



LEGISLATIVE ASSEMBLY  
*of* BRITISH COLUMBIA

Second Session, 41st Parliament

REPORT OF PROCEEDINGS  
(HANSARD)

**LEGISLATIVE ASSEMBLY  
MANAGEMENT COMMITTEE**

**Victoria**  
**Wednesday, November 29, 2017**  
**Issue No. 1**

HON. DARRYL PLECAS, MLA, CHAIR  
AND SPEAKER OF THE LEGISLATIVE ASSEMBLY

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## **MEMBERSHIP**

### Legislative Assembly Management Committee

*Chair:* Hon. Darryl Plecas (Speaker of the Legislative Assembly)

*Members:* Garry Begg (Surrey-Guildford, NDP)  
Michael de Jong, QC (Abbotsford West, BC Liberal)  
Hon. Mike Farnworth (Port Coquitlam, NDP)  
Sonia Furstenau (Cowichan Valley, BC Green Party)  
Leonard Eugene Krog (Nanaimo, NDP)  
Janet Routledge (Burnaby North, NDP)  
Jackie Tegart (Fraser-Nicola, BC Liberal)

*Clerk:* Craig James (Clerk of the House)



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LEGISLATIVE ASSEMBLY  
of BRITISH COLUMBIA

## MINUTES

### Legislative Assembly Management Committee

Wednesday, November 29, 2017

3:00 p.m.

Birch Committee Room (Room 339)  
Parliament Buildings, Victoria, B.C.

**Present:** Hon. Darryl Plecas, MLA (Speaker and Chair); Garry Begg, MLA; Michael de Jong, QC, MLA; Hon. Mike Farnworth, MLA; Sonia Furstenu, MLA; Leonard Eugene Krog, MLA; Janet Routledge, MLA; Jackie Tegart, MLA

**Legislative Assembly Officials Present:** Craig James, Clerk of the House; Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees; Gary Lenz, Sergeant-at-Arms; Hilary Woodward, Executive Financial Officer; Brian Urquhart, Director, Financial Services

**Others in Attendance:** Paul Nyquist, Office of the Auditor General

1. The Chair called the Committee to order at 3:05 p.m.
2. **Resolved**, that the Committee approved of agenda, as amended. (Mike de Jong, MLA)
3. **Resolved**, that the Committee reviewed and approve the minutes of December 1, 2016, as circulated. (Jackie Tegart, MLA)
4. **Resolved**, that the Committee received the minutes of the Finance and Audit Committee dated December 1, 2016; November 9 and November 21, 2017.
5. The Committee received and considered the November 29, 2017 report of the Finance and Audit Committee. The Clerk provided an update on the following matters in the report: 2016/17 and 2017/18 Financial Update; 2016/17 audited Financial Statements; Office of the Auditor General *Final Report to the Finance and Audit Committee on the Financial Statement Audit for the year ending March 31, 2017*; Members' Transitional Assistance; *Members' Remuneration and Pension Act* – Public Service Plan rule changes; Government House Security. Members briefly considered the BC Green Caucus funding formula.
6. **Resolved**, that the Committee approve the Legislative Assembly's quarterly financial reports for the following periods as presented: April 1, 2016 to December 31, 2016 (Quarter 3); April 1, 2016 to March 31, 2017 (Quarter 4); April 1, 2017 to June 30, 2017 (Quarter 1); and April 1, 2017 to September 30, 2017 (Quarter 2). (Jackie Tegart, MLA)
7. The Committee considered the Financial Statements, for the year ending March 31, 2017 as approved and recommended by the Finance and Audit Committee.

8. **Resolved**, that the Committee approve the Financial Statements of the Legislative Assembly of British Columbia for the year ending March 31, 2017, as presented. (Hon. Mike Farnworth, MLA)
9. The Office of the Auditor General confirmed their audit opinion that the Financial Statements presented fairly, in all material respects, the financial position of the Legislative Assembly of British Columbia as at March 31, 2017.
10. The Executive Financial Officer updated the Committee on centralization of constituency office expenses. Committee Members discussed the centralization of constituency office expenditures in support of efficient processing of expenditures and public reporting, as compared creating a system of centralized approval of expenditures by Members.
11. As an item of new business, the Committee considered the question of a political staff person working in a constituency office of a private Member as well as the placement of Executive Assistants in the constituency offices of Cabinet Ministers.
12. A division being called in the Chamber, the Committee recessed from 3:42 p.m. to 3:51 p.m.
13. The Committee continued its consideration of the staffing of constituency offices.
14. It was agreed that the Committee request further background information from staff in order to consider the matter of constituency office staffing at a subsequent Committee meeting. In particular, the Committee requested a report on the jurisdictional role of the Committee with respect to constituency offices and other applicable rules and regulations which exist in this regard. The report will consider the question with respect to both Executive Assistants for constituency offices of Cabinet Ministers and private Members.
15. The Committee adjourned the meeting at 4:11 p.m. and will meet next on Wednesday, December 13, 2017.

