves if we don't think people are going to do a bit of a comparator. So the extent to which you facilitate that.... You have the spreadsheet, and you can do that. I think most people have figured out that it costs more to fly from Prince George than it does from Vancouver. So I don't really have a preference either way.

J. Horgan: I agree with Mike. I think it's useful to do both, because people will inventory. When the public accounts come out now, people look at the list of MLAs and look at the numbers, and they're curious as to why one is higher than the other. The obvious reason, as Mike said, is that it's harder to get to Golden than it is to Abbotsford.

I think that the value of having a separate sheet is that it allows members to look at their own circumstances and make decisions on whether it's accurate or not accurate without looking at the spreadsheet. The spreadsheet is valuable to the public so they can see where their MLA fits in, of the 85. So I would suggest that both are valuable and both should proceed.

Mr. Speaker: Is that doable?

A Voice: Oh yeah.

Mr. Speaker: Okay.

S. Simpson: I agree with that view. The question then just becomes where the appropriate place to post all this is. I'm thinking it's good if we can put it in one place and maybe link it to an MLA's own website. So you can link to it, and people can go to my website and hit a button and link to the open government site or something, where everything is, and they can compare. But they can find my stuff if they want to come to my site, or they can link to that.

I'd like it to be a place where there's a consistency. Everybody is reporting the same way, the same information based on this, in one place if you can get it, and then be able to get my stuff at my site or Mike's at his site or whatever.

I don't know the logistics of that. Maybe we can't get it done for the end of October, but we can kind of make that happen so that it's all there in one place for the end of October initially, and then we refine and expand it some post that, if need be.

Mr. Speaker: Well, I think the question being with the spreadsheet is that, like you say, if it's done closer to where the ministers are so you can...

S. Simpson: So you can compare the two.

Mr. Speaker: ...try to do a comparison there. I think we'll have to figure out how we do it. I think the most important thing, first of all, is that we get our commitment to have something up by October. I'm sure, like I said, there's going to be a lot of refining that's going to have to take place, because members are going to look at it and say, "Well, how is that a fair comparison?" kind of thing versus somebody who hasn't submitted whatever.

S. Simpson: We'll of course hear from people who will say, "Well, I'm looking for more. You didn't give me enough" or whatever, and we'll have to deal with that in the months moving forward.

Mr. Speaker: Okay, let's move forward with this. Then, like I said, once we have it posted, I'm sure we're going to have lots of interaction of how we're going to refine it and fix it over the months and years to come.

[1030]

C. James (Clerk of the House): If I could just add one quick comment to this — two things. I have a template, which might be of some interest and value to the members in terms of what all of this travel might look like on the Legislative Assembly's website. And the other matter to consider, which our working group can consider further over the next week or two, is the process and the format for posting all of this in relation to who's going to do it.

Our internal working group has settled on the view that perhaps the Legislative Assembly, which has the figures, would post this information on the assembly's website but first, in all fairness to the member, send that data to the member to ensure that we haven't missed anything or there's something erroneous or too much on it so that they would still have some input before it's posted on the website in a timely way.

Hon. M. de Jong: All sounds good. All sounds reasonable. I think we have to commit to a date.

Mr. Speaker: This has got to be done in October. We're committed to having this first setup by the end of October. Okay? Move forward?

So then can we move maybe, Mike, to the second half of your presentation with the constituency?

Shane, do you think that we need to spend more time looking at this?

S. Simpson: My view is I think that whatever it looks

like.... I appreciate Joan's comments about this. There's been some work done on this with the committee. I just simply think that we need to get two clear clarifications.

I appreciate that Mike has been talking to the Privacy Commissioner a little bit about this. But I'd like us to get some clear clarification about what parameters are acceptable to her in terms of disclosure around the concerns that she's raised and to the Auditor General around the expectations that he has about ability to access — his issue around audit capacity access too — around what he's looking for.

I know there's been a lot of work done. We've seen some of that work from Craig and the other officials about what that might look like. Some of it is reflected very much in the kind of stuff that Mike has talked about here today. I'd just like to get that clarified — some kind of response in writing from Ms. Denham about that — so that we know what we're looking at here. Then let's move forward and get it done as soon as we can. The first job is to get this done by October 31, but if we can get this piece done in the next couple of months, I'm all good to go with that.

Mr. Speaker: Could we possibly, then, put something together, as Mike has done? I know Elizabeth Denham has indicated that she needs those combined. There needs to be a combination for people, like in Joan's case, where you could divulge the information. Would it be fair to say that if we put something together, just let her have a last look at it to make sure she's comfortable with it and then move forward for January? We'd have January, February, March. It would come out sometime in April, which is right in the midst of an election.

J. Horgan: Yeah, I concur with Shane. First of all, I thought — we all thought — we were going to have Mr. Doyle here today or sometime soon. He's an officer of the Legislature. Ms. Denham is an officer of the Legislature. Why don't we bring them here and have them tell the whole committee?

Again, my frustration at the start of the meeting was I felt that LAMC was now a more cooperative and consultative body and that we were sharing information in advance of meetings so we could have thorough discussions. I think it's all well and good that each of us individually has off-line discussions with officers of the Legislature. But we are a structured committee.

We have plenty of chairs here. We should bring the Privacy Commissioner in and have her tell the committee — not individuals, not the Chair, not the Clerk, but the committee — what her views are on the matter. That should, in my view, be quite a simple process — inviting her and constructing a meeting and having her tell us what she believes the solution is to Joan and other members' situation. That then allows us all to hear directly from an independent officer about how best to proceed.

We all want to get this dispatched as quickly possible.

And, Mike, you're right. This has been around way too long. As responsible members now meeting in public, we should be able to give comfort to the people we represent that this is where we're going. We have some bumps along the way, and they're legitimate bumps. We can have experts who have flagged those issues come here and explain how we get over them. We should do that.

[1035]

Hon. M. de Jong: I think I understand the hesitancy. By the way, not to pour gas on the fire, I just saw a letter dated October 15 a few moments ago from the Privacy Commissioner, which I've been reading. We may actually want to adjourn for a few moments and give members a....

S. Simpson: It might be good to see it.

J. Horgan: Who's it to?

Hon. M. de Jong: It was in a package to the Clerk.

A Voice: Do we all have copies of it?

Mr. Speaker: No, it just came.

Hon. M. de Jong: Let me say this, and I mean this because most of the people here — I think all of the people here — have been here for some time, and I haven't been here for a couple of years. This is exactly the same conversation we had two years ago or three years ago. While I understand the interest, the Privacy Commissioner was really clear in September of 2011. She said, "I have this concern. Here is how you can address it," and she actually presented a template that she was happy with. She said then: "Here is how you can do this in a way that I am comfortable with."

