



LEGISLATIVE ASSEMBLY  
*of* BRITISH COLUMBIA

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# LEGISLATIVE ASSEMBLY GOVERNANCE FRAMEWORK

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FRAMEWORK, PROCESSES AND PRACTICES IN SUPPORT OF GOOD GOVERNANCE



VERSION 1.4

ADOPTED BY THE LEGISLATIVE ASSEMBLY MANAGEMENT COMMITTEE  
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# Table of Contents

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<b>Table of Contents.....</b>	<b>2</b>
<b>1. Introduction.....</b>	<b>6</b>
1.1 Purpose .....	6
1.2 The Legislative Assembly: Institution vs. Organization.....	6
1.3 Regulation of the Legislative Assembly’s Internal Affairs.....	7
1.4 Governance in a Parliamentary Institution.....	7
1.5 Governance Principles .....	9
<b>2. Statutory Framework — Legislative Assembly Management Committee.....</b>	<b>11</b>
2.1 Background .....	11
2.2 <i>Legislative Assembly Management Committee Act</i> (R.S.B.C. 1996, c. 258) .....	11
2.3 Membership and Chair .....	12
2.4 Relationship with the Legislative Assembly (Parliamentary Context) .....	12
<b>3. Organizational Structure.....</b>	<b>13</b>
3.1 Introduction .....	13
3.2 Two Key Officeholders: The Speaker and the Clerk.....	13
3.2.1 Speaker of the Legislative Assembly .....	13
3.2.2 Clerk of the Legislative Assembly.....	14
3.2.3 Relationship between the Speaker and the Clerk.....	15
3.3 Caucuses .....	16
3.4 Legislative Offices of Independent Members .....	16
3.5 Constituency Offices .....	17
3.6 Office of the Speaker .....	17
3.7 Legislative Assembly Administration .....	18
3.8 Office of the Premier and Ministers’ Offices .....	19
<b>4. Core Functions — Legislative Assembly Management Committee.....</b>	<b>20</b>
4.1 Powers and Duties Set Out in Statute.....	20
4.2 General Functions .....	21
4.3 Strategy Functions .....	21
4.4 Internal Control and Financial Reporting Functions .....	21
4.5 Risk Management Functions.....	21
4.6 Conduct and Ethical Behaviour Functions .....	22
4.7 Human Resources Functions.....	22

4.8 Parliamentary Functions .....	22
4.8.1 General.....	22
4.8.2 Interparliamentary Affairs and Relations.....	23
4.8.3 Matters Relating to Other Statutes.....	23
4.8.4 Matters Outside of the Jurisdiction or Authority of the Committee .....	24
<b>5. Roles and Responsibilities .....</b>	<b>25</b>
5.1 Key Responsibilities — Legislative Assembly Management Committee .....	25
5.1.1 Oversight Responsibilities .....	25
5.1.2 Approval Responsibilities.....	25
5.1.3 Related .....	26
5.2 Key Responsibilities — Speaker of the Legislative Assembly.....	26
5.2.1 Working with Legislative Assembly Administration Management.....	26
5.2.2 Managing the Committee .....	26
5.2.3 Representing the Committee.....	27
5.2.4 Unavoidable Absence of the Speaker .....	27
5.3 Key Responsibilities — Clerk of the Legislative Assembly .....	28
5.3.1 Responsibilities as Chief Executive .....	28
5.3.2 Responsibilities as Clerk to the Committee .....	29
5.4 Key Responsibilities — Clerk’s Leadership Group (Executive Team) .....	29
5.5 Responsibilities — Security within the Legislative Precinct.....	31
<b>6. Key Processes in Support of Good Governance.....</b>	<b>32</b>
6.1 Orientation and Development for Members of the Committee .....	32
6.1.1 Orientation Program .....	32
6.1.2 Development Opportunities .....	33
6.2 Strategic Planning .....	33
6.3 Risk Management .....	33
6.4 Policy Framework.....	34
6.5 System of Internal Controls .....	35
6.5.1 Financial Management, External Audit and Internal Audit .....	35
6.5.2 Asset Management .....	37
6.5.3 Proactive Disclosure.....	37
6.6 Performance Evaluation for the Clerk of the Legislative Assembly.....	38
6.7 Governance Framework Review .....	38
6.8 Support through the Legislative Assembly Administration .....	39
<b>7. Delegation of Authority .....</b>	<b>40</b>

7.1 Delegation of Authority to the Speaker of the Legislative Assembly .....	40
7.2 Delegation of Authority to the House Leaders .....	40
7.3 Delegation of Authority to the Clerk of the Legislative Assembly .....	40
7.4 Delegation of Authority to Advisory Subcommittees .....	41
7.5 Delegation of Authority — Dissolution of the Legislative Assembly .....	41
7.6 Delegation of Authority — Emergency Situations .....	42
7.7 Delegation of Financial Authority .....	43
<b>8. Operating Guidelines — Legislative Assembly Management Committee .....</b>	<b>44</b>
8.1 Introduction .....	44
8.2 Acting in the Best Interests of the Legislative Assembly .....	44
8.3 Expectations of Conduct — Members of the Committee.....	45
8.3.1 During Meetings of the Committee .....	45
8.3.2 In the Discharge of Duties and the Day-to-Day .....	45
8.4 Requests for Information .....	45
8.4.1 Requests for Information from Members of the Committee .....	45
8.4.2 Requests for Information to Members of the Committee .....	46
8.5 Correspondence to and from the Committee .....	46
8.6 Spokesperson for the Committee .....	46
<b>9. Consultation and Independent Advisors — Legislative Assembly Management Committee .....</b>	<b>47</b>
9.1 Introduction .....	47
9.2 Consultation .....	47
9.3 Independent (External) Advisors .....	48
9.3.1 Auditor General of British Columbia .....	48
9.3.2 Other Independent Advisors .....	48
<b>10. Advisory Subcommittees and Working Groups — Legislative Assembly Management Committee .....</b>	<b>49</b>
10.1 Introduction .....	49
10.2 Subcommittee on Administration and Operations.....	49
10.2.1 General.....	49
10.2.2 Terms of Reference .....	49
10.2.3 Role in Managing Risk .....	50
10.2.4 Delegation of Authority .....	51
10.2.5 Meetings .....	51
10.2.6 Membership.....	51
10.3 Subcommittee on Finance and Audit.....	52
10.3.1 General.....	52

10.3.2 Terms of Reference .....	52
10.3.3 Role in Managing Risk .....	54
10.3.4 Delegation of Authority .....	54
10.3.5 Meetings .....	54
10.3.6 Membership.....	55
10.4 Subcommittee on Security.....	55
10.4.1 General.....	55
10.4.2 Terms of Reference .....	55
10.4.3 Role in Managing Risk .....	56
10.4.4 Meetings .....	56
10.4.5 Membership.....	56
<b>11. Meetings — Legislative Assembly Management Committee .....</b>	<b>58</b>
11.1 Introduction .....	58
11.2 Meeting Frequency and Attendance .....	58
11.3 Agenda Setting and Meeting Documents .....	59
11.4 Minutes .....	59
11.5 Quorum .....	59
11.6 Rules of Deliberations .....	60
11.6.1 Deliberations.....	60
11.6.2 Motions .....	60
11.6.3 Voting.....	60
11.6.4 Points of Order .....	61
11.7 Conflict of Interest .....	61
11.8 Membership Substitution .....	61
11.9 Attendance by Other Members of the Legislative Assembly .....	61
11.10 Public Access to Proceedings .....	62
11.11 <i>In Camera</i> Proceedings .....	62
11.12 Committee Decision via Email .....	63
<b>Appendix A — <i>Legislative Assembly Management Committee Act</i> (R.S.B.C. 1996, c. 258).....</b>	<b>64</b>
<b>Appendix B — Legislative Assembly Administration Functional Organizational Chart .....</b>	<b>70</b>
<b>Appendix C — Legislative Assembly Administration Strategic Plan 2024-25 Overview .....</b>	<b>71</b>
<b>Sources Cited and Consulted .....</b>	<b>72</b>

# 1. Introduction

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## 1.1 Purpose

This document has been prepared for Members of the Legislative Assembly to serve as a guide to the governance structure under which the Legislative Assembly executes its administrative and financial responsibilities. There are several elements in a sound governance system including: clarity of objectives and expectations, clear lines of accountability, and transparency in the application of and compliance with rules. In this context, this document seeks to provide clarity of roles, responsibilities, and accountabilities with respect to and between the various components of the functional decision-making hierarchy within the Legislative Assembly as an entity. This document also sets out the framework, processes and practices that support good governance within the Legislative Assembly.

## 1.2 The Legislative Assembly: Institution vs. Organization

To understand the Legislative Assembly's governance structure, one must first understand the distinction between the Legislative Assembly as an institution and the Legislative Assembly as an organization. For clarity, there is only one constitutional entity: the Legislative Assembly of British Columbia.

The Legislative Assembly as an institution refers to the body of 93 democratically elected Members constituted under the provincial *Constitution Act* (R.S.B.C. 1996, c. 66), which derives its authority from the *Constitution Act, 1867* (30 & 31 Victoria, c. 3 (U.K.), formerly the *British North America Act, 1867*). As an institution, the Legislative Assembly is the supreme law-making authority in and for British Columbia, is the heart of parliamentary democracy in British Columbia, allowing its Members to undertake their responsibilities for legislating, scrutinizing the executive branch of government, and representing the interests of British Columbians. As an institution, the Legislative Assembly's proceedings are founded on the Westminster parliamentary system, and are governed by constitutional and statutory provisions and by the *Standing Orders of the Legislative Assembly of British Columbia*, the permanent rules of procedure.

The Legislative Assembly as an organization refers to the administrative structures that are in place to support the functioning of the Legislative Assembly as an institution. Any administrative structures that exist at the Legislative Assembly are part of the Legislative Assembly as an organization. There are distinct differences between these two identifiers, and organizational matters are subject to oversight by, and direction of, the Legislative Assembly Management Committee ("the Committee") (see section 2). The Committee does not have any authority or oversight over the conduct of parliamentary business undertaken by the Legislative Assembly or its parliamentary committees, but has a vital enabling role to ensure that Members of the Legislative Assembly are able to carry out their duties effectively by being equipped with the appropriate resources, supports and services.

It is important to note that this *Legislative Assembly Governance Framework* ("Governance Framework") applies to the Legislative Assembly as an organization, though it is to be recognized that organizational matters and decisions governed by this Governance Framework may have an impact on the institution, primarily reputationally.

This Governance Framework applies to the functions and work of the Committee and the administrative structures that the Committee oversees. For certainty, it has no application to, or bearing on, the parliamentary business undertaken by the Legislative Assembly and its parliamentary committees.

### 1.3 Regulation of the Legislative Assembly's Internal Affairs

Parliamentary privilege consists of the rights, powers, and immunities to protect parliament and ensure that its Members may fulfill their responsibilities without interference. "Parliamentary privilege is an essential and vital element in the functioning of a modern, democratic Parliament" (*Parliamentary Practice in British Columbia*, 5th ed., p. 383). Some of the privileges enjoyed and exercised by the Legislative Assembly and its Members are enumerated in the provincial *Constitution Act* (R.S.B.C. 1996, c. 66) and in the *Legislative Assembly Privilege Act* (R.S.B.C. 1996, c. 259).

One of the privileges of the Legislative Assembly is the right to independent regulation of its internal affairs. In order to fulfill its necessary, constitutional responsibilities, the Legislative Assembly, through the Speaker, holds and exercises exclusive jurisdiction over its proceedings, governance and decision-making, and premises. The Legislative Assembly, through statutory delegation to the Legislative Assembly Management Committee (see section 2), develops and adopts, among other things, financial and administrative policies and practices that govern the organization.

It is important to note that the term "privilege" in this context does not refer to a special benefit, advantage or arrangement given to the Legislative Assembly and its Members. Rather, parliamentary privilege is an immunity from the ordinary law that is recognized by the law as a right of a legislative assembly and its Members. Parliamentary privilege can be divided into two categories: those rights extended to Members individually and those rights extended to the Legislative Assembly collectively. The former provides the absolute immunity Members require to perform their parliamentary work, while the latter are the necessary means by which a legislative assembly effectively discharges its functions (Joseph Maingot, *Parliamentary Immunity in Canada*, p. 15).

### 1.4 Governance in a Parliamentary Institution

Much has been done to develop good corporate governance principles and practices in the public sector. However, little expertise exists on what good "corporate" or "organizational" governance looks like in the distinct nature of a parliamentary setting. General principles apply and form the heart of the contents of this Governance Framework, which is intended to be a living document, subject to regular review and revision. In this respect, the Legislative Assembly will strive to be a leader.

Governance in a parliamentary setting is unique for several reasons. First, the individuals collectively tasked with oversight — i.e., Members of the Committee — take up membership on the Committee by virtue of their appointment to a parliamentary role (e.g., House Leader, Caucus Chair) and are not necessarily well versed, on taking up membership on the Committee, in matters that a parliamentary governance and oversight committee has to deal with. This Governance Framework serves as an important tool in equipping Members of the Committee with a better understanding of the various roles and responsibilities within the Legislative Assembly's governance structure.

Second, governance in a parliamentary environment is unique because the Legislative Assembly Management Committee does not operate like a typical governance body. This is because the Legislative Assembly is not a corporation, nor does it operate like one. It is, fundamentally, a parliamentary institution — inherently a public one, which must strive to maintain public trust and confidence in its operations. Beyond that, there are many administrative and management decisions made on a day-to-day basis by various groups within the organization: Members of the Legislative Assembly themselves (in the context of autonomous constituency office operations and, where applicable, legislative office operations); Members of the Legislative Assembly and caucus staff (in the context of autonomous caucus operations); and the Speaker of the Legislative Assembly, the Clerk of the Legislative Assembly, and Legislative Assembly Administration leadership and management (in the context of Legislative Assembly Administration operations) (see section 3). These decisions are subject to parameters, policies and directives established and issued by the Committee.

Third, Members of the Committee are themselves often subject to the decisions made by the Committee, as individual Members of the Legislative Assembly. This stems from the inherent principle that is core to preserving the independence of the legislative branch of government: that the Legislative Assembly has the right to govern itself and determine how it functions — and this applies to the enabling administrative functions that support Members of the Legislative Assembly in the exercise of their duties. But this model may present challenges, particularly in the provision of arms-length oversight of Members' expenditures and resources that is typically offered by a governance board. In this regard, the Legislative Assembly is not unique; nearly every parliament in the Commonwealth uses the same model. The Legislative Assembly firmly believes that it is possible to establish robust procedures and mechanisms to ensure that the principles of good governance are upheld in the unique parliamentary setting, which is what this Governance Framework does.

Lastly, governance in a parliamentary environment is also unique because, as noted above, the governance body, being the Legislative Assembly Management Committee, must ensure that the autonomy and independence of the Legislative Assembly, as the legislative branch of government, are upheld and protected.

Governance in a parliamentary institution must recognize the nature of parliamentary life and the principles that apply to it, specifically that:

- ❖ a Member of the Legislative Assembly has the constitutional rights, immunities and independence applicable to their office as a Member of the Legislative Assembly and to the carrying out of the Member's parliamentary functions free from interference and intimidation;
- ❖ political activities are an inherent and essential part of the parliamentary functions of a Member of the Legislative Assembly;
- ❖ a Member of the Legislative Assembly is to be provided with the resources and services, at a level subject to and determined by law and by the Committee, in order to permit the Member to effectively carry out their parliamentary functions;
- ❖ a Member of the Legislative Assembly has full discretion over and control of the work performed on their behalf by their staff in carrying out the Member's parliamentary functions, subject only to the law and to the direction of, and policies established by, the Committee; and
- ❖ the Committee has exclusive jurisdiction to determine how resources and assets of the Legislative Assembly are allocated and used, subject to its statutory authority and the law.



This Governance Framework is designed with these considerations in mind. Its structure and the processes and practices outlined in this document are designed to appropriately meet the Legislative Assembly's strategic and operational objectives and to facilitate effective decision-making and oversight.

## 1.5 Governance Principles

Good governance strengthens organizational leadership, management, and oversight. In any organization, governance is exercised at different levels, most commonly structured between management and an oversight board or committee. Each level of a governance structure plays a complementary but distinct role, separated to promote objectivity in decision-making. Each level also has a distinct role in upholding the governance principles noted below, as reflected throughout this Governance Framework.

In 2008, the Office of the Auditor General of British Columbia released a report intitled *Public Sector Governance: A Guide to the Principles of Good Practice*. The report notes the following (pp. 6-7):

*Five key principles underpin good governance. An organization that practices good governance is one that always, in word and action, demonstrates: **a**ccountability, strong **l**eadership; **i**ntegrity; **s**tewardship; and **t**ransparency (the A.L.I.S.T.).*

**Accountability** is the process whereby public sector organizations, and the individuals within them, take responsibility for their decisions and actions. They are willing to submit themselves to scrutiny to ensure that the responsibilities conferred — pertaining to everything from probity and ethics to the effective and efficient implementation of programs — are answered for.

**Strong leadership** sets the “tone at the top” and is absolutely critical if an entire organization is to embrace good governance. Public sector leaders must not only demonstrate ethical behaviour themselves, but require ethical behaviour of all staff throughout the organization and a commitment by everyone to the practice of good governance.

Acting with **integrity** means being impartial, ethical and not misusing information or resources. An organization with integrity maintains high standards of propriety and probity in the stewardship of public funds. It does this by having an effective control framework in place, abiding by relevant legislation, regulations and policies (such as the British Columbia Public Sector Values and Standard of Conduct) and instilling high standards of professionalism at all levels within the organization. An organization's integrity is reflected both in its decision-making procedures and in the quality of its financial and performance reporting. The British Columbia Public Service Values place integrity above all other values.

**Stewardship** is the act of looking after something on behalf of others to protect or improve its sustainability. In the public sector, it relates to the way public officials exercise their powers on behalf of the public they serve. The resources that public employees use are held in trust; these resources are not privately owned. A public sector organization demonstrates stewardship by maintaining or improving its capacity to serve government and the public interest over time. This applies to ensuring financial sustainability and the efficient and

*effective management of resources, as well as maintaining the trust placed in the organization.*

**Transparency** *is achieved when an organization's actions are open to scrutiny. It means stakeholders, the public and employees have access to full, accurate and clear information about the organization's decisions. Good governance requires transparency so that all players can have confidence in the decision-making processes and actions of public sector organizations.*

These principles are at the core of this Governance Framework; the Legislative Assembly acknowledges and accepts that adherence to these principles is key to ensuring good governance and sustaining the success of the organization. In many respects, these principles are reflected and embedded in prescriptive requirements throughout this Governance Framework.

