

## Issues Scan

**Victoria**

**November 27, 2018**

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## **Clerk and Sergeant-at-Arms Investigation**

### Background:

- The Legislature unanimously passed a motion to place the Clerk and Sergeant-at-Arms on leave with pay, and restrict their access to the Legislature offices and materials.
- The independent BC Prosecution Services (BCPS) confirmed that the RCMP had requested the appointment of a special prosecutor on September 28th and that two special prosecutors were appointed October 1st to assist the RCMP.
- Lawyers acting for Mr James and Mr Lenz wrote to the three House Leaders asking that the two be reinstated and stating that a special prosecutor said the suspension had not been requested by the RCMP or special prosecutors.
- The Opposition requested an emergency meeting of LAMC but the Speaker confirmed LAMC will meet on December 6th as planned.
- On November 26th, the Speaker wrote to the House Leaders emphasizing that all had agreed unanimously on the approach based on legal advice.

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- The RCMP are conducting an active investigation and requested special prosecutors.
- The independent head of the BC Prosecution Services decided to appoint two special prosecutors.
- The three House Leaders agreed to present a motion and the house unanimously agreed to suspend the two individuals during the investigation.
- We need to let the RCMP do their job and focus on doing ours.

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## Ride-hailing

### Background:

- On Nov 26, opposition MLA and Transportation critic Jordan Sturdy introduced a private members bill which the opposition claims would allow ridesharing “by Valentine’s Day.”
- The bill would remove the requirement for taxi and ride-hailing drivers to have a class 4 driver’s licence, would open up supply with no management of the number of drivers on the road, and remove geographical boundaries.
- On insurance, according to their news release, it would allow for “the possibility of such insurance to be provided by private sector operators, in a timely manner.”
- The Green caucus has also expressed interest in discussing licence requirements for ride-hailing drivers.
- On November 26 a Research Co. poll of Metro Vancouverites showed a majority are in favour of requiring commercial (Class 4) licences for ride-hail drivers, and also in favour of a cap on the number of vehicles in order to manage congestion.

### Message:

- For years, people have been asking for new, convenient and safe options to get around.
- Our legislation opens the door for ride-hailing companies to enter the market and offer new services to people.
- We’re getting ride-hailing right for B.C. with modern, safe services people want.
- We’ve learned from the problems seen in other jurisdictions when it comes to safety and traffic congestion.
- We moved quickly – getting more done in one year than the old government did in five.
- I have every expectation that people will be able to use ride-hailing services in 2019.

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- We’re bringing ride-hailing to B.C. with our bill and we’re doing it in a responsible way.

- People driving commercially need to have a commercial license.
- Uber currently operates in Alberta and Quebec which also require Class 4 or equivalent commercial licenses.
- Our government believes safety is paramount and we are not willing to put British Columbians at risk on our roads.

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- What's important is ensuring we meet people's transportation needs.
- Decisions will be made with a customer demand-driven approach based on data.
- We've taken a look at other jurisdictions and learned what works and what didn't work.
- A number of large cities have had serious issues with congestion resulting from a sudden surge in the number of ride-hailing vehicles on their roads. New York has now moved to manage numbers.

*If asked if there's a point to our legislation if Uber and Lyft choose not to enter the market:*

- It's up to companies to choose to enter, but we are enabling ride hailing in BC by next year.
- Ride-hailing exists in a number of jurisdictions under a number of different regulatory regimes, including with commercial licences (Alberta and Quebec) and with congestion controls in place (New York).
- We've learned from other jurisdictions and designed our bill with the interests of British Columbians in mind.

## **Accessible Parking in BC Building Code**

### Background:

- In Aug 2018 MMAH announced changes to the accessibility provisions in the 2018 BC Building Code, including removing the requirement for accessible parking spaces. It comes into effect on December 10, 2018.
- MMAH removed the requirement after consultation with stakeholders suggested the weak requirements in the Code are undermining local governments' ability to apply their own high requirements for accessible parking spaces to developers.
- The change also brings the province into alignment with the Federal Code which doesn't have accessible parking rules.
- MLA Stephanie Cadieux is in media stating the provincial government has eroded accessible parking requirements by removing the requirement from the Code.
- She states that local governments are not equipped to handle the need alone and without universal standards accessible spaces will dwindle.

### Message:

- We are committed to building an inclusive BC and to making buildings more accessible for persons with disabilities.
- Consultation with stakeholders highlighted that the previous accessible parking requirements were insufficient and limited flexibility for local governments to have stronger rules around parking.
- The change we made brings clarity for local governments and developers. Local governments will be able to continue to be the authority to regulate parking, including accessible parking.
- I know Minister Robinson's office reached out to MLA Cadieux last week to offer a briefing on this.
- Other building changes coming into effect on December 10 will require new buildings to have a higher level of accessibility for people with disabilities.

## **Education Funding Model Review**

### Background:

- On Nov. 26, Justine Hunter published an article critical of the Education Funding Model Review.
- She criticizes the potential release of the report close to the start of teacher bargaining, and highlights what she sees as some stakeholder anxiety around what the funding model review could mean for class size and composition language.
- Glen Hansman is quoted asking for certainty that teachers will not lose the language they fought for 16 years to restore.
- Stakeholders continue to express concern that the panel conducting the review did not include the BCTF, school trustees or parents.
- They are also concerned that government may be considering introduced a “prevalence model” for special education funding that would fund school districts based on the prevalence of a diagnosis in the population, rather than per-pupil funding based on students’ individual designations.

### Message:

- Minister Fleming’s number one goal is making sure we get the best outcome for all of our kids.
- K-12 funding is complex and it takes time fully understand the implications of the recommendations.
- Government is actively engaging with our education partners over the next few weeks to discuss the themes and content of the report.
- Once we have done that, we will release the report publicly and discuss next steps, including ongoing engagement.
- After years of neglect, we’ve funded 3,700 new teaching positions to get kids the supports they need. We’re also investing \$2 billion over 3 years to replace, renovate and expand schools across B.C.

## **Sam Cooper Money Laundering Investigation**

### Background:

- On Nov. 26, Sam Cooper published the results of a confidential police intelligence study Global News obtained highlighting massive money laundering in the Vancouver-area luxury real estate market with ties to the fentanyl crisis.
- Of more than \$1 billion in 1,200 luxury real estate purchases in 2016, 10% were tied to buyers with criminal records. 95% of those buyers were believed by police intelligence to be linked to Chinese crime networks profiting from the fentanyl crisis.
- The report describes an underground banking scheme in which VIP gamblers secretly transfer money between China and BC to fund fentanyl imports and trafficking in BC.
- Further analysis by Global suggests the same extended crime network may have laundered about \$5 billion in Vancouver-area homes since 2012.
- On Nov. 9, the Minister of Finance launched a public consultation on money laundering in real estate as part of the Minister's expert panel review.
- On Nov. 18, the Attorney General announced an online "tip portal" inviting British Columbians to provide input to Dr. Peter German's fact-finding review of potential money laundering in real estate, horse racing and luxury car sales.

### Message:

- Money-laundering is not a victimless crime. We take this very seriously.
- The old government turned a blind eye to dirty money despite clear links to organized crime, the overdose crisis, and the real estate market.
- We have taken steps to crack down on the large amounts of money tied to organized crime that is being moved through B.C.'s casinos.
- We are now looking at potential money laundering in our housing market, and luxury car and horse racing industries and have asked British Columbians to help.
- Our government is tackling dirty money in all corners of our economy and our society.

## ICBC Second Quarter Results

### Background:

- On Nov. 23, ICBC released their second-quarter results for 2018-19 showing a forecast larger-than-expected loss of \$890 million this fiscal year. This follows a \$1.3-billion net loss in 2017-18.
- Media has focused on the potential for rate hikes. ICBC's rate submission is due to the B.C. Utility Commission on Dec. 15.
- Kris Sims from the Canadian Taxpayers Federation has also done media suggesting ICBC move to a cooperative model for people who want to stick with ICBC, and allow private insurance to enter the market.
- The financial situation reflects the mounting pressure ICBC is under from the rising number and cost of claims. The primary reasons are higher bodily injury costs, as well as claims taking longer to resolve, which often result in higher claims costs.
- A key driver of these costs is a growing trend toward plaintiff lawyers strategically building the value of the claim – costs which have to be paid for by ICBC ratepayers.
- As a result of the suite of product changes introduced earlier this year, ICBC is projecting net savings of \$1 billion annually. However, we won't see those savings until after most of the reforms take effect starting April 1, 2019.

### Message:

- The choices made by the old government resulted in a financial disaster at ICBC. They ignored the warnings and created more than \$1 billion in losses.
- Unfortunately, ICBC's financial position remains serious and will take time to fix.
- We are implementing the very solutions the old government was told could have avoided the current financial crisis at ICBC.
- This year we announced product changes to stem ICBC's losses, provide enhanced care for people injured in crashes and to make insurance rates fairer.
- We are also looking for ways to accelerate and add to our efforts to solve the financial problems at ICBC and make B.C.'s auto insurance system work for people again.

## Injunction Granted in Cambie Case

### Background:

- On Nov. 23, the judge granted an injunction in the Cambie case preventing the enforcement of extra-billing provisions of the Medicare Protection Act until June 1, 2019.
- Brian Day has subsequently been in the media claiming the move is positive news for patients and wait-times in B.C.
- The Medicare Protection Act enhances the government's authority around extra billing by any person for MSP benefits (medically necessary health care services).
- B.C. has been fined every year for the past five years – approximately \$16 million in total – for extra billing charges in violation of the Canada Health Act. That money would have funded approximately 53,000 MRIs.
- This decision, if it prevails, could result in further transfers being withheld.
- Extra billing has been and remains to be illegal under the Medicare Protection Act and the Canada Health Act provides for deductions from transfer payments for extra billing.

