

The image shows the British Columbia Legislature building, a grand stone structure with a prominent green copper dome topped by a golden statue. The building is partially obscured by a teal semi-transparent overlay that contains the title text. In the foreground, there are out-of-focus red flowers and green leaves. The sky is a clear, light blue.

Speaker's Forum on the Role of Members: **ACTIONING PROPOSALS FOR CHANGE**

Office of the Speaker,
Legislative Assembly of British Columbia

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FOREWORD

The 41st Parliament of the Legislative Assembly of British Columbia was dissolved by proclamation of the Lieutenant Governor on September 21, 2020. With that came an end to a Parliament in our province's history that will not be soon forgotten. It was, after all, the first minority Parliament that our province had seen in over 60 years, but that reality allowed, in my view, a number of important reforms to begin at the Legislative Assembly. And I say begin because I sincerely hope and expect that that important work will continue in the 42nd Parliament. The 41st Parliament saw not only a number of procedural reforms and Standing Order amendments, but also a number of administrative reforms, ones that enhance transparency and oversight of the Legislative Assembly's internal operations.

If anything, these reforms demonstrated that an institution that will be turning 150 years old in 2021 is capable of adapting and changing, at an impressive speed, no less. It demonstrated that the adage, "Where there is a will, there is a way" very much applies to this institution as well. I hope that Members of the 42nd Parliament will take the opportunity to review this report and be promoters and, where applicable, leaders, in driving change in the coming months and years. It has, I believe, real potential of strengthening the institution that is at the very heart of our democratic system of governance.

The Speaker's Forum was envisioned as a three-year endeavour, and I had hoped that the fourth year would be one where some of these reforms would be considered as appropriate by the Legislative Assembly and hopefully implemented. Year One and Year Two roundtables were extremely successful, and I remain deeply grateful to those who participated in those roundtables, and who offered fantastic ideas for how our system of governance could be strengthened and positively reformed. Year Three, in which I had envisioned a summit of all roundtable participants coming together to exchange ideas and more directly shape the final contents of this Year Three report, did not go as planned. The COVID-19 pandemic, and subsequently the unanticipated timing of the 42nd provincial general election, did not allow me to complete this initiative as I had originally envisioned. But perhaps it is an initiative that my successor will wish to carry on.

What I aim to leave through this report, which I sincerely hope will be considered in conjunction with the Year Two report, is a blueprint for real reforms that I see as being very implementable by the Legislative Assembly in the not-too-distant future. That is not to say that all ideas put forward by Speaker's Forum roundtable participants in Year Two are not worthy of consideration; quite to the contrary, I commend all of those wonderful ideas to Members of the 42nd Parliament for consideration. But the recommendations contained in this final report are ones that I believe the Legislative Assembly can implement in the short-term, much to the benefit of the institution, its Members, and all British Columbians.

The Speaker's Forum initiative would not have been successful without the support and contributions of Dr. Martha Dow, Facilitator, and with the assistance provided by Kate Ryan-Lloyd, Clerk of the Legislative Assembly, Artour Sogomonian, Clerk Assistant, Parliamentary Services, and Hansard Services staff. I thank them all for their contributions to this initiative. I hope that they will stand ready to assist Members with the consideration of the contents of this report, and that they will help with any guidance, support, and background information that will assist their consideration of the recommendations outlined in this report.

I also hope that the contents of this report will not only be insightful for the current Members of the Legislative Assembly, who largely have to be the drivers of change and reform, but to all British Columbians.