## 2. Statutory Framework — Legislative Assembly Management Committee

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### 2.1 Background

The Legislative Assembly's statutory framework for management and administration supports parliamentary activity, the evolving program and service requirements of Members of the Legislative Assembly, and accountability to British Columbians for public expenditures.

In 1987, the Legislative Assembly adopted legislation to create a Board of Internal Economy ("the Board"). Chaired by the Speaker of the Legislative Assembly, with representatives from all recognized caucuses, the Board was empowered to establish financial and administrative policies and oversee the provision of services to Members.

The establishment of the Board was accompanied by the consolidation of the Legislative Assembly's financial and administrative services — which had been provided by the Ministry of the Provincial Secretary — under the authority of the Board, resulting in the delivery of such services internally within the Legislative Assembly.

### 2.2 *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258)

The Legislature enacted the *Legislative Assembly Management Committee Act* ("the Act") in 1992, reinforcing the powers and duties of the Board of Internal Economy in a new parliamentary management committee with representation from every caucus.

The Act provides the Legislative Assembly Management Committee ("the Committee") with jurisdiction to oversee the administrative and financial operations of the Legislative Assembly, and to set administrative and financial policies affecting the Legislative Assembly, as an organization, and its Members, premises, services, and employees.

The powers and duties of the Committee are set out in section 3 of the Act, which provides that the Committee has legal authority to make policies, regulate the use of resources, and generally deal with any matters necessary for the efficient and effective operation and management of the Legislative Assembly, including the provision of the requisite administrative and financial support to Members of the Legislative Assembly in the discharge of their parliamentary and constituency responsibilities (see section 4.1). The Committee is the approval authority for all policies that concern matters of governance, compensation and allowances of the Members of the Legislative Assembly, caucuses, legislative offices, and constituency offices. Section 3 of the Act also provides that the Committee may delegate any of its powers to the Speaker (see section 7.1).

Pursuant to section 4 of the Act and subject to any direction from the Committee, the Speaker of the Legislative Assembly is responsible for overseeing the day-to-day administration of the Legislative Assembly (the application and reality of this provision in the modern organizational setting is further

outlined in section 3.5.2), including the use of, and provision of security within, the Legislative Precinct (see section 5.5).

The Committee, through the Speaker as Chair, reports to the Legislative Assembly (see section 2.4). In doing its work, it is supported by a non-partisan and impartial administrative body, the Legislative Assembly Administration (see section 3.7), headed by the Clerk of the Legislative Assembly.

The *Legislative Assembly Management Committee Act* is enclosed as Appendix A.

## **2.3 Membership and Chair**

The membership of the Committee is set out in section 2 (1) of the Act. All recognized caucuses are represented on the Committee. The Committee is comprised of the Speaker, as Chair of the Committee, the Minister (sometimes substituted by another senior Member of the Government Caucus, such as the Government Whip), the Government House Leader (sometimes substituted by another senior Member of the Government Caucus, such as the Government Whip, if the Government House Leader is also the Minister for the purposes of the Act), the Government Caucus Chair, the Official Opposition House Leader, and the Official Opposition Caucus Chair. There are also provisions for representation from each additional recognized party with at least two Members elected to the Legislative Assembly, with a corresponding appointment of a Member of the Government Caucus. The provisions of the Act are such that the governing party maintains a majority on the Committee.

In the event of an unavoidable absence of a Member of the Committee for a scheduled meeting of the Committee, a membership substitution is permitted under the Act, further outlined in section 11.8.

## **2.4 Relationship with the Legislative Assembly (Parliamentary Context)**

As noted above, the Committee is established by statute and not by the Legislative Assembly in the same manner that the Legislative Assembly breathes life into its parliamentary committees. Given that it derives its authority through statute, the Committee does not require, as do parliamentary committees, a terms of reference or additional authorizations from the Legislative Assembly to undertake certain tasks, as the Committee's operations are governed by the Act and by the procedures that it itself determines and establishes (see section 11).

However, pursuant to section 5 (9) of the Act, the Committee must report annually to the Legislative Assembly on the decisions made by the Committee during the previous year. This report is prepared on a fiscal year (April 1 to March 31) basis. Outside of this report, the Committee may (and has in the past) report to the Legislative Assembly on other matters, as it sees fit (see examples in B.C. Journals, March 7, 2019, p. 37; May 16, 2019, p. 102). In turn, the Legislative Assembly may, by way of a resolution, request that the Committee undertake an inquiry or certain course of action (see example in B.C. Journals, April 24, 2007, p. 79).

Therefore, in a parliamentary context, there is an integral relationship — an interdependency — between the Legislative Assembly as an institution and the Committee, though they have distinct roles and responsibilities.

# 3. Organizational Structure

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## 3.1 Introduction

As noted in section 1.4, there are many administrative and management decisions made on a day-to-day basis by various groups within the organization: Members of the Legislative Assembly themselves (in the context of autonomous constituency office operations and, where applicable, legislative office operations); Members of the Legislative Assembly and caucus staff (in the context of autonomous caucus operations); and the Speaker of the Legislative Assembly, the Clerk of the Legislative Assembly, and Legislative Assembly Administration leadership and management (in the context of Legislative Assembly Administration operations). These decisions are subject to parameters, policies and directives established and issued by the Legislative Assembly Management Committee (“the Committee”).

Within the organization, there are various components, or groups — namely, caucuses, legislative offices and constituency offices of Members of the Legislative Assembly, and the Legislative Assembly Administration — that play an important “enabling” function within the Legislative Assembly’s governance structure to support and assist the institution and its Members as they undertake their deliberations and fulfill their responsibilities, which are central to our system of parliamentary democracy. Each group has unique functions and roles that it undertakes, which are subject to varying levels of oversight by the Committee, as outlined below.

## 3.2 Two Key Officeholders: The Speaker and the Clerk

### 3.2.1 Speaker of the Legislative Assembly

At the beginning of a new Parliament, and as the need may otherwise arise, the Legislative Assembly elects one of its Members to serve as Speaker pursuant to section 37 of the provincial *Constitution Act* (R.S.B.C. 1996, c. 66) and Standing Order 11 of the *Standing Orders of the Legislative Assembly of British Columbia*. The Speaker holds office for the life of a Parliament, unless the incumbent ceases to be a Member of the Legislative Assembly or resigns from the Speakership.

The Speaker of the Legislative Assembly undertakes important duties and fulfills vital functions within the parliamentary context of the Legislative Assembly’s business, presiding over debates and ensuring that the Legislative Assembly’s established rules of procedure (including the *Standing Orders of the Legislative Assembly of British Columbia*) and practice are followed. The Speaker is neutral, responsible for making sure that all Members of the Legislative Assembly, no matter what political party they belong to, are treated fairly and impartially during proceedings of the Legislative Assembly. The Speaker has the important responsibility of acting as the guardian of the rights and privileges of Members of the Legislative Assembly and of the Legislative Assembly as an institution. The full extent and scope of the Speaker’s parliamentary responsibilities are outlined in chapter 4 of *Parliamentary Practice in British Columbia*, 5th edition.

Pursuant to section 2 (5) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258), the Speaker of the Legislative Assembly serves as Chair of the Committee. The Speaker is also Chair of the

Committee's primary advisory subcommittees (see section 10), and undertakes similar duties within that setting.

The key responsibilities of the Speaker of the Legislative Assembly as they relate to organizational governance are outlined in section 5.2.

### 3.2.2 Clerk of the Legislative Assembly

The Clerk of the Legislative Assembly is appointed with the status of permanent officer by resolution of the Legislative Assembly, pursuant to section 39 (1) of the provincial *Constitution Act* (R.S.B.C. 1996, c. 66). Clerks of the Legislative Assembly have historically served over an extended period of time, ensuring institutional and organizational continuity of the Legislative Assembly from Parliament to Parliament. Although the Clerk holds the designation of a permanent officer, the incumbent serves at the pleasure of the Legislative Assembly. The Clerk holds a status equivalent to a Deputy Minister within the British Columbia Public Service.

The appointment of the incumbent Clerk of the Legislative Assembly (2020) stemmed from a selection process undertaken by a special parliamentary committee of the Legislative Assembly with membership comprised of Members from every caucus, which was tasked with selecting and unanimously recommending to the Legislative Assembly an individual for appointment as Clerk. This was the first time that such a process, which is typically used by the Legislative Assembly for the appointment of independent statutory officers, was used for the appointment of the Clerk. Following that process, the Legislative Assembly Management Committee wrote to the Minister responsible for the provincial *Constitution Act* with a request that this selection process be set in statute for the appointment of future Clerks of the Legislative Assembly, but such a legislative amendment has not yet been brought forward for the Legislative Assembly's consideration.

The Clerk of the Legislative Assembly, as chief permanent officer of the Legislative Assembly, serves as the chief procedural advisor to the Speaker and Members of the Legislative Assembly in respect of the Legislative Assembly's proceedings and parliamentary business. The Clerk is the chief Table officer and undertakes responsibilities outlined in statute and in the *Standing Orders of the Legislative Assembly of British Columbia*.

The Clerk is also head of the Legislative Assembly Administration. As the Legislative Assembly's chief executive, the Clerk is accountable to the Committee for the propriety and effectiveness of the expenditure of public funds for Legislative Assembly operations, and the implementation and day-to-day administration of Legislative Assembly policies, programs, and services.

The Clerk of the Legislative Assembly serves as clerk to the Legislative Assembly Management Committee. The Clerk is also an *ex officio* member (no voting privileges) of the Committee's primary advisory subcommittees (see section 10).

The executive leadership team (called the Clerk's Leadership Group) within the Legislative Assembly Administration (see section 5.4) reports directly to the Clerk of the Legislative Assembly, as does the Sergeant-at-Arms (functionally and operationally). Many organizational matters, particularly those affecting Members of the Legislative Assembly, flow from the Clerk of the Legislative Assembly to the members of the executive leadership team for their respective areas of oversight and responsibility.

The key responsibilities of the Clerk of the Legislative Assembly as they relate to organizational governance are outlined in section 5.3.

### 3.2.3 Relationship between the Speaker and the Clerk

The Speaker of the Legislative Assembly and the Clerk of the Legislative Assembly have unique roles and responsibilities with respect to the Legislative Assembly Administration (see section 3.7). Section 4 (1) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258) (“the Act”) states: “Subject to any direction of the committee, the Speaker is responsible for the day to day administration of the Legislative Assembly.” This provision is original to the enactment of the Act in 1992. However, since that time, through modernization in governance practices, the reality and interpretation of that provision of the Act have shifted.

As chief executive, the Clerk of the Legislative Assembly is accountable to the Speaker and the Committee. As chief permanent officer and chief Table officer (which relates to the parliamentary functions of the Clerk), the Clerk is accountable to the Legislative Assembly through the Speaker.

The relationship between the Speaker of the Legislative Assembly and the Clerk of the Legislative Assembly has, in comparable terms, been equated to that of a board chair and a chief executive officer, and to that of a Minister and a Deputy Minister. While these comparisons are helpful for those unfamiliar with a parliamentary environment to gain a better understanding of the respective roles of the Speaker and the Clerk, the reality is that the functions and roles are unique to a parliamentary institution. In relation to section 4 (1) of the Act, as noted above, the Clerk serves as head of the Legislative Assembly Administration and is charged with ensuring that the Administration is properly and effectively managed, and that the Administration is efficiently fulfilling the tasks that it is charged with. The role of the Speaker is to oversee the Administration, ensuring adequate accountability, and also to provide advice, guidance, and direction, as may be appropriate, while respecting the necessary segregation that exists between a board (including its chair) and management (including the chief executive officer), which allows them to effectively undertake their respective duties and responsibilities.

Both the Speaker of the Legislative Assembly and the Clerk of the Legislative Assembly are entrusted with a great deal of authority, which they are expected to exercise in accordance with the principles at the core of this Governance Framework (see section 1.5). The interests of the Legislative Assembly are always better served when the Speaker and the Clerk work collaboratively together, fulfilling their distinct roles and responsibilities, towards the achievement of common goals and objectives.

Unique to a parliamentary institution is the reality that the individual who holds the Speakership holds a high office. In British Columbia, the Speaker of the Legislative Assembly is fourth on the provincial table of precedence. Every Speaker wishes to leave their own mark and legacy on the office which they hold, and to make positive contributions to the workings of the Legislative Assembly — both as an institution and as an organization.

This reality results in requests being made of the Clerk of the Legislative Assembly and the Legislative Assembly Administration that may not necessarily align with or tie into strategic priorities and areas for investment. However, it is recognized that the Clerk ought to support the Speaker in any reasonable way towards the realization of such initiatives (subject to established policies and processes and to the prudent use of available resources and funds), and that any major initiatives or investments of this nature must be



brought to the Committee or one of its advisory subcommittees (see section 10) as an information or approval item, as may be appropriate.

### 3.3 Caucuses

Pursuant to section 1 of the provincial *Constitution Act* (R.S.B.C. 1996, c. 66) and section 1 of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258), a political party with two or more Members elected to the Legislative Assembly is a recognized political party. A political party that is recognized in the Legislative Assembly forms what is known as a caucus.

A caucus is eligible for funding to carry out its parliamentary activities, as allocated by the Committee. Caucus funding is largely formula-driven, as set out in policies implemented by the Committee, and is used for staff, communications, research, and other expenditures in support of caucus operations. Some supports for caucuses are provided through the Legislative Assembly Administration (see section 3.7), such as information technology and financial and payroll processing. The employer-employee relationship within caucuses is between the caucus and the employee.

Because caucuses are groups of Members of the Legislative Assembly that are formed on the basis of political party affiliation, they are bodies that are political and are central to our system of parliamentary democracy. Caucuses meet regularly and privately to discuss policy, strategy, and tactics to fulfill their respective mandates (whether government or opposition). This political reality is the basis on which caucuses are afforded the ability to operate fairly autonomously, within parameters established by the Committee through policy or directives from time to time.

Every caucus is entitled to have at least one of its Members take up membership on the Committee, as provided in section 2 (1) of the *Legislative Assembly Management Committee Act*. The Members of the Legislative Assembly who serve as Members of the Committee undertake a dual role as it pertains to their caucus. First, they represent their caucus' views on matters before the Committee, particularly as they relate to Members of the Legislative Assembly and the operations of caucuses and constituency offices. They can also bring matters forward for consideration by the Committee on behalf of their caucus. Second, they take matters under consideration or review by the Committee to their caucus to seek feedback and input, as applicable, and inform caucus colleagues of decisions made by the Committee.

The House Leader and Caucus Chair within each caucus have ultimate responsibility to ensure the prudent use of public resources allocated for the use of the caucus and are accountable to the Committee in this respect. It is recognized that the day-to-day management of the caucus' internal affairs and financial and administrative operations may be delegated to senior staff, as determined by caucus leadership.

### 3.4 Legislative Offices of Independent Members

An Independent Member of the Legislative Assembly is one who is not affiliated with a caucus. A Member of the Legislative Assembly may be elected as such or may become independent of a caucus during the life of a Parliament. An Independent Member of the Legislative Assembly is eligible for funding to maintain a legislative office, to pay for expenditures similar to those of a caucus — for staff, communications, research, and other expenditures in support of the Member's parliamentary activities. The employer-



employee relationship within a legislative office of an Independent Member of the Legislative Assembly is between the Member and the employee.

An Independent Member of the Legislative Assembly has the same autonomy as a caucus in the management of their legislative office, subject to broad parameters established by the Committee through policy or directives from time to time. An Independent Member has the responsibility to ensure the prudent use of public resources allocated for the operations of their legislative office.

An Independent Member of the Legislative Assembly cannot formally take up membership on the Committee but may bring matters forward for consideration by the Committee or one of its advisory subcommittees (see section 10), usually through the Chair or the Clerk of the Legislative Assembly, who brings it forward for the Chair's consideration for the Committee's agenda.

### **3.5 Constituency Offices**

Each Member of the Legislative Assembly is allocated funds by the Committee to set up and maintain a constituency office within their electoral district (or more than one such office in electoral districts that are geographically vast). Constituency offices operate on a non-partisan basis and serve as a critical link between a Member of the Legislative Assembly and all of their constituents. Constituency offices are typically the first line of contact for individuals and groups wishing to contact their Member of the Legislative Assembly to share concerns, views, and otherwise connect on issues of importance, and also allow the Member and their staff to help constituents navigate government programs and services.

Each Member of the Legislative Assembly is responsible for entering into a lease for their constituency office space, the cost of which is paid by the Legislative Assembly from centralized funds. Otherwise, each Member of the Legislative Assembly, upon election, receives dedicated start-up funds for basic furnishings and supplies for their constituency office, and receives an annual constituency office allowance to cover the costs of staffing, communications, supplies, and other expenditures in support of the office's non-partisan operations and the Member's constituency responsibilities. Some supports for constituency offices are provided through the Legislative Assembly Administration (see section 3.7), such as information technology and financial and payroll processing. The employer-employee relationship within a constituency office is between the Member of the Legislative Assembly and the employee.

Members of the Legislative Assembly have individual autonomy in the management of their constituency office, subject to broad parameters established by the Committee through policy or directives from time to time. Each Member of the Legislative Assembly has a unique approach to how they wish to serve their constituents and how they set up their constituency office operations. Each Member of the Legislative Assembly is accountable for their constituency office operations and has the responsibility to ensure the prudent and compliant use of allocated public resources in operating their constituency office.

### **3.6 Office of the Speaker**

The Office of the Speaker supports the Speaker of the Legislative Assembly in the fulfilment of the incumbent's parliamentary, administrative, and diplomatic responsibilities. The Speaker may structure the Office of the Speaker in whatever manner the incumbent determines, subject to availability of funds as considered and approved by the Legislative Assembly Management Committee annually. The Speaker maintains discretion over the appointment, management, and dismissal of staff within the Office of the

Speaker, and any such staff are appointed as an employee of the Legislative Assembly pursuant to section 39 of the provincial *Constitution Act* (R.S.B.C. 1996, c. 66). While the Speaker may determine any terms and conditions of employment for staff in the Office of the Speaker, the terms and conditions of employment must generally align with, and cannot exceed, those offered to employees of the Legislative Assembly under the direction of the Clerk of the Legislative Assembly.

The Speaker is responsible for the overall sound management and prudent financial operation of the Office of the Speaker. In doing so, the Speaker may determine which policies applicable to the Legislative Assembly Administration, if any, apply to the Office of the Speaker and its staff. Policies approved by the Legislative Assembly Management Committee applicable to all Members also apply to the Speaker.

### 3.7 Legislative Assembly Administration

The Legislative Assembly Administration (“the Administration”) is a body comprised of administrative departments (see Appendix B for a functional organizational chart) that provide professional services and programs in a non-partisan and impartial manner in support of the operations of the Legislative Assembly, its parliamentary committees, and its Members. The Administration also provides certain services in support of the operations of caucuses, legislative offices, and constituency offices, as well as a number of public services.

