

EVENING SITTING

INTRODUCTION OF GUESTS

Mr. Martin: — Mr. Speaker, I'd like to introduce to you, and through you and to the members of the House, nine Girl Guides accompanied by two of their instructors; Girl Guide Company No. 19. And they are, as I say, nine of them and they are accompanied by Nancy Hordern and Dorothy Schuster.

Welcome to the Legislative Assembly. I'll have an opportunity to meet with you at 7:45, I understand, and we'll have a picture taken. And meanwhile enjoy yourself in the House for the next little while and I'll see you a little later. Please welcome them.

Hon. Members: Hear, hear!

POINT OF PRIVILEGE (continued)

Mr. Trew: — Thank you, Mr. Speaker. As I was relating to the Assembly before the 5 o'clock adjournment, we're dealing today with a very, very serious crisis that the government has brought upon themselves. We're dealing with the fact that a minister attacked an officer of the Legislative Assembly in a very scurrilous, unfounded manner.

This attack by the member for Kindersley has brought about a, as you ruled, a prima facie case of privilege that we are addressing here in the legislature dealing with the impropriety of the member for Kindersley and what his allegations of the Provincial Auditor were.

I had mentioned before 5 o'clock, Mr. Speaker, that in the short time I have been a member of this Legislative Assembly I have not seen so serious a charge brought against a minister, certainly not a charge that is so patently true and so proven in document after document after document that subsequent speakers to me will be laying out in even greater detail than what I do.

Not only are we dealing with a very, very serious matter, but we've got, not one, but two questions of privilege before this Legislative Assembly right now. And it's truly a sad commentary on the state of affairs that our Legislative Assembly has come to this at this stage in our session, or at any stage for that matter.

It gives me no pleasure whatever to be participating in this particular matter. Indeed we should not be debating this if the member for Kindersley had at least got his facts straight or stuck with pure facts and not made some wild allegations that not only are not founded, but that we will be proving are unfounded in documents such as the special report by the provincial auditor tabled here just at about two minutes to 5. I was interrupted as I was speaking then, so you could properly table that report.

That report I've had an opportunity to peruse, and it just lays out in spades the things that New Democrats have been saying now. I can truly appreciate the silence from members opposite because you know you've got caught with your hand in the cookie jar. You know, you know,

that the Minister of Justice, the member for Kindersley, has not been acting in good faith.

Mr. Speaker, I was quoting from a *Leader-Post* article dated May 23. I'm going to briefly, very briefly summarize the highlights of what I had read there, and then pick up where I had left off.

The article starts by saying:

It wasn't until Friday morning that Saskatchewan truly discovered how distant from reality a government can become midway through its term.

And then it talks a bit about the affairs of the Legislative Assembly on Friday when the attack on the Provincial Auditor were made. It goes on . . . And the member for Regina Wascana . . . *Star-Phoenix*, May 23 . . . (inaudible interjection) . . . And the member for Mayfair says who read it to me. At least I can read my own material.

An Hon. Member: — Regina South.

Mr. Trew: — Regina South. Whatever. Whatever. I think they ran out of think-and-do books on the other side at any rate.

Mr. Speaker, the article goes on and points out that the Provincial Auditor, if he is correct, there is three and one-half billion dollars that the Provincial Auditor has not been able to account for — three and a half billion dollars of provincial spending between the government and the Crown corporations that the Provincial Auditor feels he should be covering.

Then the article deals with Friday, which is what we are dealing with here in this instance. And the article is really questioning what the Minister of Justice, the member for Kindersley, was really trying to do. The end of the paragraph says:

Either Andrew believed no one would ever see the full text of the letter or somebody convinced him an overnight epidemic of illiteracy had gripped Saskatchewan and only cabinet ministers from Kindersley were immune.

And I think that pretty much sums up what should be put to the statements that the Minister of Justice made on Friday. In *Hansard*, page 1246, at one point he said — and he was listing the points addressed in the letter — and he said, I quote:

Number three, Mr. Speaker, is, and I will read:

That he would of course expect to receive, on retirement, the same allowance and economic adjustments that are provided to deputy ministers.

That sounds pretty damning. It sounds like the Provincial Auditor was merely trying to look after his retirement. But what is the truth, in the letter dated April 20th to Mr. Larry Kyle from Mr. G.J.K. Neill, the letter said:

He would, of course, expect to receive on retirement the same allowances and economic adjustments that are provided Deputy Ministers in accordance with The Provincial Auditor Act.

In according with existing legislation, Mr. Speaker. Isn't it amazing what leaving out seven words will do. It is . . . seven words completely turned that sentence around, make what is outlined in law seem like the Provincial Auditor is asking for some special consideration. No special favours asked here at all, simply a confirmation that the law will be followed and his normal retirement will take place.

The second part, in answer to the same question the Minister of Justice said, and I quote:

Number four, Mr. Speaker: he also recommends that his successor be appointed internally — in other words, that he has a say in who his successor is.

Well let me point out what the next sentence of the April 20 letter said, and this is a quote from the letter:

He also recommended that his successor be appointed internally in accordance with the convention that has been established in this province, Ontario, Manitoba, Alberta, P.E.I., Newfoundland, and Nova Scotia.

But the most important, "in this province". So the auditor is simply saying, for heaven's sakes, let's do what we have done — let's keep the appointment of an auditor out of the hands of Executive Council, out of the hands of cabinet alone. Let the Provincial Auditor deal with that.

The third allegation that the member for Kindersley made in answer to a subsequent question, and I quote. Again he quoted this from the April 20 letter:

I am advised if speedy acceptance of this proposal is confirmed in writing, the Provincial Auditor will amend his report to reflect that satisfactory steps have been taken (to negotiate the deal.)