We keep evoking this "we want to check with the Privacy Commissioner." We've checked with her. We've checked with her repeatedly. All I'm suggesting is in the same way that we have made a commitment and put a timeline on it with respect to the travel expenses, let's do the same thing. Armed with all of the information we have, armed with all of the advice, armed with a template from the Privacy Commissioner, let's say we're going to get this done, and it's going to start on January 1.

That'll put us under the gun because, to be fair, members will need time. We shouldn't kid ourselves. No matter what template we select, members will need time to bring their books in order. It's not complicated. It's really not complicated, but you do need time to categorize your office operations in a way that makes reporting easy.

To Joan's comment, as I was reading this letter.... Her response to your question, Joan, is: "Including office administration expenses and professional development ex-

penses in this combined category with employees' salary and benefit information would mitigate the privacy concerns I've raised." She has given us the advice.

J. Horgan: Just now.

Hon. M. de Jong: Understood. In fairness, though, she gave us advice in September 2011 as well, with a template for what she said would be consistent with the requirements here. All I'm suggesting is that in order to put members on notice and begin that process, we have to say: "This is going to start. This is the template that we are going to enshrine." We can verify that in a way that makes sense to members.

This just goes on and on and on, and we all get sullied by it. We all get sullied by this because all we come up with are reasons why it can't happen, and it's so easy to do. I can't find anyone who says to me, any members who say to me, "I don't want to do it," yet we keep not doing it.

I think all I'm adding to this is the notion that we would commit that by January 1 the site would be up, operational, and we would begin on a quarterly basis — because she recommends doing this on a quarterly basis — posting these numbers.

Mr. Speaker: Mike, should we do something that would be...? I think, in fairness to the general public, that we should do something that's consistent, where everybody does it exactly the same way so that we're....

[1040]

Two things. One is that we create something to get a final approval from the Privacy Commissioner to say that this is what all members will have to begin to post on a quarterly basis — January, February, March, basically, after the first quarter — that this will be done and that all members will post it in exactly the same fashion so that we don't put any members in a predicament of violating any of the privacy rules that exist.

Hon. M. de Jong: I think that makes sense, and I'm fine with that.

Sorry. There was one other thing that I wanted to mention. John, I actually distinguish.... I see two issues here. One is the initial disclosure, and then the second one is something you referred to that I see as a separate thing, which is an audit process. I do see them as separate, and I do think it's appropriate to have that conversation with the Auditor General. I take it we will soon see a report in which he makes some specific recommendations.

I do see the two as separate issues. One is reporting out and disclosing, and the second is an audit exercise.

S. Simpson: Two matters. One is just in relation to that. I think that's part of the reason we're looking forward to Mr. Doyle coming to the committee and being able to go in and explore that further with him in terms

of some of the concerns he raised in the report that triggered the changes that have happened around LAMC. So that's a positive thing.

The concern around this disclosure.... The reality is it's a more significant concern for the government caucus, because we have a collective agreement with our members. You can go to the LRB and pull up the collective agreement and pretty quickly figure out what our people make based on the pay rates that are in the collective agreement, if you want to know.

It's pretty much disclosed because of the nature of collective bargaining and disclosure of information around collective agreements. It's pretty easy to figure out right quick what people in our offices make. That's an allowable thing. That's not a problem for anybody.

I think it is a little bit more of an issue because I know the government members all have individual contractual arrangements with their staff. That's not the big problem for us.

We want to get this thing disclosed. All I want is, whatever that final package looks like that's going to be refined by the Clerk and his officials, just that she sign off on this final package and say: "That does it for me." Then I think we're heading down the road to get this done.

I'm happy to get it done for the beginning of the year, if that makes sense. I just want the sign-off on that and to move forward. I'm happy to get it done as quickly as possible, but it's got to be done properly.

G. Hogg: I think we are in furious agreement with the discussion that's going on. I think we've all said these are consistent with the motions that have been passed in the past little while, and we're moving forward. We said we've got a time frame in terms of doing it.

None of the information that's come today I don't think is new in any fashion, other than the letters that came a little bit late. But they help inform us to meet the time frames that we've laid out and the principles we've addressed. We're on course to do that.

J. Horgan: I'm furiously in agreement with Gordie and with the Government House Leader. I agree that there are two separate issues. As Shane has said, the disclosure-of-salary issue isn't a problem for our side of the House, because we have collective agreements.

What's a problem for me, though — and I think should be for all members — is that we are collectively accountable for 85 members of the Legislature and the staff that run this place. We are now expected to be a bit tighter in how we conduct our business. Today, in 45 minutes, I've been given two significant pieces of information that help guide the decisions we will make. I got them within the past 45 minutes. They were dated well beyond today, yet I didn't have them until now. I think that shortcoming needs to be addressed.

The acrimony that may have been in my tone at the

start was a result of: "Here we are again." I am accountable, as a member of this committee, and I'm not getting information, be it the House Leader's presentation or correspondence to the Clerk — not to the Speaker — in one instance and to the Speaker in another. How can I discharge my judgment if I'm not getting information in a timely way?

That's a problem. I think that we will, as Gordie says, continue to furiously agree, because like Mike, I've not heard anyone say: "I don't want to disclose." I've heard people say: "Let's make sure we're all apples here."

When it becomes apples and oranges, then you've got a lot of explaining to do that is, at the end of the day, unnecessary. In our constituency offices we get \$119,000 — all of us — and we spend it, by and large, the same way. There's nothing to hide.

[1045]

Our travel expenses are where we put our head at night, the mode of transportation we use — whether it be SkyTrain, taxi, ferry, floatplane. These are not state secrets. We should disclose that.

But if we're going to function as a committee, we need to have information in a timely way. My intervention earlier about bringing Ms. Denham here wouldn't have been made had I seen this letter yesterday rather than this morning.

We could have dispatched a whole bunch of business had we been given timely information. I'm hopeful that as we carry on from here and find our feet as a public body, open and transparent, we're going to be getting this information so we can all start from the same place.

Mr. Speaker: Mr. Doyle was invited to be here today, and Elizabeth Denham was invited. She submitted the letter on Monday in reference to where she wants to be.

Going back to the constituencies, I think if we put together a consistent package that everybody can.... We can circulate it around the members, get it back to Ms. Denham for one last look, to say: "Here it is." Then effective January 1 for January, February and March, we would start the aggregate posting.

Is that fair enough, Mike?

Hon. M. de Jong: Yeah, as long as we are committing to show our apples starting January 1.

Mr. Speaker: Fair enough?

Hon. M. de Jong: All right.

J. McIntyre: Not to beat a dead horse here, but now that we do have the benefit of the information from Ms. Denham about what you might combine, what office administration might mean.... That's in point 3 of her letter on page 2. I just want to be clear. I don't think we should fool ourselves that combining those categories would do

much to disguise the salary.