### Message:

- We are disappointed by the court's decision. We are consulting with our legal team to determine next steps.
- We remain committed to protecting our public health care system and patients from unlawful extra charges for medically necessary procedures.
- Our priority is improving the public health care people in B.C. rely on.
- This year, 9,400 more publicly funded surgeries will be done across B.C. compared to the previous year - 4,000 additional hip and knee, 900 dental and 4,500 other surgeries.
- We have also boosted the number of MRI exams performed this year by close to 37,000.

## **Surrey Townhall on Luxury Estates on the ALR**

### Background:

- On Nov. 25, the BC Farmland Owners Association held a town hall in Surrey on proposed changes to house size on the ALR. It was attended by government and opposition MLAs.
- Media coverage has been substantial, and there have been some reports about a potential lack of clarity about who will be grandfathered.
- Criticism has focused on the bill's grandfathering provisions – some want them to be applied to all those who have applied for permits, as well as a perceived lack of consultation with multigenerational families.
- Bill 52 would amend the Agricultural Land Commission Act to limit house size to 500m<sup>2</sup>, or approximately 5,400 sq. ft. The bill is expected to be in committee stage on Monday evening.
- Existing houses, as well as houses that have 1) all required authorizations in place and 2) construction on the foundation or alterations to the residence have substantially begun will be grandfathered under the new Bill.

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## **Zero-Emission Vehicle Standard**

### Background:

- On November 20, the Premier, Minister of Energy, Mines and Petroleum Resources, Minister of Environment and Climate Change and MLA Weaver announced that by 2040, all new light-duty car and truck sales in B.C. will be zero-emission vehicles. (ZEVs).
- The announcement also included a \$20 million increase to the provincial incentive program for 2018 and a review to ensure buying a ZEV is more affordable for people.
- The New Car Dealers Association and Global Automakers of Canada have been critical of the 2040 ZEV goal as they are not in favour of supply mandates.
- Media have reported some concerns about how it would impact pickup trucks
- The announcement has been supported by The Vancouver Electric Vehicle Association, Electric Mobility Canada, Clean Energy Canada, and the David Suzuki Foundation.

### Message:

- People need affordable choices for cleaner, healthier and more efficient transportation to cut pollution and improve quality of life in our communities.
- We know we need to innovate and lower emissions to meet our climate goals.
- That's why we are making clean energy vehicles more affordable, available and convenient for people.
- This announcement was part of the roll-out of the first phase of initiatives for a cleaner B.C. You can expect to hear more about our plan in the coming weeks.

### *Does this new standard apply to full sized pickups and 4x4 recreational vehicles?*

- We know people want access to greater numbers and types of ZEVs. And the reality is we're seeing better technology produce more electric vehicle models every year.
- Our government is taking a phased approach, which will give industry and consumers time to adjust.
- Our legislation will apply to on-road vehicles, including light duty trucks (up to 8,500 lbs). It will not apply to 4x4 recreational vehicles.
- This proposed standard was included in our summer 2018 public consultations on a clean growth strategy.

## Finance - Second Quarter Report

### Background:

- On November 26, the Finance Minister released the second quarterly report.
- The report projects a \$1.3 billion surplus for the 2018-19 fiscal year and eliminates the provincial operating debt for the first time in 40 years.

### Message:

- The Q2 results show that our government's plan is working.
- Unlike the last government, we are truly balancing our budget by investing in people and tackling the problems they face every day head on.
- We are making record level investments in child care, housing, education and health care.
- The Q2 report shows we have an increased surplus of \$1.3 billion, that we are on the path to lead the country in economic activity in 2019, and to top it off, we are operating debt-free for the first time in 40 years.

### *Why is the surplus so high?*

- We've made record investments in affordable housing, a made-in-BC child care plan and capital infrastructure throughout the province.
- We've also been working to clean up some of the old government's messes at ICBC and the abuse of deferral accounts at BC Hydro.
- And we've taken major steps to rein in BC's speculative real estate markets.
- We hope to continue to see strong growth while we manage risks to our fiscal picture.

## **UNDRIP Legislation Report - UBCIC & CCPA**

### Background:

- On November 27, the Union of BC Indian Chiefs (UBCIC) and the Canadian Centre for Policy Alternatives (CCPA) is releasing a report on B.C.'s efforts to implement UNDRIP and making recommendations for further action.
- The report found implementation of UNDRIP requires a number of legislative and policy shifts by the province, specifically in shifting from consultation to consent-based decision making. The report also called for building capacity by Indigenous governments.
- One of the specific recommendations from the report is to work with Indigenous organizations to co-develop and co-draft UNDRIP legislation.

### Message:

- Our government is moving forward with reconciliation in partnership with Indigenous peoples.
- We've made reconciliation a cross-government priority.
- We are in discussions with the First Nations Leadership Council on developing legislation.
- It will set UNDRIP as the foundation for our government's work on reconciliation.

## Surrey Rapid Transit

### Background:

- At their Nov 14th meeting the Mayors' Council voted to suspend the Surrey LRT project and request further information from Translink about the possibility of switching to SkyTrain for discussion at their December 13th meeting.
- Mayor McCallum and Mayor Kennedy Stewart were the only members advocating for work on the Skytrain plan to start right away. The majority of other members supported Surrey's desire to suspend LRT, but stated they need more information before making a decision about SkyTrain.
- The Mayors' Council agreed to consider SkyTrain within the existing funding envelope of the 10 Year Vision.

### Message:

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- We made a significant investment to support rapid transit in Surrey as part of the Mayors' Council 10-Year Vision.
- We remain committed to supporting rapid transit for Surrey and the region.
- The Mayor's Council has asked for more information to guide their decision on what the next steps are for Skytrain.
- Once a decision about next steps has been reached we look forward to expediting the review of a new business case to ensure there are no unnecessary delays.
- We will continue to work to keep people moving quickly and affordably in Surrey and the entire region.

### *If asked about the cost of Skytrain.*

- Unlike the previous government, we've funded 40% of Phase Two of the Mayors' 10-year Vision and committed to funding 40% of Phase Three.
- The Mayors' Council is considering SkyTrain within the existing funding envelope of the 10 Year Vision.

## OOP FOI PREM:EX

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**From:** Williams, Chelsea S LASS:EX  
**Sent:** January 29, 2019 10:33 AM  
**Subject:** FW: Wilkinson makes numerous inaccurate statements in attempts to shift blame for legislature spending scandal

Please use the following link instead:

<http://bcndpcaucus.ca/news/wilkinson-makes-numerous-inaccurate-statements-in-attempts-to-shift-blame-for-legislature-spending-scandal/>

Thank you



<http://bcndpcaucus.ca> 250-953-4992

**For Immediate Release**  
**January 29, 2019**

### **Wilkinson makes numerous inaccurate statements in attempts to shift blame for legislature spending scandal**

#### **Wilkinson Claim:**

"I wasn't there. The management committee, obviously, has to be accountable for that, and John Horgan was sitting on the management committee at the time and didn't address it." (CBC On the Island, Jan 24)

#### **Fact:**

In 2012, John Horgan directly raised concerns about the lack of oversight LAMC had over Craig James and Gary Lenz. In response, Bill Barisoff indicated he was responsible for direct oversight of James and Lenz:

John Horgan: "If we don't manage the Table Officers and the Sergeant-at-Arms — and it's nothing personal, Gary — who does?"

Speaker Bill Barisoff: "The Speaker."

...

John Horgan:

"It would be my recommendation that if we're going to be responsible as a committee for this precinct and everything that happens in it, we have to have the ability to do that... If we can't oversee that component, then we're not able to fulfil our responsibility. So an amendment, if that's required, would be one that I would support. It jumps off the page to me as something that- we are accountable for your actions, Craig, and your staff, but we have no ability to control that by supervision or management, according to this."

"I want to make sure that I have the ability if there is incompetence demonstrated or malfeasance that I have an obligation and a responsibility to follow up on — that I can." ([LAMC Meeting, Aug 12, 2012](#))

In 2013, BC NDP House Leader Shane Simpson said the \$660,000 in unusual long service award payouts were not disclosed to LAMC:

"The Legislative Assembly Management Committee should have been informed of these decisions made by the Speaker, but that did not happen." ([Press Release](#))

#### **Wilkinson Claim:**

"Let's be clear. Mike de Jong cleaned house, in terms of MLA expenses. There was a lot of resistance from the NDP about disclosing their expenses because it would be about security or it would be a privacy violation." (CKNW, Jan 28)

"...it was conducted at the time by Mike de Jong, the House Leader, who forced everyone into total disclosure of expenses." (CBC On the Coast, Jan 24)

#### **Fact:**

The BC NDP caucus began proactively posting expense claims prior to the rest of the Legislature. ([Read Shane Simpson's 2013 letter to LAMC](#))

MLA travel expense receipts from all parties were not posted online until a year later, in 2014.

#### **Wilkinson Claim:**

"There's been a very selective disclosure of meetings between Craig James and various people in elected office as Liberals. Craig James as the Clerk his job is to meet with people in the political parties. So he's met with Mike Farnworth probably 500 times. He will have met with John Horgan many times. You'll notice that none of those were disclosed. So there's a bit of selective disclosure going on here." (KRPI, Jan 25)

#### **Fact:**

The Clerk has not met with John Horgan:

"I have been born and raised in Victoria, passionate about this institution, passionate about public service, a member of this place for 14 years, had the honour to be a house leader for the opposition, a leader of the opposition, and now Premier. And in that time, 14 years, Mr. James never visited me. Not in my office, not in my home. He didn't expense visits to me. He did to Christy Clark when she wasn't a member of this place. He did visit Mr. Barisoff. So in 14 years, Mr. James or Mr. MacMinn

never sought me out, even though I was what would be characterized as an important part of the functioning of the place as an opposition leader and as opposition house leader.” (John Horgan, Jan 24)

**Wilkinson Claim:**

“We've been asking for 10 weeks for the Auditor General to be involved in this review of the situation at the Legislature. Darryl Plecas obstructed that, the NDP obstructed that, the Green Party obstructed that. It's hard to say why.” (CHNL, Jan 25)

**Fact:**

BC NDP House Leader Mike Farnworth moved at LAMC on December 19:

Hon. M. Farnworth: That the committee seek legal advice with respect to the appropriateness and potential scope of either an audit, a forensic audit or an examination under section 13, given the active police investigation, so that any decisions the committee takes will not impede an ongoing, active police investigation.