**Hon. Darryl Plecas, MLA**  
**Speaker and Chair**

**Kate Ryan-Lloyd**  
**Deputy Clerk and**  
**Clerk of Committees**

WEDNESDAY, NOVEMBER 29, 2017

The committee met at 3:05 p.m.

[Mr. Speaker in the chair.]

### Adoption of Agenda and Minutes

**Mr. Speaker:** The first thing on our agenda is approval of the agenda. Do I have a person to move that?

**M. de Jong:** I just have one thing. Under “Other business,” I’d like to pose a question or raise an issue around constituency office guidelines. Would that qualify under other business?

**Mr. Speaker:** Yes.

**M. de Jong:** Move adoption.

**Mr. Speaker:** Do we have a seconder?  
Jackie, thanks.

Motion approved.

**Mr. Speaker:** Okay, item 2, “Review and approval of previous minutes.” Everyone has those minutes, beginning with finance and audit committee.

**K. Ryan-Lloyd (Deputy Clerk and Clerk of Committees):** Yes, that’s right.

**Mr. Speaker:** There are three of them. In order, beginning with the earliest....

**M. de Jong:** I think that on item 2, we’re referring to the December 1, 2016, minutes, which is the last time this august body seems to have gathered.

I just had two questions, and maybe you can provide this later in the proceedings. A quick update on item 25, just a progress report. My sense is that this centralized accounting thing is kind of in place and working and doing its thing. But if that’s not the case....

**Mr. Speaker:** Craig, can you speak to that?

**C. James (Clerk of the House):** Yes, it is. And we have a committee, consisting of the caucus Chairs and the Speaker and others, that is meeting regularly on the centralization of constituency office expenses. It’s proceeding very well. The budget that will be presented to this committee on December 13 will contain some additional funding requests too, for the further implementation of the program. But it’s proceeding very well. Brian’s not here right now, or Hilary, but they can certainly speak eloquently to it as well.

**Mr. Speaker:** You had a second query?

**M. de Jong:** Yeah, on item 28, my little bugaboo from a year ago about the driveway. Did that sort of die an unnatural death?

**C. James (Clerk of the House):** No. It’s contained in the budget for next fiscal year as well, and there will be further explanation as to why it’s necessary and the cost.

**M. de Jong:** I think the notion there was that there’s a whole bunch of subsurface work that needs to be done at the same time, if that’s going to happen.

**C. James (Clerk of the House):** That’s correct. We also have done some drilling, with First Nations involved in case we hit something. So we know that underneath the driveway....

**M. de Jong:** Drilling — any gas? Just kidding.  
That’s all I had.

**Mr. Speaker:** Seeing no further discussion, we have approval of the minutes.... A motion to approve?  
Jackie, thank you. And the second? Okay.

Motion approved.

### Finance and Audit Committee Report

**C. James (Clerk of the House):** For the information of members, draft minutes from the finance and audit committee are included here for your information. For the past three.... The finance and audit committee has met three times, has met today and will be meeting again tomorrow. Tomorrow morning, the finance and audit committee will be presented the budget estimates submission for vote 1, and we’ll be considering that in due course.

**M. de Jong:** I’ve got the minutes for December 1, 2016, and November 9 and November 21, 2017, but I read there was also a meeting on November 27.

**C. James (Clerk of the House):** For the finance and audit committee?

**M. de Jong:** Yeah.

**C. James (Clerk of the House):** It should be in your package. If it’s not, I can....

**Hon. M. Farnworth:** Do you have the draft minutes for finance and audit, Tuesday, November 27?

**M. de Jong:** No. I’ve got a report dated November 29. But I did not....

**Hon. M. Farnworth:** Oh, I'm sorry. The draft minutes, finance and audit committee, Tuesday, November 21.  
[3:10 p.m.]

**M. de Jong:** Yes, but there was apparently a meeting on the 27th, according to what I read.

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

**M. de Jong:** And I don't see any minutes.

**C. James (Clerk of the House):** Those minutes, I believe, were approved by the finance and audit committee, but we'll forward them on to you after today.

**M. de Jong:** Okay. The only reason I ask is there are a couple of issues that the finance and audit committee have been considering at successive meetings.

The transitional allowance one. I wasn't sure if it got dealt with more conclusively at the most recent meeting, which appears to be on the 27th, and I don't have the minutes for that.

**C. James (Clerk of the House):** Right. I think the Speaker can certainly present a report.

We met at 2:30, following question period, on two substantive issues. One was the transitional assistance issue, and the other was the Third Party funding. The minutes for that meeting, just minutes ago, have not yet been prepared.

**M. de Jong:** No, but I think we're talking about two different things. I see reference to a meeting that happened on the 27th. Today is the 29th.

**C. James (Clerk of the House):** Right. Those minutes we don't have with us, because I don't believe that they've actually been approved...

**M. de Jong:** For the 27th.

**C. James (Clerk of the House):** ...by the finance and audit committee. They have not yet been approved by the committee, but they will be approved tomorrow morning.

**M. de Jong:** Oh, I see. I got you. Okay.

**C. James (Clerk of the House):** And they do reference the two issues that you're talking about.

**M. de Jong:** So there may.... When we get to the next item, the report to the Legislative Assembly Management Committee, we'll have to update, I guess....