You won't have the exact amount. That's true. I'll just give an annual figure. If you looked at something like \$68,000 as an annual figure and you combined what she suggested in point 3 with the salary, you're going to pretty well figure out that the salary is \$65,000 or something like that. I don't think it does much to disguise when you've got one employee. So I just want to leave that on the record.

We just need to be clear that yes, this is probably the reasonable thing to do, and it meets her test, which was obviously an important thing. That's what we're talking about. But I don't think we should fool ourselves that it provides one-employee offices with much privacy.

Mr. Speaker: Well, let's put something together, submit it back to Elizabeth Denham and let her have a look at it also with her legal people. It certainly was a concern of mine, along with — as John said, we represent 85 members — the fact that the last thing we wanted to see is individual members facing a lawsuit because we've actually gone out on a limb and done something that puts them in jeopardy.

But I think that if we put together something now, submit it back to her to say, "Here's what we think can work," and then basically get an official sign-off of that — exactly what we're going to do — and move forward with that for January 1.... Is that fair enough?

S. Simpson: Just on that. I'm fine with that. Then I think we should probably anticipate either an in-place meeting here.... The committee is probably going to have to meet sometime — depending on how she responds to this, to the package — maybe in November to be able to finalize.

Mr. Speaker: Well, I think if there's a negative response, then we're going to have to.

S. Simpson: We're going to have to talk. But if we can move smoothly, then fine.

Mr. Speaker: But I think if there's not, we should just move forward.

Hon. M. de Jong: I think we should capitalize on what appears to be a measure of momentum here — dare I say that? — on this issue. She has presented a version now twice of what she says she is content with. We can translate that into the template inside of a week. My concern is this. We do have to give members time to bring their office accounting....

[1050]

There's a simple way to do it if you start keeping your books in a consistent way. Every month you just send in the numbers, and it's easy to do. So today is the 17th. I

would say this. We should finalize the format inside of two weeks, before the end of the month, so that members have two clear months to....

We know what she's going to say. She has already told us that. The work is done. We probably need to sign off on the final version, as we just did with the travel expense document, and then members will have two clear months to get all their books in alignment in a way that works here. So I agree with Shane.

But let's not wait until the end of November, because that won't give members.... They'll say: "Well, I've got to get all this stuff fixed up over Christmastime." So in the next two or three weeks we should sign off on this.

Mr. Speaker: I think if we have something, we don't necessarily have to come back together just to formally approve it. It's more that if we have got something that she's in agreement with, I think then we can move forward. Is that fair enough?

S. Simpson: Yeah, I don't have a problem with that. The question I have — maybe this is a question for both sides, and I don't have an answer to this — is: do we want to put that format together in that? As we do represent 85 members here, do we want to make that available to the members so that they can give us any feedback or comment in our respective caucuses — plus the independent members — as to what their view is about just what the framework is?

I'm pretty easy on it. I mean, we're going to get a copy of it, and we're going to share it with our caucus and get their comments. Should that be an expectation — that we're going to get those comments back?

I know that John and I are going to want to have some conversation at least with our caucus executive, if not with all of our members, to give them at least a chance to see what's coming and give us any comment. We're not going to give them a ton of time. We're going to say they've got to turn it around in a couple of days.

This is affecting not just us but everybody in this place, and they probably should see what's coming. They may not get to change it, and that's all good, but they should probably get a chance to see what's coming.

G. Hogg: And we have a process for doing that as well. But the independents should probably receive it as well.

S. Simpson: Absolutely. Make sure that the independents get a copy as well.

Mr. Speaker: Okay, let's do this as quick as possible and get something back to Ms. Denham and get some kind of response and move forward. Any other talk on that? I think we're moving forward.

Okay, No. 2, progress report from the Clerk of the House.

We need a motion for the travel portion for October 31. Moved by Gordie, seconded by Shane.

K. Ryan-Lloyd (Deputy Clerk and Clerk of Committees): The motion I had received from Minister de Jong had the twofold, but this is a new motion?

G. Hogg: Did we vote on the other one? I don't think we voted on the other one.

K. Ryan-Lloyd (Deputy Clerk): We didn't vote on the minister's....

G. Hogg: So it's all part of the same motion, then, I think.

K. Ryan-Lloyd (Deputy Clerk): Okay. Just on the travel portion or on...?

Mr. Speaker: Yes.

K. Ryan-Lloyd (Deputy Clerk): Okay.

Motion approved.

Clerk of the House: Progress Report

C. James (Clerk of the House): As you probably know, virtually 100 percent of my time over the past year has been devoted to looking at the accounting and accounting processes for the Legislative Assembly, primarily as a result of the Auditor General's reports and a variety of management letters which have flowed through the office.

In your package this morning you'll see a response to the Auditor General in relation to concerns that have been raised over the years in relation to, in particular, the management letters but also, of course, the status of where we are with implementing recommendations he made in his July 2012 report. This document is necessarily confidential and for the information of members, at this stage, only.

It is expected that this document, unless members over the course of the next few days feel that something else should be included or altered.... It would be helpful to receive your comments. But that being said, I expect that by the close of business on Monday we will be corresponding with the Auditor General, based on his request to have a response to some of the issues he has raised over the years. So that's one document.

[1055]

I think we are progressing very, very well, and I'm very pleased with the performance of those involved to date. Of course, you know that Bob Faulkner has been seconded from the Office of the Auditor General. In the gallery off to the right you'll see Paul Cumberland, who has been assisting in the accounting department as well.

Later on I will hopefully be able to discuss some of the measures I've taken by way of reorganizing the accounting department. But I'll leave it at that.

Secondarily, questions to.... The audit working group has been feverishly working on....

Hon. M. de Jong: May I ask a question, Mr. Chair?

Mr. Speaker: Yes.

Hon. M. de Jong: Craig, have you been referring to the management letter?

C. James (Clerk of the House): I've been referring.... You have two documents in your package. One is the management letter, and one is the response. Now, the management letter, as I understand it, is a confidential document. It's confidential because the Auditor General has asked for it to remain confidential, which is the customary practice on these matters.

Hon. M. de Jong: Pending the response.

C. James (Clerk of the House): Exactly. Exactly.

Just for clarification, I notice that Malcolm Gaston from the Office of the Auditor General is in the gallery, and he could afterwards describe the issue of the confidentiality during these exchanges of communication.

Hon. M. de Jong: I read the report, and then it invites response from management. I take it that in the package we got today is a draft response from management. I'm a bit unclear on.... With respect to the response, what do we think the role of this group is? There are some pointed criticisms in the management letter. It invites a response. Following receipt of the response, my expectation is that like most of these audit-type documents, it would be public.

What's our role? I mean, I don't have an answer to this. I'm just.... Who's providing the response? Is it management? Is it us? What is the role, and what is our role with respect to the draft response? Do we need to approve that? Do we need to...?