Motion approved.

Mr. Speaker: It's unanimous.

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**Media contact: Chelsea Williams 250-953-4992**

## OOP FOI PREM:EX

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**From:** Williams, Chelsea S LASS:EX  
**Sent:** January 28, 2019 8:56 AM  
**Subject:** FW: Andrew Wilkinson must explain why his longtime organizer Paul Barbeau met with the Clerk, says NDP's Selina Robinson

FYI - the following release went out:

Twitter: <https://twitter.com/BCNDPCaucus/status/1089929297291165702>  
Facebook: <https://www.facebook.com/BCNDPCaucus/posts/2225076660888520>  
Web: <https://bit.ly/2B9RsQr>



<http://bcndpcaucus.ca> 250-953-4992

**For Immediate Release**  
**January 28, 2019**

**Andrew Wilkinson must explain why his longtime organizer Paul Barbeau met with the Clerk, says NDP's Selina Robinson**

**VICTORIA** - The Plecas Report has revealed a number of connections between Clerk Craig James and senior BC Liberals.

Among those was a meeting with Geoff Plant as well as BC Liberal executive member Paul Barbeau on June 20, 2018. ([Exhibit 12, page 77](#))

Barbeau has been a trusted organizer for Andrew Wilkinson since he first ran for elected office:

- In 2012, Barbeau backed Wilkinson for the BC Liberal nomination in Vancouver-Quilchena ([Georgia Straight](#))
- Following Wilkinson's election as MLA in 2013, Barbeau became the President of Wilkinson's riding association, a position held until late 2015 ([Barbeau's CV](#))
- When Wilkinson became leader, he selected Barbeau in March 2018 to be the "Leader's Representative to the Party Executive of the BC Liberal Party" ([Barbeau's website](#))
- In November 2018, Barbeau was acclaimed President of the BC Liberal Party.

What was the June 20 meeting between Barbeau and the Clerk about?

According to Deputy Clerk Kate Ryan-Lloyd, the purpose of that meeting was to determine how to "rein in Gary [Lenz] and ensure he wouldn't be conducting any investigations in the future." ([Report, page 16](#))

This information adds to the growing list of serious questions for Andrew Wilkinson:

- Did Wilkinson have any discussions with Barbeau about this meeting? Has Wilkinson asked Barbeau about it since the release of the report?
- Does Wilkinson believe it's appropriate for his representative to meet with and/or be legal counsel for the supposedly non-partisan clerk?
- Who did the Clerk meet with at "Liberal Offices Vancouver" on Jan 31, three days before the Liberal Leadership vote? What was discussed?
- Has Wilkinson asked Linda Reid why she ignored a 2014 memo which warned the Clerk had received a \$258,000 payment for which he may not have been eligible? ([Background](#))

**BC NDP MLA Selina Robinson:**

"It's troubling that the Clerk met with so many senior BC Liberals, including such a close associate of Andrew Wilkinson. The list of questions for Andrew Wilkinson continues to grow. It's time for him to tell British Columbians everything he knows about these meetings."

**-30-**

**Media contact: Chelsea Williams 250-953-4992**

**From:** Williams, Chelsea S LASS:EX  
**Sent:** January 25, 2019 3:12 PM  
**Subject:** FW: Linda Reid refused to act after being warned Craig James wasn't eligible for a secret \$258,000 payout, says NDP's Routledge

FYI the following release went out this morning:

Website: <http://bcndpcaucus.ca/news/linda-reid-refused-to-act-after-being-warned-craig-james-wasnt-eligible-for-a-secret-258000-payout-says-ndps-routledge/>

Facebook: <https://bit.ly/2G1GsrR>

Twitter: <https://bit.ly/2sQHAA5>



<http://bcndpcaucus.ca> 250-953-4992

**For Immediate Release  
January 25, 2019**

**Linda Reid refused to act after being warned Craig James wasn't eligible for a secret \$258,000 payout, says NDP's Routledge**

**VICTORIA** - Among the Plecas Report's most serious allegations is that the Clerk pocketed a staggering \$258,000 'long-service award' for which he may not have been eligible. ([Page 44](#))

The Report indicates the payment occurred in 2012 at the direction of BC Liberal Speaker Bill Barisoff. Although the benefit was established in 1984 and replaced in 1987 by a salary increase for table officers, Barisoff claimed in a 2012 memo "this programme was a condition of employment when the current Table Officers were appointed by the Legislative Assembly." ([Exhibit 17, p.10](#))

As a result, a total of \$660,000 was paid out to four table officers, including \$257,988.38 to Craig James.

But after concerns about the payments were raised by the Auditor-General in 2013, incoming Speaker Linda Reid asked for more information from Legislature HR Director Jo-Anne Kern.

Kern dug up James' 1987 offer of employment and advised Reid in a memo:

*"His offer of employment from the Legislative Assembly contained no reference to an Executive Benefit Plan or to a benefit recognizing years of service. **It would therefore appear that Mr. James was not a party to the original years of service/executive benefit plan.**"* ([Exhibit 17, p.4](#))

Kern's memo also contained a letter from Deputy Clerk Kate Ryan-Lloyd dated February 20, 2013. Ryan-Lloyd had returned her payment, saying "I continue to be uncomfortable with accepting such a sizeable payment as a long-service award." (Exhibit 17, p.68)

In summary, Linda Reid was told:

- That Craig James was not entitled to this benefit as a condition of his employment (directly contradicting Barisoff's memo, which was the basis for authorizing the payment);
- That the program had been capped and replaced in 1987 because it was rolled into the salary of the table officers;
- That the Deputy Clerk was so uncomfortable with the size and circumstances of these payments that she had voluntarily returned the money she had received.

Instead of sounding the alarm, Linda Reid kept silent. In fact, Kern's report mysteriously disappeared from the Legislature's files and could not be located by Plecas, except for a single former staff person who kept a copy, "anticipating that its existence might one day be disputed". (Page 49)

When asked yesterday about Linda Reid's involvement, BC Liberal Leader Andrew Wilkinson admitted he hasn't even spoken with Reid:

"I haven't spoken with Linda Reid yet, because I want her to have her own opportunities to sort things out without any involvement from me. She needs to be able to speak for herself." (CBC, Jan 24)

**BC NDP on the record:**

"Linda Reid was warned that Craig James may have improperly pocketed a quarter million dollars, but she refused to act. The closer we look at this scandal, the more we see the disturbing connections between Craig James and the BC Liberals. Under Andrew Wilkinson, these are the same old BC Liberals who put themselves and their rich friends first while making everyone else pay the price." –Janet Routledge, BC NDP MLA for Burnaby North & LAMC Member

**-30-**

**Media contact: Chelsea Williams 250-953-4992**

**From:** Williams, Chelsea S LASS:EX  
**Sent:** January 24, 2019 12:04 PM  
**Subject:** FW: Why were senior BC Liberals meeting regularly with Craig James?

FYI - the following release went out this morning: <http://bcndpcaucus.ca/news/why-were-senior-bc-liberals-meeting-regularly-with-craig-james/>



<http://bcndpcaucus.ca> 604-837-1774

**For Immediate Release  
January 24, 2019**

### **Why were senior BC Liberals meeting regularly with Craig James?**

The Plecas Report reveals a number of previously unknown connections between Clerk Craig James and senior BC Liberal MLAs and party operatives.

In the period examined, James took trips for 39 meetings. Of those, at least 24 were with people associated with the BC Liberal Party, including:

- Three meetings with Christy Clark after she left office.
- Meetings with Mike de Jong and Steve Thomson.
- A meeting at "Liberal Vancouver Offices" on January 31 2018, three days before the Liberal leadership vote. James did not disclose who he met with.
- A meeting with lawyers Geoff Plant and Paul Barbeau on June 20. Barbeau is the current BC Liberal President who at the time was Wilkinson's representative on the executive of the BC Liberal Party.

This information raises a number of serious questions for Andrew Wilkinson:

- Is it appropriate for his representative on the BC Liberal Executive to be acting as legal counsel to the supposedly non-partisan clerk?
- Have Wilkinson and Barbeau discussed any business regarding Craig James or the operation of the Legislature?
- Who did James meet with at the Liberal Vancouver offices on January 31, 2018?
- Why were senior BC Liberals meeting so regularly with Craig James?

For several weeks, Andrew Wilkinson and his MLAs attempted to discredit Darryl Plecas prior to the release of his report:

"There's a grave concern that the speaker is out of control. We need to be concerned that he's building his own little empire, staffed with expensive lawyers, with investigators with no credentials and he's being allowed to get away with it." – Andrew Wilkinson, [Times Colonist, Nov 26](#)

"We have a real problem if we have the Speaker off in his own realm because the Speaker is nothing more than the referee in this chamber. And if he thinks he's going to run a parallel government with an investigative arm and a legal arm, we have to stop that behaviour." – Andrew Wilkinson, Times Colonist, Nov 26

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**Media contact: Emily Della Mattia (604) 837-1774**

## OOP FOI PREM:EX

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**From:** Kristianson, Eric PREM:EX  
**Sent:** January 24, 2019 10:49 AM  
**To:** McConnell, Sheena PREM:EX; Aaron, Sage PREM:EX  
**Subject:** James

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**From:** Dean, Jeff  
**Sent:** Thursday, January 24, 2019 10:26 AM  
**To:** May, Ed <[Ed.May@leg.bc.ca](mailto:Ed.May@leg.bc.ca)>  
**Subject:** Craig James' actions on 2010 recall campaigns

Around November 25, 2010, he denied the Oak Bay-Gordon Head recall petition application on the grounds that its wording was too long because abbreviations like MLA and HST had to be spelled out. They could and did re-submit the petition application. This was criticized heavily by the likes of Bill Vander Zalm ("Very clear to a lot of people that he's working for the Liberals; he's not working for the people."), but pundits were less strident.