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

**M. de Jong:** All right. Good.

**Mr. Speaker:** Okay. Is there any other discussion on the finance and audit committee? No? Seeing none, let's move on to the next agenda item. That would be the report.

Craig, if you could speak...?

**C. James (Clerk of the House):** You have a copy of the report in your hands. It will be superseded by a discussion and a decision to recommend on two separate issues this afternoon following question period. I can let other members — perhaps the caucus chairs — speak to those two issues.

The report for the three or four meetings does include a review of the 2016-17 and 2017-18 financial updates, and a motion for this committee to approve them, and also the 2016-17 audited financial statements. Hilary is just downstairs printing those off now.

There are some information items. We have with us today, at this meeting, Paul Nyquist, who is our auditor and works very closely with us, in terms of what we're doing — from the Office of the Auditor General. So there is an Auditor's report, which we can place in your hands as well.

Members' transitional assistance in this report will be superseded by a decision by the finance and audit committee to recommend a certain course of action on that matter.

Members Remuneration and Pensions Act, the public service plan rule changes, is something that's ongoing. Hopefully, it will be resolved in early December by way of a report from the pension board. It involves those members who have been here more than 20 years, I think it is, that are still contributing to the MLA pension plan with no discernible effect at all on their pension. We're working out a way in which they don't have to contribute beyond that period of time, according to the plan rules. There are one or more members that belong to another pension plan, which may be in conflict with the rules of the CRA, which are beyond our purview, that we're trying to wrestle to the ground with the pension board as well.

I would like to point out, at this time — and I was going to do it on the 13th, but it's worth noting — that the CRA has notified us to the effect that on December 1, 2019, the income tax rules will change in respect of members of legislative assemblies in this regard. Members who are claiming the \$1,000 accommodation allowance with no receipts will, on January 1, 2019, be taxed on that amount. The in-constituency travel allowance will be a taxable benefit as well.

[3:15 p.m.]

So we'll have to work through that over the course of the next number of months to ensure that we abide by the changes....

Interjection.

**C. James (Clerk of the House):** I have sought a legal opinion, and the opinion is, essentially, that the provincial Income Tax Act will not apply, but the federal income tax rules will apply. I suspect this will be a matter of discussion

among legislatures across the country that may have similar programs.

The other issue that's raised in the report is the Third Party funding for the B.C. Green caucus. Again, maybe the caucus chairs could speak to that.

As well, Government House security. It's been an ongoing feature at Government House that there is relatively no security. We are in discussions with the Government House officials to the extent that we may be in a position to provide surveillance through our video system in terms of the cameras that they may have outside their building and provide, at some point, security officials from here to events upon request. So we're putting together a briefing note for the finance and audit committee, as well as LAMC, to consider at a future date.

**Mr. Speaker:** Do you want to make a comment about the B.C. Green Party caucus?

**L. Krog:** Thank you, Mr. Chair. I think we have reached a general consensus involving the three parties in the Legislature that on an interim basis, there will be a motion, which we will look at tomorrow — which will be more appropriately drafted than the mere discussion that I can offer today.

We've arrived at a number that we think is appropriate based on the present numbers of the Green Party caucus, the only Third Party in the Legislature. But we have to consider and take into account, given the fluid nature of British Columbia politics, that we're going to have to arrive at some sort of formula which will take into account the fact that others could form political parties within the existing Legislature and that picking a number based on three Green Party members may not be fair, because in two months, it could be six Green Party members.

Notwithstanding the incredible enthusiasm of the Green Party representative on this committee, that may not likely happen, but one has to take into account that possibility.

We would be looking at a review, an independent review, to arrive at a formula that we think is fair and appropriate to assist those parties that exist and those parties that might exist in the future to represent the voters appropriately.

**Mr. Speaker:** Any discussion?  
Jackie, would you make a comment?

**J. Tegart:** Thank you, Mr. Chair. There was quite robust discussion around this item. I really appreciate the honesty and the forthright ability of the committee to deal with it.

We, as the official opposition, have agreed that the motion will come forward tomorrow but also realize that this should not be one-off. It should be reflective of some sort of formula — that no matter how many parties there are in the House, we don't find ourselves in this situation again.

With the commitment that we'll take a look at policy, we've come to an agreement that will come forward to this committee at its next meeting.

**Mr. Speaker:** Thank you, Jackie.  
Any other comment?

**S. Furstenau:** Thank you. I appreciate the comments of the other two caucus chairs. I have appreciated the conversation.

Part of our initial recommendation was, really, to get a review underway that moves us into what hopefully is a new era where we are more than two parties in the Legislature. This is a good, proactive step to take to get that formula in place before we move much further down this road.

**Mr. Speaker:** Thank you, Sonia.

**M. de Jong:** So what's the motion?

**Mr. Speaker:** It's going to be coming forward on December 13.

**M. de Jong:** So it's going back to finance and audit tomorrow. Is that the...?

Interjection.

**M. de Jong:** All right, and then it comes back here on the 13th.

[3:20 p.m.]