Darryl Plecas
Speaker of the 41st Parliament

INTRODUCTION

In December 2017, the Honourable Darryl Plecas, Speaker of the Legislative Assembly, established the Speaker's Forum on the Role of Members. The vision of the multi-year Forum was to engage citizens, through a series of roundtables, in the identification of any challenges and opportunities in the current processes and structures of the Legislative Assembly of British Columbia. The participants' lens was focused on enhancing the power of both citizens and Members of the Legislative Assembly to engage in the politics of the province. In Year One the roundtables of political scientists, media, youth, educators, Legislative Assembly interns, former MLAs, and Indigenous individuals centered on engagement challenges facing Members, interest groups, and the general public. These challenges were contextualized in the literature to further support the participants' perceptions. Year Two roundtables focused on opportunities for change that address the challenges highlighted in Year One. The roundtables held to explore strategies for change invited Indigenous individuals, political scientists, journalism experts, youth, educators, and Legislative Assembly interns. Year Three involved a distillation of the various suggestions for change into recommendations for reform.

BACKGROUND

As discussed throughout this consultation, the basis of this process coincides with Thomas and White's (2015) assertion that "[l]egislatures are the central democratic institutions in Canada's provinces and territories. Like other Canadian political institutions, however, legislatures have fallen into disrepute, in part because they are widely perceived as unresponsive and unrepresentative" (p. 363). These perceptions often point to voter turnout, assessments, particularly by marginalized groups, of relevance to their everyday lives, lack of transparency and access, need for diversity, and a perceived mystification of the politics of the province.

Despite these well documented perspectives, the Speaker established this consultation process because of his belief that there are relatively easily implemented changes that can be made that will provide increased access for citizens to the political structures and processes and greater ability for Members to represent their constituents and carry out their duties and responsibilities.

The forums held during Year One and Year Two highlighted the role of public education, limitations to public engagement, challenges and opportunities embedded in parliamentary processes and structures, and the role of the media. In transitioning from Year One to Year Two, the focus of the roundtables was to garner ideas for change to address the challenges identified in the first year of consultations. Based on the identified challenges, Year Two roundtables were asked the following questions:

- How might public engagement be encouraged and consequently increased?
- How might public engagement become more significant in substance as it relates to government decision-making?
- What strategies might improve political engagement for specific groups marginalized based on Indigenous identities, age, gender, sexuality, ability, economic status, and ethnicity?
- How might opportunities for civic education be enhanced within the traditional sphere of the K-12 and postsecondary systems of education?
- How might school-based and community-based education to support understandings of alternative political/decision-making structures and processes, advocacy, and activism be structured, implemented, and encouraged?
- What suggestions do you have to enhance parliamentary structures and processes with the aim to improve meaningful MLA engagement with constituents and the public?
- What ideas and strategies might improve this relationship between the media and politicians and consequently increase meaningful political engagement of all stakeholders?

Importantly, in both the discussions of challenges (Year One) and opportunities for change (Year Two) there was striking uniformity in the issues/suggestions raised across the stakeholder groups.

The Speaker's Forum participants demonstrated a multi-year and enthusiastic commitment to contributing to a meaningful action-oriented discussion about strengthening the ability of citizens and elected officials

to engage in the business of government. Importantly, the recommendations for reform outlined in this report are grounded in the firmly held belief that political “leaders want to connect with the public to inform their understanding of policy issues, and to help them move beyond the ‘bubble’ of elite, professionalised and mediatised politics” (Hendriks and Lees-Marshment, 2019, p. 610).

RECOMMENDATIONS FOR REFORM¹

The recommendations for reform coalesce around three key goals: 1) to improve programming to support the orientation, training, and development opportunities for Members; 2) to strengthen the ability of Members to fulfill their representative role and the accountability of the executive to parliament through changes to parliamentary processes; and, 3) to increase public accessibility, awareness, and understanding in relation to parliament.

Improve programming to support the orientation, training, and development opportunities for Members

1. Establish a mid-session check-in with MLAs to determine what, if any, additional supports are needed as they fulfill their responsibilities.

The Legislative Assembly Administration exists to support Members and help enable them to effectively undertake the duties entrusted to them by their constituents. Having a regular check-in of this nature would ensure a responsiveness to the needs identified and to determine if there are gaps that should be addressed by the Legislative Assembly Management Committee.