When discussing it on the Bill Good show, Keith Baldrey and Vaughn Palmer both agreed that, "Elections BC has done them a favour, maybe even.... You can certainly look at this as an overzealous ruling by Elections BC, but at the end of the day, they would have created a technicality for Ida Chong to challenge it by not forcing the recall people to change the statement." The Times Colonist editorial board said, "Elections B.C. looks incompetent in its handling of the first **recall** petition submitted by the Fight HST group."

Also:

- Craig James received hate mail and death threats for that decision, which came to light around January, 2011, just as the OBGH recall signature period was coming to an end.
- James was criticized in early November, 2010, for threatening HST signature-gatherers.
- Craig James was also criticized for his handling of a minor technicality when the HST petition was successful: before referring it to a committee of the legislature, he waited for the Supreme Court to rule on a petition against it by some business groups. The delay ended up being minor.
- The Liberals were criticized for not appointing a permanent chief electoral officer, and surprising the NDP with the temporary appointment of Craig James. Though it must be said that nobody objected to Craig James himself.
- Craig James was also criticized for firing the deputy chief electoral officer, Linda Johnson and restructuring the office. It turned out that Johnson was the person who had ruled against the government sending out their pro-HST mailout during the petition.

-Jeff

Vaughn Palmer, August 13, 2010:

Copyright

Vancouver Sun Editorial, August 13, 2010:

Copyright

Paul Willcocks, August 20, 2010:

**Liberals put Elections B.C. in a bad spot**

Copyright

Fowlie, September 24, 2010:

Copyright

Leonard Krog and John McComb on Linda Johnson's firing, September 24, 2010

Copyright

Fowlie, November 9, 2010

Copyright

Chris Delaney on CBC Radio, November 9, 2010

Copyright

Vander Zalm on CKNW, November 25, 2010

Copyright

Kamloops This Week Editorial, November 25, 2010

Copyright

Palmer, Baldrey and Good on CKNW, November 26, 2010

Copyright

Cindy Harnett, November 27, 2010

Copyright

Copyright

Times Colonist Editorial, November 28, 2010

Copyright

Times Colonist, December 2, 2010

Copyright

Rob Shaw, December 14, 2010

Copyright

Palmer, January 14, 2011

Copyright

Vancouver Sun, Page A03, 13-Aug-2010

## **Liberals free to change anti-HST proposal**

*By Vaughn Palmer*

Copyright

Vancouver Sun, Page A12, 13-Aug-2010

## **Campbell ignores the HST petition at his party's peril**

*By Editorial*



Times Colonist (Victoria), Page A12, 20-Aug-2010

## **Liberals put Elections B.C. in a bad spot**

*By Paul Willcocks*

Copyright

[pwillcocks@tc.canwest.com](mailto:pwillcocks@tc.canwest.com)

CKNW, 24-Sep-2010 15:37

## **Krog: Why was Linda Johnson fired?**

*By CKNW World Today*

Copyright



Vancouver Sun, Page A02, 24-Sep-2010

## **Recalls to cost at least \$500,000 each**

*By Jonathan Fowlie*

Copyright

[jfowlie@vancouversun.com](mailto:jfowlie@vancouversun.com)

Vancouver Sun, Page A02, 09-Nov-2010

## **Elections BC calls on RCMP to probe seven canvassers from Fight HST**

*By Jonathan Fowlie*

Copyright

[jfowlie@vancouversun.com](mailto:jfowlie@vancouversun.com)

CBU, 09-Nov-2010 07:12

## **Delaney: Elections BC investigation a farce**

*By CBC Early Edition*

Copyright



CKNW, 25-Nov-2010 08:00

## **Zalm demanding resignation of Elections BC head**

*By CKNW*

Copyright

Kamloops This Week, Page 8, 25-Nov-2010

## **EDITORIAL: Elections BC head perfects art of pettiness**

We all know Bill Vander Zalm has a flair for the dramatic.

Copyright 2010 kamloops

CKNW, 26-Nov-2010 09:06

## **Edge of the Leg: Abbott, Clark, James**

*By CKNW Bill Good*

Copyright

## **Elections BC admits rules changed after recall application filed**

*By Cindy E. Harnett*

Copyright

Elections BC said Friday that James was not available for comment.

Times Colonist (Victoria), Page D02, 28-Nov-2010

## **Elections B.C. and recall**

*By Editorial*

Copyright

Times Colonist (Victoria), Page A07, 02-Dec-2010

## **Delay did me no favours, Chong says**

Copyright

Times Colonist (Victoria), Page A05, 14-Dec-2010

## **MLAs in no rush to install new chief electoral officer**

*By Rob Shaw*

Copyright

Vancouver Sun, Page A03, 14-Jan-2011

## **Leaders of recall campaign seem bent on re-victimizing Craig James**

*By Vaughn Palmer*

Copyright

[vpalmer@vancouver.sun.com](mailto:vpalmer@vancouver.sun.com)

## OOP FOI PREM:EX

---

**From:** Howlett, Tim GCPE:EX  
**Sent:** January 22, 2019 12:11 PM  
**To:** Holmwood, Jen PREM:EX; Aaron, Sage PREM:EX  
**Subject:** Palmer - Jun 2011: Clerk's appointment a telling sign

Vancouver Sun, Page A03, 03-Jun-2011

### **Clerk's appointment a telling sign**

*By Vaughn Palmer*

Copyright

[vpalmer@vancouver.sun.com](mailto:vpalmer@vancouver.sun.com)

Tim Howlett  
Director of Issues Management  
250.208.4828

## OOP FOI PREM:EX

---

**From:** Aaron, Sage PREM:EX  
**Sent:** December 5, 2018 5:54 PM  
**To:** Marcella Bernardo; Holmwood, Jen PREM:EX  
**Subject:** RE: Possible media avail tomorrow?

Hi Marcella,  
Again, it was lovely to see you this past weekend!  
So, not from the premier as he'll be on his way to the 1st Ministers meeting in Montreal. We'll stay in touch and let you know if there's an avail from someone else on our side.

Sage  
778-678-0832

-----Original Message-----

From: Marcella Bernardo [mailto:Marcella.Bernardo@vancouVERRADIO.rogers.com]  
Sent: Wednesday, December 5, 2018 5:26 PM  
To: Holmwood, Jen PREM:EX  
Cc: Aaron, Sage PREM:EX  
Subject: Possible media avail tomorrow?

Hi Jen,

Is there any chance of a media availability after this committee meeting tomorrow?

My shift starts at 11am, but because we don't have a reporter in Victoria (yet), it's going to be difficult to chase by phone.

Thanks for any advice,  
Marcella

Leg Scandal/AG 1Bernardo/phoneDec052018new@

A police investigation involving the top two officials at the BC Legislature is making it harder for the province's Auditor General to do her job.

Carol Bellringer hasn't received this year's 80-million dollar financial report for the legislature yet and now, she's refusing to approve it because she hasn't been told if there's a link to that RCMP probe.

"I'd actually go further than that and say that I'm not prepared to sign any audit opinions on anything until I know what's going on."

"Has anyone indicated whether or not they're going to bring you in the loop on this?"

"I haven't been yet, so I don't know when that's going to happen."

It's been more than two weeks (Nov. 20th), since Legislature Clerk Craig James and Sergeant-at-Arms Gary Lenz were placed on paid leave.

An all-party legislative assembly management committee is meeting tomorrow (Thursday) with Speaker Darryl Plecas who's refusing to disclose why two special prosecutors have been appointed. That group is responsible for approving financial statements before they're reviewed by Bellringer.

Leg Scandal/AG 2Bernardo/phoneDec052018new@

BC's Auditor General is refusing to approve this year's 80-million dollar financial report for the BC Legislature. Carol Bellringer says she's not prepared to sign 'any audit opinions' until she's told if there's a link to an ongoing RCMP investigation.

"There is a meeting of the legislative assembly management commission. There may be more information there. I don't have additional information at this point."

Tomorrow's (Thursday) committee meeting with Speaker Darryl Plecas comes more than two weeks after Sergeant-at-Arms Gary Lenz and Legislature Clerk Craig James were placed on paid leave. They've repeatedly denied any wrong-doing and claim they have no idea why they're under investigation.

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---

## OOP FOI PREM:EX

---

**From:** Aaron, Sage PREM:EX  
**Sent:** November 30, 2018 2:21 PM  
**To:** Papadopoulos, James TRAN:EX; Beale, William TRAN:EX  
**Subject:** FW: BB/iPhone Green Report - Friday, November 30, 2018

Hopefully you saw this already

Sage  
778-678-0832

---

**From:** Ryckman, Scott GCPE:EX  
**Sent:** Friday, November 30, 2018 1:47 PM  
**To:** Dewar, Bob PREM:EX  
**Cc:** Aaron, Sage PREM:EX  
**Subject:** Re: BB/iPhone Green Report - Friday, November 30, 2018

**CBU, 30-Nov-2018**

3

## Horgan - James/Lenz suspension

**By CBC Early Edition**

Copyright







On 2018-11-30, at 1:35 PM, Dewar, Bob PREM:EX wrote:

Hey Scott,

Can you send Sage and I the transcript of Premier's interview on CBC radio this morning with Stephen Quinn.