C. James (Clerk of the House): Well, my view is this. I'll draft the response, but I think a response in this way needs to be endorsed or should be endorsed by the Legislative Assembly Management Committee. Later on in the discussion, I'm going to talk about the ability or the interest of the committee to strike a finance and audit committee which would examine all of this prior to a meeting of the Legislative Assembly Management Committee so members would become better informed sooner as to the content of a document such as this.

Bear in mind that I got wind of the fact that there would be a request to provide a response to the Auditor

General some weeks ago. Again, we have been feverishly preparing a document in anticipation of a letter, which we received a short time ago with a required response within ten working days, which is not a whole lot of time.

So that, based on the ability of this committee to meet and to review it in a sensible and practical manner, does place some limitations on the process, which is why later on I will talk about this particular committee engaged in some of this kind of work behind the scenes so that they can bring it to the committee, and the committee is better informed on a more timely basis.

Hon. M. de Jong: So what's our obligation now? We've got the report and the management letter dated, I think, October 5 and a request for a response within ten days. Do you need us...? I mean, do we need to deal with this draft response today? And if we don't in a timely way, I presume the Office of the Auditor General will release their report.

[1100]

C. James (Clerk of the House): Well, that would be helpful. I know the burden it places on the members just having received it or having received it a couple of days ago. The fact remains that everything in the letter is factual in terms of where we are. So there's nothing in it that should be in any way viewed as controversy or opinion. Bob in particular — along with Paul, Kate, myself and the Sergeant-at-Arms — has been attending to a lot of these issues and criticisms by the Auditor General.

This is a response for the period between the two public reports of the Auditor General — 2007 and 2012. My understanding is that this request has been made so as to conclude, as best as possible, his office's work on all of these matters and then to move forward with subsequent audits after 2012.

But as a suggestion, knowing that time is very valuable, if members were to review the document over the next few days...

Hon. M. de Jong: You mean the response document.

C. James (Clerk of the House): The response document.

I could see if the Auditor General would allow another few days for this response to be supplied to him. In the meantime, members could provide me with their written comments, or by e-mail or whatever it happens to be, as to their views and any changes that they would like to see.

Hon. M. de Jong: That makes a measure of sense to me. I wonder if my colleagues across the way...

The management letter contains some pointed criticisms. I haven't read the response. It strikes me that, before endorsing the response, to take a couple of days and at least channel in some feedback to the Clerk might be

a reasonable way.

I don't think this committee gets to write the response — I think that'll turn into a bit of a quagmire — but I think, probably, members of LAMC may want to have an opportunity to provide feedback to the author of the response and maybe commit to a time period to do that.

S. Simpson: I appreciate the comments of the Government House Leader. Certainly, I know that that's our intention, and we would be happy to do that over the next couple of days — talk to Craig about that.

G. Hogg: I think the audit working group has seen most of these. We've seen them on an ongoing basis. Shane and I have been more immersed in this than we ever dreamt, nor wanted to be.

S. Simpson: Or ever wanted be.

G. Hogg: Exactly.

There's been constant reference each Thursday to each one of these recommendations and looking at them.

S. Simpson: And there are some specifics here to deal with.

G. Hogg: But I think that's a good process.

J. McIntyre: I would also recommend that it reflect the decisions we made this morning, because I know there's talk about constituency and travel expenses. There could be some slight adjustments to reflect what has already been decided this morning.

C. James (Clerk of the House): Gordon does raise a valid point — that over the past number of weeks the audit working group has been considering this and a variety of other matters.

Mr. Speaker: Okay, carry on.

C. James (Clerk of the House): The audit working group mandate. That was a question that arose recently in terms of what the actual role or mandate is of the audit working committee.

As members will recall, a few months back I formed a working group to tackle, primarily, the issues that arose out of the Auditor General's report in July of 2012. That's been the sole focus.

The name has slightly changed, but my view of the audit working group is this. It's that after today, with things speeding along as successfully as I believe they are, instead of meeting every week, we're going to meet every two weeks. When we feel comfortable, in that we have resolved and addressed all of the issues raised by the Auditor General, the audit working group will essen-

tially be disbanded and be called as needed when certain issues arise — whether they be internal, requests by this committee or other matters that may arise through the Office of the Auditor General.

That's really the mandate of the working group. Every Thursday morning we meet for up to two hours. It's worked very well, and I'm very appreciative of the fact that Gordon Hogg and Shane Simpson are part of this process and have provided invaluable support and advice as we've sifted our way through many of the issues that have been contained in the Auditor General's report.

In your package.... You will also know it as well. I want to refer to some of the material in your package, in particular the draft response and the letter from Mr. Doyle in relation to the (a) response. Both documents are strictly confidential and for the members' use only.

Budget instructions have gone out. That's another document in your package. This is the first time that formal budget instructions have gone out to branches of the Legislative Assembly, which is being embraced very well by all directors.

[1105]

It is also going to be a discussion, I suspect. I'm quite happy to have Bob discuss the budget requirements for both caucuses and meet with Gordon and Shane Simpson separately to see what kinds of numbers they would like to have inserted in their various caucus budgets, bearing in mind that much of what is included under Vote 1 is formula-driven.

The Auditor General has been referred to this morning in terms of an appearance. He was unfortunately not able to appear here this week. Elizabeth Denham was asked if she could appear as well, and unfortunately, she's out of town or not available this week but very happy — both of them are, as I understand — and keen on appearing before the committee, if that happens to be the choice of the committee.

There is a request, of course, from our IT department. At this juncture in the life of a parliament we need to look forward. Issues to consider soon, if not early in the next parliament, are items such as computers — technology that will support the work of the committees.

What we've been learning over the past, particularly this past parliament, is that it would be good to have a common platform and to focus more on better use of document management. You see this morning the stack of material that's sitting on your desk, which could be better conveyed to you by way of using tablets or notebook computers so that you can bring them up in a secure way and have them available with you, rather than the amount of paper that's presently before you.

In terms of precinct improvements, I just wanted to touch upon several items. One is, of course, the major initiative out front, the access for persons with disabilities. The budgeted cost was, I believe, just under \$400,000. We are informed that the project is virtually on time and will

be well under budget, which is a relief to me. It will be a very positive step in terms of access for persons with disabilities to the legislative building.

There are a number of other renovations which tie into it. For instance, if you have a look at the ramp on the west side of the building, that is being rebuilt, as well, to enable those who are using the dining room — the public, officials and, of course, members — to virtually get to the dining room and other areas of the building completely and totally unimpeded, regardless of their disability, that's very good news as well.

In terms of the Lieutenant-Governor's transition, the Speaker has, I think, probably more current information than I do, other than it is the customary practice that a dogwood tree be planted at the rear of the Parliament Buildings prior to the incumbent leaving office. That is being planned within the next couple of weeks, as I understand it.