2. Survey MLAs to assess whether better support and resourcing is needed to allow Members to effectively undertake all facets of their work. The information gathered from this assessment would fuel the mid-session check-ins described above.
3. Review and revise the MLA orientation program to ensure that the following topics are included:
 - a. Duties and responsibilities
 - b. Equity, diversity, and inclusion
 - c. Respectful Workplace Policy
 - d. Gendered consequences of heckling
 - e. Work/life balance

Public life is challenging. Members of the Legislative Assembly, upon election or re-election, must attend to a number of administrative matters to get set up as expeditiously as possible and serve their constituents. Support and training as outlined above would help ensure important ongoing professional development opportunities for Members throughout the life of a Parliament, and not just at the outset of one.

4. Include former MLAs in orientation sessions for current Members.

¹ The recommendations for reform have been drafted by the Speaker in consultation with the Clerk of the Legislative Assembly, and the Clerk Assistant, Parliamentary Services – Legislative Assembly of British Columbia

Former Members will have many lived experiences to draw on to offer new Members insights about the challenges of the role and what to expect. Their inclusion in the orientation program will help new Members gain valuable knowledge.

5. Develop cross-partisan mentorship strategies for MLAs, including an MLA Mentorship Program to support first time MLAs as part of the orientation program.
6. Provide MLAs regular professional development opportunities including training and education on topics such as: Indigenous history, anti-racism, work-life balance, and media relations. The development of these activities would engage community-based subject matter stakeholders. An extension of this would be for the Legislative Assembly Management Committee to pursue instituting a formal professional development program for Members. This will help Members ensure that they have the tools and knowledge that they need in order to be successful in their role as legislators.
7. At the end of each session, offer MLAs the opportunity to share reflections on the work of the just completed session. This debriefing may include any examples of engagement with procedure and process during that session that would benefit from some dialogue.

Lived experiences are a powerful tool in helping shape the future. The experiences of Members should be actively canvassed and considered in assessing the successes and areas for improvement following any sessional period.

8. Develop a Code of Conduct for MLAs. British Columbia has a *Members' Conflict of Interest Act*, however, in many other jurisdictions, there are guidelines that outline expectations and other considerations relating to potential, perceived and real conflicts of interest, as well as ethical and other aspects of behavioural expectations.

Whether through statute or through the authority of the Legislative Assembly Management Committee, the Legislative Assembly should pursue the establishment of a formal Code, one that can be properly enforced, with respect to ethical conduct by Members of the Legislative Assembly. In this respect, British Columbia should not be an outlier.

In addition, the Legislative Assembly Management Committee should fully implement its Respectful Workplace Policy to ensure that all Members, ministerial staff, caucus staff, Legislative Assembly staff work in a respectful workplace environment. Consideration should also be given to extending the policy to apply to constituency office staff.

9. Provide a program of training and professional development workshops for MLAs developed in consultation with Members and modeled after the program for federal court judges. In response to a recommendation from the Speaker, the Legislative Assembly Management Committee would determine which, if any, training opportunities ought to be made mandatory for Members.

The discussion and implementation of these recommendations would involve caucus consultation, input from the Legislative Assembly Management Committee as appropriate, subject matter experts from the community, and necessitate the support of the Legislative Assembly Administration.

Strengthen the ability of Members to fulfill their representative role and the accountability of the executive to parliament through changes to parliamentary processes

10. Expand Private Members' Time to consider Private Members' motions and/or bills providing additional opportunities for MLAs to state their own perspectives on issues. Current practice is to allow for debate of one Private Member's motion every Monday morning; however, despite being a shift in very longstanding practice the opportunity exists to allow Private Members to exercise more control over what transpires on a Monday morning, including, if agreement exists, debate of a Private Member's bill.