The Administration’s purpose, principles and strategic goals are outlined in Appendix C. The Administration is headed by the Clerk of the Legislative Assembly and is overseen by the Speaker of the Legislative Assembly and by the Committee (see sections 5.1, 5.2 and 5.3).

An individual appointed as an employee of the Legislative Assembly pursuant to section 39 of the provincial *Constitution Act* (R.S.B.C. 1996, c. 66) is part of the Administration, and undertakes their duties in support of the Legislative Assembly, all Members, and also the public. The Administration serves an important role in ensuring institutional and organizational continuity, as the employment status of its employees is not affected by provincial general elections, or which political party is the governing party. The employer-employee relationship for those employed within the Administration is between the Legislative Assembly, as represented by the Speaker of the Legislative Assembly, and the employee.

The Administration consists of employees who support a variety of operational areas, including strategic management, advice and guidance on parliamentary procedure, financial and payroll administration, information and digital services, corporate programs, facility and grounds maintenance and upkeep, and security. The provision of these services is managed at the executive level by the Clerk of the Legislative Assembly or the responsible member of the Clerk’s Leadership Group (see section 5.4), and on the departmental level by a director (or equivalent). Directors (or equivalent) of departments and a management team undertake responsibilities to ensure good governance within the Legislative Assembly Administration, as outlined in the *Legislative Assembly Administration Governance Framework*.

The Administration is responsible for ensuring that Members of the Legislative Assembly, and, by extension, their staff, have the services and resources that they need to undertake their parliamentary and constituency duties. The Administration is also responsible for ensuring that financial controls and that organizational initiatives expected in a modern parliamentary institution — such as strategic planning, business continuity, and enterprise risk management — are adequately and effectively in place in support of all facets of operations of the Legislative Assembly.

The Administration must sustain the confidence and trust of all Members of the Legislative Assembly. To do this, Legislative Assembly employees are governed by standards of conduct obligating them to act with integrity, in the interests of the Legislative Assembly at all times (avoiding self-interest), and to respect confidentiality as required of them. Legislative Assembly employees also undertake their duties in a strictly non-partisan and impartial manner, providing support to all Members of the Legislative Assembly equally, to the best of their abilities, without consideration to political party affiliation or stances on issues of public policy.

The Administration operates within a political environment, and must serve the institutional and organizational interests in a non-partisan but politically sensitive basis. This can at times be challenging, and the Administration recognizes its role is to provide advice and guidance to the best of its abilities, letting the body charged with ultimate governance authority, that being the Committee, make decisions. Once the Committee has decided on any matter within its mandate, the Administration has a role to communicate and implement the decision of the Committee, as appropriate.

The Administration also plays an important role in the Legislative Assembly's financial management and controls. Expenditures incurred by Members of the Legislative Assembly, caucuses, legislative offices, constituency offices, and the Administration are processed by the Administration. The designated department, Financial Services, plays a role in ensuring that expenditures are in accordance with policy and parameters established by the Committee. The Administration ensures that the management of the Legislative Assembly's financial operations meets generally accepted accounting principles, and has a working relationship with the Legislative Assembly's external auditor, the Auditor General of British Columbia, whose Office undertakes an annual audit of the Legislative Assembly's financial statements (see section 6.5.1).

### **3.8 Office of the Premier and Ministers' Offices**

The Parliament Buildings house the Office of the Premier, Ministers' offices, and certain Executive Council (Cabinet) operations. Section 3 (2) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258) provides that the Committee has no role in the functioning of any of the operations of the executive branch of government that are housed on the Legislative Precinct. The operations of these offices are completely autonomous, separate, and distinct from the operations of the Legislative Assembly; there are no shared resources, information technology networks, or general support services, other than those that may be reasonably provided by a landlord to its tenants, such as furnishings, maintenance and security.

This reality in no way limits the authority of the Speaker of the Legislative Assembly over the Legislative Precinct, including its premises.

Members of the Committee ought to maintain an awareness of the fact that some of the decisions that the Committee makes may have an impact on the above-noted offices.

## 4. Core Functions — Legislative Assembly Management Committee

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The Legislative Assembly Management Committee (“the Committee”) ensures that the Legislative Assembly, as an organization, is well managed, and that appropriate administrative structures and processes are in place to effectively support its operations with a view to promoting accountability and sustaining trust in the organization.

### 4.1 Powers and Duties Set Out in Statute

Section 3 (1) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258) (“the Act”) provides that the Committee has jurisdiction to deal with the following matters:

- ❖ subject to any other enactment and any rules of conduct established by the Legislative Assembly, policies for the administration of the Legislative Assembly and for the conduct of the Members of the Legislative Assembly;
- ❖ the provision of facilities and services, including allocation within the Legislative Precinct, that are required for the effective functioning of the Legislative Assembly;
- ❖ the appointment, supervision, and management of employees of the Legislative Assembly, other than permanent officers of the Legislative Assembly;
- ❖ review of the estimates of expenditure for the Legislative Assembly for Vote 1, including the preparation of forecasts and analyses of expenditures and commitments of the Legislative Assembly;
- ❖ payments of the Capital City Living Allowance to Members of the Legislative Assembly;
- ❖ the voluntary group registered retirement savings plan that was established by the Committee for Members of the Legislative Assembly;
- ❖ payments to Members of the Legislative Assembly to defray expenses in the performance of their duties;
- ❖ payments or services to Members of the Legislative Assembly for constituency offices, including payments or services for staffing, maintaining the offices, communication expenses and travel expenses;
- ❖ a severance allowance for persons when they cease to be Members of the Legislative Assembly, and for this purpose may establish a severance plan that sets out the circumstances in which such persons will be eligible for the allowance, the amounts of the allowance payments, and any other matter related to severance; and
- ❖ other matters necessary for the efficient and effective operation and management of the Legislative Assembly.

The full listing of powers and duties of the Committee are enumerated in section 3 of the Act (see Appendix A). Some of the powers and duties of the Committee set out in the Act have been delegated by the Committee to the Speaker of the Legislative Assembly or to the Clerk of the Legislative Assembly, as reflected in this Governance Framework (see section 7).

## **4.2 General Functions**

In keeping with best practices, the Committee:

- ❖ ensures adequate resourcing and that core services and programs are in place to support Members of the Legislative Assembly and their ability to effectively discharge their duties, and generally the proper functioning of the Legislative Assembly;
- ❖ provides stewardship;
- ❖ ensures good management and governance;
- ❖ ensures that Legislative Assembly assets and resources are properly managed;
- ❖ supports the Clerk of the Legislative Assembly in the execution of their administrative duties, including the provision of advice and guidance as necessary; and
- ❖ sets policies and issues directives on matters within its authority.

## **4.3 Strategy Functions**

In keeping with best practices, the Committee:

- ❖ monitors, on a regular basis, performance against strategic and business plans, with a focus on key risks and mitigating strategies; and
- ❖ participates in setting the vision and strategic plan of the Legislative Assembly Administration.

## **4.4 Internal Control and Financial Reporting Functions**

In keeping with best practices, the Committee:

- ❖ ensures the integrity of the Legislative Assembly's internal controls and management information systems by establishing appropriate internal and external audit oversight and effective control systems, and by receiving regular status updates thereon;
- ❖ oversees and ensures compliance with Legislative Assembly policies and ensures that systems are in place to ensure compliance on an ongoing basis; and
- ❖ reviews all financial reports and related materials prior to release and ensures that financials are reported fairly and in accordance with generally accepted accounting principles.

## **4.5 Risk Management Functions**

In keeping with best practices, the Committee:

- ❖ ensures that it understands key risks affecting the Legislative Assembly's operations;
- ❖ ensures that adequate risk management procedures and associated internal controls are established and effectively maintained;
- ❖ ensures that proper assessments are undertaken to manage identified risks; and
- ❖ receives regular reports on the management and mitigation of risks.

## 4.6 Conduct and Ethical Behaviour Functions

In keeping with best practices, the Committee:

- ❖ acts as a guardian of the Legislative Assembly’s organizational values;
- ❖ directs those with delegated decision-making authority to ensure that decisions are governed by the highest ethical and moral standards;
- ❖ monitors compliance with Legislative Assembly policies; and
- ❖ promotes a culture of integrity and a commitment to ethical values at the Legislative Assembly through its own actions, in its interactions with Legislative Assembly Administration management and employees, and in engagement with external parties.

## 4.7 Human Resources Functions

In keeping with best practices, the Committee:

- ❖ ensures that appropriate delegations and a succession plan are in place in the event of the unexpected incapacity of the Clerk of the Legislative Assembly;
- ❖ monitors and evaluates the performance of the Clerk of the Legislative Assembly in the conduct of their administrative duties, as the chief executive, and sets annual goals for the incumbent; and
- ❖ sets and approves the compensation for the Clerk of the Legislative Assembly and approves any change in classification for executive (Clerk’s Leadership Group) staff (whose compensation is set by the Clerk of the Legislative Assembly).

## 4.8 Parliamentary Functions

In undertaking the responsibilities set out above, the Committee fulfills a critical role in ensuring good governance practices at the Legislative Assembly. The responsibilities above focus on the “corporate” or organizational matters. However, the Committee also plays a role in matters that affect the parliamentary — or institutional — functions of the Legislative Assembly.

### 4.8.1 General

The Legislative Assembly Administration brings forward issues, proposals, and solutions for the consideration of the Committee. Engagement with the Committee on such matters is particularly important when the support of all caucuses is desired when moving forward with an initiative. It also allows the Committee to determine how best to engage with key internal stakeholders: Members of the Legislative Assembly.

The Committee has been actively involved in decisions regarding the layout and certain physical features of the Legislative Chamber. The Committee makes decisions relating to Members of the Legislative Assembly and their staff prior to election periods and transitions that follow. The Committee has also been involved in decisions that have a significant impact on the Legislative Assembly’s security posture, particularly as it relates to the Legislative Precinct, but also within constituency offices.

## 4.8.2 Interparliamentary Affairs and Relations

Any legislative assembly undertakes a number of interparliamentary (meaning between parliamentary institutions in this context) activities, whether they are incoming visits from elected officials and employees from other parliaments, outgoing visits by Members and employees of the Legislative Assembly to other parliaments, or membership and engagement in parliamentary associations and conferences. The Committee has adopted an *Interparliamentary Activities Framework*, which sets out the Legislative Assembly's strategic objectives and approach to interparliamentary relations and affairs.

The Speaker of the Legislative Assembly and the Clerk of the Legislative Assembly in turn have important and unique roles in leading, supporting, and overseeing the Legislative Assembly's interparliamentary initiatives. They also lead the Legislative Assembly's engagement and relationship-building with Indigenous nations and related initiatives. However, the Committee may issue direction to the Speaker and the Clerk in relation to such activities and initiatives and may review related reports and monitoring, though these functions are typically exercised by the Subcommittee on Administration and Operations on its behalf (see section 10). The Committee also approves the appropriation necessary for such activities through Vote 1.

## 4.8.3 Matters Relating to Other Statutes

Throughout its existence, the Committee has undertaken a role in certain determinations that are provided for in other statutes, but which are ultimately dependent on the appropriation through the Vote 1 (Legislative Assembly) budget, which the Committee approves and for which it is ultimately responsible. Such matters pertain primarily to the *Members' Remuneration and Pensions Act* (R.S.B.C. 1996, c. 257), which outlines the compensation, allowances, and reimbursement of expenditures payable to Members of the Legislative Assembly.

Pursuant to section 10 (1) of the *Members' Remuneration and Pensions Act*, the Committee sets the rate of deduction that "must be made from the basic compensation payable to a member for every day beyond 10 in any one session on which the member is absent from a sitting of the Legislative Assembly, or of a committee, if the Legislative Assembly sits on that day."

In the past, the Committee has been the forum where Members of the Legislative Assembly have requested that they not be in receipt of a statutory entitlement. The Committee has also instructed the Legislative Assembly Administration to withhold the administration of statutory compensation increases to which Members of the Legislative Assembly were entitled under the above-noted Act.

The Committee authorized a proposal from the Clerk of the Legislative Assembly to post Public Disclosure Statements prepared for each Member of the Legislative Assembly under the *Members' Conflict of Interest Act* (R.S.B.C. 1996, c. 287) on the Legislative Assembly website, a practice that began in 2019.

The Committee also oversees any appropriations that may be required under the *Legislative Procedure Review Act* (R.S.B.C. 1996, c. 261), subject to section 8 of that Act, though the provisions of the Act are outdated and no longer reflect the modern practices of the Legislative Assembly.

Lastly, while the operations of the Legislative Library are subject to the *Legislative Library Act* (R.S.B.C. 1996, c. 260), the Act is outdated, and Legislative Library operations are overseen and managed as every

other department within the Legislative Assembly Administration (see section 3.7), subject to Standing Orders 116 to 119 of the *Standing Orders of the Legislative Assembly of British Columbia*.

#### 4.8.4 Matters Outside of the Jurisdiction or Authority of the Committee

In matters where the Committee does not have jurisdiction or authority, it has, on occasion, adopted motions to formally communicate its views or requests to the Speaker of the Legislative Assembly, the House Leaders, and Members of the Executive Council (for matters found in statute that relate to the Legislative Assembly and fall under ministerial purview) with a request that they act on a matter, or present a motion for consideration by the Legislative Assembly, where appropriate.



# 5. Roles and Responsibilities

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## 5.1 Key Responsibilities — Legislative Assembly Management Committee

The Committee fulfills its mandate, as outlined in section 4, in two core pillars: oversight and approval. This practical approach allows Members of the Committee to effectively fulfill their important duties while also attending to the many other responsibilities they have as elected officials.

### 5.1.1 Oversight Responsibilities

The Committee oversees the following:

- ❖ Resourcing for caucus and legislative office operations.
- ❖ Resourcing for constituency office operations.
- ❖ Resourcing for Members (travel provisions, Capital City Living Allowance, and other allowances).
- ❖ Resourcing for the operations of the Legislative Assembly Administration.
- ❖ Administrative processes:
  - Business continuity preparedness.
  - Internal controls.
  - Risk management.
- ❖ External audit (including management responses and action plans, and related monitoring).
- ❖ Financial management and reporting.
- ❖ Legislative Assembly Administration.
- ❖ Legislative Precinct premises.
- ❖ Operational matters that may be brought forward by the Clerk of the Legislative Assembly, when warranted, particularly when they may affect Members of the Legislative Assembly, caucuses, legislative offices, or constituency offices.
- ❖ Organizational risk profile.
- ❖ Policy development, non-compliance and exceptions.
- ❖ Quarterly financial standing for Vote 1 operating and capital budgets, which break down operating and capital expenditures, outlining approved allocations vs. actual and forecasted spending (with explanatory notes for significant overspends and underspends).

### 5.1.2 Approval Responsibilities

The Committee approves the following:

- ❖ Annual Accountability Report.
- ❖ Annual audited financial statements.
- ❖ Executive staff (Clerk's Leadership Group) classification changes.
- ❖ Job description and salary for the Clerk of the Legislative Assembly.
- ❖ Legislative Assembly Administration strategic plan.
- ❖ Legislative Assembly (Vote 1) budget submission.
- ❖ Long-term strategies, visions, and plans (e.g., interparliamentary activities, capital investments).

- ❖ New areas for publicly released proactive disclosures relating to expenditures of Members of the Legislative Assembly and the Legislative Assembly Administration.
- ❖ New mid-cycle budgetary expenditure requests.
- ❖ Policies and directives on matters relating to Members of the Legislative Assembly, caucuses, legislative offices, and constituency offices.
- ❖ Policies and directives on matters that have broad organizational application.
- ❖ Preparedness and transition plans relating to a provincial general election, particularly as it relates to rules applicable to incumbent Members of the Legislative Assembly and their constituency offices.
- ❖ Statutory spending authority beyond the Vote 1 appropriation.

### 5.1.3 Related

Further to the matters outlined above, the Committee may direct the Clerk of the Legislative Assembly to conduct research and undertake jurisdictional analyses on matters that fall within its mandate and bring information back to the Committee. The Committee may also issue directives on service level expectations pertaining to operational areas within the Legislative Assembly Administration.

## 5.2 Key Responsibilities — Speaker of the Legislative Assembly

As noted in section 3.5.1, pursuant to section 2 (5) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258), the Speaker of the Legislative Assembly serves as Chair of the Committee. The Speaker is also Chair of the Committee's primary advisory subcommittees (see section 10), and undertakes similar duties within that setting.

### 5.2.1 Working with Legislative Assembly Administration Management

As Chair of the Committee, in working with Legislative Assembly Administration management, the Speaker:

- ❖ provides overall direction to the Clerk of the Legislative Assembly, including as it relates to helping to identify problems, reviewing strategy, maintaining accountability, building relationships, and ensuring that the Clerk is aware of any concerns that the Committee has, and that the Committee is aware of principal concerns of Members of the Legislative Assembly, Legislative Assembly Administration management, and caucus management;
- ❖ fosters a constructive and harmonious relationship between the Committee and Legislative Assembly Administration management;
- ❖ leads the Committee in monitoring and evaluating the performance of the Clerk of the Legislative Assembly in the execution of administrative duties, as chief executive; and
- ❖ ensures that the Clerk of the Legislative Assembly develops and implements appropriate delegations and succession plans in the event of the unexpected incapacity of the Clerk.

### 5.2.2 Managing the Committee

As Chair of the Committee, in managing the Committee, the Speaker:

- ❖ provides leadership to the Committee;
- ❖ chairs meetings of the Committee;
- ❖ provides direction to the Clerk of the Legislative Assembly with respect to Committee business;
- ❖ ensures that the Committee is fully aware of the governance principles that govern it;
- ❖ ensures cohesion amongst Members of the Committee to enable it to carry out its responsibilities effectively;
- ❖ ensures that the Committee has the tools and resources required for it to be able to successfully fulfill its mandate;
- ❖ serves as an important resource in assisting the Committee exercise its oversight functions;
- ❖ ensures that there is cohesion of direction and purpose with respect to Committee decisions respecting policy and strategy;
- ❖ strives to build consensus amongst the Committee in aiming to achieve a decision that will be in the best interests of the Legislative Assembly;
- ❖ oversees Legislative Assembly Administration management to ensure that it provides the Committee with sufficient information for it to make a decision, when required; and
- ❖ ensures that meetings of the Committee are conducted in an efficient, effective, and focused manner.

### 5.2.3 Representing the Committee

As Chair of the Committee, in representing the Committee, the Speaker:

- ❖ acts as a link between Members of the Legislative Assembly and the Committee;
- ❖ ensures that the Legislative Assembly maintains positive working relationships with key external partners, including the Office of the Lieutenant Governor, the Government of British Columbia, local Indigenous nations, and the City of Victoria;
- ❖ acts as a primary spokesperson on behalf of the Committee in its relations with external stakeholders (see section 8.6);
- ❖ acts as a link between the Committee and the Public Service Pension Board of Trustees, as it relates to pensions of Members of the Legislative Assembly; and
- ❖ represents the Committee and speaks on its behalf when authorized by the Committee to do so.

