

# *Special Committee to Appoint an Auditor General*



MAY 2014





May 28, 2014

To the Honourable  
Legislative Assembly of the  
Province of British Columbia

Honourable Members:

We have the honour to present herewith the Report of the Special Committee to Appoint an Auditor General containing our unanimous recommendation.

Respectfully submitted on behalf of the Committee,

John Yap, MLA  
Chair

Kathy Corrigan, MLA  
Deputy Chair



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## Composition of the Committee

### Members

John Yap, MLA	Chair	Richmond-Steveston
Kathy Corrigan, MLA	Deputy Chair	Burnaby-Deer Lake
Greg Kylo, MLA		Shuswap
Mike Morris, MLA		Prince George-Mackenzie
Bruce Ralston, MLA		Surrey-Whalley

### Clerk to the Committee

Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees

## Terms of Reference

On July 8, 2013 and on February 25, 2014, the Legislative Assembly agreed that a Special Committee be appointed to select and unanimously recommend the appointment of an Auditor General, pursuant to section 2 of the *Auditor General Act [SBC 2003, c.2]*. The said Special Committee shall have the powers of a Select Standing Committee and in addition is empowered:

1. to appoint of their number one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;
2. to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
3. to adjourn from place to place as may be convenient; and
4. to retain such personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

## Acknowledgements

The Committee wishes to acknowledge George Morfitt, former Auditor General, for providing valuable and trusted advice at various stages of the selection process.

In addition, the Committee would like to thank Russ Jones, Acting Auditor General. Mr. Jones assumed the role of Acting Auditor General in March 2013 during a time of transition for the Office of the Auditor General. He carried out his responsibilities with professionalism and dedication. On behalf of all Members of the Legislative Assembly, Committee members express their appreciation and gratitude.



## Introduction

The Legislative Assembly of British Columbia's independent auditor, the Auditor General serves the people of British Columbia and their elected representatives by conducting independent audits and advising on how well government is managing its responsibilities and resources. The Auditor General provides audit assessments about the fairness and reliability of the financial statements and public accounts, and assesses the operations and performance of government programs and services. Reports of the Auditor General are tabled with the Legislative Assembly and are discussed in a public forum with the all-party Select Standing Committee on Public Accounts. Copies of the Auditor General's reports are available at: <http://www.bcauditor.com/>

Since the creation of the office in 1977, the province has had four legislative auditors with term appointments: Erma Morrison, George Morfitt, Wayne Strelloff, and John Doyle. Each was appointed by the Legislative Assembly on the unanimous recommendation of an all-party parliamentary committee. Four individuals have also held the position in an acting capacity: Robert J. Hayward, Arn van Iersel, Errol Price, and the current Acting Auditor General, Russ Jones. Mr. Jones was appointed to the position on March 28, 2013 by the Special Committee to Appoint an Acting Auditor General.

The mandate and powers of the Auditor General are set forth in the *Auditor General Act* and other provincial statutes. Pursuant to the Act, the Legislative Assembly, by resolution, may appoint a person to be Auditor General based on the unanimous recommendation of a committee of the Legislative Assembly. In March 2013, legislation was passed changing the Auditor General's appointment to a single non-renewable term of eight-years.

In July 2013, the Special Committee to Appoint an Auditor General was struck to recommend the appointment of a new Auditor General. The Committee undertook its work over an approximate ten-month period before unanimously selecting a person to recommend for appointment. This report summarizes the work of the Committee and provides a description of the recruitment process.

A copy of the position advertisement is listed in Appendix A. A complete copy of the *Auditor General Act* is contained in Appendix B.

## Meeting Schedule

### *First Session, 40th Parliament*

July 11, 2013	Organizational meeting
October 10, 2013	Briefing Review of position and advertisement
November 7, 2013	Review and approval of advertisement
February 11, 2014	Review of applications

### *Second Session, 40th Parliament*

February 26, 2014	Organizational meeting Review of applications and interview documentation
April 2, 2014	Review of interview documentation
April 4, 2014	Interviews
April 11, 2014	Interviews
April 28, 2014	Deliberations
May 5, 2014	Second interview
May 9, 2014	Second interview
May 15, 2014	Deliberations
May 22, 2014	Deliberations Adoption of report

Pursuant to the usual confidentiality requirements for statutory officer appointment committees, all deliberations of the Special Committee to Appoint an Auditor General were held in-camera.