Tomorrow there is going to be an event called ShakeOut B.C. again. The Speaker will be sending a note around to all of the staff and the members in the building to the effect that at a certain time tomorrow morning, the bells will ring, and everybody is to take the appropriate measures to avoid being crushed in a way that we don't want them to be.

S. Simpson: So you get to dive under your desk.

C. James (Clerk of the House): That's it.

On another matter, the Speaker and I have been working on friendship or twinning arrangements between certain legislatures. We are in the midst of discussions with Guangdong province to twin our Legislature with their Legislature. They are very, very excited about it. We do have a draft agreement which, hopefully by the next meeting of the Legislative Assembly Management Committee, I can share with you.

We are also going to be exploring the possibility of a friendship or twinning arrangement with the Punjab Legislature, which will be a bit of a longer process but certainly one which we are going to be pursuing later on.

Essentially, the thrust of my presentation this morning, of course, is the response which provides a status report on progress that the Legislative Assembly is making toward addressing those issues raised by the Auditor General in his July 2012 report. I'm very happy to report that progress is proceeding at breakneck pace.

Mr. Speaker: Moving on to item 3.... Sorry, Mike.

[1110]

Hon. M. de Jong: Just sort of a general report on the state of the legislative union. At some point — and I wouldn't call this a priority thing by any stretch of the imagination.... One of the things that has plagued the Legislature and governments, quite frankly, is when we

talk about the place and we talk about the library and plans to modernize.

I know there's a maintenance plan. But at some point, in terms of space allocation and the manner in which something like the library is used, maybe this group should — maybe not between now and the next election, because that's an odd time to do it — dust off one of those reports on space utilization. It continuously gets hung up in the politics of the day. Governments become hesitant at a certain point to advocate for certain things on account of it.

But there space issues here. Maybe if this group, in advance of the May shareholders meeting, were to ask for a report, then the new group would be in a better position at that time to address it and make some decisions about things like the library, and so on and so forth.

C. James (Clerk of the House): If I could just comment on one matter which I was going to raise later on. It's the work that Deloitte is doing for the Legislative Assembly. We met with Deloitte yesterday on our internal audit and risk management program, which will be in draft form for us the week of November 2. The internal audit and risk management program will identify issues such as this and enable the Legislative Assembly to more sensibly and strategically plan for a number of these matters which have arisen over the past number of years.

In particular, Deloitte will in the very short term, perhaps even as early as next week, be meeting with branch directors and discussing with them some of the vulnerabilities that they see in relation to the work that they do. The Speaker and I have met with the museum director.

Would you like to comment on that?

Mr. Speaker: Next door. They were exactly going down along those same lines — the fact of what they're looking for over there and trying to tie in some of the things with the Legislative Assembly, considering that the tunnel goes back and forth between the two and particularly with reference to some of the things with the library too.

We've just had our first, initial meeting with them. It's a process that he's going to come back with and look at different avenues that they think they can come and join together and make things happen on both stages.

Moving on to No. 3.

Legislative Assembly Management Committee Governance Report

K. Ryan-Lloyd (Deputy Clerk): Good morning, Members. The third item on the agenda refers to the ongoing development of a draft governance document. It was distributed to you, I understand, electronically in advance of the meeting, and it is also inserted, I think, in about spot No. 10 in the package distributed this

morning.

The revised version that you have in front of you includes within it certain highlighted sections in yellow text to identify the changes that have been made since your last review of the document. Do all members have...?

In any event, I'll certainly draw your attention to certain changes that have been made. In particular, an introductory section was added on page 3 just to explain, I think, in an introductory fashion, the nature of the committee's roles as compared to the Speaker and the duties of the Clerk. A minor change was made to page 5 to clarify that the members referred to in certain sections of the act in fact must be appointed within a certain number of days after the House reconvenes after voting day.

On page 7 the change simply reflects the discussion at the committee's last meeting, confirming their commitment to meet on a quarterly basis and that additional meetings will be held as required at the call of the Chair.

As members will see on pages 8 and 9, there are substantive changes reflecting, essentially, details with respect to the committee's own processes in terms of minutes and also a section on the annual report of the committee, which is a requirement provided by statute.

I would just draw your attention and seek your advice, in particular, this morning with respect to the process for preparing minutes for your committee.

[1115]

As you know, there is a statutory reference in the LAMC Act that the committee, as is noted there, "speaks by minute duly adopted by the committee." Of course, since the act dates back to 1992, I think the premise would be, in those days, that the committee would tend to meet primarily on an in-camera basis — hence, the process for adoption of its minutes.

I flagged on page 9 for your consideration two explanatory sections, should the committee prefer to retain a formal approval process for its minutes. I've outlined there a process whereby the Clerk of the House would circulate draft minutes of all public meetings to committee members and then within a certain number of business days we would, with your approval, have them published on the Legislative Assembly website.

If a formal approval process is no longer required for this committee, it would certainly be in keeping with the principles that the committee has expressed an interest in moving forward towards. Open meetings on public record perhaps may not require the same formalities of an approval process for the minutes. That may have been more in keeping with the previous work of the committee.

The section there on minutes of in-camera meetings.... Just to be clear, for those in-camera deliberations where minutes are compiled by your Clerk, we would not, of course, release those publicly, unless otherwise directed in special circumstances by the committee.

The final paragraph there on page 9 highlights the provision, because we hadn't included it in the earlier ver-

sion of this document with respect to the preparation of an annual report of your committee. We do have that on the agenda for discussion later today.

The final change on page 10 simply notes that the Clerk, with respect to the role of the Clerk to this committee.... I think it has been agreed that the Clerk would regularly provide a progress report on matters relating to the Legislature generally, as we just heard a few moments ago.

I'd be pleased to answer any questions that the committee may have with respect to any of the suggestions in this document. I would stress that it is still very much, I think, a document in evolution, given that the work of this committee has changed substantially in its practice in the last few months.

J. Horgan: Thank you, Kate. I would think, on page 9, minutes of public meetings.... It strikes me that this committee is now like any other committee — Standing Committee on Finance or others. Hansard is recording our proceedings, so confirming minutes doesn't seem necessary. I think that as with other committees, the *Blues* will come out, a comments period is available for members, and then they're public.

Hon. M. de Jong: On that point, maybe what we're talking about is a record of decisions that we can....

J. Horgan: That's a different matter, but I agree with that.

Hon. M. de Jong: You're right. We've got *Hansard*, but maybe a record of decisions taken. That might be a slightly different kind of document.

The question I had, Kate, actually didn't relate to any of the highlighted changes. This may be something that was discussed, and if it was, I apologize. On page 8 in the description of what might be referred to in-camera meetings, there are seven described items, six of which make eminent sense to me.

The one that I'm wondering about is the one that says: "In-camera meetings will include budget deliberations." Isn't that kind of why we got in trouble in the first place?