### 5.2.4 Unavoidable Absence of the Speaker

In the unavoidable absence of the Speaker of the Legislative Assembly, the Deputy Speaker is authorized to act in the Speaker's place as Chair of the Committee, pursuant to section 2 (5) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258). In such instances, the Deputy Speaker has the same obligations as the Speaker, as outlined above.

For certainty, and for the purposes of this delegation, the Deputy Speaker may assume the duties of Acting Chair of the Committee in the following circumstances:

- ❖ if the Speaker is physically or mentally incapacitated;
- ❖ if the Speaker declares a temporary inability or unavailability to perform their duties as Chair for any reason;
- ❖ if the Speaker declares a potential conflict in the consideration of a matter before the Committee;

- ❖ in an emergency situation, if the Speaker cannot be contacted within a reasonable time or is outside of British Columbia; or
- ❖ if the office of Speaker becomes vacant during the life of a Parliament, until such time that the Legislative Assembly elects a new Speaker pursuant to section 37 of the provincial *Constitution Act* (R.S.B.C. 1996, c. 66) and Standing Order 11 of the *Standing Orders of the Legislative Assembly of British Columbia*.

## 5.3 Key Responsibilities — Clerk of the Legislative Assembly

As noted in section 3.5.1, the Clerk is the Legislative Assembly's chief executive, accountable to the Committee for the propriety and effectiveness of the expenditure of public funds for Legislative Assembly operations, and the implementation and day-to-day administration of Legislative Assembly policies, programs, and services.

The Clerk of the Legislative Assembly also serves as clerk to the Legislative Assembly Management Committee. The Clerk is also an *ex officio* member (no voting privileges) of the Committee's primary advisory subcommittees (see section 10).

### 5.3.1 Responsibilities as Chief Executive

As chief executive, the Clerk is accountable to the Committee for:

- ❖ leading and managing the Legislative Assembly Administration, subject to direction of the Committee or the Speaker, and reporting to the Committee or the Speaker on any matters thereon;
- ❖ developing and recommending the Legislative Assembly Administration strategic plan to the Committee, and is responsible for the implementation of the corresponding priorities, business plans, operational plans, capital plans, and other supporting initiatives;
- ❖ planning, organizing, directing and monitoring all facets of the operations of the Legislative Assembly Administration in alignment with the approved strategic plan, and overseeing operational management in a manner that ensures the Legislative Assembly's resources and assets are safeguarded and optimized;
- ❖ identifying and reporting to the Committee the principal risks that may affect the operations of the Legislative Assembly, and ensuring the implementation of systems and mitigating strategies to manage risks;
- ❖ setting the organizational structure of the Legislative Assembly Administration to best support the needs of the Legislative Assembly and its Members in the discharge of their duties;
- ❖ developing and implementing operational policies respecting the Legislative Assembly Administration within the parameters established by the Committee, and ensuring that the operations of the Legislative Assembly Administration are consistent with those policies and with those approved by the Committee, as applicable;
- ❖ overseeing the development of and recommending to the Committee the annual Vote 1 (Legislative Assembly) operating and capital budgets, and recommending to the Committee for it to exert its statutory spending authority, if required;
- ❖ ensuring the adequacy and integrity of the Legislative Assembly's internal control and management systems;

- ❖ fostering a workplace culture that promotes ethical conduct and practices, and that encourages individual integrity and social responsibility;
- ❖ providing strong, effective and highly visible leadership to the executive leadership team and all employees within the Legislative Assembly Administration; and
- ❖ providing a response on behalf of the Legislative Assembly to external audit reports and preparing related action plans, as necessary, in consultation with the Speaker of the Legislative Assembly.

### 5.3.2 Responsibilities as Clerk to the Committee

As clerk to the Committee, the Clerk is responsible for:

- ❖ organizing meetings of the Committee and preparing draft agendas for meetings, subject to the direction of the Chair, in accordance with the procedures set out in this Governance Framework;
- ❖ assembling and distributing meeting materials that have appropriate and adequate information to enable Members of the Committee to make a decision or provide direction on the matters placed before them;
- ❖ attending meetings of the Committee and providing briefings on materials placed before the Committee, as appropriate;
- ❖ preparing minutes of meetings of the Committee, recording decisions made by the Committee, and maintaining custody of the records of Committee meetings and decisions;
- ❖ ensuring that decisions of the Committee are communicated to affected individuals or groups in a timely manner, as appropriate;
- ❖ acting as a liaison between the Chair, Members of the Committee, and Members of the Legislative Assembly on matters that may need to be placed before the Committee or one of its advisory subcommittees;
- ❖ providing procedural advice to the Chair and Members of the Committee during proceedings of the Committee;
- ❖ ensuring that the rules for meetings of the Committee (see section 11) are followed and adhered to, providing advice to the Chair as warranted;
- ❖ providing briefings to Members of the Committee, as may be requested, on matters before the Committee or expected to arise at a meeting of the Committee;
- ❖ arranging orientation programming and developmental opportunities for Members of the Committee, at the direction of the Chair (see section 6.1); and
- ❖ promoting strong governance practices and ensuring that the Committee has the tools, resources, and information that it needs to undertake its responsibilities effectively and successfully.

The Clerk of the Legislative Assembly may delegate any of these responsibilities to another employee of the Legislative Assembly. These functions are undertaken by the Clerk Assistant, Parliamentary Services, at the direction of the Clerk of the Legislative Assembly, in support of the Committee's advisory subcommittees (see section 10) of which the Clerk of the Legislative Assembly is an *ex officio* member.

## 5.4 Key Responsibilities — Clerk's Leadership Group (Executive Team)

The Clerk of the Legislative Assembly is supported by an executive leadership team, called the Clerk's Leadership Group ("the CLG"), comprised of individuals with different areas of professional expertise who ensure that the Legislative Assembly Administration meets its strategic objectives and organizational priorities in support of the Legislative Assembly and its Members.

Chaired by the Clerk of the Legislative Assembly, the CLG is comprised of:

- ❖ the Chief Human Resources Officer;
- ❖ the Chief Information Officer;
- ❖ the Clerk Assistant, Parliamentary Services;
- ❖ the Executive Financial Officer;
- ❖ the Law Clerk and Parliamentary Counsel; and
- ❖ the Sergeant-at-Arms.

Members of the CLG are accountable to the Clerk of the Legislative Assembly for the effective and efficient management of the responsibilities delegated to them and their team by the Clerk. Each member of the CLG receives a mandate letter at the beginning of every fiscal year (April 1 to March 31) outlining priority areas for them to focus on in the year ahead. These letters are deposited with the Committee as an information item, and are part of the metric used by the Clerk of the Legislative Assembly to evaluate the performance of each individual member of the CLG.

The scope of authority of the CLG is primarily limited to the Legislative Assembly Administration (see section 3.7). The CLG meets regularly to make decisions on management and administrative matters, items with significant organizational impacts and financial and people strategies, including:

- ❖ executive oversight of advice and support to the Committee and its advisory subcommittees;
- ❖ preparing the strategic plan, budget submissions, and annual reports for approval by the Committee;
- ❖ providing ethical leadership and setting strategic direction, priorities, and expected results (including those reflected in business plans) for the Legislative Assembly Administration, and monitoring and assessing performance thereon;
- ❖ reviewing all policies pertaining to the Legislative Assembly Administration, as well as ensuring compliance with approved policies and directives;
- ❖ reviewing financial and legal matters with significant organizational impacts;
- ❖ assessing and managing risk and ensuring the maintenance of a system of effective controls;
- ❖ approving significant new initiatives, programs, and service areas (and presenting such matters to the Committee for final approval, when required);
- ❖ approving initiatives or programs which may have an impact on the Legislative Assembly's public-facing posture;
- ❖ approving the terms of reference and providing oversight for Legislative Assembly Administration advisory, consultative and information-sharing committees.

Members of the CLG regularly attend meetings of the Committee and of its advisory subcommittees (see section 10) and present information, provide briefings, and answer questions on matters that fall within their responsibilities. They also contribute their professional expertise to assist the Committee during its deliberations, as may be appropriate.

The Law Clerk and Parliamentary Counsel serves as counsel to the Committee. When acting as corporate counsel for the Legislative Assembly, the Law Clerk and Parliamentary Counsel's solicitor-client relationship is with the Committee.

## 5.5 Responsibilities — Security within the Legislative Precinct

Section 4 (1.1) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258) (“the Act”) provides: “In accordance with the regulations, the Speaker is responsible for the (a) provision of security within the Legislative Precinct, and (b) management of the use and enjoyment of the Legislative Precinct by the public and by other persons.” This stems from the role of the Speaker of the Legislative Assembly of being the guardian of the rights and privileges of the Legislative Assembly and its Members, and from the cascading role of the Speaker to protect the “sacred” function of the Legislative Precinct (Joseph Maingot, *Parliamentary Immunity in Canada*, pp. 156-7).

Section 8 (1) of the Act provides: “The Lieutenant Governor in Council may make regulations as follows: (a) providing for the security of the Legislative Precinct; (b) regulating, permitting or prohibiting use of the Legislative Precinct by the public or by other persons.” Section 8 (2) of the Act provides: “The Lieutenant Governor in Council may make regulations establishing penalties for failure to comply with the regulations made under this section.” There is one regulation in effect under the Act: the *Legislative Precinct Regulation* (B.C. Reg. 274/2002), which outlines, among other things, prohibited activities and the powers of peace officers in relation to the Legislative Precinct.

Should the need for a regulation in accordance with the above provisions arise, the Speaker of the Legislative Assembly should in all instances aim to discuss the matter with the Committee. A request for a regulation is made by the Speaker to the Minister responsible for the Act, who would in turn bring the matter forward for consideration by the Executive Council.

The Speaker of the Legislative Assembly is ultimately responsible for the provision of security within the Legislative Precinct — i.e., that adequate security resources and systems are in place to ensure that Members of the Legislative Assembly are able to carry out their duties in a safe and secure environment, free from interference and intimidation. A department exists within the Legislative Assembly Administration, the Legislative Assembly Protective Services, to achieve this outcome. The Legislative Assembly Protective Services are headed by the Sergeant-at-Arms, who reports functionally and operationally to the Clerk of the Legislative Assembly, but who is also answerable to the Speaker for the provision of security within the Legislative Precinct.

## 6. Key Processes in Support of Good Governance

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Good governance is characterized by structures, processes and practices that encourage better-informed and longer-term decision-making, strong organizational performance, and the efficient use of resources and strengthened accountability for the stewardship of those resources.

There are key processes that support good governance at the Legislative Assembly, most of which are overseen by the Legislative Assembly Management Committee (“the Committee”). These processes are closely linked with the governance principles outlined in section 1.5.

### 6.1 Orientation and Development for Members of the Committee

#### 6.1.1 Orientation Program

Members of the Committee must participate in a mandatory orientation program. The intent of the orientation program is to increase the familiarity of Members of the Committee with their responsibilities, as outlined in this Governance Framework, as well as the multiple facets of operations of the Legislative Assembly, current issues facing the organization, as well as its strategic vision. The orientation program must, at its core, equip Members of the Committee with sufficient information and knowledge to best position them to undertake their responsibilities. It is the responsibility of the Clerk of the Legislative Assembly to develop and schedule the orientation program.

The orientation program must be offered to all Members of the Committee within 30 business days after the confirmation of the Committee’s membership in a new Parliament, as provided in section 2 (2) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258). The orientation program must be offered to any Member of the Legislative Assembly who becomes a Member of the Committee during the life of a Parliament within 20 business days of taking up membership on the Committee.

As part of the orientation program, Members of the Committee must receive this Governance Framework, a presentation outlining the key roles and responsibilities of the Committee, as well as a briefing binder, which must include information on recent decisions of the Committee, as well as substantive business that is currently before the Committee or anticipated to be dealt with by the Committee and, as applicable, its advisory subcommittees. An initial orientation program briefing should allow Members of the Committee to become acquainted with the Chair, the Clerk of the Legislative Assembly, and the Clerk’s Leadership Group.

At any point after the initial briefing, any Member of the Committee may make a request to the Chair or the Clerk of the Legislative Assembly for an issue briefing, to be focused on any particular matter(s) before the Committee or that, in the opinion of the Member of the Committee, ought to be brought to the Committee or one of its advisory subcommittees. It is the responsibility of the Clerk of the Legislative Assembly to schedule issue briefings, which do not constitute a formal proceeding of the Committee.



Additionally, at any point after the initial briefing, any Member of the Committee may make a request to the Chair or to the Clerk of the Legislative Assembly for a site tour of any premises on the Legislative Precinct, as may be appropriate. It is the responsibility of the Clerk of the Legislative Assembly to schedule site tours, which do not constitute a formal proceeding of the Committee.

### **6.1.2 Development Opportunities**

At the request of any Member of the Committee to the Chair, and at the direction of the Chair, the Clerk of the Legislative Assembly will ensure that ongoing development opportunities are made available to Members of the Committee. This may include ongoing briefings, tutorials, and workshops on matters relevant to the Committee's mandate. Development requests may also address educational needs of Members of the Committee in respect of their duties generally and may include course offerings provided by external service providers. When a request for a development is approved by the Chair, all Members of the Committee have the opportunity to participate. The cost of any such opportunity is borne by the budget that supports the Committee's operations.

## **6.2 Strategic Planning**

The Legislative Assembly Administration ("the Administration") undertakes a strategic planning process to ensure that its goals and priorities are aligned with those expected of the Administration by Members of the Legislative Assembly and by Members of the Committee. Strategic planning is not only important because it sets a common vision that provides direction, clarity, and focus, driving alignment within the Administration, but it also serves as a key and effective method by which the Administration measures its performance and reports on it.

The Committee has the responsibility to review and approve the Administration's strategic plan (see Appendix C) and the priorities set out therein, as put forward by the Clerk of the Legislative Assembly. The Committee and the Subcommittee on Administration and Operations (see section 10.2) thereafter receive regular updates from the Clerk of the Legislative Assembly on the status of key elements outlined in the strategic plan. It is recognized that the strategic plan and the priorities set out therein may require modification depending on the level and extent of change affecting the Legislative Assembly.

Legislative Assembly Administration management is responsible for developing operational business plans, which address the "how we will get there." These plans cover the short- and medium-term priorities to meet the direction set out in the strategic plan, identify and allocate resources, and set out contingency plans necessary for the fiscal year which they cover. These plans include measures and targets that identify how results will contribute to the achievement of strategic priorities. It is the responsibility of Administration management to report to the Committee on its performance in relation to business targets, which ensures accountability. These performance indicators are also included in the Committee's annual report.

## **6.3 Risk Management**

As does any organization, the Legislative Assembly faces a wide range of uncertain internal and external factors that may affect its operations and the achievement of organizational objectives. These uncertainties translate into risk, which can be positive (opportunities) or negative (threats). Risks can be

present in any organizational activities, and may be strategic, operational, and financial in nature, and may relate to things such as physical security and fraud. Effective risk management stems from adequate planning processes, including budget planning, and is not a back-end control. Proper risk management ensures a robust and effective control environment which provides assurance that the organization will achieve its performance objectives with an acceptable degree of residual risk.

The Legislative Assembly Administration is charged with developing an organization-wide strategy to identify and prepare for risks that may affect the operations of the Legislative Assembly, through an enterprise risk management framework. The Committee has responsibility to understand and assist in identifying principal risks that may affect the Legislative Assembly, and to ensure that appropriate resources, systems, and processes are deployed and implemented to mitigate these risks. The Committee plays a key role within the Legislative Assembly's enterprise risk management framework by determining the organization's risk appetite and tolerance.

Legislative Assembly Administration management is responsible for implementing appropriate systems, procedures, and mechanisms to identify, monitor, manage, and mitigate risks that may affect the Legislative Assembly. Administration management regularly reports on the Legislative Assembly's risk register to the Committee and the Subcommittee on Finance and Audit (see section 10.3). Administration management has a responsibility to ensure that Members of the Committee understand any significant risks that may stem from a decision of the Committee (or non-action by the Committee) in the context of matters that are brought to the Committee for approval from time to time.

Members of the Committee who serve on its advisory subcommittees (see section 10) have a responsibility to ensure that principal risks associated with the matters that fall into the terms of reference of those subcommittees are appropriately identified, monitored, and managed. The advisory subcommittees must also report and make recommendations to the Committee on the management of risks, as appropriate.

## 6.4 Policy Framework

Pursuant to section 3 (1) (a) of the *Legislative Assembly Management Committee Act*, the Committee has jurisdiction to implement, "subject to any other enactment and any rules of conduct established by the Legislative Assembly, policies for the administration of the Legislative Assembly and for the conduct of the members of the Legislative Assembly."

In 2019, the Committee adopted the *Legislative Assembly Policy Framework* ("the Policy Framework"), which is a policy that establishes "a framework for the identification, planning, development, review, approval, implementation, revision, and repeal of new and existing Legislative Assembly policies." The Committee also delegated to the Clerk of the Legislative Assembly the responsibility to revise and develop policies within the parameters of the Policy Framework, with the Clerk being accountable to the Committee for the Legislative Assembly's policy suite.

The Policy Framework establishes two approval categories for policies. The first is policies approved by the Committee, which are policies that relate to or affect Members of the Legislative Assembly and their staff, caucuses, legislative offices, and constituency offices, as well as policies that have broad or overarching organizational application. The second is policies approved by the Clerk of the Legislative

Assembly, which are operational policies that only have application to employees of the Legislative Assembly (and therefore the Administration).

As provided in the Policy Framework, Legislative Assembly policies shall, as applicable:

- ❖ comply with relevant statutes and regulations;
- ❖ reflect current professional standards and/or best practices;
- ❖ promote good governance through appropriate provisions relating to accountability, leadership, integrity, stewardship, and transparency;
- ❖ promote sound management practices;
- ❖ promote prudent financial administration;
- ❖ promote behaviours consistent with the core principles of the Legislative Assembly Administration;
- ❖ promote openness, fairness, transparency, continuity, and efficiencies in the administrative operations of the Legislative Assembly; and
- ❖ aim to effectively manage organizational risk and performance through robust controls and active management.

These principles of policy development are key to ensuring that, in the context of organizational operations, policies provide clear guidance, are consistent, and promote accountability and efficiency.

On an annual basis, the Committee receives a Policy Development Work Plan as an information item, to gain awareness of policies flagged for development or review. Members of the Committee may also make recommendations on areas where they believe policies ought to be developed or revised.

The Committee also receives a quarterly report from the Clerk of the Legislative Assembly and the Executive Financial Officer outlining any significant instances of non-compliance with a policy and exercises of discretion to provide for exceptions or exemptions to a policy.