## Recruitment Process

The Special Committee to Appoint an Auditor General was appointed on July 8, 2013 to recommend the appointment of a new Auditor General, pursuant to Section 2 of the *Auditor General Act*. The Committee held three organizational meetings in the First Session of the 40<sup>th</sup> Parliament before issuing an advertisement on November 13, 2013 inviting applications for the position of Auditor General.

The advertisement was posted on the Legislative Assembly website and placed in major daily newspapers in British Columbia, and in the *Globe and Mail* and *National Post*. The advertisement was also sent to several Canadian and international accounting associations for further distribution, and was posted to the websites of the Canadian Institute of Chartered Accountants and the Institute of Chartered Accountants of England and Wales. The deadline for applications was January 10, 2014.

Twenty-one applications were received, including nine from candidates in British Columbia, five from candidates in other provinces, and seven from candidates in international jurisdictions. The Committee met to review applications on February 11, 2014. The Committee met again on February 26, 2014 to develop a shortlist following the reconstitution of the Committee for the Second Session. Six candidates were selected for interview.

The interviews for the six shortlisted candidates were held on April 4 and 11, 2014. Following deliberations, two candidates were invited for second interviews held on May 5 and 9, 2014. On behalf of the Committee, the Chair and Deputy Chair conducted extensive reference checks for both candidates as part of this stage in the selection process.

Following final meetings for deliberations in May, the Committee unanimously agreed to recommend to the Legislative Assembly the appointment of Carol Bellringer as Auditor General of British Columbia.

## Recommendation

**Pursuant to the Auditor General Act, (SBC 2003, c.2), the Committee unanimously recommends to the Legislative Assembly that Carol Bellringer be appointed as Auditor General of British Columbia, for one 8 year term commencing on September 15, 2014.**

## Biographical Information

Carol Bellringer is the former Auditor General for the Province of Manitoba, a position she held from 2006 to March 2014, and from 1992 to 1996 (when it was known as the Office of the Provincial Auditor). She also held previous roles in the office, and was formerly Assistant Provincial Auditor and Director, Training and Technology. Ms. Bellringer possesses an extensive background in conducting financial statement audits, performance audits, and investigations.

A Chartered Accountant, Ms. Bellringer holds an MBA from the Warsaw School of Economics/University of Quebec at Montreal. She also was named a Fellow of the Chartered Accountants of Manitoba in 2006 in recognition of her contributions to the community.

Ms. Bellringer brings relevant qualifications and leadership skills to the Office of the Auditor General of British Columbia. She previously served as the City Auditor for the City of Winnipeg, and has held management positions with KPMG in Montreal, Toronto, and Winnipeg, and with Media One International in Warsaw, Poland. Ms. Bellringer is also a former Director of Private Funding at the University of Manitoba.

In addition to her professional experience, Ms. Bellringer has held several board positions for business, charitable, and arts organizations. She currently serves on the board of the International Federation of Accountants, and has been a past board member for the Manitoba Chapter of the Institute of Corporate Directors; the Winnipeg Symphony Orchestra; Manitoba Hydro; the Auditing and Assurance Standards Board; and CCAF-FCVI Inc.

## Appendix A: Advertisement

### SPECIAL COMMITTEE TO APPOINT AN AUDITOR GENERAL

*Chair: John Yap, MLA (Richmond-Steveston) | Deputy Chair: Kathy Corrigan, MLA (Burnaby-Deer Lake)*

# AUDITOR GENERAL

The Legislative Assembly of British Columbia has appointed an all-party Special Committee. The Committee is mandated to unanimously recommend to the Legislative Assembly the appointment of an Auditor General for the Province of British Columbia. The Auditor General is a non-partisan, independent officer of the Legislature. The position's powers and responsibilities are set forth in the *Auditor General Act* and other provincial statutes.

As the Legislative Assembly of British Columbia's independent auditor, the Auditor General conducts financial and performance audits in accordance with Canadian generally accepted accounting principles and assurance standards. The Auditor General audits the provincial government reporting entity which consists of ministries, Crown corporations and other government organizations such as school districts, universities, colleges and health authorities. The Auditor General reports to the Legislative Assembly on all matters and appears regularly before the Select Standing Committee on Public Accounts.