Thanks,  
Bob Dewar

-----Original Message-----

From: [Scott.Ryckman@gov.bc.ca](mailto:Scott.Ryckman@gov.bc.ca) [mailto:Scott.Ryckman@gov.bc.ca]

Sent: Friday, November 30, 2018 9:32 AM

Subject: BB/iPhone Green Report - Friday, November 30, 2018

Green Report

Do not forward this email.

Click

<http://tno.gov.bc.ca/tno/wapservlet/tno.otis.wapservlet?command=showonbb&key=NDEyMDk2MzkyLnRubw==tno> to view a Blackberry/iPhone friendly version of this report.

## OOP FOI PREM:EX

---

**From:** Aaron, Sage PREM:EX  
**Sent:** November 30, 2018 2:11 PM  
**To:** McConnell, Sheena PREM:EX; Holmwood, Jen PREM:EX  
**Subject:** FW: BB/iPhone Green Report - Friday, November 30, 2018

Bob is coming to help us prep for the climate plan stuff.

Sage  
778-678-0832

---

**From:** Ryckman, Scott GCPE:EX  
**Sent:** Friday, November 30, 2018 1:47 PM  
**To:** Dewar, Bob PREM:EX  
**Cc:** Aaron, Sage PREM:EX  
**Subject:** Re: BB/iPhone Green Report - Friday, November 30, 2018

**CBU, 30-Nov-2018**

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Sent: Friday, November 30, 2018 9:32 AM

Subject: BB/iPhone Green Report - Friday, November 30, 2018

Green Report

Do not forward this email.

Click

<http://tno.gov.bc.ca/tno/wapservlet/tno.otis.wapservlet?command=showonbb&key=NDEyMDk2MzkyLnRubw==tno> to view a Blackberry/iPhone friendly version of this report.

## OOP FOI PREM:EX

---

**From:** Aaron, Sage PREM:EX  
**Sent:** January 27, 2019 2:11 PM  
**To:** McConnell, Sheena PREM:EX  
**Subject:** 2019.1.25 Issues Scan - Vancouver AME.docx  
**Attachments:** 2019.1.25 Issues Scan - Vancouver AME.docx; ATT00001.txt

Do you have this?

## **Issues Scan**

**AME – Vancouver**

**January 28th**

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## Speculation Tax

### Background:

- Media may ask about wait times for calls to the speculation and vacancy tax call centre
- On January 24, MLA Letnick claimed he phoned the call centre and was on hold for 47 minutes before he hung up.
- The exemptions ensure this Nanaimo resident will not pay the tax. Nanaimo residents are not scheduled to receive their declaration letters until February 15.

### Message:

- The old government's choices left our province with near-zero vacancy rates and the most unaffordable housing prices in Canada.
- Now we have a crisis where working and middle class British Columbians can't afford a home and businesses can't find the workers they need.
- Our government is tackling the housing crisis head-on.
- The Speculation and Vacancy Tax is a key measure to tackle the housing crisis in BC's major urban centres.
- It targets foreign and domestic speculators and turns empty homes into housing for people.
- We're asking people to help us identify vacant homes and properties being held for speculation, helping us to make housing more affordable.

s.13

### *Why does the call centre have long wait times?*

- Our government wants to make sure people who are calling in to the call centre are getting the information they need in the quickest way possible.

s.13

### **LNG Canada CEO Comments on Protests**

#### Background:

- During his remarks at the Natural Resources Forum, LNG Canada CEO Andy Calitz said the company fully intends to move ahead with the project, and will stick with the 5 year construction schedule they started last fall.
- He pointed to the agreements that have been signed by the company and the nations along the pipeline route, and the millions of dollars in contracts LNG Canada had approved to businesses in BC, many of which are First Nations' businesses.
- Andy Calitz also said that it may not be possible to gain unanimous support for major infrastructure projects in BC, and that questions around Indigenous governance is a conversation for other people to resolve.

#### Message:

- LNG Canada has shown they understand the importance of consultation and meaningful reconciliation with First Nations and that's why they've signed agreements with every First Nation along the pipeline corridor.
- This project represents great opportunities for all people in British Columbia, and it also recognizes and highlights the challenges of reconciliation.
- As I've said before, there's no quick fix to resolving issues that go back hundreds of years. But our government remains committed to the hard work of reconciliation.

## Unist'ot'en Trapline

### Background:

- On January 23, Unist'ot'en Camp posted a video online alleging that Coastal GasLink contractors bulldozed through one of their traplines.
- They say damage to the trapline represents an attack on their healing centre and to the Wet'suwet'en people.
- The Environmental Assessment Office and the Oil and Gas Commission are investigating this situation. It is an offence under the Wildlife Act to interfere with a trap line.
- Coastal GasLink said on January 23 saying that new traps were erected on an active construction site after the area had been cleared for work. Coastal Gaslink stopped work on January 24th and have said they are working with RCMP to resolve the situation.

### Message:

s.13

- It's my understanding that the Environmental Assessment Office and the Oil and Gas Commission are investigating. I will leave it to them.

## Legislative Assembly and FOIPPA

### Background:

- The Speaker's report may lead to renewed questions around transparency of the Legislative Assembly and its possible inclusion under FOI.
- Parliamentary convention maintains that B.C.'s Legislative Assembly, and comparable legislative institutions across Canada, maintain independence from core government.
- Additionally, FOIPPA is designed to cover public bodies and core government. The legislation sets out the access and privacy rights of British Columbians as they relate to public sector entities. It is not intended to guide disclosure of the Legislative Assembly or Office of the Speaker.

### Message:

- The Speaker's report has made it clear that more transparency is needed when it comes to the operations and finances of the Legislative Assembly.
- After 16 years of a sense of entitlement at the legislature, it's time to clean that up.
- There are a number of options that LAMC can look at to make sure it happens.
- When it comes to expenditures, when it comes to public money, when it comes to how offices are run, it should be transparent.
- It is clear that senior staff members, like the clerk, like the sergeant-at-arms, need to have equal scrutiny on expenses.

## Mayor's Council Meeting - UBC Skytrain

### Background:

- At the Jan 24 Mayors' Council meeting they reviewed the Beyond Arbutus Rapid Transit study which assessed alternatives to extend rapid transit to UBC.
- B.C. committed to funding 40% of every phase of the Mayors' Council's 10-Year Vision, however construction of rapid transit from Arbutus to UBC is not currently included.
- Construction of SkyTrain to UBC would require a new TransLink investment plan and funding before the project could proceed.
- Mayors from smaller communities, incl. Port Coquitlam Mayor West and North Vancouver District Mayor Little, voiced concern about additional investments going to Vancouver/UBC when they feel their communities are underserved.
- Vancouver Mayor Stewart shared that he met with PJH and that "the province is cautious, but I saw the grins around the table".
- No decisions were made at the Mayors' Council meeting, TransLink will take input and compile report for next meeting for decision. There will be multiple decision points.

### Message:

- Investment in public transportation for Metro Vancouver has been and will continue to be a priority for our government.
- Unlike the previous government, we committed to funding 40% of the Mayors' 10-Year Vision and are currently working with TransLink to deliver Phase 2 of the Vision.
- Any future investment decision would require cooperation and cost sharing from all levels of government – provincial, federal and regional.
- In the meantime, we look forward to learning more about this proposal regarding future transit expansions for Metro Vancouver.
- It's encouraging to see that other organizations outside of government are enthusiastic about investing in transportation infrastructure that would benefit their community.

s.13

- I look forward to working with the Mayors' Council as they develop their plan for future transit expansions for the entire Metro Vancouver region.

## **George Massey Replacement**

### Background:

- On January 24th, the Mayor's Council received a report on the George Massey Crossing Review by Geoff Cross, TransLink's Vice President for Transportation and Policy.
- The report presentation was brief and focused on TransLink's priorities during discussions with the provincial government about replacing or upgrading the Massey crossing.

### Message:

- Our technical review of the George Massey Tunnel Replacement revealed the old government's 10-lane bridge was the wrong project for the region.
- The old government failed to listen to the concerns of community leaders, and failed to adequately assess other options for adding capacity and reducing congestion.
- We're consulting with municipalities and First Nations and conducting engineering assessments of the other options. Communities will be a part of the decision moving forward.
- In the meantime, we will be aggressively pursuing congestion relief in the area so people can spend less time in traffic.

## **Hospital Pay Parking**

### Background:

- A number of media outlets have covered a campaign by an organization seeking to remove pay parking at hospitals throughout the province.
- The campaign has focussed on increases in parking income and on the fact that parking revenues go to private operators contracted by Health Authorities.
- In November, Surrey approved a plan for free 2-hr parking in street spots surrounding Surrey Memorial Hospital.

### Message:

- I appreciate people's frustration on hospital parking.
- That's why we've taken action by not expanding pay parking to new sites.
- At the same time we have to ensure we are maintaining health care services and the resources to support the care people deserve.
- I know that Minister Dix is seized of the issue and has been meeting with people and groups about it.
- For people who need relief now, health authorities have a hardship process to waive fees where it poses a particular challenge to patients and families.

## **Government Injunction in Cambie Case Dismissed**

### Background:

- On Jan. 24, the B.C. Court of Appeal denied the B.C. government's application for leave to appeal the Nov. 23 injunction in the Cambie case.
- That injunction prevents the enforcement of extra-billing provisions of the Medicare Protection Act until June 1, 2019.
- The judge said that granting the Province leave to appeal would only add more complexity to proceedings that have already taken substantial court time.

### Message:

- Obviously we're disappointed, but respect the court's decision. We're reviewing it now.
- We're going to continue our work to improve fair and equitable access to the public health care that people in B.C. rely on.
- That's why we've invested to increase access to surgeries and MRIs to decrease wait times for people.
- This year, 9,400 more publicly funded surgeries will be done across B.C., and we've boosted the number of MRI machines running 24/7 from 1 to 10 so that people can access care faster.