To assist with understanding and compliance with Legislative Assembly policies, the Legislative Assembly Administration organizes an orientation program for new Members of the Legislative Assembly (which may be attended by caucus staff, legislative office staff, and constituency office staff), a training seminar for constituency office staff, and implementation and training sessions for policies that apply to Legislative Assembly employees.

## **6.5 System of Internal Controls**

Internal controls are accounting procedures and systems that are designed to ensure the accuracy of accounting records prepared in accordance with generally accepted accounting principles. Effective internal controls help safeguard assets and ensure that financial records are free from misstatement due to error or fraud. A strong and robust system of internal controls is vital to maintaining the trust of Members of the Legislative Assembly and of British Columbians in the Legislative Assembly's operations.

### **6.5.1 Financial Management, External Audit and Internal Audit**

The Committee is ultimately accountable for the direction of use and oversight of the public funds allocated to the Legislative Assembly through Vote 1. Vote 1 includes budgets for operating and capital

expenditures for all groups within the Legislative Assembly (see section 3), which are approved on an annual basis by the Committee and transmitted to the Minister of Finance for inclusion in the province's estimates. Should the need arise for additional spending in a fiscal year (April 1 to March 31) beyond the Vote 1 appropriation, the Committee may exercise statutory spending authority, as provided in section 57 of the provincial *Constitution Act* (R.S.B.C. 1996, c. 66) and section 6.1 of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258). Robust budgeting processes help ensure that this significant authority is seldom exercised.

The Committee must ensure that the Legislative Assembly's operations, and its financial operations in particular, have robust and effective checks and controls in place to ensure prudent use of public funds and to sustain trust. The Subcommittee on Finance and Audit (see section 10.3) receives quarterly unaudited financial reports which break down operating and capital expenditures, outlining approved allocations vs. actual and forecasted spending (with explanatory notes for significant overspends and underspends). These reports are presented to the Committee and are publicly available on the Legislative Assembly's website after they have been reviewed by the Committee.

Relevant, reliable, and audited financial statements are a key aspect of good governance and accountability. The Legislative Assembly's financial statements are audited by the Auditor General of British Columbia on an annual basis, pursuant to section 5 (4) of the *Legislative Assembly Management Committee Act*. The Clerk of the Legislative Assembly and the Executive Financial Officer sign a statement of management responsibility, which attests that the financial statements present the Legislative Assembly's financial position truthfully and fairly in all material respects, and that they are prepared in accordance with Canadian Public Sector Accounting Standards. The financial statements, accompanied by the statement of management responsibility and the Auditor General's independent audit opinion, are presented to the Subcommittee on Finance and Audit, which reviews them and presents its recommendation to the Committee to approve the financial statements and accompanying documents prepared by the Office of the Auditor General and Legislative Assembly Administration management. Once approved by the Committee, the financial statements are publicly released and are accessible on the Legislative Assembly website.

The Auditor General of British Columbia serves as the Legislative Assembly's primary external auditor, as provided in section 5 (6) of the *Legislative Assembly Management Committee Act* ("the Act"). Section 5 (7) of the Act states: "Subsection (6) does not restrict the Auditor General from reporting to the Legislative Assembly on any other matter that the Auditor General considers to be in the public interest including the matters within the jurisdiction of the committee under section 3." The Auditor General may, therefore, undertake financial and performance audit work of the Legislative Assembly as the Auditor General sees fit. More information on the role of the Auditor General is outlined in section 9.3.1. The Act does not prevent the Committee from appointing an additional external auditor for the Legislative Assembly, should it see fit to do so.

The Committee also instituted an internal audit function through an external service provider, which is a key part of the system of internal controls. Internal audit findings are presented to the Subcommittee on Finance and Audit and may be brought forward to the Committee as may be appropriate. If any Member of the Committee identifies an area that may benefit from internal audit, they may bring their proposal to the Subcommittee on Finance and Audit, which may direct for the matter to be included in internal audit plans.

The Committee must obtain assurance, through its scrutiny of Legislative Assembly Administration management, as well as through its engagement with the Legislative Assembly's internal and external auditors, that the Legislative Assembly's accounting systems are reliable and that its internal controls are adequate.

### 6.5.2 Asset Management

The Legislative Assembly Administration has a responsibility to ensure that an appropriate asset management system is in place at the Legislative Assembly, with broad application, under the purview of the Committee, to caucuses, legislative offices, constituency offices, and the Legislative Assembly Administration. The Committee must ensure that proper systems are in place to regulate the appropriate use, management, tracking, and disposal of Legislative Assembly assets.

### 6.5.3 Proactive Disclosure

To promote transparency and accountability in the administrative operations of the Legislative Assembly, the Committee mandated several areas of proactive disclosure reporting, posted on a quarterly basis on the Legislative Assembly website. The Committee may institute other areas of proactive disclosure as it deems appropriate.

Proactive disclosures relating to Members of the Legislative Assembly are released on:

- ❖ accompanying person travel;
- ❖ Capital City Living Allowance payments;
- ❖ compensation;
- ❖ constituency office expenses, with receipts; and
- ❖ travel expenses, with receipts.

Proactive disclosures on travel expenses incurred by parliamentary committees, which include any travel by Members of the Committee for the purpose of conducting Committee business, are also released.

Proactive disclosures relating to the Legislative Assembly Administration are released on:

- ❖ employee out-of-province travel expenses;
- ❖ executive staff compensation;
- ❖ executive staff travel expenses, with receipts;
- ❖ procurement contracts valued  $\geq \$10,000$ ; and
- ❖ purchasing card transactions.

These proactive disclosures are distinct from the supplier, salary and travel payments that are released in the *Public Accounts* annually by the Office of the Comptroller General of Government of British Columbia.

The Legislative Assembly's quarterly financial updates, its annual budget submissions, and audited financial statements are also posted on the Legislative Assembly website.

## 6.6 Performance Evaluation for the Clerk of the Legislative Assembly

As chief executive, the Clerk of the Legislative Assembly is accountable to the Committee. The Committee is therefore responsible for evaluating the performance of the Clerk of the Legislative Assembly, a process undertaken and coordinated on the Committee's behalf by the Speaker of the Legislative Assembly.

In February every year, the Speaker of the Legislative Assembly must engage with all Members of the Committee and determine the priorities that will be set out in the mandate letter for the Clerk of the Legislative Assembly in the coming fiscal year. The Clerk must also present to the Speaker any self-identified goals and priorities. The mandate letter obligations must be realistic and reflective of resourcing available to the Clerk to successfully execute the identified tasks. The Speaker must deposit the mandate letter for the Clerk of the Legislative Assembly with the Committee as soon as possible after it is finalized.

In May every year, the Clerk of the Legislative Assembly must undertake a self-evaluation to measure their performance against the objectives set out in the previous year's mandate letter. The performance evaluation for the Clerk of the Legislative Assembly undertaken by the Committee focuses exclusively on the incumbent's role as chief executive, and is benchmarked against:

- ❖ the previous year's mandate letter for the Clerk of the Legislative Assembly and the successful fulfilment of the tasks set out therein;
- ❖ the job description for the Clerk of the Legislative Assembly, as approved by the Committee; and
- ❖ the Legislative Assembly Administration's strategic plan and the Administration's performance with respect to the priorities set out therein.

The self-evaluation is presented to the Speaker of the Legislative Assembly for discussion and to make changes, as appropriate. The self-evaluation must thereafter be presented to the Committee by the Speaker of the Legislative Assembly and the Clerk of the Legislative Assembly during an *in camera* (in private) session, with no other employees or observers present. The Committee may provide further feedback and input into the evaluation and identify any feedback for the Clerk of the Legislative Assembly. The Committee may request that the Clerk of the Legislative Assembly excuse themselves from proceedings while the Committee undertakes its deliberations. The Committee must determine its final assessment and present it to the Clerk. The assessment is a personnel matter and is not one of public record.

## 6.7 Governance Framework Review

The Committee has a crucial leadership role in implementing, evaluating, and improving the structures within the Legislative Assembly to ensure good governance. That evaluation applies equally to the provisions of this Governance Framework.

Within one year after the confirmation of the Committee's membership in a new Parliament, as provided in section 2 (2) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258), the Committee must review its processes and this Governance Framework to ensure that they continue to meet leading good governance practices and to ensure that the Governance Framework continues to reflect the reality of the operations of the Legislative Assembly and the Committee.

This process must be facilitated by the Clerk of the Legislative Assembly and undertaken initially through the Subcommittee on Administration and Operations (see section 10.2), which must present its findings and recommendations (including if there are no areas for modification) to the Committee for approval.

However, this Governance Framework is intended to be a living document. The review process outlined above does not prevent a Member of the Committee from bringing an area for review forward for initial review by the Subcommittee on Administration and Operations outside of the cycle noted above. It is also recognized that Legislative Assembly Administration management may bring recommendations forward for initial review by the Subcommittee on Administration and Operations outside of the cycle noted above, which may stem from changing administrative and financial structures, processes, policies, and decisions of the Committee.

The Subcommittee on Finance and Audit (see section 10.3) should also consider regularly incorporating governance into the Legislative Assembly's internal audit plans.

## 6.8 Support through the Legislative Assembly Administration

The Legislative Assembly Administration ("the Administration") (see section 3.7) performs an important role in assisting the Committee as it oversees the key processes in support of good governance outlined in this Governance Framework. Employees of the Legislative Assembly contribute their expertise and professional knowledge to support decision-making through their participation in advisory groups established by the Clerk of the Legislative Assembly. These groups report to the executive leadership team (the Clerk's Leadership Group, see section 5.4), and the Clerk of the Legislative Assembly brings matters forward to the Committee and its advisory subcommittees, as required.

The advisory groups within the Legislative Assembly Administration that support the governance processes outlined in this section are:

1. **Audit and Risk Management Committee.** This group provides advice and support on the Administration's financial risk, control, and compliance framework; external accountability responsibilities, including external audit planning and resources, and responses to external audit reports; proactive public disclosure of administrative information; and oversight of internal audit work, with particular focus on internal audit planning and the effectiveness of Administration programs and services, and responses to internal audit reports.
2. **Policy Committee.** This group reviews and drafts, as required, Legislative Assembly policies to ensure that the Legislative Assembly's overall policy suite is robust and addresses all necessary matters of an organizational or operational nature, as benchmarked against other parliamentary and public sector bodies. The work of the Policy Committee is guided by the *Legislative Assembly Policy Framework*.

The complete listing of Legislative Assembly Administration advisory and consultative groups is outlined in the *Legislative Assembly Administration Governance Framework*. Not all advisory and consultative groups have a direct link to the governance processes noted in this section.

## 7. Delegation of Authority

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The Legislative Assembly Management Committee (“the Committee”) may delegate its authority, which may be an assignment of a power or duty. This is done to the extent practicable with a goal of facilitating decision-making and making the best use of the time of Members of the Committee while still upholding good governance processes and maintaining appropriate controls and oversight.

### 7.1 Delegation of Authority to the Speaker of the Legislative Assembly

Section 4 (2) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258) (“the Act”) provides: “The Committee may formally delegate any of its powers to the Speaker. Any formal delegation of powers or duties shall be conveyed by minutes adopted by the Committee.” This is done by way of a resolution of the Committee (adoption of a motion).

The Committee delegates to the Speaker of the Legislative Assembly oversight and direction of the Legislative Assembly’s interparliamentary affairs and relations (see section 4.8.2). These tasks are undertaken in close collaboration with the Clerk of the Legislative Assembly and are subject to the *Interparliamentary Activities Framework* adopted by the Committee.

In the past, delegations of authority by the Committee to the Speaker related to compensation and leave for Members of the Legislative Assembly; the use and access to the Legislative Precinct and its premises; space allocation; and decision-making relating to transitions arising from a provincial general election.

### 7.2 Delegation of Authority to the House Leaders

The Committee may delegate certain authority to the House Leaders (who serve as Members of the Committee), as it deems appropriate. Such authority may be delegated through a resolution of the Committee duly recorded in minutes of proceedings, and is typically confined to a specific and time-constrained matter.

In the past, delegations of authority by the Committee to the House Leaders related to matters affecting Members of the Legislative Assembly that require the support of all caucuses, represented by the House Leaders; the preparation of caucus budgets for inclusion in the Vote 1 submission; constituency office safety and security; and matters in which the Speaker of the Legislative Assembly, as Chair, was deemed to be in a conflict of interest or recused themselves from.

### 7.3 Delegation of Authority to the Clerk of the Legislative Assembly

The Committee delegates certain authority to the Clerk of the Legislative Assembly, as it deems appropriate. Such authority may be delegated through a resolution of the Committee duly recorded in minutes of proceedings or through provisions of a policy adopted by the Committee.



The Committee delegates to the Clerk of the Legislative Assembly full responsibility for the appointment, management, and dismissal of all employees of the Legislative Assembly; this does not include permanent officers and those employed in the Office of the Speaker, in a caucus, in a constituency office, and by an Independent Member of the Legislative Assembly.

The Committee expects the Clerk of the Legislative Assembly to implement further delegations within the Legislative Assembly Administration, as appropriate, to ensure organizational continuity in the event of the incapacity or absence of the Clerk.

## **7.4 Delegation of Authority to Advisory Subcommittees**

The Committee delegates certain authority, as it deems appropriate, to its advisory subcommittees (see section 10). Such authority may be delegated through a resolution of the Committee or through provisions of a policy adopted by the Committee.

The Committee has granted its Subcommittee on Administration and Operations and its Subcommittee on Finance and Audit the authority to make determinations on requests or appeals from Members of the Legislative Assembly with respect to expense claims, policy non-compliance or exceptions, and special or unique circumstances affecting an individual Member or a caucus with respect to the application of policies. Such matters may be brought forward to the appropriate advisory subcommittee (considering the nature of the matter and how it relates to the subcommittee's terms of reference) on request of the affected Member of the Legislative Assembly or by Legislative Assembly Administration management. This delegation of authority is further addressed in sections 10.2.4 and 10.3.4.

When a matter comes before an advisory subcommittee in accordance with the preceding paragraph, steps towards resolution with the responsible department of the Legislative Assembly Administration and escalation to the Executive Financial Officer and the Clerk of the Legislative Assembly are exhausted first. Therefore, determinations made by the respective advisory subcommittee on requests and appeals from Members of the Legislative Assembly, as outlined above, are final and are not subject to appeal to the Committee, but may be subject to report to the Committee.

## **7.5 Delegation of Authority — Dissolution of the Legislative Assembly**

The Lieutenant Governor may prorogue or dissolve the Legislative Assembly, in accordance with section 23 of the provincial *Constitution Act* (R.S.B.C. 1996, c. 66). During an intersessional period (a period between two Sessions of a Parliament), Members of the Legislative Assembly continue to hold office, and therefore continue to serve as Members of the Committee. The Committee is constituted by statute, in accordance with the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258) ("the Act"), and can therefore exercise its authority and powers during an intersessional period. In practice in British Columbia, prorogation of a Session and the opening of the next take place on the same day.

The Act does not empower the Committee to exercise interparliamentary authority (a period between two Parliaments while the Legislative Assembly is dissolved). Members of the Legislative Assembly cease to be Members upon the Lieutenant Governor's issuance of a proclamation dissolving the Legislative Assembly; therefore, Members cannot continue to hold such position as designated in section 2 (1) of the Act. As such, the Committee is not constituted during a period of dissolution. The Act does, however, at

section 6 (1), provide that the individual who holds the position of Speaker of the Legislative Assembly at dissolution is deemed for the purposes of this Act to continue in office as Speaker until a Speaker designate is named by the Premier (or until the Legislative Assembly elects a Speaker in the new Parliament). The Speaker designate provides continuity in administrative oversight and guidance to the Legislative Assembly Administration (see section 3.7) prior to the constitution of the Committee in the new Parliament.

To address the Committee's inability to exercise its authority during a period of dissolution, the Committee delegates to the Clerk of the Legislative Assembly the authority to make decisions in urgent or extraordinary circumstances on matters that would typically require the Committee's authorization, and exercise reasonable discretion in so doing. This authorization applies a) while the Legislative Assembly is dissolved and b) until such time that the Committee is reconstituted following general voting day in accordance with section 2 (2) of the Act.

In making any decision under this delegation of authority, the Clerk of the Legislative Assembly must consult with the individual who held the position of Speaker of the Legislative Assembly at dissolution, until such time that a Speaker designate is named in accordance with section 6 (3) of the Act. Any such decision must be reasonable in the circumstances and be made in accordance with the core principles outlined in this Governance Framework.

The Clerk of the Legislative Assembly must report to the Committee on all substantive decisions made under this delegation of authority at the first opportunity when the Committee meets in the new Parliament.

## **7.6 Delegation of Authority — Emergency Situations**

The greatest of unknowns is an emergency situation. An emergency situation may be an event such as a major natural disaster or a major system failure. In such situations, the business continuity program maintained by the Legislative Assembly Administration provides a broad framework for how operational continuity may be resumed as expeditiously and safely as possible. With the unknown of an emergency situation come various pressure points, rapidly shifting priorities, and a need for timely action.

The Committee recognizes that it may not be possible to involve its Members in critical and timely decisions that may need to be made to respond to or manage the emergency situation. Therefore, the Committee delegates authority to the Speaker of the Legislative Assembly and the Clerk of the Legislative Assembly to act together, in the manner that they deem necessary and appropriate, and to exercise the necessary discretion to respond reasonably and effectively to the circumstances. The discretion afforded must align with the core principles outlined in this Governance Framework.

At the first opportunity, the Speaker of the Legislative Assembly and the Clerk of the Legislative Assembly must report to the Committee on all substantive decisions made under this delegation of authority that would typically be made by the Committee.

Following the conclusion of an event of this nature, Legislative Assembly Administration management must prepare a post-incident report for the Committee's consideration as soon as possible.

## 7.7 Delegation of Financial Authority

The Committee is ultimately accountable for the direction of use and oversight of the public funds allocated to the Legislative Assembly through Vote 1. Vote 1 includes budgets for operating and capital expenditures for all groups within the Legislative Assembly (see section 3), which are approved on an annual basis by the Committee and transmitted to the Minister of Finance for inclusion in the province's estimates.

Within the unique Legislative Assembly setting, financial authority is delegated to several groups (see section 3). However, the Speaker of the Legislative Assembly and the Clerk of the Legislative Assembly have an important role in ensuring the overall stewardship of financial resources allocated for the operations of the Legislative Assembly. The Clerk of the Legislative Assembly is also accountable to the Committee to ensure that appropriate accounting systems and internal controls are in place with respect to all Legislative Assembly funds.