The successful applicant will have recognized professional credentials and demonstrated skills in leadership, collaborative problem solving and a solid record of accomplishment in public or private sector auditing. The preferred candidate should possess experience in leading large, complex audit engagements with demonstrated success in organizational leadership and management.

The successful applicant will also have a good understanding of the role, responsibilities and activities of the Office of the Auditor General and its relationship to the Legislative Assembly and knowledge of the British Columbia government reporting entity. Knowledge of current Canadian and international developments within accounting and auditing fields and the implications for the provincial government is necessary.

The Auditor General leads a dedicated and professional team of approximately 115 staff. The appointment is a single eight year term of office. The Office of the Auditor General is located in the provincial capital of Victoria.

Resumes should be received by fax, by email or by mail at the address below no later than **Friday, January 10, 2014**. Although the Special Committee appreciates the interest of all applicants, only those who are invited for an interview will be contacted. All resumes received will be held in confidence.

For further information, please visit our website at [www.leg.bc.ca/cmt/auditorgeneral](http://www.leg.bc.ca/cmt/auditorgeneral) or contact:



Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees  
Parliamentary Committees Office, Room 224,  
Parliament Buildings, Victoria, BC V8V 1X4;  
tel: 250.356.2933, or toll-free in BC: 1.877.428.8337;  
fax: 250.356.8172; e-mail: [kateryanlloyd@leg.bc.ca](mailto:kateryanlloyd@leg.bc.ca)



## Appendix B: Auditor General Act [SBC 2003] Chapter 2

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### DEFINITIONS

1 (1) In this Act:

*"audit"* means an audit conducted in accordance with generally accepted auditing and assurance standards;

*"Auditor General"* means the Auditor General appointed under section 2;

*"committee"* means the committee of the Legislative Assembly that the Legislative Assembly has specified for the purpose;

*"government"* means the government as reported through the consolidated revenue fund;

*"organization"* means a corporation or an unincorporated body;

*"trust fund"* means a fund held in trust by

(a) the government,

(b) a minister, or

(c) a government organization.

(2) To the extent that this Act does not otherwise define a word or expression used in this Act,

- (a) the definitions in the *Budget Transparency and Accountability Act* apply, and
- (b) the definitions in the *Financial Administration Act* apply if those definitions are made to apply to the *Budget Transparency and Accountability Act* in accordance with section 1 (2) of that Act.

#### **APPOINTMENT OF AUDITOR GENERAL**

- 2 (1) The Auditor General and an acting Auditor General are officers of the Legislature.
- (2) The Legislative Assembly, by resolution, may appoint a person to be the Auditor General.
- (3) An Auditor General holds office for a term of 8 years.
- (4) The Legislative Assembly may not appoint a person as Auditor General unless the committee unanimously recommends the appointment of the person.
- (5) A person appointed as Auditor General under subsection (2) may not be appointed for any subsequent term.
- (6) [Repealed 2013-11-1.]

#### **OATH OF OFFICE**

- 3 Before assuming office, the Auditor General or acting Auditor General must take an oath before the Clerk of the Legislative Assembly to exercise the powers and perform the duties of the Auditor General faithfully and impartially.

#### **REMUNERATION AND EXPENSES**

- 4 (1) The Auditor General must be paid out of the consolidated revenue fund a salary equal to that of the chief judge of the Provincial Court of British Columbia.
- (2) The Auditor General must be reimbursed for reasonable travelling and out of pocket expenses necessary to exercise the powers and perform the duties of the Auditor General.

#### **APPLICATION OF *PUBLIC SECTOR PENSION PLANS ACT***

- 5 (1) The public service plan as defined in section 1 of the *Public Sector Pension Plans Act* applies to the Auditor General.
- (2) To calculate the amount of a pension under the public service plan for the Auditor General holding that office on the coming into force of this Act,
  - (a) each year of service as Auditor General must be counted as 1 1/2 years of pensionable service, and
  - (b) paragraph (a) does not apply to a year of service as Auditor General served after the end of the term as Auditor General that was being served on the coming into force of this Act.