**Mr. Speaker:** Members, we have two decisions to make here regarding the financial reports. Under your documentation, you have subsections (a) and (b), April 1, 2016, to December 31, third quarter, and, secondly, the fourth-quarter report.

**K. Ryan-Lloyd (Deputy Clerk):** Also, these ones for the next fiscal. So there are four quarterly reports.

**Mr. Speaker:** Four in total, and first and second quarter beginning on April 1, 2017. Maybe we can ask Hilary to speak to those.

**H. Woodward:** We have reviewed four sets of quarterly reports with the finance and audit committee. The quarterly financial reports provide budget, year-to-date and forecast information for the Legislative Assembly for both operating expenses and capital expenditures.

The reports reviewed included quarter 3 and quarter 4 for 2016-17 fiscal year, and quarter 1 and quarter 2 for the 2017-18 fiscal year. The reports are cumulative in nature, so I'll focus on the 2017-18 report, which is the last one in your package.

The most recent report for the 2017-18 fiscal year projects that the Legislative Assembly will be underspent by \$6.5 million as compared to budget for operating expenses and \$630,000 underspent as compared to budget for capital expenditures.

Year-to-date expenses as at September 30, 2017, were \$33.3 million in operating expenses and \$740,000 in capital expenses.

I'm happy to take any questions.

**M. de Jong:** Just this, and if there is blame to be assigned, I accept my share of it. Would you prefer, Hilary...? They come along quarterly, and this was an election year, and then all of the added complications. Outside of extraordinary circumstances like that, is this something you would prefer that LAMC saw on a quarterly basis and dealt with them as they were produced?

**H. Woodward:** Yes, that would be preferable.

**M. de Jong:** Is there anything untoward that jumped out at you that you want to direct the committee's attention to?

**H. Woodward:** No, there are no concerns identified. The first two sets of reports, actually, relate to the financial statements that we'll be going to next, because it relates to the prior fiscal year. The current take you up to date through the first six months. So nothing untoward.

**C. James (Clerk of the House):** I think we are on track, Hilary, to return to the consolidated revenue fund a similar amount that we've been returning over the past five or six years, including unspent capital.

**Hon. M. Farnworth:** Just another question. Why is the unspent capital not getting spent when we're accruing it?

**C. James (Clerk of the House):** That's an issue that we would like to discuss with the finance and audit committee and subsequently this committee. We believe that thresholds are too low for us to undertake many projects. This past year is a prime example of both committees not being able to meet, not because they don't want to but because of the election year, and so on. But we believe that the thresholds, if raised, would enable us to get approval and just get on with some of the projects that we really feel are necessary.

**H. Woodward:** If I may just expand on that as well. For our capital expenditure, we have a \$1 million contingency set aside for unforeseen capital projects. That wasn't spent in the past and doesn't expect to be spent this year.

**Mr. Speaker:** If no further discussion, perhaps then we could move a motion.

If we could move that the Legislative Assembly Management Committee approve the Legislative Assembly's quarterly financial results for the following periods as presented, April 1, 2016, to December 31, 2016 — that's the third quarter; April 1, 2016, to March 31, 2017, fourth quarter; April 1, 2017, to June 30, 2017, first quarter; and April 1, 2017, to September 30, 2017, second quarter.

Moved and seconded.

Motion approved.

[3:25 p.m.]

**Mr. Speaker:** Again, Hilary, if you could speak to the financial statement.

**H. Woodward:** We have reviewed the Legislative Assembly financial statements for the year ending March 31, 2017, with the finance and audit committee. That's in the report to this committee.

Just some highlights from that. The Auditor General was in attendance at that meeting. She provided her final report on the financial statements, noting that she would be issuing a clean audit opinion on the financial statements. The Auditor General also indicated that no new management letter point recommendations were forthcoming this year.

For the 2016-17 fiscal year, the Legislative Assembly incurred operating expenses of \$64.2 million and capital expenditures of \$1 million. The Legislative Assembly underspent its operating budget by \$5.4 million and its capital budget by \$1.4 million.

The finance and audit committee recommended that the Legislative Assembly Management Committee approve the financial statements today.

**Mr. Speaker:** Any discussion?

**M. de Jong:** It has nothing to do with the body. Both this document and the financial reports are marked in red: "Confidential." What does that mean?

**C. James (Clerk of the House):** The meetings of the finance and audit committee are in camera, as, strictly speaking, an audit committee. They're brought to this committee for information only.

One of the issues we were going to discuss with you is what information you would like to see made public at this meeting and following this meeting. So if it's the view of LAMC that the minutes of the finance and audit committee should be made public, then we will make them public. But until such a decision is made, they are to be in confidence.

**M. de Jong:** But this meeting is public.

**C. James (Clerk of the House):** That's correct, yes.

**M. de Jong:** I thought we went through this. If we're dealing with the financial reports and financial statements, presumably they are public.

**H. Woodward:** They will be made public. The late distribution of that material... It was just that we took the copies from our finance and audit committee working file. Normally, that wouldn't be on that for this meeting.