Within the Legislative Assembly, financial authority is delegated to:

- ❖ Members of the Legislative Assembly, exclusively in the context of their constituency office operations and, where applicable, legislative office operations;
- ❖ Members of the Legislative Assembly, exclusively in the context of caucus operations, who may institute further delegations to senior caucus staff;
- ❖ the Speaker of the Legislative Assembly, exclusively in the context of the operations of the Office of the Speaker; and
- ❖ the Clerk of the Legislative Assembly, exclusively in the context of the operations of the Legislative Assembly Administration, who may institute further delegations within the Legislative Assembly Administration.

These delegations and resulting responsibilities are governed by policy.

Any individual with expense authority, meaning authority to approve expenditures (including the purchase of goods and services) has an obligation to ensure the prudent and appropriate use of public funds.

# 8. Operating Guidelines — Legislative Assembly Management Committee

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## 8.1 Introduction

These operating guidelines affirm the highest standards of ethical conduct, integrity, and responsible stewardship expected of the Members who serve on the Legislative Assembly Management Committee (“the Committee”), and of the Committee as a collective. These operating guidelines are in addition to obligations that Members of the Committee have as Members of the Legislative Assembly under the *Members’ Conflict of Interest Act* (R.S.B.C. 1996, c. 287).

Each Member of the Committee is subject to the duties and standard of care that is required under the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258) and at common law. The provisions of this section of the Governance Framework are in addition to, and not in substitution for, any obligations imposed on a Member of the Committee by statute or common law. In discharging their duties, Members of the Committee must exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Uniquely, in the Legislative Assembly, the Committee tasked with governance is made up of Members of the Legislative Assembly. In the exercise of their functions as Members of the Committee, Members may be called on to make decisions that will have an impact on themselves, as individual Members of the Legislative Assembly, and which may result in pecuniary benefits applying to them. It is recognized that, in the context of such proceedings of the Committee, Members of the Committee are not, by default, subjecting themselves to a conflict of interest, as they represent an action of the collective (or, at minimum, a majority of the Committee). This enables the Committee to exercise its statutory authority to govern the administrative and financial operations of the Legislative Assembly.

To undertake effective oversight, Members of the Committee must understand and respect the difference between their governance role and the role of the Legislative Assembly Administration in implementing decisions of the Committee and managing day-to-day operations.

## 8.2 Acting in the Best Interests of the Legislative Assembly

Although the Legislative Assembly is a political institution, Members of the Committee, in deliberations, votes, and the exercise of their functions as a Member of the Committee, must always act in the best interests of the Legislative Assembly and aim to preserve its reputational integrity. Members must therefore act with reasonable impartiality in the discharge of their duties.

It is recognized that Members of the Committee set the tone at the top, and must promote a culture of integrity, always acting in the highest ethical manner in the performance of their functions.

## 8.3 Expectations of Conduct — Members of the Committee

### 8.3.1 During Meetings of the Committee

During meetings of the Committee, Members of the Committee are expected to:

- ❖ participate fully and frankly in the deliberations and discussions of the Committee;
- ❖ apply informed and reasoned judgment to matters that come before the Committee, and express opinions, ask questions, and make recommendations as deemed necessary or desirable, in the best interests of the Legislative Assembly;
- ❖ present their views in a clear, organized, and relevant manner; show respect for others; exercise tolerance for other perspectives; and be adaptable, flexible, and open-minded in the consideration and implementation of change; and
- ❖ be mindful of the impact that decisions may have (including, but not limited to, on all Members of the Legislative Assembly, on employees, on stakeholders, on the management and mitigation of risks, and on the institutional reputation of the Legislative Assembly).

### 8.3.2 In the Discharge of Duties and the Day-to-Day

In the discharge of their duties and the day-to-day, Members of the Committee are expected to:

- ❖ keep confidential any record or information held in confidence by the Committee or shared during *in camera* proceedings of the Committee, unless the record or information has been authorized to be disclosed to the public or unless specifically authorized otherwise by the Committee;
- ❖ respect decisions of the Committee, and avoid undermining any decision of the Committee, regardless of whether they agree with or voted for the decision;
- ❖ maintain an awareness of the governance policies and practices, as well as the general operations, of the Legislative Assembly;
- ❖ disclose information within their knowledge that is significant to the operations of the Legislative Assembly (as it relates to the mandate of the Committee) to the Speaker of the Legislative Assembly, the Clerk of the Legislative Assembly, or the Committee;
- ❖ not use their authority as a Member of the Committee to seek favourable treatment from, or apply undue pressure on, the Clerk of the Legislative Assembly or any other Legislative Assembly employee in the performance of their duties; and
- ❖ comply with all applicable laws and policies.

## 8.4 Requests for Information

### 8.4.1 Requests for Information from Members of the Committee

A Member of the Committee who has concerns about Legislative Assembly policies, practices, procedures, or operations is encouraged to bring the matter to the Committee or one of its advisory subcommittees for discussion. If appropriate, the matter may also be discussed in advance with the Chair or the Clerk of the Legislative Assembly to ensure that background or supporting materials are prepared.

### 8.4.2 Requests for Information to Members of the Committee

A Member of the Committee may be approached personally or through correspondence with requests for information about matters relating to the Legislative Assembly, specifically within the context of matters that fall within the jurisdiction of the Committee. Members of the Committee may also receive related complaints or suggestions for the Committee's consideration. All such matters should be referred immediately to the Chair or the Clerk of the Legislative Assembly, as appropriate, to be actioned, to provide a response, or to be added as an agenda item for discussion at an upcoming meeting of the Committee or one of its advisory subcommittees.

## 8.5 Correspondence to and from the Committee

When the Chair or the Clerk of the Legislative Assembly receive correspondence addressed to the Committee, the Clerk of the Legislative Assembly shall distribute the correspondence to Members of the Committee as soon as possible. In instances where a Member of the Committee receives correspondence in relation to their responsibilities as a Member of the Committee, the correspondence should be forwarded to the Chair and/or the Clerk of the Legislative Assembly, as appropriate.

Depending on the nature of the correspondence, the Chair may provide a response on behalf of the Committee. The Chair may also provide direction to the Clerk of the Legislative Assembly for the correspondence to be placed on the agenda for discussion at an upcoming meeting of the Committee or one of its advisory subcommittees (see section 10).

When the Committee directs the Chair to send correspondence on its behalf, the Clerk of the Legislative Assembly shall ensure that a copy of the correspondence is provided to Members of the Committee for their information and records.

## 8.6 Spokesperson for the Committee

The Speaker of the Legislative Assembly, as Chair, acts as the primary spokesperson for the Committee, subject to any parameters established by the Committee from time to time. Members of the Committee must respect this, as the Legislative Assembly is a body with high public visibility, and there is a need for streamlined and effective communications. The Chair may consult the Clerk of the Legislative Assembly in the performance of this function and may delegate the responsibility to act as spokesperson to the Clerk in unique circumstances where such an action is warranted.

This applies specifically to the business of the Committee. This provision in no way prevents Members of the Committee from acting as spokesperson in their capacity as a Member of the Legislative Assembly, a representative of a caucus, or in their parliamentary role (e.g., House Leader or Caucus Chair). It also does not prevent the Speaker of the Legislative Assembly or the Clerk of the Legislative Assembly from addressing queries of a general nature relating to the operations of the Legislative Assembly.

# 9. Consultation and Independent Advisors — Legislative Assembly Management Committee

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## 9.1 Introduction

The Clerk of the Legislative Assembly and Legislative Assembly employees are expected to act to the best of their abilities and in accordance with their professional obligations to support the work of the Committee and offer the best possible information, advice, and guidance to position the Committee to make informed decisions and effectively fulfill its responsibilities. However, it is recognized that expertise and advice on particular matters from outside the Legislative Assembly may be required to allow the Committee to successfully execute its mandate.

## 9.2 Consultation

The Committee may undertake consultations with internal and external groups as well as with British Columbians on matters that fall within its statutory mandate. Generally, the Committee may do so informally or more formally through a consultation conducted in a manner similar to that of a parliamentary committee (which may include a broad call for input; public hearings; written, audio and video submissions; surveys; or other engagement methods as determined by the Committee).

Key internal stakeholders for the Committee are Members of the Legislative Assembly. Where necessary, Members of the Committee speak on behalf of their caucus or engage with their caucus to seek feedback on matters under consideration by the Committee. The Committee may also instruct the Legislative Assembly Administration to undertake consultations with Members of the Legislative Assembly and with senior caucus staff as may be warranted.

The Committee has, on one occasion, in 1996, appointed a Citizens' Panel, comprised of five individuals tasked with reviewing and recommending compensation levels for salaries, benefits and allowances for Members of the Legislative Assembly. Such a tool remains available to the Committee.

The Committee has also been the forum where recommendations of external bodies or independent reviewers appointed by the Legislative Assembly or by the Government of British Columbia have been considered. This includes the *Official Report and Recommendations — 1992 Review of MLA Remuneration — The British Columbia Legislative Assembly* (December 1992) by C.J. Connaghan (appointed by the Legislative Assembly) and the *Report of the Independent Commission to Review MLA Compensation* (April 2007) (appointed by the Premier). These reports represent business that historically took up a great deal of the Committee's time, as the role of a Member of the Legislative Assembly evolved and became a full-time job, which resulted in changes in compensation, benefits, pension entitlements, and long-term disability coverage for Members of the Legislative Assembly.

## 9.3 Independent (External) Advisors

The Committee may seek independent external advice, as it deems appropriate, on matters that generally fall within the Committee's mandate. This is typically done to assist the Committee in making an informed decision on a matter placed before it. In the past, the Committee has sought independent advisors to receive financial advice and assessments, legal advice, and to review allegations of misconduct.

### 9.3.1 Auditor General of British Columbia

The Auditor General of British Columbia serves as the Committee's primary external auditor, pursuant to section 5 (6) of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258). The Committee may invite the Auditor General (or a designate) to attend its meetings as an observer or as a witness, as may the Subcommittee on Finance and Audit (see section 10.3), to offer advice and guidance or to provide information, as the Committee deems appropriate. The work of the Auditor General in relation to the Legislative Assembly is further outlined in section 6.5.1.

The relationship between the Legislative Assembly and the Auditor General is unique. The Auditor General is an independent officer of the Legislature, appointed to the position by the Legislative Assembly on the unanimous recommendation of a parliamentary committee for an eight-year term, pursuant to section 2 of the *Auditor General Act* (S.B.C. 2003, c. 2). In carrying out their responsibilities as the Legislative Assembly's external auditor within the statutory authority granted under the *Legislative Assembly Management Committee Act*, the Auditor General is expected to respect the autonomy and independence of the Legislative Assembly (see section 1.3). There is mutual understanding that the Auditor General can effectively undertake their role while doing so.

As an officer of the Legislature, the Auditor General is accountable to the Legislature. As such, the Auditor General is expected to uphold and respect, within appropriate reason, the autonomy and independence of the internal affairs of the Legislative Assembly. The Committee recognizes that the Auditor General has a role to play as provided in statute, and supports the Auditor General in the performance of that role as external auditor.

Furthermore, reports of the Auditor General respecting the Legislative Assembly are considered by the Committee, and not by the Select Standing Committee on Public Accounts.

### 9.3.2 Other Independent Advisors

The Committee has the authority to retain such independent advisors as it may deem necessary or advisable to assist with the fulfilment of its duties. The Committee may instruct the Clerk of the Legislative Assembly to do so on its behalf, to ensure that appropriate budgetary, contractual, and policy considerations are satisfied.

In the past, the Legislative Assembly has also appointed individuals to undertake independent reviews of matters that were under consideration by the Committee (see examples in B.C. Journals, June 23, 1992, p. 150 [pertaining to remuneration for Members of the Legislative Assembly]; March 7, 2019, p. 38 [pertaining to the conduct of certain permanent officers of the Legislative Assembly]).



# 10. Advisory Subcommittees and Working Groups — Legislative Assembly Management Committee

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## 10.1 Introduction

The Legislative Assembly Management Committee (“the Committee”) strikes advisory subcommittees and working groups from time to time, subordinate bodies that are intended to allow the Committee to better organize and more efficiently and effectively undertake its functions.

**Advisory subcommittees** are struck to oversee a particular portfolio and to most often provide preliminary direction to Legislative Assembly Administration management before matters are brought to the Committee for consideration and a decision. Advisory subcommittees have very limited decision-making authority, as delegated through policies approved by the Committee or by resolution of the Committee; they predominately act in an advisory capacity and bring recommendations forward to the Committee. Their membership is established by the Committee and consists of Members of the Committee. The mandate, or terms of reference, for advisory subcommittees is established by the Committee. Advisory subcommittees conduct their work *in camera* (in private).

**Working groups** are struck to oversee a specific initiative, project, or undertaking; they do not have a general mandate. Their membership is established by the Committee and typically consists of Members of the Committee, though other Members of the Legislative Assembly may be appointed to a working group by the Committee with that Member’s agreement. The mandate, or terms of reference, for working groups is established by the Committee. Working groups conduct their work *in camera* (in private). Working groups typically cease to exist once their mandate has been fulfilled and the working group has made its final report to the Committee.

## 10.2 Subcommittee on Administration and Operations

### 10.2.1 General

The Subcommittee on Administration and Operations (“the SAO”) operates under the direction and authority of the Committee and primarily fulfills an advisory and oversight role, and assists the Committee in fulfilling its statutory responsibilities. This includes providing oversight for administration, operational and policy matters that are not of a financial or risk management nature within the Legislative Assembly. The SAO receives and reviews information about these oversight areas and makes appropriate recommendations to the Committee.

### 10.2.2 Terms of Reference

The primary responsibilities of the SAO include, but are not limited to, the following:

1. **Strategic Planning and Performance Measurement.** The SAO reviews the Legislative Assembly Administration's strategic plan, offers input, and recommends approval to the Committee as appropriate. The SAO receives reports from time to time on progress on the strategic plan and related performance measurement and updates the Committee as appropriate.
2. **Annual Accountability Reporting.** The SAO reviews and contributes to the development of the Legislative Assembly's annual Accountability Report and recommends the approval of the Accountability Report to the Committee.
3. **Policy Review.** The SAO reviews policies that are not of a financial or risk management nature that relate to Members, caucuses, legislative offices, or constituency offices, as well as organizational policies that fall under the Committee's purview. The SAO receives reports on policy implementation and any related matters.
4. **Human Resources.** The SAO reviews the Legislative Assembly's human resources practices, strategies, and mandates, including as they may relate to employee engagement initiatives and outcomes, and compensation reviews.
5. **Organizational Review and Health.** The SAO reviews any significant proposed organizational restructuring initiatives within the Legislative Assembly Administration that may be proposed by the Clerk of the Legislative Assembly. The SAO also receives information on workplace improvement initiatives.
6. **Information Technology and Digitization.** The SAO reviews information on the Legislative Assembly's information technology development plans and posture, implementation of new systems, system security threat assessments, and progress with respect to digitization of Assembly information.
7. **Precinct Facility Operations.** The SAO receives information and long-term plans relating to the Legislative Assembly's precinct properties and facilities.
8. **Business Continuity.** The SAO oversees plans for the Legislative Assembly's business continuity plans and preparations. This includes receiving reports on business continuity plans developed by Legislative Assembly staff with respect to preparedness for major disasters and events such as a major system failure.
9. **Interparliamentary Activities.** The SAO reviews the Legislative Assembly's interparliamentary activities framework and related reports and monitoring.
10. **Other Related Responsibilities.** The SAO may undertake and perform other duties relating to organizational governance and administrative matters as may be brought forward by Members who serve on the SAO, Legislative Assembly Administration management, or as may be delegated by the Committee from time to time.

### 10.2.3 Role in Managing Risk

While the SAO does not have a specific role in the Legislative Assembly's enterprise risk management framework (these responsibilities fall to another advisory subcommittee, the Subcommittee on Finance

and Audit, outlined in section 10.3), the SAO must operate and deliberate while being cognizant of risks faced by the Legislative Assembly and how such risks may be mitigated. Legislative Assembly Administration management, in presenting information and providing advice, must assure the SAO that identified risks continue to be properly managed and mitigated, and that the SAO understands how options presented to it may affect the organization's risk profile. The SAO has an obligation to ensure that any such considerations are captured in any recommendation that it puts forward to the Committee.

#### 10.2.4 Delegation of Authority

While the SAO acts primarily in an advisory capacity to the Committee, the Committee has delegated certain authorities to the SAO. These delegated authorities are set out in Legislative Assembly policies. The Committee has also granted the SAO the authority to make determinations on requests or appeals from Members of the Legislative Assembly with respect to policy non-compliance or exceptions, and special or unique circumstances that may apply to an individual Member with respect to the application of policies applicable to Members of the Legislative Assembly. Requests or appeals relating to similar issues may also come forward from caucuses, legislative offices, and constituency offices.

Such matters may be referred to the SAO on request of a Member of the Legislative Assembly or by Legislative Assembly Administration management. This delegation applies to matters that are generally within the scope of the SAO terms of reference.

Decisions of the SAO under this delegation of authority are final and are not subject to appeal to the Committee.

#### 10.2.5 Meetings

The SAO meets as required, at the call of the Chair.

By default, meetings of the SAO take place *in camera*, unless the SAO determines otherwise. As such, meetings of the SAO are not recorded, transcribed, or broadcast by Hansard Services. The minutes serve as the official record of proceedings, and most recommendations from the SAO form part of the public record when they are brought forward to the Committee for decision.

Quorum for a meeting of the SAO is the Chair, one Member of the Government Caucus, and one Member of an opposition caucus.

In other respects, the rules set out in section 11 of this Governance Framework apply to the meetings of the SAO.

#### 10.2.6 Membership

The membership of the Subcommittee on Administration and Operations is:

- ❖ the Speaker of the Legislative Assembly (Chair);
- ❖ the Government House Leader;
- ❖ the Government Whip;
- ❖ the Official Opposition House Leader;

- ❖ the Third Party House Leader; and
- ❖ the Clerk of the Legislative Assembly (*ex officio*).

## 10.3 Subcommittee on Finance and Audit

### 10.3.1 General

The Subcommittee on Finance and Audit (“the SFA”) operates under the direction and authority of the Committee and primarily fulfills an advisory and oversight role, with a mandate to assist and advise the Committee in fulfilling its statutory responsibilities. This includes providing oversight for the financial, risk management, and audit functions within the Legislative Assembly. The SFA receives and reviews information about these oversight areas and makes appropriate recommendations to the Committee. The SFA fulfills a very important role with respect to the Legislative Assembly’s internal control environment.