#### **RESIGNATION, REMOVAL OR SUSPENSION OF AUDITOR GENERAL**

- 6 (1) The Auditor General may resign from office at any time by giving written notice
  - (a) to the Speaker of the Legislative Assembly, or
  - (b) if the Speaker is absent from British Columbia or there is no Speaker, to the Clerk of the Legislative Assembly.
- (2) By a resolution passed by 2/3 or more of the members present in the Legislative Assembly, the Auditor General, for cause or incapacity, may be suspended from office, with or without salary, or removed from office.
- (3) If the Legislative Assembly is not sitting and is not scheduled to sit within 5 days, the committee may suspend, by unanimous resolution, the Auditor General for cause or incapacity, with or without salary, for a period that must be set by the committee to end not later than on the expiry of a further 20 sitting days of the Legislative Assembly.

#### APPOINTMENT OF ACTING AUDITOR GENERAL

- 7 (1) If the Auditor General is suspended or the office is vacant, the Legislative Assembly, on the recommendation of the committee, may appoint an acting Auditor General to exercise the powers and perform the duties of the Auditor General until an appointment is made under section 2 or the suspension ends.
- (2) If the Auditor General is suspended or the office is vacant, and if the Legislative Assembly is not sitting and is not scheduled to sit within 5 days, the committee may appoint an acting Auditor General to exercise the powers and perform the duties of the Auditor General
- (a) if the Auditor General is suspended under section 6 (2), until the suspension ends,
  - (b) if the Auditor General is suspended under section 6 (3), for the period set by the committee under that subsection, or
  - (c) if the office of Auditor General is vacant, until an appointment is made under section 2.
- (3) If the term of office of the Auditor General is scheduled to expire, or the Speaker of the Legislative Assembly reasonably believes that term of office will otherwise end, after the next dissolution of the Legislative Assembly but before the expiry of the 120-day period following the next general voting day, the Legislative Assembly, on the unanimous recommendation of the committee, may appoint an acting Auditor General to exercise the powers and perform the duties of the Auditor General beginning on the date the office becomes vacant and continuing until an appointment is made under section 2.
- (4) If
- (a) the term of office of the Auditor General is scheduled to expire, or the Speaker of the Legislative Assembly reasonably believes that term of office will otherwise end, after the next dissolution of the Legislative Assembly but before the expiry of the 120-day period following the next general voting day, and
  - (b) at any time in the 30-day period immediately before that dissolution the Legislative Assembly is not sitting,
- the committee, when the Legislative Assembly is not sitting in that 30-day period, may appoint by unanimous resolution, an acting Auditor General to exercise the powers and perform the duties of the Auditor General beginning on the date the office becomes vacant and continuing until an appointment is made under section 2.

#### STAFF

- 8 (1) The Auditor General may appoint, in accordance with the *Public Service Act*, a deputy Auditor General and the other employees necessary for the exercise of the powers and the performance of the duties of the Auditor General.
- (2) The Auditor General may engage and set the remuneration for the persons, in capacities other than as employees, that the Auditor General considers necessary for the exercise of the powers and the performance of the duties of the Auditor General.
- (3) For purposes of the application of the *Public Service Act* to this section, the Auditor General is a deputy minister.

#### CONFIDENTIALITY

- 9 The Auditor General, or a person appointed or engaged under section 8, must keep in confidence all information obtained in the exercise of a power or in the performance of a duty of the Auditor General and must not communicate this information to any person except
- (a) in the course of the administration of an enactment, or

(b) in court proceedings.

#### AUDITOR APPOINTMENT

- 10 (1) The Auditor General is the auditor of the government reporting entity.
- (2) The Auditor General is the auditor of each
- (a) ministry,
  - (b) office administered by
    - (i) an officer of the Legislature, or
    - (ii) the person appointed commissioner under section 14 of the *Members' Conflict of Interest Act*, and
  - (c) fund or appropriation that is part of the consolidated revenue fund.
- (3) The auditor for a government organization or a trust fund is,
- (a) if the Auditor General has elected to be the auditor in accordance with subsection (4), the Auditor General during the fiscal years covered under that subsection, or
  - (b) if the Auditor General has not elected to be the auditor in accordance with subsection (4), the auditor appointed in accordance with the plan approved under subsection (9).
- (4) The Auditor General may elect to be the auditor of a government organization or a trust fund for any of the first 3 fiscal years of the government organization or a trust fund.
- (5) Except as provided in the plan approved under subsection (9), the Auditor General must not be appointed as auditor of a government organization or a trust fund for a period of more than 5 consecutive fiscal years of the government organization or trust fund.
- (6) The Auditor General must provide to the committee during each fiscal year of the government a plan for the appointment of auditors for government organizations and trust funds for the following 3 fiscal years of the government.
- (7) A plan provided to the committee under subsection (6) must include the following information:
- (a) a list of the government organizations and trust funds for which the Auditor General proposes that the Auditor General be appointed;
  - (b) a list of the government organizations and trust funds for which the Auditor General proposes that other auditors be appointed;
  - (c) the implications of the plan on the budget of the Auditor General;
  - (d) a request for exemption from the prohibition in subsection (5) against being appointed auditor of a government organization or a trust fund for a period of more than 5 consecutive fiscal years of the government organization or a trust fund;
  - (e) the criteria and selection process for the appointment of the auditors of government organizations and trust funds;
  - (f) the involvement of the Auditor General in the audit process for government organizations and trust funds, for which auditors other than the Auditor General are the auditors;
  - (g) a summary of consultations in respect of the plan, with officials of those government organizations and trust funds referred to in paragraph (b).
- (8) Together with the plan under subsection (6), the Auditor General may provide the committee with an assessment of the financial statement audit process for all government organizations and trust funds.
- (9) The committee must approve the plan, including any amendments the committee makes to the plan before giving its approval.