**M. de Jong:** Okay.

**Mr. Speaker:** If there is no further discussion, then perhaps the motion would be that the Legislative Assembly Management Committee approve the financial statements of the Legislative Assembly of British Columbia for the year ended March 31, 2017, as presented.

Do I have a...? Mike, and Garry second.

Motion approved.

**Mr. Speaker:** Maybe, perhaps, we could take a second. Paul, do you have any comment that you'd like to make on the Auditor's report?

**P. Nyquist:** No. Just to echo what Hilary had said, the Auditor General's opinion is a clean opinion, so the financial statements are fairly stated. We identified no controlled efficiencies in the systems underlying the financial statements, which is an important step in our audit.

**Mr. Speaker:** Thanks very much. Okay, Members, if we could have Hilary say something about the centralization of constituency financing.

**H. Woodward:** As many of you know, we've been undertaking a centralization project, and that is to centralize constituency office expenses centrally within the Legislative Assembly. That was a decision made at the December 1, 2016, meeting of this committee. The financial services group has been hard at work — and working, of course, with yourselves and a number of your constituency assistants — to make this project occur.

[3:30 p.m.]

It's a three-phase project. The first phase was to do manual centralization of new MLA constituency office expense processing. For all new MLAs that started with this past election, they do not have their own bank accounts, and their CAs are not processing those expenses. Those are all being done centrally by financial services in the Legislative Assembly. However, that is a manual process. It's not automated. So that's phase 1, and that's been going well.

We are now currently in phase 2, which was the procurement of document workflow software. We did an RFP process. We awarded that contract, and we are now in the pilot and testing stage. We have a number of constituency offices that have volunteered for that pilot, so we have just begun the work on that and piloting that software. That's happening currently, so basically, through the month of December.

Phase 3 will be then rolling out the entire software and the new process to all members. That will be going live April 1, 2018 — so next April. Everything is on track, and we continue to work on that project.

We also have a subcommittee, or working group, consisting of staff from the Legislative Assembly, the Clerk and a number of members, and we keep them regularly informed

on this project as well.

**Mr. Speaker:** Mike, do you have a comment?

**M. de Jong:** A comment. A question, maybe. I was very enthusiastic about the shift in this direction. I think there was a lot of concern amongst some colleagues about the centralizing.... I thought it made sense. I still think it makes sense.

At the time — and if I'm mistaken, there are at least one or two others around the table who can inform me — the undertaking.... That's too strong a word. The explanation we gave to colleagues was we were going to disclose, and we were going to centralize for the purpose of facilitating that.

I have, in a couple of instances, heard about inquiries being received about the nature of expenditures, and I thought we were pretty explicit. The purpose of this exercise was not to create an approving authority. It was to create a mechanism by which members could centrally register their accounts, expenses, and facilitate the disclosure of receipts relating to the expenditure of public money.

This is going to be a problem. I am, as most people know, pretty aggressive when it comes to accountability. But the purpose was not to create an approving authority. It was to facilitate the filing of the material, ease for the public to get at it, and that kind of openness.

If we're going to create a whole, big bureaucracy posing questions to members.... The whole point about disclosure is that members of the public and members of the media can go, and they can.... The member must be able to defend that expenditure, because the receipt is right there. "What was this for? What was that about?"

I am hopeful that we are not going down a path that I thought we explicitly opted not to go down. I don't know, Mike, if you remember.

**Hon. M. Farnworth:** Maybe I'll jump in. I agree. I think that was the direction. I also think a lot of members were also looking at.... "I want to do this. Does this fall within the guidelines?"

I think that was very much a part of it as well. That you were able to phone up.... Because they're doing it centrally, I could phone up and say: "Hey, I'm thinking of either attending this or doing this. Is this a legitimate...? Would this cause me problems with the issue once I have the cheque and our expenses?"

I think that was very much a part of it as well. I agree. It wasn't just sort of central approving, because it was also very much these are still MLAs offices, where we are responsible for the expenditure.

[3:35 p.m.]

**M. de Jong:** The point wasn't for someone in the office here to say: "Before we pay your Christmas greeting ad, we'd like to see it." I don't think that was the purpose. It's going to bog it down, if it gets to that point.

**H. Woodward:** I'd just like to clarify on that. That is the intent of the process — to centralize and process these pieces through. The member is always the ultimate approver of all the expenses. If we do get questions, they're often clarifying questions. At no point would the Legislative Assembly be not approving something that the member has approved. But I certainly will take that message back to financial services.

**M. de Jong:** Well, and the member is answerable. At some point, the body, the Speaker or whoever, might step in. But if the office is going to be approving every expenditure, then we're going to have a....

**C. James (Clerk of the House):** If I could just remind members that one of the reasons I struck this centralization of constituency offices expenses committee was to ensure caucuses were being kept informed through the caucus chair representatives but also for the committee to be made aware of any problems that might be discovered en route, such as this particular one. I think it would be really healthy and helpful for us to know if there are problems, as we're implementing the system, in advance so that we can make sure that we are sticking to the original plan and that nothing else is going astray.

**H. Woodward:** Just one final comment. I would agree. I certainly don't want to see the system bog down for members or for financial services staff as well. So I think we're all on the same page on that.