### 10.3.2 Terms of Reference

The primary responsibilities of the SFA include, but are not limited to, the following:

1. **Review of the Annual Vote 1 Budget Submission and Statutory Spending Authority.** The SFA reviews the proposed annual Vote 1 budget submission, which includes operating and capital budgets for the Legislative Assembly. Following preliminary review, the SFA refers the Vote 1 budget submission to the Committee for final consideration and approval. Should the need arise for the Legislative Assembly to resort to statutory spending authority within a fiscal year, the SFA reviews the need and provides a recommendation to the Committee.
2. **Review of Quarterly Financial Updates.** The SFA reviews the Legislative Assembly’s quarterly financial updates. When necessary, the SFA advises the Committee of its opinion with respect to the financial updates and if any further action is required based on the updates.
3. **Review of Quarterly Capital Project Updates.** The SFA reviews the Legislative Assembly’s quarterly capital project updates. Given the nature of the capital project updates and the associated commercial interests, these reports are not typically put forward to the Committee, but the SFA may report to the Committee if it deems it appropriate to do so.
4. **Appointment of an Internal Auditor.** The SFA, as part of its oversight of internal audit, as provided for in the Legislative Assembly’s *Policy 3500 – Internal Audit*, recommends to the Committee the appointment of an internal auditor following a competitive procurement process.
5. **Appointment of an External Auditor.** Should the Auditor General of British Columbia not continue as the Legislative Assembly’s sole external auditor, the SFA recommends to the Committee the appointment of an external auditor following a competitive procurement process.
6. **Review of Internal Audit Plans, Reports and Recommendations.** The SFA reviews and approves multi-year internal audit plans for the Legislative Assembly. The SFA also reviews audit reports prepared by the internal auditor and, where warranted, offers its opinions to the Committee on the recommendations and management’s response and any resulting action plan. Once an

internal audit report is accepted, the SFA periodically reviews the status of any outstanding audit recommendations and resulting action plan commitments to ensure that they have been properly addressed and implemented.

7. **Review of External Audit Plans, Reports and Recommendations.** The SFA receives and reviews audit plans of the external auditor, including general approach, scope, and areas subject to risk of material misstatement. The SFA also receives and reviews external audit reports and makes any appropriate recommendations to the Committee. The SFA may also review responses to the external auditor's reports and associated action plans prepared by the Clerk of the Legislative Assembly in consultation with the Speaker of the Legislative Assembly, as may be required. Following review by the Committee, the SFA follows up on any required actions stemming from the external auditor's reports. The SFA may, in performing these responsibilities, meet with the external auditor and members of their staff as they deem necessary.
8. **Review of the Legislative Assembly's Annual Financial Statements.** The SFA reviews the Legislative Assembly's annual financial statements, which are audited by the Office of the Auditor General and are accompanied by a management representation letter. The SFA recommends their approval to the Committee.
9. **Oversight of the System of Internal Controls.** The SFA receives information from time to time on the system of internal controls that are in place within the Legislative Assembly. These controls include systems, policies and procedures that are intended to assist the Legislative Assembly in meeting its objectives and maintaining an appropriate standard of financial operations. The SFA reviews reports and information related to the current system of internal controls, and considers potential changes to them. This includes a periodic review of accounting policies and practices. The SFA recommends any changes or areas for enhancement to the Committee.
10. **Risk Management.** The SFA receives reports from time to time on the Legislative Assembly's enterprise risk management framework, including identified risks that exist within the Legislative Assembly and how Legislative Assembly Administration management is proposing to manage them. The identification and proper management of risks is vital to maintain effective operations of the organization. These reports include periodic updates on the risks and the manner in which they are being addressed and mitigated. The SFA reviews the risk reports and recommends any required action to the Committee.
11. **Financial and Risk Management Policies.** The SFA fulfills an oversight role over financial and risk management policies in place at the Legislative Assembly. The SFA reviews summary level policy updates regarding new and changed financial and risk management policies, regardless of whether they have been approved by the Clerk of the Legislative Assembly or are proposed for consideration by the Committee.
12. **Other Related Responsibilities.** The SFA may undertake and perform other duties relating to finance, audit and risk management responsibilities as may be brought forward by Members who serve on the SFA, Legislative Assembly Administration management, or as may be delegated by the Committee from time to time to promote sound financial and risk management oversight and governance.

### 10.3.3 Role in Managing Risk

The SFA must operate and deliberate while being cognizant of risks faced by the Legislative Assembly and how such risks may be mitigated. Legislative Assembly Administration management, in presenting information and providing advice, must assure the SFA that identified risks continue to be properly managed and mitigated, and that the SFA understands how options presented to it may affect the organization's risk profile. The SFA has an obligation to ensure that any such considerations are captured in any recommendation that it puts forward to the Committee.

The SFA must also be mindful of the Legislative Assembly's risk profile when considering and approving internal audit plans. Subject to any input from Legislative Assembly Administration management, higher risk operational areas should, where feasible, be factored into the internal audit program.

### 10.3.4 Delegation of Authority

While the SFA acts primarily in an advisory capacity to the Committee, the Committee has delegated certain authorities to the SFA. These delegated authorities are set out in Legislative Assembly policies. The Committee has also granted the SFA the authority to make determinations on requests or appeals from Members of the Legislative Assembly with respect to expense claims, policy non-compliance or exceptions, and special or unique circumstances that may apply to an individual Member with respect to the application of policies applicable to Members of the Legislative Assembly. Requests or appeals relating to similar issues may also come forward from caucuses, legislative offices, and constituency offices.

Such matters may be referred to the SFA on request of a Member of the Legislative Assembly or by Legislative Assembly Administration management. This delegation applies to matters that are generally within the scope of the SFA terms of reference.

Decisions of the SFA under this delegation of authority are final and are not subject to appeal to the Committee.

### 10.3.5 Meetings

The SFA meets as required, at the call of the Chair, but at minimum on a quarterly basis, in conjunction with the consideration of the Legislative Assembly's quarterly financial updates.

By default, meetings of the SFA take place *in camera*, unless the SFA determines otherwise. As such, meetings of the SFA are not recorded, transcribed, or broadcast by Hansard Services. The minutes serve as the official record of proceedings, and most recommendations from the SFA form part of the public record when they are brought forward to the Committee for decision.

Quorum for a meeting of the SFA is the Chair, one Member of the Government Caucus, and one Member of an opposition caucus.

The SFA may opt to meet with the Legislative Assembly's external auditors, should the need arise, without Legislative Assembly Administration management present. This opportunity is a standing item at the end of the agenda for every meeting of the SFA.

In other respects, the rules set out in section 11 of this Governance Framework apply to the meetings of the SFA.

### 10.3.6 Membership

The membership of the Subcommittee on Finance and Audit is:

- ❖ the Speaker of the Legislative Assembly (Chair);
- ❖ the Government Caucus Chair;
- ❖ the Government Whip;
- ❖ the Official Opposition Caucus Chair;
- ❖ the Third Party House Leader;
- ❖ the Clerk of the Legislative Assembly (*ex officio*).

## 10.4 Subcommittee on Security

### 10.4.1 General

The Subcommittee on Security (the “Subcommittee”) operates under the direction and authority of the Legislative Assembly Management Committee (the “Committee”) and primarily fulfills an advisory and oversight role and assists the Committee in fulfilling its statutory responsibilities. This includes providing oversight for the Legislative Assembly’s security posture, cybersecurity risk management, the operations of the Legislative Assembly Protective Services, security services and programs administered through the Office of the Sergeant-at-Arms, threat risk management, and physical access to the Legislative Precinct. The Subcommittee receives and reviews information about these oversight areas, may provide initial direction to the Speaker of the Legislative Assembly, the Clerk of the Legislative Assembly, the Sergeant-at-Arms, or the Chief Information Officer, as appropriate, and makes recommendations to the Committee.

### 10.4.2 Terms of Reference

The primary responsibilities of the Subcommittee include, but are not limited to, the following:

1. **Security Posture.** The Subcommittee reviews and receives reports from time to time on the Legislative Assembly’s overall physical security posture and issues and events of significance that may affect the security posture (including post-incident reports on major happenings), both on the Legislative Precinct and at constituency offices throughout the province, and any proposed significant changes to the security posture, and provides input and initial direction and makes relevant recommendations to the Committee as appropriate.
2. **Threat Risk.** The Subcommittee receives reports on significant shifts in the Legislative Assembly’s threat risk and related intelligence and provides input and initial direction on threat risk management and makes relevant recommendations to the Committee as appropriate.
3. **Cybersecurity.** The Subcommittee receives reports on significant developments pertaining to the Legislative Assembly’s cybersecurity programs, assessments, and related risk management, including incident response and cybersecurity education. The Subcommittee provides input and

initial governance-level direction in these areas and makes relevant recommendations to the Committee as appropriate.

4. **Legislative Assembly Protective Services Operations.** The Subcommittee receives updates of significance on the operations of the Legislative Assembly Protective Services, including changes or developments in program areas, as well as reports on incidents that result in an investigation by the Independent Investigations Office, and proposed changes to the use of force continuum available to officers of the Legislative Assembly Protective Services.
5. **Legislative Precinct Access.** The Subcommittee reviews proposed changes to physical access controls to the Legislative Precinct, including its buildings and property. Where necessary, the Subcommittee may make recommendations to the Speaker of the Legislative Assembly with respect to the Speaker's duties and authorities as prescribed in the *Legislative Precinct Regulation*.

### 10.4.3 Role in Managing Risk

While the Subcommittee does not have a specific role in the Legislative Assembly's enterprise risk management framework (these responsibilities fall to another advisory subcommittee, the Subcommittee on Finance and Audit, outlined in section 10.3 of the *Legislative Assembly Governance Framework*), the Subcommittee must operate and deliberate while being cognizant of risks faced by the Legislative Assembly and how such risks may be mitigated. Legislative Assembly Administration management, in presenting information and providing advice, must assure the Subcommittee that identified risks continue to be properly managed and mitigated, and that the Subcommittee understands how options presented to it may affect the organization's risk profile. The Subcommittee has an obligation to ensure that any such considerations are captured in any recommendation that it puts forward to the Committee.

### 10.4.4 Meetings

The Subcommittee meets as required, at the call of the Chair.

By default, meetings of the Subcommittee take place *in camera*, unless the Subcommittee determines otherwise. As such, meetings of the Subcommittee are not recorded, transcribed, or broadcast by Hansard Services. The minutes serve as the official record of proceedings.

Quorum for a meeting of the Subcommittee is the Chair, the Speaker or one Member of the Government Caucus, and one Member of an opposition caucus.

In other respects, the rules set out in section 11 of the *Legislative Assembly Governance Framework* apply to the meetings of the Subcommittee.

### 10.4.5 Membership

The membership of the Subcommittee on Security is:

- ❖ the Speaker of the Legislative Assembly (Chair);
- ❖ the Government Caucus Chair;
- ❖ the Government House Leader;



- ❖ the Official Opposition Caucus Chair;
- ❖ the Third Party House Leader; and
- ❖ the Clerk of the Legislative Assembly (*ex officio*).

# 11. Meetings — Legislative Assembly Management Committee

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## 11.1 Introduction

The Legislative Assembly Management Committee (“the Committee”) may determine its own procedures, as provided for in section 5 of the *Legislative Assembly Management Committee Act* (R.S.B.C. 1996, c. 258) (“the Act”). It is the master of its proceedings, meaning that it has the freedom to organize its work as it sees fit. The Committee may also define, on its own, certain rules of procedure that facilitate its proceedings. This is not without limits, however. At all times, directives from sources such as constitutional provisions, statutes, and instructions from the Legislative Assembly take precedence over any rules that the Committee may itself adopt.

The provisions of this section of the Governance Framework apply to the proceedings and conduct of business by the Committee as well as its advisory subcommittees and working groups.

In cases not provided for under this section of the Governance Framework, the rules and practices for parliamentary committees of the Legislative Assembly shall apply, as may be established through the *Standing Orders of the Legislative Assembly of British Columbia, Parliamentary Practice in British Columbia* (the Legislative Assembly’s procedural authority), or established practice.

## 11.2 Meeting Frequency and Attendance

In order to effectively fulfill its responsibilities, the Committee shall meet at minimum quarterly, unless it is unable to do so due to a dissolution of the Legislative Assembly. Pursuant to section 2 (3) of the Act, the first meeting of the Committee in a new Parliament must be held within 14 days of the appointment of its Members referred to in sections 2 (1) (g) and (h) of the Act.

Meetings of the Committee are called by the Chair and organized by the Clerk of the Legislative Assembly. Meetings are scheduled when all Members of the Committee are available to attend, but it is recognized that, on occasion, meetings may be scheduled when only a majority of Members of the Committee are able to attend.

Members of the Committee must attend all meetings of the Committee as and when called by the Chair, unless prevented from doing so by illness or for other unavoidable reasons, as provided in section 2 (8) of the Act. A Member of the Committee may also designate a substitute to attend a meeting of the Committee in their place (see section 11.8).

Meetings of the Committee may take place at the Parliament Buildings, via videoconference, via teleconference, or at other locations in British Columbia as may be determined by the Chair. If a Member of the Committee is required to travel to attend a meeting of the Committee, the cost is borne by the budget that supports the Committee’s operations, subject to any rules and parameters established by the Committee from time to time.

## 11.3 Agenda Setting and Meeting Documents

The agenda for each meeting of the Committee is developed by the Clerk of the Legislative Assembly in consultation with the Chair. It is acknowledged that most matters on the Committee's agenda will flow from its advisory subcommittees or from obligations for reporting set out in this Governance Framework and in policy. Public business typically precedes any *in camera* business for meetings of the Committee.

The draft meeting agenda may be amended prior to adoption at the outset of every meeting of the Committee. An amendment to the meeting agenda may only be proposed by a Member of the Committee. Every agenda concludes with an item called "any other business", where a Member of the Committee may seek to discuss a matter that was not on the agenda. Whenever possible, a Member of the Committee should advise the Chair and the Clerk of the Legislative Assembly in advance of introducing significant and previously unknown information at a meeting of the Committee.

Supporting meeting documents shall, under normal circumstances, be distributed to Members of the Committee by the Clerk of the Legislative Assembly no less than three business days before a meeting.

Members of the Committee are expected to dedicate the time necessary to review meeting materials and arrive prepared to meetings of the Committee. This is essential to ensure that all Members of the Committee are able to exercise their duties and that the Committee may undertake thorough deliberations, make informed decisions, and exercise effective oversight.

## 11.4 Minutes

The Committee's decisions are formally recorded in minutes by the Clerk of the Legislative Assembly. The minutes must be duly adopted by the Committee, as provided in section 5 (2) of the Act. The approved minutes serve as the official record of proceedings of a meeting of the Committee.

Decisions made while the Committee is meeting *in camera* (see section 11.11) are recorded in *in camera* minutes. Such minutes are also subject to adoption by the Committee but are not publicly available.

The minutes of a meeting of the Committee are typically distributed as part of the meeting documents for the next scheduled meeting of the Committee. Approved minutes accompany the transcript of proceedings of a meeting as part of an issue published by Hansard Services (see section 11.10) and are readily accessible on the Committee webpage on the Legislative Assembly website, meeting the obligation set out in section 5 (8) of the Act.

## 11.5 Quorum

Pursuant to section 2 (6) of the Act, a quorum of the Committee is five Members, consisting of:

- ❖ the Speaker (or, in the Speaker's absence, the Deputy Speaker);
- ❖ three Members of the Government Caucus; and
- ❖ one Member of an opposition caucus.

A quorum is required for the Committee to undertake any business.

## 11.6 Rules of Deliberations

### 11.6.1 Deliberations

The following provisions apply to deliberations of the Committee:

- ❖ Every Member of the Committee wishing to speak to an item of business shall address themselves to the Chair.
- ❖ No Member of the Committee shall speak until recognized by the Chair.
- ❖ Deliberations shall be strictly relevant to the motion or matter before the Committee.

### 11.6.2 Motions

The following provisions apply to motions proposed for consideration by the Committee:

- ❖ Motions may only be proposed by Members of the Committee.
- ❖ Motions do not need to be seconded.
- ❖ Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- ❖ The mover of a motion may withdraw it from the Committee's consideration.
- ❖ A Member of the Committee may move an amendment to a motion. Only one amendment and subamendment shall be put forward for consideration at one time.

### 11.6.3 Voting

The following provisions apply to voting by Members of the Committee:

- ❖ Each Member of the Committee has one deliberative vote, other than the Chair. If the votes are equal, the Chair has a deciding vote. [Reference: section 2 (7) of the Act.]
- ❖ Decisions of the Committee are made by majority vote of the Members of the Committee present (in practice, the Committee strives to reach decisions by consensus, reflecting the commitment of all Members of the Committee to act in the best interests of the Legislative Assembly).
- ❖ The Chair shall put the question on every motion before the Committee. After a voice vote has taken place, the Chair shall announce whether the motion is adopted or negatived.
- ❖ If a vote is not unanimously carried, a Member of the Committee may request that the Clerk record in the minutes that the vote passed "on division".
- ❖ A Member of the Committee may request a recorded division. In such instances, the Chair shall put the question, ask those voting in favour of the motion to raise their hand, and then ask those voting against the motion to raise their hand. The Clerk shall announce the result of the vote and record in the minutes the names of those Members who voted for the motion, and those who voted against. The Chair shall announce whether the motion is adopted or negatived.
- ❖ Each Member of the Committee present at the time of a vote must vote on the motion before the Committee.

#### 11.6.4 Points of Order

Points of order to correct a breach of the rules of procedure shall be raised at the time the breach occurs. When raising a point of order, the Member of the Committee must bring to the Chair's attention what rule, procedure, or principle of parliamentary practice has been breached.

The Chair will issue a ruling on the point of order. The ruling issued by the Chair on a point of order is final and cannot be appealed to the Legislative Assembly.

#### 11.7 Conflict of Interest

A Member of the Committee who has reasonable grounds to believe that they may have a real or apparent conflict of interest in a matter that is before the Committee must, if present at a meeting of the Committee considering the matter, disclose the general nature of the conflict of interest, and withdraw from the meeting without voting or participating in the consideration of the matter. [Reference: section 10 (1) of the *Members' Conflict of Interest Act* (R.S.B.C. 1996, c. 287).]

For greater certainty, a matter in which Members of the Committee may have a collective pecuniary interest as a result of their position as a Member of the Legislative Assembly does not constitute a conflict of interest (see section 8.1).

If a Member of the Committee is unsure about whether or not they are in a conflict of interest, whether real or apparent, they are strongly encouraged to consult the Conflict of Interest Commissioner.

#### 11.8 Membership Substitution

Pursuant to section 2 (4) of the Act, a Member of the Committee may appoint a substitute (formally, a "designate") who is another Member of the Legislative Assembly authorized by the Member of the Committee to take the Member's place at a meeting of the Committee. A designate has full privileges of the Member of the Committee, including to move motions, to participate in deliberations, and to vote.

A Member of the Committee shall advise the Chair or the Clerk of the Legislative Assembly in writing of their designation of a designate in advance of a meeting of the Committee.