K. Ryan-Lloyd (Deputy Clerk): The guidelines with respect to in-camera deliberations were based, essentially, on our review of other similar jurisdictional approaches across Canada, including Newfoundland and Nova Scotia, which, as members are aware, both undertook significant reforms to their internal boards of economy following audit-related matters.

The Vote 1 provision there in that particular section is something that flows to this committee of responsibility by statute. Whether or not the committee decides at the end of the day that they want to hold that meeting in camera is certainly a matter for the committee members to consider. It is there on our advice based on readings

of other jurisdictional models.

However, the Clerk has also made mention earlier today of the benefit of striking a finance and audit committee. I think that that may be something that members may want to consider in more detail.

Should that provision progress, it could well be that the management-type discussions and considerations that go into the budget development process are best situated with that committee reporting to your committee, in which case this committee could then, presumably, receive a report with respect to the Vote 1 budget on the public record and proceed. But I don't want to get ahead of your deliberations here.

[1120]

C. James (Clerk of the House): An alternative — and I think Kate was beginning to touch on that — would be for the committee to adopt the practice that applies to the statutory officers whereby they appear before the Select Standing Committee on Finance and Government Services and make their pitch for money and other changes to their offices.

Perhaps that's a practice that could be adopted by this committee, whereby the Speaker and I appear before the committee in this capacity and present the budget for Vote 1. There's some discussion about it, but the actual resolution of it or the adoption of any kind of amended budget would be held in camera.

I think that is the same practice that is applied to the statutory officers. The budget discussions that accrue to government are certainly not in the public domain, so there is that balance.

The other thing to remember, too, is that the Legislative Assembly is really the body that should be apprised of all of these matters prior to the public or anybody else. That's certainly an important component in relation to the work that this committee does on that matter.

Hon. M. de Jong: I'm trying to get my head around the nature of the discussion. By the way, the select standing committee option is one.... I think what we have to try and achieve practically is some mechanism by which there is some discussion about the amount of money that flows through Vote 1, because I think what has, in part, emerged out of all that has transpired is: what was going on with all that money?

Look, I've been around for a while. I'm as culpable as anyone. When the votes come into the Legislature on the last day when the budget is done, those votes go through on a pro forma basis. In the past we've heard about people saying: "Gee whiz. What's the mechanism for having some public discussion about how that money is being spent?" It's a sizable amount of money.

For what it's worth, the guidelines here suggest that the norm.... The presumption will be that budget deliberations involving Vote 1 will be held in camera, and if you

want to vary from that, then you make your case.

You could go the other way. You could obligate people to make the case for the exception — why some aspect of the budget discussion needs to take place in camera.

J. Horgan: I think the intent of this section is the establishment of the budget, not the defence of the budget.

Hon. M. de Jong: Sorry, not the which?

J. Horgan: Not the defence of the budget, as you would do in estimates process as a minister of the Crown.

I think what I heard the Chair say is that a solution to that... I absolutely agree with you. At the end of the session Vote 1 passes without any discussion at all, and we need to change that. That's where we ran afoul.

Creating the budget is the responsibility of the Clerk, and the governance of that is this committee. But defending it I think should fall to the Speaker, whoever that might be.

In essence, he's the Chair of the committee. In this case, the Clerk clearly reports to him, not to me or you. I think the solution may well rest with the select standing committee, of which I've been a member. I know Joan has been a member. Gordie has been a member as well. It's an opportunity for both sides of the House and independents, I suspect, if they are appointed to the committee, to ask the Clerk and the Speaker to justify that \$70 million expenditure.

How we get to that, I think, as you would in the Ministry of Finance or the Ministry of Social Development, is that you do it internally, and those deliberations are iterative. Over time you come up with your budget, you present it, and you defend it.

We haven't been doing that. That's where I agree with you, House Leader. We have not been defending the expenditure, and that's where we've run afoul with the public.

How we do that is not contained in here. It's got to be somewhere else. I mean, in terms of creating the budget, I believe we should go in camera so that we can have the horse trading that goes on in coming up with a final number.

Once that number has been realized, there should be some debate and scrutiny outside of this committee. Perhaps the standing committee is the best way to go, or adding it to the estimates process. When we get a chance to sit down and talk about reforms to the Legislature — I know that's high on both of our priority list — we can perhaps put this in there.

[1125]

S. Simpson: I think that my colleague addressed this. I do think that if we want to talk... The development of the budget does need to be a process that probably is an in-camera process. But we need to have a thorough vet-

ting of that at some point. Whether it's estimates directly, through attaching this somehow to the estimates process in some fashion... Or using the Finance Committee as a vehicle to do that makes some sense. I think we should explore how the defence of the budget is there and how a light can be shone on it there.

I think the development of the budget should be the same way other budgets are developed, where you do have an in-camera process, a process here that allows that to be done in a way that's pretty open as options get considered. There's a lot of discussion around options and choices before you get to a final result, presumably.

Hon. M. de Jong: That's food for thought. I guess the only distinction I would draw is that it is one thing for management officials to prepare documentation. I think what the guideline says, however, is that when this body formally convenes and has discussions about the budget, that will take place in camera. I'm not sure you've convinced me about why that is necessary.

I get why you have to be able to do the preparatory work. But when this body convenes formally, in the same way that municipal councils convene, they do so publicly. And when this body convenes formally to discuss the budget, the Vote 1 budget, I'm not sure I understand why that needs to take place in camera.

C. James (Clerk of the House): That's why I think the finance and audit committee, if established, would be of enormous help to this committee in terms of formulating the budget, preparing it and then bringing the budget to this committee. If it happened to consist of the Chair and the caucus chairs, then they could make their representations to the committee, as an example.

The other thing to remember, too, for clarity is that there is very little discretion on the part of the caucus budgets. Most of caucus budgets are formula-driven, so there's very little latitude in terms being able to make any changes.

J. Horgan: I understand Mike's hesitation on this. But if the Ministry of Finance wants to have open meetings about how you're formulating your final budget that you present to the Legislature, I'm happy to participate in that. But you will know better than anyone in the room, I think, now as Minister of Finance, that you have multiple inputs, and decisions are made or will be made leading up to February. Then you present your conclusions, and those are debated.

What I think we're doing here... Maybe Craig has touched upon it. The audit and finance committee is where that in-camera work takes place. Then the work of the committee is presented to LAMC, and we have that debate. And that's fine. But then we're approving our own budget. If we go to the Finance Committee, there's an opportunity for non-members of the committee to raise

issues and questions that would not happen if we stick to the format we've got today — well, the format that we're developing today.

I think we're in agreement that the challenge is giving the public comfort that our affairs are open and available to anyone to see. But making sausages.... As you know, quite often it's best to just present that and then have the dissection done in a cross-examination, as we do in the estimates process.