Well, let's see what the letter says. It says:

I am advised that if speedy acceptance of both these proposals is confirmed in writing, the Provincial Auditor will amend his Report to reflect that satisfactory steps have been negotiated to answer his concerns.

These legitimate concerns that the Provincial Auditor raised earlier, and that indeed, in the conversation that the government had initiated, Mr. Speaker. So we have a dastardly attack by the Minister of Justice on an officer of this institution, an officer that we in the opposition have been asking . . . Bring the Provincial Auditor before the bar in this very Legislative Assembly Chamber. Let's find out what happened. All of the documentation that has come our way just reaffirms in spades what we have been saying. It confirms that the Minister of Justice is not in order in his attacks on the Provincial Auditor.

Mr. Speaker, what we're dealing with today is an 11-year veteran of this Legislative Assembly in his second term as a cabinet minister, not some rookie. Eleven years in this Legislative Assembly in his second term as a cabinet minister, and yet he goes about making statements that are unfounded, such as the one that appeared in the *Kindersley Clarion* last summer, and this is from the same article that I was reading.

"Auditors are people," (and I'm quoting from the member for Kindersley), "Auditors are people who bump against reality once a year," he told the *Kindersley Clarion* last summer. "They live in that jungle zoo and call themselves bureaucrats. They wear thick glasses because they're looking at the fine print to see if every "i" is dotted."

So clearly, you've got a minister that has no feel for what the honourable profession of auditing is all about. We have a Minister of Justice who thinks for all the world . . . he states for all the world to hear that auditors are not even a necessary evil. He thinks they're unnecessary. He thinks all they're looking for is to make sure the i's are dotted and the t's are crossed.

That is not, as any auditor would tell you, that is not what the profession is all about. And in this particular instance, the Provincial Auditor, the Provincial Auditor, Mr. Speaker, has to report, is the watch-dog for all of the people of Saskatchewan. We are asking in this instance for some simple fairness to be presented. Fairness, that's all we ask, fairness.

The letter . . . or pardon me, the article that I have been referring to, I just want to read the last two paragraphs, Mr. Speaker, and then I'll move on to other things. And it says, I quote:

Andrew, one assumes, is either preparing an apology or compiling documentation to back up a grave insinuation he has made about a non-partisan servant of the legislative assembly.

Come Tuesday afternoon when MLAs return to their desks, Andrew will need more than the misinterpretation of one letter to survive the debate he has brought on himself.

I think that that article was very well written. I commend Ron Petrie for it, and I commend members opposite to take the time to read a newspaper instead of the funny papers and they would quickly come to see how serious this matter is.

(1915)

It's truly not a laughing matter, Mr. Speaker, we're dealing with a very serious allegation; we're asking for some very serious results, if you will, from this motion. And I hope, it is my sincere hope that as long as I'm ever in this Legislative Assembly that we never deal, we never have to deal with such an issue again.

Mr. Speaker, I would like now to deal with the special report by the Provincial Auditor that was tabled just minutes before 5 o'clock. I'm not dealing with the whole

article, of course, I'm simply going to be referring to the parts that are germane to the case that we are making against the member for Kindersley.

Mr. Speaker, the government has caused a crisis, and it is a crisis entirely, entirely of its own making. The annual report of the Provincial Auditor was a damning indictment of the PC government's waste and mismanagement. Indeed, the Provincial Auditor's report, Mr. Speaker, is probably the harshest Provincial Auditor report that any government in Saskatchewan has ever received. Small wonder that government members opposite, after seven sorry, Tory years, want to discredit the Provincial Auditor. Small wonder that they want to hide from this Provincial Auditor's report. But it can't be done. You can run but you can't hide, and they're finding that out.

So rather than acknowledge their shortcomings, rather than move swiftly to clean up its act, instead of heeding the message, the government attacks the messenger. And in doing so, the Minister of Justice and the Premier, who has fully supported this minister, the Premier who at every step of this fiasco has totally supported the Minister of Justice — the Premier and the Minister of Justice have therefore made some serious allegations of misconduct and impropriety on the part of the Provincial Auditor.

The allegations themselves were so improper, so unacceptable, so outrageous an assault on an officer of this legislature that the Speaker, you, sir, have ruled there is a *prima facie* case of privilege.

On Friday, and again on Tuesday, the minister tabled certain correspondence which he claimed backed up and supported his allegations. In fact, as recent history has shown, the minister tabled only a very small fraction of the relevant correspondence. Moreover, the minister misquoted and misrepresented the little bit of correspondence that he did table in the Legislative Assembly.

The article that I have just quoted rather extensively from, points that out. And I couldn't agree more with that article and everything else that has come our way. Everything I've been able to get my hands on supports the fact that the minister misquoted and misrepresented what little correspondence he did table.

Therefore late today, Mr. Speaker, the Provincial Auditor took an unprecedented, extraordinary step by providing to all members of the legislature here in this Assembly this special report, sir. And all members should note, and the public should note three very important features in this special report.

First, it's been prepared and submitted in accordance with the law — legally submitted to the proper place.

Second, this special report has been submitted to all members of the legislature — 64 members of the legislature — because the Provincial Auditor is responsible to the legislature as a whole, not to the cabinet, and certainly not only to the government of the day.

The third thing that is worthy of note is this special report appears to include all of the relevant correspondence between the government and the auditor, not just selected portions, selected at the whim of the Minister of Justice.