## **Eric Hamber Secondary Replacement**

### Background:

- Parents from Eric Hamber Secondary have been in the media this week expressing concern over the scope of the planned seismic replacement for the school.
- They are concerned that the new build does not currently include plans for an auditorium and other amenities, and say that the project will result in shutting down arts programming at the school.
- The School District has not completed the design for the project. Districts have the responsibility to design and build a replacement school and have considerable flexibility on design within the Ministry approved budget.
- Government had announced a \$79.3M replacement for Hamber in June 2018 - the largest seismic project in Vancouver's history.

### Message:

- The old government left behind 64 high risk seismic projects in Vancouver.
- We're working to get all students in seismically safe schools as soon as possible. We've accelerated funding of over \$186 million for Vancouver seismic projects.
- School districts are responsible for design decisions for replacement schools. I understand the district is still soliciting feedback.
- Ministry staff are working with the Vancouver School Board to ensure all design options are considered.

## **Whistleblower Protections**

### Background:

- On Jan. 24, media reported that the Premier is planning on speaking to the Attorney General about whistleblower protection for people working at the Legislature.
- In May 2018, government passed the Public Interest Disclosure Act to provide whistleblower protections for people in the public service. The provisions will come into force in October 2019.
- The Act does not cover Legislature employees. Doing so would require a legislative amendment.

### Message:

- It's important that there are protections in place to allow people to come forward without fear of reprisal.
- Our government passed legislation that will come into effect this fall to provide whistleblower protections for people working in the B.C. Public Service.
- We'll be looking at other areas where these protections could potentially be extended.

## **Teacher Bargaining**

### Background:

- Preliminary bargaining meetings with BC Teachers Federation set to begin the week of Jan. 28.

### Message:

s.13

- We're looking forward to a respectful and productive round of bargaining, working towards a renewed collective agreement that is good for teachers and for students.
- We're doing things differently, putting students at the centre of everything we do, and building a new relationship with teachers based on respect and trust.
- We've funded 3,700 new teaching positions to get kids the supports they need. We're also investing \$2 billion over 3 years to replace, renovate and expand schools.

## **BC Nurses' Union Ratifies Agreement**

### Background:

- The BC Nurses' Union has ratified their new agreement by a vote of 54% in support.
- BCNU President Christine Sorensen says the agreement will make a positive impact on their members and the patients in their care, but that nurses are skeptical real change will come.
- The agreement includes:
  - A 3 year term of April 1, 2019 – March 31, 2022
  - A general wage increase of 2% per year
  - Modernized staffing language that provides more certainty for employers and nurses and improves continuity of patient care
  - Improved language to clarify and streamline the process for staff to address professional practice challenges in the workplace.

### Message:

- I'm glad to see the BC Nurses Union have ratified their agreement.
- This agreement is consistent with the approach that our government has taken with all our public sector negotiations.

## **Imperial Metals - Mount Polley Mine**

### Background:

- On January 7, Imperial Metals announced it will be temporarily shutting down operations by the end of May 2019, and laying off approximately 300 workers at its Mount Polley mine.
- Imperial Metals says this decision was made due to the declining price of copper. They say operations will resume when the economics of mining at Mount Polley improve.
- Environmental monitoring and the remediation work associated with the tailings pond breach will continue while the mine is shutdown.

### Message:

- When our government learned about the temporary shutdown, our immediate focus was on what we can do to support the workers, their families and communities during this difficult time.
- Right away, ministry staff reached out to the company to explore options to support workers and help them find new work.

## Caribou Habitat

### Background:

- BC is currently negotiating a Caribou Recovery Partnership Agreement with the federal government and West Moberly and Sauteau First Nations.
- In early January a meeting was scheduled and subsequently cancelled between DMs from ENVR and EMPR and members of the Peace River Regional District.
- Media may ask about cancelled meetings and the perceived lack of transparency around the process.
- Ministers Heyman and Donaldson held a meeting with local mayors and other key stakeholders at the Natural Resource Forum to discuss this topic.
- Government staff will be in the Peace region in February holding open meetings to undertake public engagement.

### Message:

- The old government ignored calls for action to protect caribou habitat for over a decade – and instead kept in place a patchwork solution that didn't do enough to protect caribou and allowed them to reach near extinction.
- They left us in a position where if we fail to take action, the federal government could unilaterally make changes that could harm BC's economy.
- Our government is committed to protecting the environment and caribou, while providing for the best interests of British Columbians.
- We are currently negotiating a Caribou Recovery Partnership Agreement with the federal government and West Moberly & Sauteau First Nations.
- We believe that the best solution is a solution made by BC for British Columbians.

## EAs in Constituency Offices and Renovation Expenses

### Background:

- The BC Liberal Caucus sent out a news release on Friday, January 25 which suggested government has spent \$127,000 to renovate constituency offices for executive assistants.
- The figure is entirely inaccurate and is based on an FOI from Minister Conroy's office incurred an \$6770 expense to renovate her constituency office for her Executive Assistant because of the sensitive files handled by MCFD.
- It appears the opposition has taken the \$6770 number and multiplied it by the number of Executive Assistants.
- Most EAs only required a desk and computer - paid for by the Ministry - and did not require any renovations.
- The release came following news reports that the Speaker of the Legislative Assembly said Christy Clark told BC Liberal MLAs they should fire any constituency assistant not willing to campaign for the party.

### Message:

- The opposition is making false claims - the vast majority of EAs did not require any renovations.
- Minister Conroy's Executive Assistant required a more private space to be created in the office due to the sensitive nature of the work in Children and Family Development.

## **Minister Trevena's 2010 Kenya trip**

### Background:

- A citizen has tweeted they want Claire Trevena to explain her expenses from a 2010 trip to Kenya while she was Deputy Assistant Speaker.
- Also on that trip were her spouse, Craig James (as Acting Chief Electoral Officer) and his spouse, and Bill Barisoff and his spouse.
- The tweet has been shared by Norman Spector.
- Reporters may ask about if her expenses from the trip were appropriate (and also her husband's expenses being covered by the Speaker's office).

s.13

## OOP FOI PREM:EX

---

**From:** Howlett, Tim GCPE:EX  
**Sent:** January 27, 2019 2:05 PM  
**To:** Aaron, Sage PREM:EX  
**Subject:** Fwd: Scan!  
**Attachments:** 2019.1.25 Issues Scan - Vancouver AME.docx; ATT00001.htm

Going to update a piece on Coastal Gaslink this aft

Tim Howlett  
Issues Management  
250.208.4828

Begin forwarded message:

**From:** "Howlett, Tim GCPE:EX" <[Tim.Howlett@gov.bc.ca](mailto:Tim.Howlett@gov.bc.ca)>  
**Date:** January 25, 2019 at 4:16:40 PM PST  
**To:** "Nash, Amber PREM:EX" <[Amber.Nash@gov.bc.ca](mailto:Amber.Nash@gov.bc.ca)>  
**Subject:** RE: Scan!

Sorry – oplease print this one

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**From:** Howlett, Tim GCPE:EX  
**Sent:** Friday, January 25, 2019 4:16 PM  
**To:** Nash, Amber PREM:EX ([Amber.Nash@gov.bc.ca](mailto:Amber.Nash@gov.bc.ca)) <[Amber.Nash@gov.bc.ca](mailto:Amber.Nash@gov.bc.ca)>  
**Subject:** Scan!

Tim Howlett  
Director of Issues Management  
250.208.4828

## **Issues Scan**

**AME – Vancouver**

**January 28th**

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## Speculation Tax

### Background:

- Media may ask about wait times for calls to the speculation and vacancy tax call centre
- On January 24, MLA Letnick claimed he phoned the call centre and was on hold for 47 minutes before he hung up.
- The exemptions ensure this Nanaimo resident will not pay the tax. Nanaimo residents are not scheduled to receive their declaration letters until February 15.

### Message:

- The old government's choices left our province with near-zero vacancy rates and the most unaffordable housing prices in Canada.
- Now we have a crisis where working and middle class British Columbians can't afford a home and businesses can't find the workers they need.
- Our government is tackling the housing crisis head-on.
- The Speculation and Vacancy Tax is a key measure to tackle the housing crisis in BC's major urban centres.
- It targets foreign and domestic speculators and turns empty homes into housing for people.
- We're asking people to help us identify vacant homes and properties being held for speculation, helping us to make housing more affordable.

s.13

### *Why does the call centre have long wait times?*

- Our government wants to make sure people who are calling in to the call centre are getting the information they need in the quickest way possible.

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### **LNG Canada CEO Comments on Protests**

#### Background:

- During his remarks at the Natural Resources Forum, LNG Canada CEO Andy Calitz said the company fully intends to move ahead with the project, and will stick with the 5 year construction schedule they started last fall.
- He pointed to the agreements that have been signed by the company and the nations along the pipeline route, and the millions of dollars in contracts LNG Canada had approved to businesses in BC, many of which are First Nations' businesses.
- Andy Calitz also said that it may not be possible to gain unanimous support for major infrastructure projects in BC, and that questions around Indigenous governance is a conversation for other people to resolve.

#### Message:

- LNG Canada has shown they understand the importance of consultation and meaningful reconciliation with First Nations and that's why they've signed agreements with every First Nation along the pipeline corridor.
- This project represents great opportunities for all people in British Columbia, and it also recognizes and highlights the challenges of reconciliation.
- As I've said before, there's no quick fix to resolving issues that go back hundreds of years. But our government remains committed to the hard work of reconciliation.