#### 11.9 Attendance by Other Members of the Legislative Assembly

The Committee may, at its discretion, allow Members of the Legislative Assembly who do not form its membership to attend its meetings and participate in its proceedings, including, if the Committee deems appropriate, during *in camera* proceedings, with observer status. A Member of the Legislative Assembly granted observer status by the Committee does not have voting privileges and may not propose motions for the Committee's consideration.

## 11.10 Public Access to Proceedings

By default, meetings of the Committee are open to the public unless the Committee decides to meet *in camera* (in private), with no recording or transcription. The Committee may only meet *in camera* when a motion to that effect is adopted by the Committee.

Public proceedings of the Committee are recorded by Hansard Services. An audiocast of proceedings is available live through the legislative TV channel, the Legislative Assembly website, and Legislative Assembly social media channels. Audiocasts are archived and are accessible through the Committee webpage on the Legislative Assembly website. Hansard Services also produces a written transcript of proceedings, available on the Committee webpage. *In camera* proceedings are not typically recorded, broadcast, or transcribed, though the Committee may direct that they be recorded and transcribed for internal reference purposes only.

The draft agenda for each public meeting of the Committee and supporting documents provided to Members of the Committee for business discussed on the public record are posted on the Committee webpage on the Legislative Assembly website prior to each meeting. Quarterly financial reports are posted on the webpage after they are considered by the Committee. Reports of the Committee to the Legislative Assembly are posted on the webpage once they become a public document (when the report is tabled by the Speaker when the Legislative Assembly is sitting, or when it is deposited with the Office of the Clerk during non-sitting periods).

The Committee's advisory subcommittees and working groups undertake their deliberations *in camera*, as they have limited decision-making authority, and act primarily in an advisory capacity, bringing its recommendations and associated supporting materials to the Committee for final decision.

## 11.11 In Camera Proceedings

The Committee may decide to hold a meeting or part thereof *in camera* to deal with subject matters requiring confidentiality, including the following:

- ❖ employment matters relating to an employee of an individual Member or of a caucus, or to an employee or officer of the Legislative Assembly;
- ❖ matters that concern sensitive information about an identifiable individual, including a sitting or former Member of the Legislative Assembly;
- ❖ matters relating to the security of Members of the Legislative Assembly, employees and persons within the Legislative Precinct, and the Legislative Assembly, its assets and infrastructure;
- ❖ legal matters (e.g., consideration of legal advice and actual or potential litigation);
- ❖ commercial, real estate or contractual negotiations and related discussions;
- ❖ draft budget deliberations involving the preparation and review of the annual estimates of expenditure (Vote 1) for the Legislative Assembly;
- ❖ the consideration of a draft report of the Committee to the Legislative Assembly; and
- ❖ other topics deemed by the Committee to warrant *in camera* deliberations due to the nature of the matter to be discussed.

The following provisions apply to *in camera* proceedings of the Committee:

- ❖ Any Member of the Committee may move a motion to propose that proceedings of the Committee be held *in camera*.
- ❖ The Committee may allow Legislative Assembly Administration management to remain during *in camera* proceedings, and may also exclude them from attending, as it considers appropriate.
- ❖ The Committee may allow its primary external auditor, the Auditor General (or their designate), to remain during *in camera* proceedings, and may also exclude them from attending, as it considers appropriate.
- ❖ Members of the public, Members' staff, and caucus staff cannot remain during *in camera* proceedings.
- ❖ Unless otherwise ordered by the Committee, *in camera* proceedings shall not be recorded or transcribed.
- ❖ All individuals present during *in camera* deliberations must maintain strict confidence of the matters discussed and must not divulge any part of the proceedings. Any unauthorized disclosure of *in camera* deliberations may constitute a breach of parliamentary privilege.

No one Member of the Committee can unilaterally waive the confidential classification of a document in the possession of the Committee or waive the confidentiality stemming from *in camera* deliberations. The Committee may collectively decide to release confidential documents or divulge information received or discussed during *in camera* proceedings. Prior to doing so, the Committee must receive information from Legislative Assembly Administration management on the legal, security, commercial interest, or other implications that a decision to do so may have.

## **11.12 Committee Decision via Email**

In rare and unique circumstances, following consultation with the Chair, the Clerk of the Legislative Assembly may write to Members of the Committee via email with a request for approval of a matter that requires the approval of the Committee. This occurs when it is not possible, or it is impractical, to arrange a meeting of the Committee to deal with the matter on a timely basis. In such situations, the Clerk will outline the request and the approval sought to an extent that would reasonably allow each Member of the Committee to make an informed decision.

Members of the Committee must respond to the request from their private MLA email account, indicating their approval or disapproval. If a majority of Members indicate their approval, this will serve as authorization to proceed with the requested action. In such instances, the matter must be added to the agenda of the next scheduled meeting of the Committee, so that, as applicable, the matter may form part of the public record and so that the decision of the Committee may be formalized and recorded in the minutes.

# Appendix A

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## LEGISLATIVE ASSEMBLY MANAGEMENT COMMITTEE ACT R.S.B.C. 1996, Chapter 258

*Current to October 25, 2021*

### CONTENTS

- 1 Definitions
- 2 Continuation of the committee
- 3 Powers and duties of the committee
- 4 Powers and duties of the Speaker
- 5 Proceedings and business
- 6 Dissolution of Legislative Assembly
- 6.1 Appropriation
- 7 Conflicts
- 8 Power to make regulations

### *Schedule*

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### Definitions

- 1 In this Act:

**“additional party”** means a political party with 2 or more members in the Legislative Assembly but does not include the government party or official opposition party;

**“chair of the Government Caucus”** means the member of the Legislative Assembly designated as such by the government party;

**“chair of the Official Opposition Caucus”** means the member of the Legislative Assembly designated as such by the official opposition party;

**“committee”** means the Legislative Assembly Management Committee continued by section 2;

**“Confederation Garden Park”** means the park described in the Schedule;

**“Government House Leader”** means the member of the Executive Council named as such by the Premier;

**“legislative grounds”** means the area bounded by Belleville, Menzies, Superior and Government Streets in the City of Victoria, British Columbia;

**“Legislative Precinct”** means



(a) the Parliament Buildings,

(a.1) the legislative grounds and Confederation Garden Park,

(b) other buildings in Victoria or parts of them that are from time to time occupied and used by members of the Legislative Assembly for the purpose of their parliamentary duties including any premises from time to time occupied by officers and staff of the Legislative Assembly, and

(c) other land or buildings or both, other than constituency offices, designated by minute of the committee;

**“Opposition House Leader”** means the member of the Legislative Assembly named as such by the Leader of the Official Opposition;

**“Speaker”** means, subject to section 6, the person holding office as such under section 37 of the *Constitution Act*.

### **Continuation of the committee**

**2** (1) The Legislative Assembly Management Committee is continued consisting of the following members of the Legislative Assembly:

(a) the Speaker;

(b) the minister;

(c) the Government House Leader;

(d) the chair of the Government Caucus;

(e) the Opposition House Leader;

(f) the chair of the Official Opposition Caucus;

(g) one member appointed from each additional party by the members of that party;

(h) for each member appointed under paragraph (g) one additional government member from the Government Caucus appointed by the Government House Leader.

(2) The members of the committee referred to in subsection (1) (g) and (h) must be appointed within 45 days from the general voting day for the general election that preceded the Parliament.

(3) The first meeting of the committee must be held within 14 days of the appointment of the members referred to in subsection (1) (g) and (h).

(4) A member of the committee referred to in subsection (1) (b) to (h) may appoint a designate to take the member's place at a meeting of the committee.

(5) The Speaker is the chair of the committee and in the Speaker's absence the Deputy Speaker may act as chair and, with respect to the business of the committee, exercise the powers of the Speaker.

(6) A quorum of the committee is 5 members of the committee consisting of

- (a) the Speaker, or in the Speaker's absence, the Deputy Speaker,
- (b) 3 of the persons referred to in subsection (1) (b), (c), (d) or (h), and
- (c) one of the persons referred to in subsection (1) (e), (f), or (g).

(7) Each member of the committee other than the chair has a vote, and if the votes are equal the chair has a deciding vote.

(8) The members of the committee or their designates must attend all meetings of the committee as and when called by the chair, unless prevented from doing so by illness or for other unavoidable reason.

### **Powers and duties of the committee**

**3** (1) The committee has jurisdiction to deal with all matters affecting

(a) subject to any other enactment and any rules of conduct established by the Legislative Assembly, policies for the administration of the Legislative Assembly and for the conduct of the members of the Legislative Assembly,

(b) the provision of facilities and services, including allocation within the Legislative Precinct, that are required for the effective functioning of the Legislative Assembly,

(c) the appointment, supervision and management of staff of the Legislative Assembly, other than permanent officers of the Legislative Assembly,

(d) review of estimates of expenditure for the Legislative Assembly for Vote 1 including the preparation of forecasts and analyses of expenditures and commitments of the Legislative Assembly,

(d.1) payments of Capital City allowance to members of the Legislative Assembly,

(d.2) [Repealed 2007-23-16.]

(d.3) the voluntary group registered retirement savings plan that was established by the committee for members of the Legislative Assembly,

(e) payments to members of the Legislative Assembly to defray expenses in the performance of their duties, including

(i) expenses for residence in the Capital Regional District during the legislative session and for any additional periods specified by the committee,

(ii) protocol expenses,

(iii) travel and associated expenses of the members and persons accompanying the members, and

- (iv) expenses for service on legislative committees when the Legislative Assembly is not sitting,
- (f) payments or services to members for constituency offices, including payments or services for staffing, maintaining the offices, communication expenses and travel expenses,

(f.1) a severance allowance for persons when they cease to be members of the Legislative Assembly, and for this purpose may establish a severance plan that sets out the circumstances in which such persons will be eligible for the allowance, the amounts of the allowance payments, and any other matter related to severance,

(f.2) when and how

(i) payments referred to in paragraphs (d.1), (e), (f) and (f.1) are required to be provided by the government, and

(ii) amounts required to be contributed by the government under the terms of the plan described in paragraph (d.3) are to be paid, and

(g) other matters necessary for the efficient and effective operation and management of the Legislative Assembly.

(1.1) [Repealed 2007-23-16.]

(1.2) Despite the *Income Tax Act*, a Capital City allowance payable to a member under subsection (1) (d.1) is deemed not to be wages within the meaning of that Act, and not to form part of the income of that member for any purpose of that Act.

(2) Subsection (1) (b) does not empower the committee to allocate space or provide services within the Legislative Precinct that are necessary for

- (a) ministerial offices,
- (b) ministerial administration and support staff, or
- (c) the functioning of the Executive Council.

#### **Powers and duties of the Speaker**

**4** (1) Subject to any direction of the committee, the Speaker is responsible for the day to day administration of the Legislative Assembly.

(1.1) In accordance with the regulations, the Speaker is responsible for the

- (a) provision of security within the Legislative Precinct, and
- (b) management of the use and enjoyment of the Legislative Precinct by the public and by other persons.

(2) The committee may delegate any of its powers to the Speaker.

## **Proceedings of the committee**

- 5**
- (1) The committee may determine its own procedures.
  - (2) The committee speaks by minute duly adopted by the committee.
  - (3) The committee may authorize payment of reasonable and actual expenses incurred by its members
    - (a) for attendance at meetings of the committee while the Legislative Assembly is adjourned or prorogued, or
    - (b) while engaged in the work of the committee while the Legislative Assembly is adjourned or prorogued.
  - (4) The committee must have its accounts or financial procedures examined and reported on each fiscal year by a qualified person or firm appointed by the committee.
  - (5) A member of the public service is not eligible to be appointed under subsection (4).
  - (6) The Auditor General may examine the accounts and financial procedures of the committee and report to the Speaker at the times that the Auditor General considers appropriate.
  - (7) Subsection (6) does not restrict the Auditor General from reporting to the Legislative Assembly on any other matter that the Auditor General considers to be in the public interest including the matters within the jurisdiction of the committee under section 3.
  - (8) The committee must promptly file its minutes and the reports referred to in subsections (4) and (6) with the Clerk of the Legislative Assembly who must
    - (a) make the minutes and reports available to any person for inspection without charge and during normal business hours, and
    - (b) provide a copy of the minutes and reports on payment of a reasonable copying charge.
  - (9) The committee must report annually to the Legislative Assembly on the decisions made by the committee during the previous year.
  - (10) The report under subsection (9) must include the reports referred to in subsections (4) and (6).

## **Dissolution of Legislative Assembly**

- 6**
- (1) After general voting day for a general election, the person holding the office of Speaker immediately before general voting day is deemed for the purposes of this Act to continue in office as Speaker until a Speaker designate is named.
  - (2) [Repealed 2011-13-125.]

(3) If a Speaker designate is named, he or she is deemed to be Speaker for the purposes of this Act.

(4) [Repealed 2011-13-125.]

### **Appropriation**

**6.1** Money required to be provided by or paid on behalf of the government under this Act must be provided or paid by the Minister of Finance from money appropriated for that purpose by the Legislative Assembly or, in the absence of an adequate appropriation for that purpose, from the consolidated revenue fund.

### **Conflicts**

**7** If there is any conflict or inconsistency between

- (a) this Act or a minute of the committee issued under this Act, and
- (b) the *Financial Administration Act* or any regulation or directive made or given under it,

then, despite the *Financial Administration Act*, this Act or the minute of the committee prevails.

### **Powers to make regulations**

**8** (1) The Lieutenant Governor in Council may make regulations as follows:

- (a) providing for the security of the Legislative Precinct;
- (b) regulating, permitting or prohibiting use of the Legislative Precinct by the public or by other persons.

(2) The Lieutenant Governor in Council may make regulations establishing penalties for failure to comply with the regulations made under this section.

## **Schedule**

### **CONFEDERATION GARDEN PARK**

All those parcels of land in the City of Victoria with the following legal descriptions:

Parcel Identifier: 009-386-980  
Lot 890, Victoria City

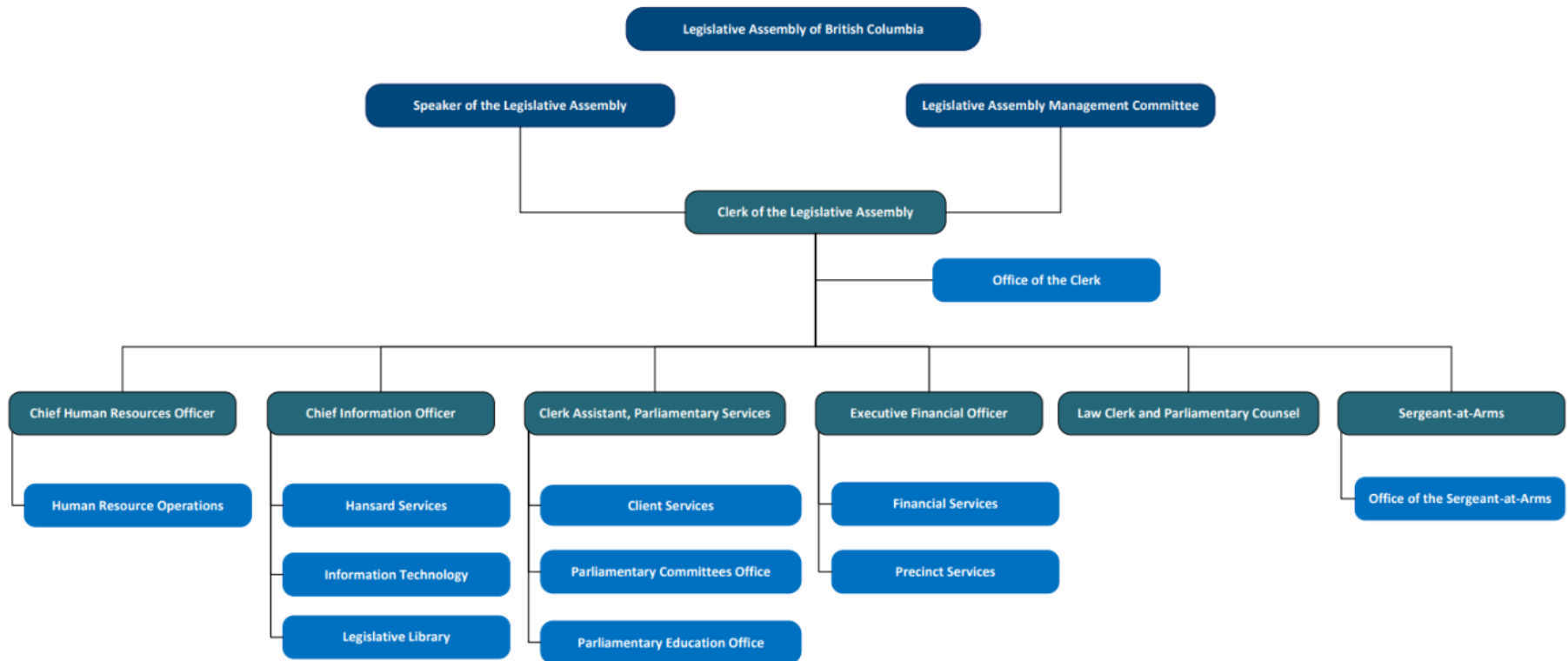
Parcel Identifier: 009-387-021  
Lot 891, Victoria City

Parcel Identifier: 009-387-030  
Lot 894, Victoria City

Parcel Identifier: 009-387-056  
Lot 995, Victoria City.

# Appendix B

## LEGISLATIVE ASSEMBLY ADMINISTRATION FUNCTIONAL ORGANIZATIONAL CHART



# Appendix C

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## LEGISLATIVE ASSEMBLY ADMINISTRATION STRATEGIC PLAN 2024-25 OVERVIEW

### 1. Purpose

We support the Legislative Assembly of British Columbia and its Members by providing services and infrastructure vital to an accessible democratic institution.

### 2. Principles

**1. Impartiality**

We are non-partisan and objective in the performance of our duties.

**2. Integrity**

We build trust through responsible actions and respectful relationships.

**3. Openness**

We provide a welcoming environment and promote public access and engagement.

**4. Stewardship**

We ensure institutional continuity and renewal.

### 3. Strategic Goals

**1. Service Excellence**

We provide unified, innovative, and seamless services, resources, and advice that enable the Legislative Assembly and its Members to fulfill their respective roles in our parliamentary democracy.

**2. Operational Excellence**

We are committed to organizational improvement, ensuring our internal operations and support services are effective and efficient.

**3. Healthy Workplace Culture**

We strive to be a model employer by enabling our employees to contribute, innovate, and collaborate using their diverse skills and perspectives.

**4. Open Access**

We ensure a welcoming, safe, and inclusive physical and digital environment to enable public access to the Legislative Assembly and Legislative Precinct buildings and grounds, and to facilitate understanding and observation of, and participation in, parliamentary proceedings.

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