Mr. Speaker, I mentioned that I've had an opportunity to review this special report very briefly — as you can well understand having received it a scant two hours and 20 minutes ago — but I'd like to note the following points in this special report, and I'll do it chronologically, Mr. Speaker.

On page 2, section 1.01, that clearly shows that this particular process that we've been talking about was initiated by the government representative, Mr. Kyle — clearly, section 1.01, page 2. Section 1.03, it was for Mr. Kyle who first proposed three specific issues for negotiation. They are: one, joint audits; two, amendments to The (Provincial) Auditor's Act; and three, the auditor's retirement and participation in naming his successor. Very clearly there.

We go to page 3, Mr. Speaker, again selecting the sections that are pertinent to this particular case that we're dealing with today. On page 3, section 1.07, the minister has made a great deal about the package, this package referred to in a letter of April 14th, and the auditor included that package in this report as Appendix V to the report. The package is right there in black and white for any of the government members that know how to read. It's there for all the rest of us, too.

Mr. Speaker, colleagues of mine on this side of the House will be referring in greater detail, I'm sure, to those sections. I just simply want to point it out so that some of the, particularly the back-benchers opposite will have an opportunity to look through it.

We're trying to lead you through this whole dirty process step by step. Have a chance to look at it. Formulate your own opinion. You were elected as representatives for your own constituencies. Certainly you were elected as Conservatives, but your first obligation is to represent your constituencies, and your constituencies will be well served if you take this matter very, very seriously.

Come to whatever conclusions you can, come . . . the member for Saltcoats muttering from his seat. I look forward to hearing him enter this debate. I simply urge that members opposite look through the information, come to whatever conclusion you can on your own, honestly. But I'm pleading that this is important enough that you at least satisfy yourselves, rather than simply falling into line with what the party line is.

On page 3, section 1.08, that so-called package, Mr. Speaker, essentially deals only with the issues that had been raised by the government's representative in the first place. Nothing new, nothing new there at all.

Then we go to page 4, and as an act of good faith, the auditor went so far as to offer to place his retirement letter in escrow in order to demonstrate his good faith. And it's a short sentence and I will read it, middle of page four:

In order to allay any fears that I might not retire, as I offered, I suggested my retirement letter be placed in escrow.

And he did so. Also on page 4, Mr. Speaker, section 1.10, the letter of April 20 tabled by the minister last Friday contained two attachments; this special report includes both of those attachments. Both the attachments support what members on this side of the Legislative Assembly have been saying all along, and that is that the Minister of Justice has attacked an officer of this Legislative Assembly, and it is not in the least bit acceptable. We want that officer of the Legislative Assembly to come here before the legislature and defend himself and defend his office.

I think that is only a fair thing to do, Mr. Speaker, when I look at all of the evidence that has been mounted, all of the things that have come our way, it all supports what we have been saying, that the member for Kindersley has acted with a great deal of impropriety. The member for Kindersley has viciously, maliciously attacked an officer of the Legislative Assembly, and it's not acceptable.

Mr. Speaker, the special report as a whole, and every single piece of correspondence in it taken individually, demonstrates beyond a shadow of a doubt that the Provincial Auditor has consistently acted professionally, honourably, and in order to protect the integrity of his office and to protect the public interest. We would expect no more from a person in that high office. We would not expect anything less either, but we can't expect anything more than to consistently, continually act in good faith.

The minister's allegations are clearly not based in fact but based in political desperation.

I liken it to somebody who has had a pounding migraine for two weeks straight, just a throbbing migraine headache, and they will do anything, anything for 10 seconds of relief. And that, Mr. Speaker, I submit, is what the member for Kindersley did Friday last in question period; he trotted out excerpts of a letter. Surely the member for Kindersley is not that incompetent. Surely he knew that when he tabled the letter we would see it, the media would see it, he would get articles like the one I quoted from. Surely the member for Kindersley was behaving just like that person that's had a two-week migraine and just would do anything for 10 seconds of relief from that throbbing headache. And that's what has happened in this case.

That, Mr. Speaker, is in a large part why the minister's comments do indeed constitute a grievous breach of privilege.

Mr. Speaker, before I close I would like to briefly, very briefly, hit the highlights, I think, of what I said. And I want to also deal with the Deputy Premier's remarks when he had his brief intervention into this debate. He talked about Saskoil, and he talked about why the Provincial Auditor was off base in calling for the Saskoil report.

But I want to refer briefly to the Provincial Auditor's report, Appendix III: the following audits were not fully completed at March 24, 1989, and he lists 26 of them.

Nowhere does Saskoil appear.

Appendix IV, List of (the) Financial Statements and/or Annual Reports Not Tabled in The Legislative Assembly in (a) Manner Required by Law

And there are 64 financial statements and/or annual reports not tabled — some two pages' worth — that include Crown Investments Corporation, Potash Corporation of Saskatchewan, public employees' superannuation fund, SaskTel, Sask Pension Plan. But nowhere, Mr. Speaker, does it mention Saskoil — nowhere.

So I think the Deputy Premier's remarks were completely off the mark, as has been virtually all of the weak defence of the member for Kindersley. All of the defence has been very, if I might put it, so very inept. But perhaps I'm choosing the wrong word, Mr. Speaker. Perhaps inept is not the correct word.

It is very difficult; in fact, it is almost impossible to defend the indefensible, and I think that's why we have seen such weak defence from members opposite. It is impossible to defend the indefensible. When you're on track, when you're on the proper side of an issue, you can make your points and you can make them fairly succinctly, Mr. Speaker. But when you're on the wrong side of an issue, it becomes very difficult.