## Unist'ot'en Trapline

### Background:

- On January 23, Unist'ot'en Camp posted a video online alleging that Coastal GasLink contractors bulldozed through one of their traplines.
- They say damage to the trapline represents an attack on their healing centre and to the Wet'suwet'en people.
- The Environmental Assessment Office and the Oil and Gas Commission are investigating this situation. It is an offence under the Wildlife Act to interfere with a trap line.
- Coastal GasLink said on January 23 saying that new traps were erected on an active construction site after the area had been cleared for work. Coastal Gaslink stopped work on January 24th and have said they are working with RCMP to resolve the situation.

### Message:

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- It's my understanding that the Environmental Assessment Office and the Oil and Gas Commission are investigating. I will leave it to them.

## **Legislative Assembly and FOIPPA**

### Background:

- The Speaker's report may lead to renewed questions around transparency of the Legislative Assembly and its possible inclusion under FOI.
- Parliamentary convention maintains that B.C.'s Legislative Assembly, and comparable legislative institutions across Canada, maintain independence from core government.
- Additionally, FOIPPA is designed to cover public bodies and core government. The legislation sets out the access and privacy rights of British Columbians as they relate to public sector entities. It is not intended to guide disclosure of the Legislative Assembly or Office of the Speaker.

### Message:

- The Speaker's report has made it clear that more transparency is needed when it comes to the operations and finances of the Legislative Assembly.
- After 16 years of a sense of entitlement at the legislature, it's time to clean that up.
- There are a number of options that LAMC can look at to make sure it happens.
- When it comes to expenditures, when it comes to public money, when it comes to how offices are run, it should be transparent.
- It is clear that senior staff members, like the clerk, like the sergeant-at-arms, need to have equal scrutiny on expenses.

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## Mayor's Council Meeting - UBC Skytrain

### Background:

- At the Jan 24 Mayors' Council meeting they reviewed the Beyond Arbutus Rapid Transit study which assessed alternatives to extend rapid transit to UBC.
- B.C. committed to funding 40% of every phase of the Mayors' Council's 10-Year Vision, however construction of rapid transit from Arbutus to UBC is not currently included.
- Construction of SkyTrain to UBC would require a new TransLink investment plan and funding before the project could proceed.
- Mayors from smaller communities, incl. Port Coquitlam Mayor West and North Vancouver District Mayor Little, voiced concern about additional investments going to Vancouver/UBC when they feel their communities are underserved.
- Vancouver Mayor Stewart shared that he met with PJH and that "the province is cautious, but I saw the grins around the table".
- No decisions were made at the Mayors' Council meeting, TransLink will take input and compile report for next meeting for decision. There will be multiple decision points.

### Message:

- Investment in public transportation for Metro Vancouver has been and will continue to be a priority for our government.
- Unlike the previous government, we committed to funding 40% of the Mayors' 10-Year Vision and are currently working with TransLink to deliver Phase 2 of the Vision.
- Any future investment decision would require cooperation and cost sharing from all levels of government – provincial, federal and regional.
- In the meantime, we look forward to learning more about this proposal regarding future transit expansions for Metro Vancouver.
- It's encouraging to see that other organizations outside of government are enthusiastic about investing in transportation infrastructure that would benefit their community.

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- I look forward to working with the Mayors' Council as they develop their plan for future transit expansions for the entire Metro Vancouver region.

## **George Massey Replacement**

### Background:

- On January 24th, the Mayor's Council received a report on the George Massey Crossing Review by Geoff Cross, TransLink's Vice President for Transportation and Policy.
- The report presentation was brief and focused on TransLink's priorities during discussions with the provincial government about replacing or upgrading the Massey crossing.

### Message:

- Our technical review of the George Massey Tunnel Replacement revealed the old government's 10-lane bridge was the wrong project for the region.
- The old government failed to listen to the concerns of community leaders, and failed to adequately assess other options for adding capacity and reducing congestion.
- We're consulting with municipalities and First Nations and conducting engineering assessments of the other options. Communities will be a part of the decision moving forward.
- In the meantime, we will be aggressively pursuing congestion relief in the area so people can spend less time in traffic.

## **Hospital Pay Parking**

### Background:

- A number of media outlets have covered a campaign by an organization seeking to remove pay parking at hospitals throughout the province.
- The campaign has focussed on increases in parking income and on the fact that parking revenues go to private operators contracted by Health Authorities.
- In November, Surrey approved a plan for free 2-hr parking in street spots surrounding Surrey Memorial Hospital.

### Message:

- I appreciate people's frustration on hospital parking.
- That's why we've taken action by not expanding pay parking to new sites.
- At the same time we have to ensure we are maintaining health care services and the resources to support the care people deserve.
- I know that Minister Dix is seized of the issue and has been meeting with people and groups about it.
- For people who need relief now, health authorities have a hardship process to waive fees where it poses a particular challenge to patients and families.

## **Government Injunction in Cambie Case Dismissed**

### Background:

- On Jan. 24, the B.C. Court of Appeal denied the B.C. government's application for leave to appeal the Nov. 23 injunction in the Cambie case.
- That injunction prevents the enforcement of extra-billing provisions of the Medicare Protection Act until June 1, 2019.
- The judge said that granting the Province leave to appeal would only add more complexity to proceedings that have already taken substantial court time.

### Message:

- Obviously we're disappointed, but respect the court's decision. We're reviewing it now.
- We're going to continue our work to improve fair and equitable access to the public health care that people in B.C. rely on.
- That's why we've invested to increase access to surgeries and MRIs to decrease wait times for people.
- This year, 9,400 more publicly funded surgeries will be done across B.C., and we've boosted the number of MRI machines running 24/7 from 1 to 10 so that people can access care faster.

## **Eric Hamber Secondary Replacement**

### Background:

- Parents from Eric Hamber Secondary have been in the media this week expressing concern over the scope of the planned seismic replacement for the school.
- They are concerned that the new build does not currently include plans for an auditorium and other amenities, and say that the project will result in shutting down arts programming at the school.
- The School District has not completed the design for the project. Districts have the responsibility to design and build a replacement school and have considerable flexibility on design within the Ministry approved budget.
- Government had announced a \$79.3M replacement for Hamber in June 2018 - the largest seismic project in Vancouver's history.

### Message:

- The old government left behind 64 high risk seismic projects in Vancouver.
- We're working to get all students in seismically safe schools as soon as possible. We've accelerated funding of over \$186 million for Vancouver seismic projects.
- School districts are responsible for design decisions for replacement schools. I understand the district is still soliciting feedback.
- Ministry staff are working with the Vancouver School Board to ensure all design options are considered.

## **Whistleblower Protections**

### Background:

- On Jan. 24, media reported that the Premier is planning on speaking to the Attorney General about whistleblower protection for people working at the Legislature.
- In May 2018, government passed the Public Interest Disclosure Act to provide whistleblower protections for people in the public service. The provisions will come into force in October 2019.
- The Act does not cover Legislature employees. Doing so would require a legislative amendment.

### Message:

- It's important that there are protections in place to allow people to come forward without fear of reprisal.
- Our government passed legislation that will come into effect this fall to provide whistleblower protections for people working in the B.C. Public Service.
- We'll be looking at other areas where these protections could potentially be extended.

## **Teacher Bargaining**

### Background:

- Preliminary bargaining meetings with BC Teachers Federation set to begin the week of Jan. 28.

### Message:

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- We're looking forward to a respectful and productive round of bargaining, working towards a renewed collective agreement that is good for teachers and for students.
- We're doing things differently, putting students at the centre of everything we do, and building a new relationship with teachers based on respect and trust.
- We've funded 3,700 new teaching positions to get kids the supports they need. We're also investing \$2 billion over 3 years to replace, renovate and expand schools.

## **BC Nurses' Union Ratifies Agreement**

### Background:

- The BC Nurses' Union has ratified their new agreement by a vote of 54% in support.
- BCNU President Christine Sorensen says the agreement will make a positive impact on their members and the patients in their care, but that nurses are skeptical real change will come.
- The agreement includes:
  - A 3 year term of April 1, 2019 – March 31, 2022
  - A general wage increase of 2% per year
  - Modernized staffing language that provides more certainty for employers and nurses and improves continuity of patient care
  - Improved language to clarify and streamline the process for staff to address professional practice challenges in the workplace.

### Message:

- I'm glad to see the BC Nurses Union have ratified their agreement.
- This agreement is consistent with the approach that our government has taken with all our public sector negotiations.

## **Imperial Metals - Mount Polley Mine**

### Background:

- On January 7, Imperial Metals announced it will be temporarily shutting down operations by the end of May 2019, and laying off approximately 300 workers at its Mount Polley mine.
- Imperial Metals says this decision was made due to the declining price of copper. They say operations will resume when the economics of mining at Mount Polley improve.
- Environmental monitoring and the remediation work associated with the tailings pond breach will continue while the mine is shutdown.

### Message:

- When our government learned about the temporary shutdown, our immediate focus was on what we can do to support the workers, their families and communities during this difficult time.
- Right away, ministry staff reached out to the company to explore options to support workers and help them find new work.

## Caribou Habitat

### Background:

- BC is currently negotiating a Caribou Recovery Partnership Agreement with the federal government and West Moberly and Sauteau First Nations.
- In early January a meeting was scheduled and subsequently cancelled between DMs from ENVR and EMPR and members of the Peace River Regional District.
- Media may ask about cancelled meetings and the perceived lack of transparency around the process.
- Ministers Heyman and Donaldson held a meeting with local mayors and other key stakeholders at the Natural Resource Forum to discuss this topic.
- Government staff will be in the Peace region in February holding open meetings to undertake public engagement.

### Message:

- The old government ignored calls for action to protect caribou habitat for over a decade – and instead kept in place a patchwork solution that didn't do enough to protect caribou and allowed them to reach near extinction.
- They left us in a position where if we fail to take action, the federal government could unilaterally make changes that could harm BC's economy.
- Our government is committed to protecting the environment and caribou, while providing for the best interests of British Columbians.
- We are currently negotiating a Caribou Recovery Partnership Agreement with the federal government and West Moberly & Sauteau First Nations.
- We believe that the best solution is a solution made by BC for British Columbians.