If this committee is going to take on that role, that's fine. But then we'll have members — you and I — taking on the members of the audit committee who've approved this, and that might not be the best way to proceed. Perhaps it's better to have people looking at it with fresh eyes and asking for justifications for expenditures of Craig, really, as the CEO of the operation. "Why are you allocating this much money for this activity?"

It's not the work of MLAs per se. It's all of the work involved with keeping the precinct up and doing the capital work that you touched upon earlier. That, I think, is better done by a separate committee. But you have the majority. If you want to proceed through LAMC to ratify Vote 1, I'm okay with that too. I think it has to be done. This might not be the best vehicle for that.

J. McIntyre: I appreciate I'm not a regular member of this committee, but I thought I'd add my two cents, especially as someone who has sat on Public Accounts for many years and is also Chair of another select standing committee that does have to go to Finance for approval of the budget.

I think, first of all, the way this is written, it only gives you authority to do those discussions if you'd like. It doesn't say it has to be in camera, so I think....

[1130]

Interjection.

J. McIntyre: Yeah, it doesn't obligate. My reading of that is that it could be appropriately done.

I also think the whole concept of the audit and finance committee is very important. I just point out to this committee that the Auditor General in the past has recommended that all Crown agencies, boards — everything of government — do have a subcommittee of audit and finance.

I think it's very, very important, especially given — as an outsider MLA — that we have some repair to do in building trust with the public on this whole issue. So I think it makes a lot sense that some of those deliberations are done by those who are looking at the financial affairs on a regular basis — that they recommend to LAMC budget things.

I also think it's an excellent idea that the Speaker could take this to a vote to the Finance Committee, because they do look at all the other offices. And it's bipartisan

— right? It's members of both sides of the House and/or independents. It makes a lot of sense that it removes the final approval of the budget. It does put it a little more at arm's length from this committee and from the Speaker's office. It seems like a reasonable suggestion.

C. James (Clerk of the House): Just so members know, this is not unique or my idea solely. I lifted it out of the practice of various Crown corporations, which you've quite rightly pointed out, which is a good practice.

K. Ryan-Lloyd (Deputy Clerk): Just to conclude, then. If there are no other questions, I would take the discussion from the committee today to mean that we would proceed as we would with any other select standing or special committee with respect to the development of the minutes.

The transcript of the August 28 LAMC meeting has been available for weeks now on the Legislative Assembly website. We will proceed, then, to upload the minutes of your last meeting, which essentially summarize the discussion and the decisions made at that meeting. But certainly, the transcript has been in the public domain for some time, and members will be familiar with that portion of the website's work.

I will then bring back to this committee a revision, pending any other input from members or any other changes that you might like to see at your subsequent meeting. But as I mentioned earlier, it's very much, I think, a work-in-progress, and we'd be happy to make any improvements that you'd like to identify at any time.

Mr. Speaker: Okay. Moving forward. Vote 1 quarterly report.

Vote 1 Quarterly Financial Report

B. Faulkner: Good morning, Members. One of the attachments or handouts is a three-page document with quarterly financial reporting for the Legislative Assembly for quarter No. 1 to June 30. We are still working on the second-quarter September reports. They'll come to the next meeting. This is a first foray, I guess, into some reporting out to the full committee. Of course, I'd welcome any feedback after you've reviewed these.

The first report is an expense report by function, where we've compared the expenses for the first three months to last year's same period of three months, with some high-level variance explanations at the bottom as to the changes.

The second report is focusing on this year, so it's a forecast to the end of the year. The forecast was done at the end of the first quarter, compared to budget and, again, with variances and some high-level explanations for those variances.

The third report is a capital expenditure report, where

we've reported out against our capital budget for the year — how much we've spent in the first quarter, our forecast to the end of the year and, again, a high-level explanation of variances.

I don't plan on going into any detail on them. I would be happy to answer any questions that any of the members might have.

Hon. M. de Jong: I don't have a specific question. I just want to ask this. As we now move forward with a significantly different procedure, Bob, is it at this point that members of the committee would ask you: have there been any extraordinary expenses that were not contemplated in the budget? You point out the variants. Are any of those related to entirely unanticipated events or circumstances or areas that, as the executive financial officer, you are troubled by? Is that what you contemplate this report to be about on a go-forward basis?

[1135]

B. Faulkner: Correct. Anything that I would call extraordinary or unusual would be included in those variance explanations. The explanations provided today are based on my knowledge to date of what's primarily on the budget this year, what's changed from budget to actual, in my preliminary discussions with the program areas.

Hon. M. de Jong: Very good.

Mr. Speaker: Okay. Thanks, Bob.
Moving on. Legislative management annual report.

Legislative Assembly Management Committee: Annual Report, 2009-2011

K. Ryan-Lloyd (Deputy Clerk): The committee's draft annual report for the years 2009 through 2011 is before you for your consideration this morning. As members will recall, we had circulated versions of this report at previous meetings, and we were asked to bring it back for final approval, or in anticipation of final adoption and approval, today.

This report was prepared in accordance with section 5 of the LAMC Act and, in this particular version, would capture a summary of all decisions that were made by this committee from March 2009 through October 2011.

There are no substantive changes to this version of the committee's report, based on comparing it to the report version that you would have received earlier, save and except for the page which lists the current composition of this committee — because, of course, we did have some membership changes effective September 5, which was after your August 28 meeting.

The intention of this report is essentially to capture the current composition of the committee, but we have also included, at the back of the report as an appendix, a list

of all the members who served on the committee during the period of time that the report covers.

Going forward, because of the new practices that the committee has taken on, the format of this report may change substantially in the future. It essentially is a chronological and topical summary of all the minutes of decisions from the period 2009 to 2011.

Hon. M. de Jong: Kate, just your last comment about how the format may change. My guess is that as our deliberations evolve, one of the logical things to include in the annual report would be a synopsis of the disclosure material that we talked about earlier today — sort of the annual summary of that so that people can find it in one place, because it'll disappear over time — right? The postings will be for...

J. Horgan: Are you suggesting the spreadsheet be included so it collects everybody?

Hon. M. de Jong: I guess so, John. I'm not...

J. Horgan: Rather than 85 pages of single documents.

Hon. M. de Jong: Yes, a summary of it as opposed to... I'm not sure what that summary looks like, but since we are now bent on and committed to providing that information in a public... That would be a good place to provide a consolidation of it.

K. Ryan-Lloyd (Deputy Clerk): That's a very helpful suggestion. Thank you.

A motion to adopt would be in order, and pending that, this report would then become a public document, and we would upload it to the Legislative Assembly Management Committee website later today.

Mr. Speaker: Okay. Do we have a motion?