**Mr. Speaker:** Craig, you have an update?

**C. James (Clerk of the House):** I will in the budget submission for the 13th. I think, rather, in the interest of time, I can forgo that.

**Mr. Speaker:** This is a good thing.

**M. de Jong:** Can I...? Then I guess we're down to the end of the November 29 report. The issue around the member's transitional assistance — that's coming back with a specific recommendation at some point.

**C. James (Clerk of the House):** That's correct, yes.

**M. de Jong:** Similarly, the Government House security issue.

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

**Mr. Speaker:** So Mike, did you have any other comment under new business?

**M. de Jong:** Are we through the Clerk's report?

**Mr. Speaker:** Well, you had the issue of constituency

offices, but I think we've dealt with that, right?

**M. de Jong:** Well, no, no. Under "Other business," I had one other matter.

**Mr. Speaker:** Okay, sorry. Go ahead.

### Other Business

**M. de Jong:** Here's the question. And it does flow, actually, from an exchange in the House and then a follow-up question that was put to me and Jackie.

Here's the scenario. A private member wants to bring political staff into their constituency office. By political staff, I mean someone that would be engaged in more partisan-related advice, triggered by the exchange that occurred with the Premier and the Leader of the Opposition, where MLAs who are members of the executive council are, apparently, now going to bring political appointees and political staff into constituency offices.

The question from a colleague was: "Well, I want to do the same thing, and I have arranged, or can arrange, financing for that person through a riding association. I want some political help in my constituency office, and it won't impact upon the public resources. But I just want that person there because, with the House sitting as it is, I'm not there a lot."

The questions that flow from that, I think, are.... First of all, does LAMC have any authority to determine whether or not the introduction of political staff into the constituency office is appropriate or allowable? That's the first question.

[3:40 p.m.]

If the answer to that is yes, what is LAMC's view of members of the executive council doing it and then private members doing the same? If the answer to the first question is no, then presumably, there are no obstacles to a private member doing what was asked of me by introducing political staff into the mix at the constituency office.

So that's the issue.

**Hon. M. Farnworth:** I understand Mike's question. I think there is a distinction that we need to recognize, when doing that, in: what do we mean by political staff?

If a private member, regardless of whether a member of the executive council or not, wishes to put somebody in an office that is paid for by not a government.... Because the issue is an executive assistant, in the case of the executive council. It's not political staff, per se, that the party is paying for. It is an executive assistant that all members of the executive council have been able to have literally since probably the late '80s.

In the 1990s, executive assistants were based in a minister's office. The subsequent government put them over here. There's no policy that says that cannot take place.

I think there's a distinction, though, between an executive assistant who is working with a minister and is engaged in dealing with when a constituent comes in with ministerial

questions or around meetings that a minister would be attending or events that a minister is going to, as opposed to a political party paying for an individual to be in there to look at on what would be a party political position.

[The bells were rung.]

**Hon. M. Farnworth:** I think there's a significant difference between those two positions. That would be my observation around the difference between a private member, for example, and a member of the executive council.

**M. de Jong:** We shall explore it when we come back.

**Mr. Speaker:** This committee will recess until after the division.

The committee recessed from 3:42 p.m. to 3:51 p.m.

[Mr. Speaker in the chair.]

**Mr. Speaker:** Members, if we could call the committee back to order.

Committee members, if I could just begin by saying I'm a bit concerned that we're treading on some pretty significantly serious ground here, which affects the neutrality of the constituency offices. I think perhaps if we could adjourn our discussion on this until we have an opportunity for the Clerks to give us some background information and advice before we go any further on this. At least at this point it seems to me to be a pretty significant shift in practice, and I'm just not feeling good about it at all.

**Hon. M. Farnworth:** I don't have a problem with that, and I would support that. But I would also put this on the table. I don't think it's a shift in practice. I think what you have is questions around the nature of a practice that has occurred without any complaint or issues being raised in previous parliaments.

We have examples of previous parliaments of executive assistants working here in Victoria, and we have examples of previous parliaments of executive assistants working in ministers' constituency offices. So I wouldn't say it's a significant.... It's a shift. There are examples of two different practices. If there are questions around that, then absolutely, I think it would be fine to hear — and it's important that we do hear — and get the background information on that.

**M. de Jong:** Right. Well, every time an interesting conversation breaks out, we go run and hide behind the Clerks. [Laughter.]

I don't quarrel with the observation that there have been essentially two different practices. I think what has happened of late, through the evolution of LAMC and the manner in which we just talked about centralized accounting, and we've talked about other things.... The notion of the constituency

office as a non-partisan island in a sea of political endeavours has acquired an element of importance.

I don't quarrel with the fact that, going back 16 years.... [Laughter.]

Interjections.

**M. de Jong:** Prior to that there was a ministerial assistant or executive assistant located in those offices. The observation I would make is: by definition, that person and the reintroduction of that staff person introduces an element of partisanship into.... The person is not non-partisan.

[3:55 p.m.]