(10) The Auditor General must administer the auditor appointment process in accordance with the plan approved under subsection (9).

(11) If a government organization or trust fund appoints an auditor, or is required under its constitution, articles, bylaws or trust instrument to appoint an auditor, or if an auditor is appointed for it under another enactment, the appointment or requirement to appoint under the constitution, articles, bylaws, trust instrument or other enactment does not apply if the plan approved under subsection (9) provides for the appointment of a different auditor.

(12) In this section, except in subsection (2), "*auditor*" means an auditor of financial statements.

#### MANDATE

- 11 (1) The Auditor General must report each year, in accordance with generally accepted auditing and assurance standards, to the Legislative Assembly on the financial statements of the government reporting entity.
- (2) The report under subsection (1) must state whether these financial statements are presented fairly in accordance with generally accepted accounting principles.
- (3) The auditor in accordance with section 10 (3) must report each year on the financial statements of the government organizations and of the trust funds, in accordance with generally accepted auditing and assurance standards, to
- (a) the boards of management of the government organizations and the trustees of the trust funds to which the appointment is made, and
  - (b) the minister responsible.
- (4) An auditor of a government organization or a trust fund must audit the government organization or a trust fund as the Auditor General considers advisable to enable the Auditor General to exercise the powers and perform the duties of the Auditor General.
- (5) For the purposes of subsection (4), the Auditor General may conduct or cause to be conducted any further examinations that the Auditor General considers advisable.
- (6) The Auditor General may audit an individual or organization in relation to
- (a) a grant, a transfer under an agreement, an advance of money, a loan, a guarantee for the performance of an obligation, or an indemnity given by, or
  - (b) the collection of money for or on behalf of, the government, a government organization or a trust fund.
- (7) An audit under subsection (6) must be limited to whether any terms and conditions applicable in respect of
- (a) a grant, a transfer under an agreement, an advance of money, a loan, a guarantee for the performance of an obligation, or an indemnity given by the government, government organization or a trust fund, or
  - (b) the collection referred to in subsection (6) (b) have been fulfilled.
- (8) The Auditor General must report to the Legislative Assembly one or more times each fiscal year of the government and call attention to anything resulting from the work undertaken to exercise the powers and perform the duties of the Auditor General that the Auditor General considers should be brought to the attention of the Legislative Assembly, including any assessments concerning whether
- (a) financial and administrative provisions of Acts and regulations under those Acts have been complied with,
  - (b) the government, a government organization or a trust fund is operating economically, efficiently and effectively,

- (c) the procedures established by the government, government organizations or trust funds to measure and report on the effectiveness of their programs are adequate and complied with,
- (d) the accountability information provided to the Legislative Assembly by the government, government organizations and trust funds with respect to the results of their programs is adequate,
- (e) the terms and conditions applied in respect of a grant, a transfer under an agreement, an advance of money, a loan, a guarantee for the performance of an obligation, or an indemnity given by the government, a government organization or a trust fund to any individual or another organization have been complied with, and
- (f) the terms and conditions applied in respect of a collection of money on behalf of the government, a government organization or by or on behalf of a trust fund have been complied with.

(9) A report under subsection (8) or section 12 or an examination under section 13 must not call into question the merits of program policies or objectives of the government, a government organization or a trust fund.