G. Hogg: Just a comment with respect to the motion. I think, following up on Mike's comments, that as people look at this, it only goes to October 2011. There's been much public concern on issues around this. Whether we can foreshadow something in this, saying that there are decisions that have been made, which will be subsequent in an introductory letter that somehow just foreshadows that this doesn't address the issues. I think, as some people pick it up, they'll think: "Well..."

Hon. M. de Jong: What can you learn?

G. Hogg: You can learn nothing. So just making reference to and foreshadowing that there's other information they can find, or some way of providing that.

K. Ryan-Lloyd (Deputy Clerk): We can certainly as-

sist the Speaker in amending appropriately his letter of transmittal, which is dated October 17.

C. James (Clerk of the House): We'll share it with all the members first so you're comfortable with the text.

G. Hogg: Oh, I'm comfortable with what you come up with.

Motion approved.

Mr. Speaker: Okay, future meetings.

Committee Meeting Schedule

C. James (Clerk of the House): It would be helpful, Members, from my perspective, if the committee could stick to its quarterly meetings shortly after the release of the provincial quarterly financial statements. So to that end, in relation to the budget formulation for Vote 1, if the committee could meet early in December — if that's a possibility — that would be helpful from my perspective. But I defer to your schedules and your idea as to when the committee should be meeting.

Hon. M. de Jong: Well, let's assume that subject to Shane's point, in these sort of formative, early days, if it's necessary to convene....

[1140]

Now, I think there's one potential wrinkle to that. In the past what has happened, of course, is we have gotten together on the phone to sign up. I'm not sure we have that luxury right now. I think the purpose behind the decision to do this publicly in a different kind of setting is so that the proceedings can be observed. So I think, except in some sort of extraordinary emergency — and I can't contemplate what that would be — it does involve us coming together in a public setting. So the beginning of December sounds fine to me, unless we have to reconvene in advance of that.

Mr. Speaker: Okay. Figure out a time? Okay, other business?

Establishment of Finance and Audit Committee

C. James (Clerk of the House): If I could just raise the issue of the finance and audit committee that I was alluding to earlier. Members have received a briefing note on that subject. I know that you received an enormous amount of documents this morning as well. You're under no pressure to approve any of these documents. You may wish to wait until a subsequent meeting, which is fine with me.

But if you're comfortable with proceeding with a fi-

nance and audit committee, essentially what I would propose is that the Speaker, the caucus chair and the Clerk comprise that committee in order to deal with many of the issues that are brought upon the committee. So if you're comfortable with that and doing that now, or if you wish to wait for another couple of months in terms of looking at this and altering the terms of reference, I'm happy with that too.

J. Horgan: Well, I would support the two caucus chairs continuing the good work that they've done to date. There's more agreement between myself and the Government House Leader in this instance, so I think it's been working fairly well. We should stick with a tried-and-true formula.

Motion approved.

C. James (Clerk of the House): And just for clarity — just to clarify the role of the audit working group, which would then revert to an internal management working group — the caucus chairs would, in my view, be relieved of their onerous responsibilities of attending those Thursday mornings and would instead be apprised of or be part of the membership of the finance and audit committee. If, however, they wish to continue working with the audit group, that's entirely up to them.

Mr. Speaker: Okay. Moving on.

G. Hogg: So basically, it's the same structure, except we now have the Speaker involved in it as well. And it will be at the call of the Speaker?

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

Mr. Speaker: Okay? Do you have any other business?

Clerk Consultant Correspondence

Mr. Speaker: We have two letters — the letter from the Clerk Consultant, which I'll read out. I do have permission from Mr. MacMinn to read this.

"Dear Mr. Speaker:

"I wish to make some observations on the current controversy relating to the position I hold as Clerk Consultant and officer of the House. The House agreed on June 2, 2011, to appoint me as Clerk Consultant, as and from September 1, 2011, for a term of 24 months and at the same time reaffirmed my status as an officer of the Legislative Assembly for the 24-month period.

"The remuneration attached to this position was clearly stated in a memo from the Speaker of the House to the legislative controller, dated August 23, 2011.

"I have discussed the current impasse with the Speaker and Clerk of the House and other interested parties but have not been given the opportunity of a discussion with the Opposition House Leader, which I feel is most unfortunate. I have considered with great care and with much respect the opinions that have been offered to me. I have also had the opportunity to discuss the issues

with my solicitor, Joe Arvay.

"I have come to the conclusion that if there is any interest in altering the motion passed on June 2, 2011, creating the office of Clerk Consultant, a motion in the House would be required. It is also my opinion that any motion countermanding the earlier House motion would be subject to scrutiny by the courts, a situation that no one who cares about the institution of parliament would welcome.

[1145]

"No members or the noble fourth estate could see this as a "money grab." I have instructed my solicitors to prepare a codicil to my will arranging for \$500,000 — less income tax paid — to be paid or transferred to the Legislative Library of British Columbia under the terms and conditions contained in the said codicil, which will be signed on September 1, 2013. The net result is that all remuneration paid to the consultant will be paid to the Legislative Library.

"I sincerely hope that we will all be now in a position to concentrate our efforts on strengthening parliamentary democracy as practised in the Legislative Assembly of British Columbia.

"Yours respectfully,

"George MacMinn"

Any other business?

J. Horgan: Just on the letter. It says in it that the Clerk Consultant finds it unfortunate that he was not able to talk to me. I have no record of him ever trying to contact me to talk to me. I'm always available. I have multiple e-mail addresses, several telephones, and none have rung or been awakened.

It also makes reference to an August 23, 2011, memorandum to the Speaker of the House and the Leg. comptroller. I asked for a copy of that memo, and instead, I was given a document that's headed "Summary of Compensation for Clerk Consultant Position, September 2012," which is a year after the appointment was taken up.

In it, it makes reference to an annual salary of \$252,560 per year paid in eight instalments per year. This is characterized as a salary/retainer.

My question to the Clerk is: is this a salary, or is it a retainer?

Mr. Speaker: John, I think this is a personnel matter. Probably, this part of it should be taken in camera. Sorry.

J. Horgan: Fine with me.

Mr. Speaker: Okay. Any other business? Hearing none, a motion to go in camera.

A Voice: So moved.

Mr. Speaker: Secunder? Seconded by Shane.

The committee continued in camera from 11:47 a.m. to 12:10 p.m.

[Mr. Speaker in the chair.]

C. James (Clerk of the House): Any other business?

Hon. M. de Jong: Mr. Chair, I move that you, on behalf of the committee and the Legislature, send a letter to Clerk Consultant MacMinn thanking him for his gift, thanking him on behalf of the Legislature and the people of British Columbia.

Mr. Speaker: Do we have a seconder? Seconded by John. Any further discussion?

Motion approved.

Mr. Speaker: Carried unanimously.

A Voice: Move to adjourn.

Motion approved.

The committee adjourned at 12:11 p.m

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and printed under the authority of the Speaker.

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