Having some experience in the executive council, that's one of the reasons they are hired. They are distinguished from other positions, either in the constituency office or the public service. They are most explicitly partisan. They are there to attend to the political interests of their ministerial master.

The question is: has anything changed since 2001, when that was common practice? Have any rules changed that preclude that from happening? If the answer is no, the other question I pose is: does LAMC even have any jurisdictional authority to render an opinion? If it doesn't, then the notion of a private member bringing an executive assistant into the office, as long as they're not utilizing the resources, the constituency office budget.... That was the distinction I think the Premier made. The person may be partisan, but they won't be availing themselves of any of the non-partisan resources assigned to the constituency office.

My colleague says: "Well, you can do the same thing." I can bring someone in as my executive assistant, and they will not avail themselves of those public resources. I'll see to that. I think it is a legitimate question.

**Hon. M. Farnworth:** It is a legitimate question to ask. But I also would put the caveat in there that there's a significant difference between someone brought in as "an executive assistant," who has no relation to the ministerial, to someone who is not a member of the executive council.... Whereas the executive assistant is there because the member is a member of the executive council and deals with issues that relate to, yes, the political nature and the policy nature of the minister involved.

An executive assistant working for me would be dealing with those issues as minister that come through my office that relate to public safety, the Solicitor General and other issues responsible to my portfolio. They're not political in a party nature. They are political in a government nature, and there's a fundamental distinction between the two.

I do think it's important that we do get some background information on this, because I think the question is: if the practices have taken place over the last several parliaments, but there are two different practices...? The question is: have the rules not changed? Then we should find out who would have responsibility for that. Is there an issue around...? How

do other jurisdictions deal with the question? That's always, in our parliamentary system, something that we look to. How do other jurisdictions do it?

What is the best way to deal with that? Is it through a substantive change? Is it through the development of a code of conduct? Is it through ensuring that those issues, such as non-partisanship, are in place? The reality is, if an office is running properly, the person coming through the door to get assistance with a problem is dealt with by the constituency assistants. It's not dealt with by an executive assistant. It's dealt with by the constituency assistants.

I think those are legitimate questions to ask. I do think it would be appropriate to have background information from the Clerks.

**S. Furstenau:** I was just wondering if part of this was because constituency assistants were reporting back that they were challenged by the questions that were coming in or the issues to be solved because they were in a minister's riding.

**Hon. M. Farnworth:** The general thing is that the workload in a minister's riding and the demands that a minister places on staff are significantly different than most private members. For example, even though I'm critic.... I never asked my constituency assistants to accompany me to events, to carry my bags. Because there are those who would do that. My view of their role is that they are there to serve and help my constituents when they come through the door. That's where I want them.

[4:00 p.m.]

As a minister — and I go back to my last experience, 16 years ago — I would often be going.... I'll give the example of Health Minister. I'd be meeting with, let's say, the BCMA, for example, or health organizations.

I actually did need someone who would have either briefing materials that I needed or who was able to, say, coordinate parts or issues that would come up during our discussion for me to follow up with as minister. Those would be passed on to the ministerial assistant in Victoria, so I'm not bringing them over if I'm doing meetings on this side. There was a significant difference in their roles.

**L. Krog:** The one position, or positions, that any MLA has within their control — which is, arguably, a patronage position, on one level — is the hiring of their constituency office staff. I would be astonished if there are many — if, indeed, there are any — Members of the Legislative Assembly who don't hire people they expect to be loyal to them politically, who may well be, potentially, a member of the party of the MLA.

It has always been thus. I don't think there's anything wrong with that concept, because at the same time, they perform a dual role. Every MLA is a partisan, but those constituency assistants are hired, as Mike Farnworth has pointed out, to do the constituency work and to do it well. In doing

that work well, they may well assist the member in getting re-elected because that member's office develops a reputation for providing effective service to their constituents. So you can argue that that is a partisan activity — helping the member get re-elected.

But the reality is: what they're doing is assisting constituents who face problems with government. We all, every member around this table, know the myriad problems and difficulties that confront MLAs and, most particularly and most frequently in our absence here in the House, the members' constituency assistants.

The suggestion, with great respect to the Opposition House Leader, that you can compare bringing in a partisan person who is designed to be paid independently and to do partisan political work in a constituency office as somehow equivalent to having a minister's executive assistant there.... Their job is, essentially — in my view, and I think the way most of us looked at it, historically — to be an extra set of ears and eyes for the minister so that maybe if you can't get to Victoria to discuss your problem or maybe you can't get a meeting with the minister, you can at least have time with their executive assistant, who will, hopefully, if they're a competent person — and they should be — be able to evaluate whether this is a policy issue, whether this is something that even should be brought to the minister's attention, etc.

I'm happy with the suggestion of the Chair that this be passed on further. But I think, with great respect — and I'm going to be a little partisan here — this discussion is suggestive of something that isn't realistic in the way constituency offices function or the way executive assistants historically functioned.

If, in fact, it could be demonstrated that an executive assistant was sitting at a desk in an MLA's office securing money for the campaign or checking the membership list with the local constituency organization or something of that nature, that's an entirely different thing. I think each and every one of us understands — and we have all, I trust, made it clear to our constituency assistants — that there will be no partisan activity in our constituency offices. It is first, foremost and always a government office.