(10) A report under subsection (8) must

- (a) be transmitted by the Auditor General to the Speaker,
- (b) if the Legislative Assembly is sitting or is scheduled to sit within 5 days of the Speaker receiving the report, be laid by the Speaker before the Legislative Assembly as soon as possible,
- (c) if the Legislative Assembly is not sitting and is not scheduled to sit within 5 days of the Speaker receiving the report, be forwarded by the Speaker to all members of the Legislative Assembly as soon as possible and released to the public, and
- (d) be referred by the Legislative Assembly to the Select Standing Committee on Public Accounts as soon as possible.

(11) The Auditor General must transmit a report issued under subsection (1) to the Minister of Finance at least 7 days before the report is transmitted to the Speaker of the Legislative Assembly.

(12) The Auditor General must transmit a report issued under subsection (8) to the ministry responsible for the administration of the matter included in the report at least 7 days before that report is transmitted to the Speaker of the Legislative Assembly.

#### **OTHER REPORTS**

- 12 The Auditor General may make a report at any time to the Legislative Assembly, a minister, the Treasury Board, the Executive Council or an officer or employee of the government or of a government organization that, in the opinion of the Auditor General, should be made to that person or organization.

#### **OTHER EXAMINATIONS**

- 13 (1) The Auditor General may undertake an examination
- (a) respecting the government, a government organization or a trust fund, or
  - (b) in relation to a grant, a transfer under an agreement, an advance of money, a loan, a guarantee for the performance of an obligation, or an indemnity given by the government, a government organization or a trust fund.
- (2) An examination must be undertaken under subsection (1) on a request by the Legislative Assembly or a committee.
- (3) An examination may be undertaken under subsection (1) on the request of a person or an organization other than the Legislative Assembly or a committee if the Auditor General is satisfied that

- (a) it is in the public interest to undertake the examination, and
- (b) the undertaking of the examination will not interfere with the discharge of the responsibilities of the Auditor General.

(4) A summary of the findings of the Auditor General resulting from examinations undertaken under subsection (1) must be reported each year to the Legislative Assembly.

#### **AUDITING OUTSIDE THE GOVERNMENT REPORTING ENTITY**

- 14 The Auditor General, with the prior consent of the committee, may agree to be appointed, for a term specified by the committee, as the auditor of an organization other than a government organization or a trust fund.

#### **STAFF IN GOVERNMENT OR GOVERNMENT ORGANIZATIONS**

- 15 (1) The Auditor General may place a person appointed or engaged under section 8 in any part of the government or of a government organization to assist the Auditor General to exercise the powers and perform the duties of the Auditor General.
- (2) If a person is placed, under subsection (1), in a part of the government or a government organization, office accommodation in the part must be provided for that person by the managers of that part.
- (3) Each person employed with the Auditor General who is to examine the accounts or the administration of the government or of a government organization under this Act must comply with security requirements applicable to persons employed in the government or the government organization.

#### **ACCESS TO INFORMATION, DOCUMENTS OR THINGS**

- 16 Despite any other enactment, the Auditor General, in the conduct of the Auditor General's duties, must be given access to records, information and any explanations required from a person or organization for the Auditor General to exercise the powers and perform duties of the Auditor General.

#### **SUMMONS AND REQUESTS**

- 17 (1) The Auditor General may
- (a) summons the attendance of witnesses,
  - (b) request that witnesses give evidence on oath or in any other manner, and
  - (c) request that witnesses produce records, securities and things for the purposes of section 11 or of an examination undertaken under section 13.
- (2) A witness is liable, on application to the Supreme Court by the Auditor General, to be committed for contempt as if in breach of an order or judgment of the Supreme Court if the witness
- (a) is summonsed as described in subsection (1) (a), and
  - (b) fails or refuses to attend or to take an oath described in subsection (1) (b).
- (3) If a witness receives
- (a) a request described in subsection (1) (b) and fails or refuses to give evidence as requested, or
  - (b) a request described in subsection (1) (c) and fails or refuses to produce records, securities and things in the witness's custody or possession as requested, the Auditor General may apply to the Supreme Court for an order that the witness comply with the request.