The Legislative Assembly of British Columbia is an outlier when it comes to the consideration of Private Members' business. Few opportunities exist for Private Members to put forth legislative proposals that will be considered by the Legislative Assembly. The Assembly's highly procedural structure has transformed over time into one that heavily favours the government of the day. Members should be further empowered to bring forward legislative proposals that will actually have the benefit of debate in the Legislative Assembly. This may perhaps be accomplished by allowing consultation to occur amongst caucuses about what Private Members' business will be undertaken during Private Members' Time, rather than continue with the longstanding practice that the second hour of Private Members' Time be solely dedicated to the consideration of a motion as agreed to amongst the caucuses.

11. Strengthen the mandate for parliamentary committees to consult the public on longer term public policy goals beyond the election cycle (e.g., climate change). Currently, there are ten permanent (Select Standing) Committees structured to engage on a variety of issues. These committees are the:
 - Select Standing Committee on Aboriginal Affairs
 - Select Standing Committee on Agriculture, Fish and Food
 - Select Standing Committee on Children and Youth
 - Select Standing Committee on Crown Corporations
 - Select Standing Committee on Education
 - Select Standing Committee on Finance and Government Services
 - Select Standing Committee on Health
 - Select Standing Committee on Legislative Initiatives

- Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills
- Select Standing Committee on Public Accounts

There are major public policy-related inquiries that can be undertaken by these committees; however, the mechanism is not currently used to its potential. This shift

Parliamentary committees have proven time and again the value that they bring, and the value that this less formal setting brings, to the discourse and respectful debate around issues that matter to British Columbians. Better use of the parliamentary committee system, including the re-activation of committees that have not received terms of reference from the Legislative Assembly for an extended period of time (including the Select Standing Committees on Aboriginal Affairs; Education; and Health, noted above) has the potential to significantly impact public policy discourse, promote effective public sector accountability and enhance decision-making in the province.

12. Incorporate Opposition Days in the Legislative Assembly's calendar. Currently no items of business, outside of Private Members' Time are called unless the government consents. This change would be significant in allowing Members of the Opposition to bring forward matters and issues for the Legislative Assembly's consideration.

Many parliaments now have a set number of days permitted in the Standing Orders where the opposition is able to put forward matters for the Legislative Assembly's consideration – whether that be debate on a Private Member's bill or on a substantive motion. Implementing this mechanism in the Legislative Assembly of British Columbia would allow the institution to have procedural rules that are expected in a representative institution, where its Members can bring matters of public policy or public interest to the people's House for consideration and debate, without requiring the consent of the government of the day to do so.

13. Establish terms of reference for the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills to examine parliamentary decorum, including heckling.

Improving decorum during proceedings of the Legislative Assembly has been a hallmark of my tenure as Speaker. Further examination of this topic by a parliamentary committee, in an effort to ensure an appropriate level of decorum and order, is encouraged, as it may yield fruitful results following a study of this nature in a committee setting.

14. Establish terms of reference for the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills to examine and, where appropriate, recommend reform, regarding:
 - a. The purpose and consequently the "rules" of Question Period, including consideration of the:

- i. Requirement that questions to be brought forward in Question Period be submitted in advance and in writing;
 - ii. Elimination of clapping during Question Period;
 - iii. Elimination of banging of desks during Question Period;
 - iv. Elimination of interruptions during Question Period; and,
 - v. Elimination of heckling during Question Period.
- b. Options for discipline associated with unacceptable behaviour in the Chamber.
 - c. Expanded independent powers of inquiry.
 - d. Required responses by government to any substantive committee reports that call on government action.
 - e. An online petition system that requires a response from government. Petitions are one of the few ways that citizens can bring an issue of importance to them to the elected Assembly for consideration. Many jurisdictions around the Commonwealth have already moved in this direction and have a mechanism where petitions with over a certain threshold of signatures receive a government response within a prescribed number of days.
 - f. Protection of members in committee posts for the duration of their term by establishing parliamentary committees to be in place for the life of a parliament (electoral term) rather than being established on a sessional basis.