## EAs in Constituency Offices and Renovation Expenses

### Background:

- The BC Liberal Caucus sent out a news release on Friday, January 25 which suggested government has spent \$127,000 to renovate constituency offices for executive assistants.
- The figure is entirely inaccurate and is based on an FOI from Minister Conroy's office incurred an \$6770 expense to renovate her constituency office for her Executive Assistant because of the sensitive files handled by MCFD.
- It appears the opposition has taken the \$6770 number and multiplied it by the number of Executive Assistants.
- Most EAs only required a desk and computer - paid for by the Ministry - and did not require any renovations.
- The release came following news reports that the Speaker of the Legislative Assembly said Christy Clark told BC Liberal MLAs they should fire any constituency assistant not willing to campaign for the party.

### Message:

- The opposition is making false claims - the vast majority of EAs did not require any renovations.
- Minister Conroy's Executive Assistant required a more private space to be created in the office due to the sensitive nature of the work in Children and Family Development.

s.13

## **Minister Trevena's 2010 Kenya trip**

### Background:

- A citizen has tweeted they want Claire Trevena to explain her expenses from a 2010 trip to Kenya while she was Deputy Assistant Speaker.
- Also on that trip were her spouse, Craig James (as Acting Chief Electoral Officer) and his spouse, and Bill Barisoff and his spouse.
- The tweet has been shared by Norman Spector.
- Reporters may ask about if her expenses from the trip were appropriate (and also her husband's expenses being covered by the Speaker's office).

s.13

## OOP FOI PREM:EX

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**From:** Aaron, Sage PREM:EX  
**Sent:** November 23, 2018 10:19 AM  
**To:** Meggs, Geoff PREM:EX; Hockin, Amber PREM:EX  
**Subject:** Fwd: Craig James & Gary Lenz  
**Attachments:** LT House Leaders - Nov. 23 2018.pdf; ATT00001.htm

Sage  
778-678-0832  
Sent from my mobile device

Begin forwarded message:

**From:** "Lawson, Liam PSSG:EX" <[Liam.Lawson@gov.bc.ca](mailto:Liam.Lawson@gov.bc.ca)>  
**Date:** November 23, 2018 at 10:15:54 AM PST  
**To:** "Aaron, Sage PREM:EX" <[Sage.Aaron@gov.bc.ca](mailto:Sage.Aaron@gov.bc.ca)>, "Holmwood, Jen PREM:EX" <[Jen.Holmwood@gov.bc.ca](mailto:Jen.Holmwood@gov.bc.ca)>  
**Subject:** Fwd: Craig James & Gary Lenz

Sent from my iPhone

Begin forwarded message:

**From:** "Minister, PSSG PSSG:EX" <[PSSG.Minister@gov.bc.ca](mailto:PSSG.Minister@gov.bc.ca)>  
**Date:** November 23, 2018 at 10:01:07 AM PST  
**To:** "Takkar, Nimmi PSSG:EX" <[Nimmi.Takkar@gov.bc.ca](mailto:Nimmi.Takkar@gov.bc.ca)>, "Lawson, Liam PSSG:EX" <[Liam.Lawson@gov.bc.ca](mailto:Liam.Lawson@gov.bc.ca)>  
**Subject:** FW: Craig James & Gary Lenz

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**From:** Gavin Cameron [<mailto:gcameron@fasken.com>]  
**Sent:** Friday, November 23, 2018 9:50 AM  
**To:** Farnworth.MLA, Mike LASS:EX; Minister, PSSG PSSG:EX; Polak.MLA, Mary LASS:EX; Furstenau.MLA, Sonia LASS:EX  
**Cc:** Mark D. Andrews  
**Subject:** Craig James & Gary Lenz

Dear Sir and Madams:

We are legal counsel to the Clerk of the Legislative Assembly, Craig James, and the Sergeant-at-Arms, Gary Lenz.

Please find attached our letter of today's date regarding the Legislative Assembly's treatment of its most senior officers, Messrs. James and Lenz.

As you will see from the letter, we seek a response from you, your designate(s), or from legal counsel by the end of the day today.

We look forward to hearing from you.

Gavin Cameron  
Fasken Martineau DuMoulin LLP

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November 23, 2018  
File No.: 247777.00017/13601

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## VIA EMAIL

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Dear Sir and Madams:

### **Re: The Legislative Assembly's treatment of its Clerk and Sergeant-at-Arms**

We are counsel to the Clerk of the Legislative Assembly, Craig James, and the Sergeant-at-Arms, Gary Lenz.

As you know, on November 20, 2018 the members of the legislative assembly passed the following motion:

That Mr. Craig James, Clerk of the Legislative Assembly, and Mr. Gary Lenz, Sergeant at Arms, are placed on administrative leave with pay and benefits, effective immediately.

During the period of administrative leave, and as a consequence of an outstanding investigation, Mr. James and Mr. Lenz must not access Legislative Assembly network equipment, systems or services and must not be present within any building that is part of the "Legislative Precinct" as defined in section 1 of the *Legislative Assembly Management Committee Act*, R.S.B.C. 1996, c. 258.

This resolution is subject to periodic review and modification by the Legislative Assembly.

It is our understanding that this motion was passed at your urging as leaders of the House, in compliance with a request from the Speaker at a meeting that took place the night before.

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Neither of our clients were provided with any advance notice of this motion. Instead, immediately afterwards, they were ejected from the Legislature in what appears to have been a deliberately public and humiliating manner, on the basis of secret allegations.

They have been provided with no explanation for this extreme treatment beyond being told that it is because of an "outstanding investigation", the nature of which was not and still has not been disclosed to them.

Craig James and Gary Lenz deny having committed any wrongdoing. They are entitled to be treated as innocent until proven guilty. They are the most senior and long-serving and loyal servants of the legislative assembly whose reputations are in the process of being destroyed by these events. As a matter of basic fairness, they deserved to be told what it is alleged that they have done and to be given an opportunity to respond to those allegations.

From statements made by various members to the media, it appears that, like our clients, the House leadership and members of the Legislative Assembly were also given no substantive information by the Speaker about the nature of the allegations prior to the motion being put forward. This was improper. You should have been provided with sufficient information to form a considered judgment on the motion and the necessity of taking such draconian action. With respect, the passage of this hasty and uninformed motion is undermining public confidence; and needs to be reconsidered without delay in accordance with basic principles of fairness and proper procedure.

In particular, in the absence of cogent facts that provide a demonstrably sufficient basis for a conclusion that the Clerk and Sergeant-at-Arms are unable to carry out the duties of their office pending the resolution of the investigation, the motion should be rescinded, and they should be restored to active duty. So far as we and our clients are aware, there are no such facts. The mere fact that there is an investigation is not a sufficient basis to suspend them from their posts.

In this regard, it is clear that their removal is not necessary for the purposes of the integrity of the investigation. One of the special prosecutors, David Butcher Q.C., has stated that this action was not done at the behest of the Special Prosecutors or the RCMP.

Police investigations can, and often do, take long periods of time to conclude, sometimes years. Unless there is something specific in the facts allegedly brought to light in this case that makes it impossible for Mr. James and Mr. Lenz to carry out their duties, the only way that the injustice now unfolding from the passage of the motion can be mitigated pending the outcome of the investigation, and public confidence restored, is for the motion to be rescinded.

There are other considerations: First, the process by which the motion came to be proposed had no proper basis. The Speaker has no constitutional authority to carry out an investigation of the Clerk of the Legislative Assembly or the Sergeant-at-Arms; and no authority to hire a "special advisor" to do so. Mr. Mullen had, and has, no standing to be involving himself in such matters. Neither the Speaker, nor his "Special Advisor" should have been behind such a process as has been followed in this case and proposing that you act in this uninformed fashion. In circumstances where the Sergeant-at-Arms has a conflict of interest, the appropriate procedure

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would have been for the Deputy Sergeant-at-Arms to conduct the investigation pursuant to the normal protocols for investigations of matters involving the legislative assembly. As noted above, that investigation should have included advising the Clerk and Sergeant at Arms of the allegations and obtaining their response. A balanced and factual report could then have been provided for your consideration. Furthermore, in our view, the *Constitution Act*, R.S.B.C. 1996, c. 66 does not authorize the placing of these most senior officers of the Legislature on administrative leave.

To be clear: our clients are not asking for the investigation to be stopped. They will cooperate with the investigation and any reasonable terms connected therewith, and wish it to proceed with dispatch. They will obviously recuse themselves from any matters relating to the investigation.

As the Ombudsperson detailed in his report titled "Misfire", it was only six years ago that a rushed decision, guided by suspicion and a flawed investigation, led to the wrongful termination and public humiliation of seven employees of the Ministry of Health, with tragic consequences.


We respectfully suggest that it appears that those mistakes are being repeated in the hasty and unfair decisions reached to date regarding Messrs. James and Lenz. We request that the House Leadership take immediate, principled, action to rescind the motion, before the House adjourns next week. Time is of the essence if some of the damage to our clients and to public respect for the workings of the legislative assembly is to be undone. The motion that has been passed expressly provides that it may be reviewed. The time for that is now.

As one member of the Legislative Assembly has noted, this is "a test for our democracy". We urge that the right thing be done in answer to this test. We note that, at this time, in the hope that the assembly will rectify its improper and unfair action, our clients have refrained from speaking with the media.

We look forward to hearing from you, or your designate(s), or from legal counsel, by the end of the day today.

Yours truly,

**FASKEN MARTINEAU DuMOULIN LLP**



Mark D. Andrews, Q.C.  
MA/GC

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Withheld pursuant to/removed as

s.14;s.22;s.15