(1930)

So we've had a situation where the member for Kindersley quoted from an April 20 letter, quoted it out of context in every instance, clearly quoted it out of context. We caught him with that. The whole world, you might say, caught him with that. So then today we witness him talking about some other information that only he was privileged to, only he was privileged to, and then now we have that in the *Special Report By The Provincial Auditor*.

That special report — I'm unaware of a Provincial Auditor ever before having made a special report as in this instance. I'm just simply unaware, Mr. Speaker, of it ever having taken place in . . . certainly in Saskatchewan history, but I'm unaware of it anywhere else for that matter.

We have a desperate government driven to desperate measures, desperate acts from desperate people, trying desperately to make something other than their record an issue.

Mr. Speaker, in closing I simply want to again urge members opposite to consider the facts; look at them. If you want to see the letters from which we're quoting — most of them you have, but if you want to get copies of it, either ask the member for Kindersley, ask the Deputy Premier. Come on over; ask us in an aside. We'll show it to you; we'll take you through it step by step, but I ask you to look at this matter very, very seriously.

It is not the first time the member for Kindersley has attacked an officer of this legislature. The member for Regina Centre has pointed out at least three occasions

previously where that has happened. At some point that has to stop. We're urging that that point be now, Mr. Speaker. Therefore, it's with a great deal of mixed feelings, I guess, because as I pointed out I'd rather not be talking with . . . rather not be dealing with this issue, because I wish the issue weren't there to deal with.

In closing, I am totally supportive of the motion made by the member for Quill Lakes, seconded by my colleague from Regina Centre. And I urge all hon. members to consider this matter very, very carefully and support the motion of my colleagues.

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, I would like to say a few words with regards to this motion by the hon. member from Quill Lakes, bringing a motion of censure against me, asking for me to resign, Mr. Speaker, asking me to apologize, Mr. Speaker, to this Assembly. And I would, in my own defence, Mr. Speaker, offer the following explanation and argument.

I will refer hon. members to . . .

The Speaker: — Order, order. Order. I believe that we should allow the Minister of Justice to proceed with his remarks and give him the courtesy of not interrupting.

Hon. Mr. Andrew: — Thank you, Mr. Speaker. I would like to first of all . . . that the motion of privilege is brought, as I understand from the motion today, with regards to what I said in the House on Friday last. So before we go into the various arguments, Mr. Speaker, I would like to refer you and all members to exactly what was said in the written record of this Assembly last Friday.

I do not intend to read the entire question period. In that question period there was a number of questions posed by the Leader of the Opposition and responses given by myself.

The first question dealt with the *Report of the Provincial Auditor*, and the response that I gave to that dealt with the fact that we had not denied information from some Crown corporations. And I went through Saskoil, SPMC (Saskatchewan Property Management Corporation), etc. And I don't think that's what the hon. member was referring to with regards to his point today.

A second question was raised. Again I responded to that question, the second question, by saying, Mr. Speaker, the proper forum in which to call witnesses is the Public Accounts Committee. Now I still hold that view that Public Accounts Committee is where you deal with the Provincial Auditor's report. That has been the case for some time. Public Accounts Committee which is now, I might add, open to the media, which wasn't prior to 1982, have the right to call witnesses to deal with the questions. They can call the Provincial Auditor, they can call anyone else they wish, Mr. Speaker, and the members of this side of the House stand ready, willing to call anyone to the Public Accounts Committee to deal with this particular auditor's report.

Now I take it that there's nothing defamatory or improper

about that statement. I think it properly states, Mr. Speaker, what in fact the rules of this House have been for *Public Accounts* for some time now.

The Leader of the Opposition then goes on to pose a question. To that I respond and I will read verbatim.

Mr. Speaker, in response to that question, I would hope that you will allow me some latitude to read into the record today a letter sent to the lawyer by CIC by the lawyer for the Provincial Auditor . . . In that letter — and I will answer the question if the hon. member is prepared to listen. In this letter, which I will table in this legislature as the rules require, following question period.

The lawyer for the Provincial Auditor sets out in a letter to the lawyers for CIC, four conditions that he wishes to see action taken on. The conditions are: number one, that he be allowed to go to the Board of Internal Economy to get his budget; that he doesn't have to go to treasury board; that his estimates are not debated in this House.

Now, is that in not in fact the case, when people go to the Board of Internal Economy, of which you are the chairman, Mr. Speaker, estimates are prepared, as you know full well. You members from the opposition, members from the government go through the budget. At this point in time we go through the budgets of the Legislative Assembly. We go through the budgets of members, and members' services, and we go through the budget of the Provincial Library. Those budgets are then transmitted to the Department of Finance and are included in a budget. Those estimates, Mr. Speaker, are not debated in this Chamber. They are referred out to a standing committee of this Chamber on estimates and are not debated in here.

Now I have a view, and while I'm here speaking on that particular question if I might, that Board of Internal Economy, which I and other members of this House were instrumental in having adopted in this Assembly back in 1981, and that is to deal with members' services. I don't know what the budget is now. I suspect it's 10, \$12 million, although I perhaps am wrong there.

But if we are to add . . . Pardon me?

An Hon. Member: — Eight.

Hon. Mr. Andrew: — Eight million dollars. If we are to add to that the Provincial Auditor's budget and the others that have requested to go there, the provincial Ombudsman, the Human Rights Commission, and a series of others, we run a budget up to 25, perhaps \$25 million, which we have no basic analysts in there, as you know, Mr. Speaker; the analysts are the elected six members that sit on that Board of Internal Economy, and they are the ones that determine what in fact the budget should be.