The Legislative Assembly of British Columbia has not undertaken a comprehensive examination of its Standing Orders and practices in a long time. There is an opportunity to do so to increase transparency and effectiveness in its operations, including as it relates to how British Columbians feel connected to this institution that it at the very centre of our democratic system of governance. The proposals above would go a long way in modernizing our Legislative Assembly in ways that many other parliaments have done.

- 15. Encourage, through administrative processes, the Legislative Assembly, parliamentary committees, and all MLAs to utilize web-based surveys to assess public opinion on issues. These tools would be particularly helpful in supporting the work of the select standing committees described above.

Public engagement and public consultation methods in use in other parliaments have evolved greatly over the past decade, yet the processes in our Legislative Assembly have not kept up with the same level of engagement. There is a real opportunity for parliamentary committees to engage with British Columbians in meaningful ways, and those options should be actively pursued. These

opportunities could include public engagement on proposed legislation to provide a venue for public consultation on draft bills, a feature common in other jurisdictions.

16. Ensure that decisions by parliamentary committees to meet in camera are well documented and available to the public. Current administrative means provide for the posting of these decisions for public perusal on the Legislative Assembly website. This initiative should include a review of the current protocols in this regard to ensure full transparency of both decisions made by committees and the reasoning where decisions are made not to publicly release decisions.

There are already well-established parameters that guide reasons for which committees meet in camera. Making those public and transparent would enhance transparency and would allow British Columbians to better understand the operations of these committees.

Once again, these recommendations need to be driven by Members and it is likely they will resonate as they represent change that will strengthen the capacity for MLAs to fulfill their responsibilities to their constituents and the province of British Columbia.

Increase public accessibility, awareness, and understanding of the institution

17. Utilize social media platforms to share the lived experiences of citizens as they encounter government programs and policies in their everyday lives.

There is an opportunity to better engage with British Columbians and foster knowledge and understanding that the Legislative Assembly of British Columbia is not the Government of British Columbia through an explication of the fundamental differences between the legislative and executive branches of government. These efforts will perhaps in turn help drive an understanding of the unique role that Members of the Legislative Assembly play in our province.

18. Establish more curated spaces in the Parliament Buildings for regional representation of art. Provide, in consultation with Indigenous partners, more Indigenous-inspired spaces in and around the Parliament Buildings.

The overall design and many physical features of the Parliament Buildings are, without doubt, representative of our colonial past. I strongly suggest that consideration be given to adding more Indigenous artwork and representation in the Buildings and on the Legislative Precinct to acknowledge an important part of our history and illuminate contemporary challenges.

19. Report MLA attendance during sessions.

To further promote transparency, the Legislative Assembly should publicly post Members' attendance declarations on its website and make Members' voting records in proceedings of the House more readily accessible. This is something that many other parliaments in Canada and around the world have started doing.

20. Expand utilization of American Sign Language as a service in the operations of the Legislative Assembly.

The Legislative Assembly has taken important steps to increase accessibility to its proceedings and to its Precinct, but there is more work to do. Increasing American Sign Language offerings to beyond Opening Day (Speech from the Throne) and Budget Day (Budget Speech) would further accessibility to the institution.

Consultation with Members, the Legislative Assembly Management Committee, and the Legislative Assembly Administration is essential to ensure the recommended reforms are designed and implemented in ways that maximize their desired impact.

SUMMARY

In summary, the recommendations presented are, without exception, drawn from the suggestions of participants during the Year Two forums and provide important opportunities to enhance the engagement of Members and the citizens of British Columbia. While many of the ideas raised are not new to the political and administrative landscape of provincial politics, they represent important and responsive steps forward for the Legislative Assembly of British Columbia.

It is my sincere hope that many of these proposals will be explored and actioned in the 42nd Parliament.

REFERENCES

- Hendriks, C. and Lees-Marshment, J. (2019). Political leaders and the public engagement: The hidden world of informal elite-citizen interaction. *Political Studies*, 67(3), 597-617. Doi: 10.1177/0032321718791370
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