## PROTECTION AGAINST LAWSUITS

- 18 (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against the Auditor General or a person appointed or engaged under section 8 because of anything done or omitted in
- (a) the exercise or intended exercise of any power of the Auditor General, or
  - (b) the performance or intended performance of any duty of the Auditor General.
- (2) Subsection (1) does not apply to a person in relation to anything done or omitted in bad faith.
- (3) Subsection (1) does not absolve the Government of the Province of British Columbia from vicarious liability arising out of anything done or omitted by a person referred to in that subsection for which the Government of the Province of British Columbia would be vicariously liable if this section were not in force.
- (4) The Government of the Province of British Columbia must indemnify any person referred to in subsection (1) for any costs or expenses incurred by the person in any legal proceedings taken against the person for anything done or not done in good faith as described in subsection (1) (a) or (b).

## PREPARATION OF ESTIMATES FOR APPROPRIATION PURPOSES

- 19 (1) For each fiscal year, the Auditor General must present to the committee
- (a) a service plan that includes a statement of goals and identifies specific objectives and performance measures that will be required, and
  - (b) an estimate of the resources, stated in a form suitable for inclusion in the main estimates that will be required, to exercise the powers and perform the duties of the Auditor General during the upcoming fiscal year.
- (2) The committee must review and may adjust as it considers appropriate the estimate it receives under subsection (1) (b) and must transmit the resulting estimate to the Minister of Finance.
- (3) The estimate transmitted under subsection (2) is deemed to be recommended by the committee and must be included by the Minister of Finance as part of the main estimates for the upcoming fiscal year submitted to the Lieutenant Governor for recommendation to the Legislative Assembly.
- (4) Notice of meetings of the committee for the purposes of subsection (2) must be given to the Auditor General and to the chair of Treasury Board.

## FEES

- 20 (1) The Auditor General may charge fees, on a basis approved by the committee, for services performed on behalf of the Auditor General.
- (2) If a vote described in section 23 (3) of the *Financial Administration Act* providing for the expenses of the Auditor General contains a recovery for fees collected under subsection (1) of this section, the reference in section 23 (3) (c) of the *Financial Administration Act* to the Treasury Board is deemed to be a reference to the committee for the purpose of approving the expenditure by the Auditor General of amounts collected as fees described by subsection (1).
- (3) Subsection (2) applies despite the *Financial Administration Act*.

## FINANCIAL ADMINISTRATION ACT AND PUBLIC SERVICE ACT

- 21 (1) The committee may recommend to Treasury Board that a regulation, an order or a directive made under the *Financial Administration Act* be made inapplicable to, or be varied in respect of, the Auditor General.
- (2) The committee may recommend to the minister responsible for the administration of the *Public Service Act* that the *Public Service Act*, or a regulation or an order made under that Act be made inapplicable to, or be varied in respect of, the Auditor General.

#### ACCOUNTABILITY OF AUDITOR GENERAL

- 22 (1) The Auditor General must report each year before June 30 to the Legislative Assembly on the attainment of the goals and the specific objectives and performance measures of the Auditor General set out in the statement referred to in section 19 (1) (a), and this report must include financial statements for the Auditor General prepared in accordance with generally accepted accounting principles.
- (2) A report under subsection (1) must compare actual results for the preceding fiscal year with the expected results identified in the service plan for the Auditor General for that fiscal year.
- (3) The Auditor General must deliver a report described in subsection (1) to the Speaker and the Speaker must lay the report before the Legislative Assembly as soon as possible.

#### AUDIT OF ACCOUNTS OF AUDITOR GENERAL

- 23 (1) The committee must appoint an independent auditor to audit the financial statements of the Auditor General for each of the remaining fiscal years of the Thirty-seventh Parliament of British Columbia.
- (2) During the First Session of the Thirty-eighth Parliament of British Columbia, and during the First Session of each Parliament of British Columbia thereafter, the committee must appoint an independent auditor to audit the financial statements of the Auditor General for each of the fiscal years to be completed during the term of the Parliament.
- (3) On completing an audit under subsection (1) or (2) for a fiscal year, an auditor must submit a report on the results of the audit to the Auditor General.
- (4) An auditor appointed under subsection (1) or (2) may also audit the appropriateness and reliability of the performance information contained in the annual report of the Auditor General.
- (5) The report under subsection (3) must be included in the report under section 22.

#### SPENT

~~24-44~~ [*Consequential amendments and repeal. Spent. 2003-2-24 to 44.*]

#### COMMENCEMENT

- 45 This Act comes into force by regulation of the Lieutenant Governor in Council.