Now I happen to be one that doesn't believe that that Board of Internal Economy should go beyond what we're doing now. Others perhaps have a different view. That view is what I have, and, Mr. Speaker, in referring to that

particular question I think that's worth looking at.

Number two, Mr. Speaker . . . So anything I said there, I hardly would find that to be a breach of privilege.

Point number two, Mr. Speaker: that he be able to audit, either jointly or by himself, all departments of government, which is allowed now, and all Crown corporations, which has been the case since 1978.

Now is that offensive, Mr. Speaker, to say that?

Number three, Mr. Speaker, is, and I will read:

That he would of course expect to receive, on retirement, the same allowance and economic adjustments provided to deputy ministers.

Now, Mr. Speaker, the Provincial Auditor is entitled to a salary equivalent to, Mr. Speaker, equivalent to the average of deputy ministers. I know that; I brought in the legislation in 1983. Prior to that, Mr. Speaker, the salary of the Provincial Auditor was as set by Executive Council or by cabinet. We changed it, Mr. Speaker, when we came to government in 1983. We changed it to tie it to deputy ministers on a long-standing request to the Provincial Auditor . . .

The Speaker: — Order. The minister is attempting to make his remarks, and he's once more being interrupted, and I ask the hon. members to allow him to continue. I think he has that right and privilege.

Hon. Mr. Andrew: — So it's tied to deputy ministers, Mr. Speaker, and that's by law. And by law his salary is set according to what the average of deputy ministers are as of April of each year. That amendment I brought forward personally in response to the Provincial Auditor's request while I was in Finance. The reason, Mr. Speaker, is to provide the Provincial Auditor with the sense of independence that he did not have to be beholding to cabinet in order to determine what his salary is. And why? So there could be no sense, Mr. Speaker, that somehow cabinet would hold over him a salary increase or no increase according to what his report might be. That's the fundamental basis of that amendment in 1983. So it refers to that.

Number four, Mr. Speaker: he also recommends that his successor be appointed internally — in other words, that he has a say in who his successor is.

Mr. Speaker, the legislation, the law is clear. When a Provincial Auditor retires, his replacement is selected by Lieutenant Governor in Council on the advice or after consulting the Public Accounts Committee — the Public Accounts Committee. So it's not quite like you would have in the case of the Clerk of the legislature, which is a different rule, I believe, than that, and we've been through that in the Board of Internal Economy as well. But it is to be appointed by Lieutenant Governor in Council on the advice of the Public Accounts Committee. Okay?

Now I would find it improper for anybody to sit down and

say, we are about to determine who the next Provincial Auditor is. That is nobody's job except Lieutenant Governor in Council on the advice of the Public Accounts Committee, and that should not be involved in any kind of consultation or negotiations, Mr. Speaker, into some kind of a deal as to where that individual would be.

Number four, he also . . . Okay. Then we go on to Mr. Romanow's next question which I will not read, Mr. Speaker, in order to save time. Then I go on:

In response, Mr. Speaker, I'll read the final paragraph. And what it says is: "I'm advised . . .

"(The Speaker) — Order, order . . ."

What I am about to read, Mr. Speaker, is directly related to what the Leader of the Opposition has said, Mr. Speaker.

(Now) I am advised (that) if speedy acceptance of this proposal is confirmed in writing, the Provincial Auditor will amend his report to reflect that satisfactory steps have been taken (to negotiate the deal.)

(1945)

I then go on to say:

Mr. Speaker, if a Provincial Auditor says, I will change my report if you do this, (or I will change my report) if you do this, (or) if I have a proper retirement package and if I can determine who my successor is going to be, Mr. Speaker, I suggest that is improper. My question to the Leader of the Opposition . . . (And then there is — hold it, hold it, hold it)

To which the minister, or the Hon. Leader of the Opposition says: "Your minister . . ." quoting to what I have just said. And I'll quote it to you again:

"I will change my report if you do this . . . if I can determine who my successor is going to be . . . if I have a proper retirement package . . ."

That's exactly what is said there, Mr. Speaker.

The Leader of the Opposition then, accusing me of inflammatory words against the auditor, accusing me of scurrilous and all these other words, here's what he says:

Your minister has in effect made a serious allegation in this legislature pertaining to the Provincial Auditor, the allegation being that the Provincial Auditor's report is conditioned upon arrangements being made for the Provincial Auditor's personal situation, in part, and that therefore is fraudulent.

Was it me that said it was fraudulent, Mr. Speaker? Was it me that stood in the record . . . Does the record show that it was me, Mr. Speaker, that said this was a fraudulent activity? Nobody has heard me say . . . and I say to anybody, read the record talking about fraudulence.

The Leader of the Opposition, Mr. Speaker, is the one that said that constitutes fraudulence. Not me, Mr. Speaker, the Leader of the Opposition!

So then I go on, Mr. Speaker; I go on, Mr. Speaker. The solicitor has suggested that the Provincial Auditor will amend his report on certain conditions being put forward. Mr. Speaker, I don't know why the members opposite are going to yell. I'm simply advancing my case when they are accusing me of privilege. Why should one not be allowed to do that in the House?

Mr. Speaker, that solicitor has suggested that the Provincial Auditor will amend his report upon certain conditions being put forward. In that letter he sets out four things that he is concerned with. Number one, whether he should report and get his budget from the Board of Internal Economy. That decision, Mr. Speaker, is for this Assembly. And I believe that strongly, that that decision as to who will have their budgets in the Board of Internal Economy should belong to the Board of Internal Economy and should belong collectively to this Assembly, and should not be negotiated somewhere outside of this Assembly.