At the same time, I come back to my point. The executive assistant is simply there, historically, to provide that assistance to a minister, to give access and opportunity. That is one of the benefits. It's one of the reasons people vote for some people — because they're hoping that their member will be in cabinet and they will have an executive assistant in that very office in order to assist them with their problems and provide that extra avenue of access to government.

Again, I'll shut up now and go back to where I started. That is, I support what the Chair has suggested in terms of this. But I personally have not come across or seen — and I've sat on both sides of this House — in 17 years where, when my constituency office was dealing, sometimes, with executive assistants, that they were doing anything other than the good work on behalf of government. I say that with compliments to those executive assistants who provided

work for the previous government and who assisted my constituency office staff, who dealt with them on a fairly regular basis, to solve problems for my constituents.

[4:05 p.m.]

**J. Tegart:** Just one last comment. I guess, though, it would be very helpful for me to have Mike Farnworth really close to me, so I can go to his executive assistant, who's now in his office.

I'm looking forward to finding out what LAMC's role is. I am very concerned about politicizing constituency offices. I think we need to have a fulsome discussion about that.

**Hon. M. Farnworth:** You do. You get my MAs, my ministerial assistants. Those are in my office here.

**M. de Jong:** Okay. Well, we had a.... That's a good round 1 of the conversation.

I just want to be clear on the process, what the next steps are here. I think there is an emerging consensus that would say that LAMC will receive a report indicating what, if any, jurisdictional authority the committee has to render any kind of a decision on what takes place within the confines of a constituency office, partisan or not, and what, if any, other applicable rules, regulations or legislation apply in that regard. That'd be the first question.

That's a good place to start. I might, therefore, surmise from that that LAMC today isn't going to render any kind of an opinion on what is the reintroduction of executive assistants into the constituency offices. If that were to happen, it would happen after the answer to the first question.

I guess the only remaining question for myself and Jackie to convey to our colleague is: is there anything to prevent a private member from bringing an executive assistant into their office at this point, pending some sort of a ruling decision or opinion from this body?

**Mr. Speaker:** Mike, can that not be addressed under this same review? We ask the first question: "Is this something which falls under the umbrella of LAMC?" We can have that question looked at by the Clerks. Secondly, if it's determined that it is, then the next question would be, as a step, that we set out terms of reference for a review. In an ideal world, that review would be an independent one.

**M. de Jong:** I think that's fine. I think, though, candidly, what we will be confronted by is: if this turns into a year-long exercise, private members will say, "Well, that's fine, but the status quo is being preserved, and I intend to be more proactive about bringing people in." I mean, what's our timeline?

**Mr. Speaker:** We could put the word "immediate...."

**Hon. M. Farnworth:** First off, I think that first question.... I actually do think there is an answer, and I do think the answer would be no, in my view.

I think there are some references to go back and start that review. One of them would be the Hughes review of constituency offices and how constituency offices are funded. That took place in the '90s.

At that time, in terms of.... I don't believe he referenced the fact that ministers' executive assistants worked in the constituency offices, but I think that was probably a report worth looking at.

I think that there are enough policies in government in place already that may well address that particular question. We should find the answer to that question and then proceed from there with what the Speaker's asked of the Clerks.

**Mr. Speaker:** Does the Clerk have any concerns about doing the review?

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

**Mr. Speaker:** Before Christmas.

**M. de Jong:** Kate, do you have the question? As I was rambling on, do we have agreement on what the question is?

[4:10 p.m.]

**K. Ryan-Lloyd (Deputy Clerk):** The committee, in my notes here, has agreed to request of the staff the provision of background information in order to give further consideration to the matter at a subsequent committee meeting. The particular request would be an assessment of the jurisdictional role of this committee with respect to constituency offices, as well as a report on other applicable rules and regulations which exist with respect to this matter. I mentioned the jurisdictional comparison, and it will consider the question with respect to both the placement of an executive assistant for a cabinet minister and also similar staff for a private member.

That would be the scope that has been directed.

**M. de Jong:** Sounds like something Sir Humphrey would produce — very good. [Laughter.]

**Mr. Speaker:** Do we have an agreement on that?

**J. Tegart:** The only concern I have is timelines. If we can get some sense of timelines, then that would be extremely helpful.

**Mr. Speaker:** I think we heard before Christmas.

**J. Tegart:** That's great.

**Mr. Speaker:** Is it possible by December 13, our next meeting?

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

**Mr. Speaker:** Okay, so we can have that done by December 13.

**Hon. M. Farnworth:** That's fine.

**Mr. Speaker:** So everybody's in agreement? Okay. Thank you very much.

**J. Tegart:** Do you need a motion?

**Mr. Speaker:** Yes. Do we have a motion for that — the question as stated by Kate and including the review to be completed for presentation at our next meeting on Decem-

ber 13?

**J. Tegart:** So moved.

Motion approved.

**Mr. Speaker:** Motion to adjourn. Mike.

Motion approved.

The committee adjourned at 4:11 p.m.

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