He makes reference to who his successor will be. That is not — and this is quoting, Mr. Speaker — that is not his function. That is the function of the government and the Assembly and the Public Accounts Committee. Is that privileged, Mr. Speaker, to say that?

Mr. Speaker, he goes on to say, he makes reference — and I ask why — reference to what his severance will be on his retirement. What has that got to do with his report? Why is it even contained in the letter?

Now, Mr. Speaker, if the Provincial Auditor is sitting down determining whether or not his report is going to be modified to the question of accountability, is it not improper, Mr. Speaker, to throw into that equation what his final retirement severance is going to be? His retirement severance, as I indicated before, is clearly set out in law. He is entitled to what he is entitled to. Why bring that into the equation of what his report is going to say?

Clearly that says, Mr. Speaker, clearly that says that I am concerned that I'm not going to get this money. Why would one do that? One has to look at, I believe, in that function in that job, Mr. Speaker, two dimensions to it. There's the office of the Provincial Auditor, who makes Provincial Auditor's reports; and then there is the individual, Willard Lutz, who has served in this government in this province for almost some 30 years.

Now the individual has a right to whatever is entitled to him, and he is going to get that, Mr. Speaker. Never denied that, Mr. Speaker. In fact, if you go to the report he filed in this House today, he says: last fall, I determined I would retire and I submitted to the Department of Finance and treasury board a request in my budget for \$112,000 — in his budget.

And what did he respond to it? He responds that that is not done that way, and that if he so wishes to retire then a

special warrant would be issued to cover that off. You don't budget for people to retire and set that out in the spending estimates of the House; and that's just a tradition of the Department of Finance of doing that.

So, Mr. Speaker, clearly from here he says, one, I intend to retire in 1989. Okay, that was in the fall; that was in the fall before any allegations by the Leader of the Opposition that I was trying somehow to get rid of this guy. He's going to retire, Mr. Speaker, because he's coming 65 this year; and he's going to retire because he is at age 65, and that's not uncommon in this province, or any other province, Mr. Speaker.

Now if he submitted that, if they said when it's time for you retire we will cover it off by a special warrant, then I ask the question: why would this be involved in negotiations on a total package to deal with the *Public Accounts*, or with the Provincial Auditor's report? Surely that's mixing his individual personal elements with his office as the Provincial Auditor. And clearly there is a difference between the two, Mr. Speaker; clearly, there becomes a difference between the two.

So that's what I said, Mr. Speaker. Why make reference, and I ask why the reference and what his severance will be to retirement. What has that got to do with the report? What has that got to do with the Provincial Auditor's report, and why is it even contained there? And I still pose that question, Mr. Speaker. Why? Why would somebody want to take their professional position with regard to their report and tie into that the question of what their severance would be? And, Mr. Speaker, let's carry the logic of that down the road.

What if somebody had said — and perhaps it is the case; I couldn't know it one way or the other — what if somebody was to say and ask, well you're really not entitled to \$112,000 on retirement, you're only entitled to \$100,000 or less than that. Then where are you? Then you are clearly in the position of saying, we are bargaining now as to what your package will be. And, Mr. Speaker, is that proper? Is that a proper way by which to conduct what we call as this official of this office? And I argue, Mr. Speaker, that it is not.

The question I have, Mr. Speaker, to carry on now, the question I have, Mr. Speaker, the question I have to be asked, Mr. Speaker: has the hon. member talked to the provincial ... (inaudible) ... I got into the hon. member talking to the Provincial Auditor, and there's nothing there that's of significant ...

The Speaker: — Order. Order, order. I would like to ask the hon. member to refrain from interrupting. She's been doing it for a while, and I've indicated that we don't want that. The hon. member has been charged of certain allegations, and I think the House owes him the courtesy of allowing him to make his statement.

Hon. Mr. Andrew: — Mr. Speaker, I go on to page 1248 in which ... and I will quote ... I'm quoting again, Mr. Speaker:

What this letter leaves as an inference, Mr. Speaker, leaves as an inference is that he wants

four conditions. He says . . . I want to have to my estimates prepared by the Board of Internal Economy, not by treasury board. And I want my estimates . . . in effect what he's saying . . . I want my estimates not in this committee.

Then I go on to talk about the cost of audits, him versus someone else.

Then the final quote, Mr. Speaker, from the question period, is:

The question, Mr. Speaker, the question, Mr. Speaker, is this: does the Leader of the Opposition, does the Leader of the Opposition condone the solicitor for the Provincial Auditor in letter form suggesting that "I will amend my report to reflect that satisfactory steps have been taken," if you do this? Does the Leader of the Opposition condone the . . . Auditor through his counsel requesting that he . . . amend his report if this is done? Does the hon. member condone that (type) . . . of action?

Now that is what I said on Friday in the House, Mr. Speaker, and I ask you to carefully review, and all members to carefully review the verbatim of what I said. Mr. Speaker, the verbatim of what I said can be put in this term. I do not believe it is proper, I do not believe it proper for the Provincial Auditor to sit down in negotiations and say, I will amend my report, as it says in his own special report he files today; I will amend my report if:

- letter from the Minister of Finance is issued;
- the enactment of the legislative amendment;
(That means that his estimates go to the Board of Internal Economy.)
- the Order-in-Council for the appointment of Mr. Wendel issued; and
- the special warrant is received. (That refers to the special warrant of \$112,000)
- letter from the Minister of Finance is issued;

If these things are done or a written undertaking is received with regard to the legislative amendment and the special warrant, I will consider this part of the accountability process repaired. (Mr. Speaker,) I will report accordingly and I will retire.

Retire, Mr. Speaker, he says. Now the question I pose is that you now have me on trial in this Assembly for privilege. For privilege of saying what? Mr. Speaker, for privilege of saying what the auditor says in his report and questioning the propriety of that. That's exactly what I said, Mr. Speaker. And why should one individual member not have the right to question the propriety of that? Why?

If I do not believe that a member should mix, or a person should mix his professional office with his personal package of retirement, should that not be said? Why should one not be able to state that in this Assembly?

If I do not believe that he should determine that Fred Wendel is the next provincial auditor, should I not be

entitled to say that, Mr. Speaker? Do I not have a right to say that? And to say so, does that mean I'm making scurrilous and false attacks on this individual?

Mr. Speaker, if I am to say that I do not believe, Mr. Speaker, that the hon. member or the Auditor General should determine that the Board of Internal Economy will determine the estimates, and if I firmly believe that should be a decision of the Board of Internal Economy in this Assembly, should I not have the right to say that?

And, Mr. Speaker, with regard to the first item, with regards to a statement to be sent out by the Minister of Finance, saying what? Saying let's get along, Provincial Auditor and appointed auditors. I have nothing wrong with that; I see nothing wrong with that.

For that, Mr. Speaker, I am being asked to resign?

An Hon. Member: — Yes.

Hon. Mr. Andrew: — And the members say yes; say yes, Mr. Speaker, for what? For what, Mr. Speaker? For the right to question the judgement of this individual, the right to question the judgement of this individual, Mr. Speaker? And it wasn't me. I defy anybody to say that I said that the Provincial Auditor was breaking the law, was involved in a crime . . .

An Hon. Member: — Improper.

Hon. Mr. Andrew: — Improper he says, improper. What is wrong with the word improper, Mr. Speaker? If I believe that his conduct is improper, then I have a right to say that, Mr. Speaker. And that's not to say somehow that the Provincial Auditor should go to jail or has broken the law. I simply said it is improper. Is it proper judgement to do what he did? And I don't believe it is. Is it conduct becoming his office? I don't believe it is. And, Mr. Speaker, I am denied the right to say that, and for me to say that, somehow I have breached the privileges of this House and this institution. Mr. Speaker, be clear and be serious about this.

(2000)

Mr. Speaker, I have the right to question the judgement of the Provincial Auditor. I do not have the right, and I do not make the innuendo or the inference of what he was doing was fraudulent. That was not me; that was the Leader of the Opposition. Mr. Speaker, that was not me, that was him.

Now, Mr. Speaker, what we are talking about before this Assembly today, and this motion is a breach of privilege — the motion saying that I should apologize to this House. Apologize for what? For stating what I believe to be the case of impropriety. And asked to resign for doing what? For stating what I believe is not a right direction to go.

Mr. Speaker, I believe the Provincial Auditor would in fact say, Mr. Speaker, if he was to reflect, that I wished that I hadn't have tied together my retirement and my discussions on the auditor's report. I wished I hadn't have done that. In fairness to the man, and I've known the man

for 11 years since I've been here, chairman of Public Accounts Committee, Mr. Speaker, I believe he wished he hadn't have done that.

And, Mr. Speaker, it is the law what his retirement will be. It is the law how his successor will be appointed. And it is the law who and who does not go to the Board of Internal Economy. If, Mr. Speaker, we can find a way for the auditor . . .

The Speaker: — Order. Order. The member for Regina North West made several interventions and I have asked him to refrain. I'm once more asking him to refrain and allow the Minister of Justice to continue.

Hon. Mr. Andrew: — Mr. Speaker, I believe what we need in this province is the existence of private auditors, appointed auditors and the Provincial Auditor to get along.

Now members opposite would have us believe that somehow appointed auditors were a creature of us in the last year or so. Appointed auditors first began and first came into existence in 1978. All right? And that's when they came into existence — potash corporation, SMDC (Saskatchewan Mining Development Corporation) and Saskoil. And there was concern raised at that point, Mr. Speaker, very often by me.

But I think, Mr. Speaker, as time has gone on it is proven that those people have done a fair and reasoned audit. The problem, Mr. Speaker, was the level — and I suspect it is because of a significant shift in a number of other Crowns that are now being done in a corresponding reduction of Provincial Auditor's budget. Anyway there became some bad blood out there and that bad blood has to be repaired. But, Mr. Speaker, it should be repaired in isolation to the problem. It should not be jammed together in a package.

Now that's my criticism of this, Mr. Speaker, because I think it leaves you open as an auditor, and I believe it leaves his office open to speculation, to pressures. The exact thing, Mr. Speaker . . . he always complained about as to how his salary was set. That I fixed, Mr. Speaker. That I fixed back in 1983.

So what you're looking at on privilege . . . On privilege, Mr. Speaker, what you are looking at is asking for my apology and asking for my resignation for what, Mr. Speaker? For being able to state what I believe to be the case, and what I believe to be the facts. Mr. Speaker, I stand by what I said; this report substantiates what I said. Mr. Speaker, I do not intend to resign; I do not intend to apologize; and I do not believe I'm in breach of any rule of this Assembly, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Mitchell: — Mr. Speaker, he does not intend to resign. This is an incredible performance that we've just heard as the minister attempts to rewrite the history of the last few days; to place the things that have happened, which everyone has heard, which everyone has understood, which the media have been reporting on. He tries to pretend that none of that exists at all and that the

facts are something entirely different, as though it were just the innocent little minister commenting in an innocent little way on some report that had no weight, no moment, no significance, no importance at all.

The document is here for everyone to see. The document is as plain as it can possibly be. The document, when looked at in context with the minister's statement of May 19, just lays the case before this House in the clearest possible terms.

Let me review it, Mr. Speaker. It's been reviewed before, but in the light of what the minister has just said, let's go over it again. First of all, let me observe that the minister's outburst with respect to the contents of this letter was not solicited. It was a gratuitous comment by him in response to a question which went to an entirely different point, and that was the question of whether, in light of all of the circumstances outlined in the auditor's report, the question was whether or not we have any more a Provincial Auditor in the province of Saskatchewan and what you people are doing by stonewalling the information to the auditor.

That was the substance of the question asked by the Leader of the Opposition. In response to that, Mr. Speaker, you got an answer that had nothing to do with that question, but which gratuitously introduced, or purported to introduce, the substance of this letter.

Now did it do that, Minister? First, let me tell you what the minister said — this letter said. The minister said that this letter raised four conditions, four conditions that he wishes to see action taken on.

Condition number one was that he be allowed to go to the Board of Internal Economy to get his budget — and I'll come back to that in a moment, Mr. Speaker — but that was the first condition.

Point number two . . . : that he be able to audit, either jointly or by himself, all departments of government . . .

That was number two. Condition number three, according to the minister, was, and he quoted from the letter:

That he would of course expect to receive, on retirement, the same allowance and economic adjustments that are provided to deputy ministers.

(And condition) Number four . . . : he also recommends that his successor be appointed internally — in other words, that he has a say in who his successor is.

Now that's what the minister said the four conditions were that were set out in the letter.

Mr. Speaker, that is not correct. That is a gross, deliberate inaccuracy. It missed entirely the main point of the letter of April 20.

The Speaker: — Order, order. I think that if the hon. member is . . . The hon. member is making a statement

that I won't necessarily say is unparliamentary, but it is certainly very, very, very close, and I'd like to bring that to his attention.

Order. Order. Order. Order. I'd like to ask the member from Quill Lake to refrain. I've simply made a statement that those types of inflammatory statements are not acceptable, and words other than unparliamentary words are not acceptable.

Mr. Mitchell: — Mr. Speaker, I got carried away. I did not mean to say a deliberate inaccuracy. I am entitled to say though that it was inaccurate. And I do repeat that it was inaccurate.

The main point of the letter of April 20, as everyone knows who has read this letter, including my friends opposite, is that the auditor, the Provincial Auditor, was looking for a direction from the executive to all concerned, including the Crown corporations, that they are required by law to furnish the information that the Provincial Auditor deems necessary to fulfil his duties. That was the main point that the auditor was looking for. And, as I say, anyone who has read this letter of April 20 can't help but understand that that was the main thrust of that letter.

And yet, when the Minister of Justice set out the four conditions, which he purported were the substance of that letter, he neglected to mention the most important one, the key one, the utterly . . . the centre-piece, the reason for the letter of April 20. And there is just simply no question about that.

Now the other inaccuracy that the minister persisted with, to and including his statement just made to the House tonight, is the reference to the Board of Internal Economy as though the auditor, the Provincial Auditor, were trying to bypass the normal budgetary procedures that are in effect with respect to this legislature and to substitute some other system. And that's not correct, Mr. Speaker. That's not correct, and that was made perfectly plain by the special report that was filed this afternoon by the Auditor General.

And I would refer you to Appendix V of that report, under item A.1, where the Provincial Auditor sets out quite precisely the plan he had in mind, the scheme he had in mind for approving his own budget. And just let me review it, Mr. Speaker, because it's extremely important.

He asks for a legislative amendment to The Provincial Auditor Act, and it would have the following effect so far as his estimates are concerned. First, the Provincial Auditor would present to the Board of Internal Economy the estimates of his department.

Second, the Board of Internal Economy would review those estimates and make any alterations that it considered proper — make any alterations that it considered proper — and shall thereafter concur in the estimates.

And thirdly, the Speaker, you, Mr. Speaker, as chair of the Board of Internal Economy would cause those estimates to be laid before this Assembly. And this Assembly may

refer those estimates to a standing committee pursuant to the rules of the Legislative Assembly; or if they are not referred to a standing committee, they are to be considered in the Committee of Finance, like any other estimate that comes before this House for approval. And those estimates are to be defended by a member of the Executive Council, who is a member of the Board of Internal Economy, and designated by you, Mr. Speaker. That is the minister who is to defend it.

And then, finally it deals with the question of special warrants that may be required under section 33 of The Financial Administration Act and how that would work.

Now, Mr. Speaker, what is there in this proposal that so offends the Minister of Justice? And why would he have us believe, as he tried to last week and as he tried again tonight, to find something radically different about the Provincial Auditor's proposal with respect to the approval of his estimates. When you get right down to it, his proposal is a proper proposal designed to follow the accepted and established procedures of this House. It all ends up right here.

Some Hon. Members: Hear, hear!

Mr. Mitchell: — It all ends up right here before Committee of Finance unless we should determine that it should be referred to some other standing committee. And it's not an attempt to bypass this House. And it's not an attempt to do anything at all improper. Nothing improper about it at all, Mr. Speaker. And I'm surprised that my friend, the minister, would persist in his attempt to make it out to this House and to the public that there was something sinister or unusual or unacceptable about the proposal of the Provincial Auditor with respect to his budget.

The second thing about what the minister said that is disconcerting, is his use of the term, "change my report". That was the whole substance of his answers to the Leader of the Opposition last Friday. That was the whole substance of what he thought . . . what he suggested was improper. It was the Provincial Auditor saying, I will change my report if you do this, do that, or do the other thing.

Well, Mr. Speaker, if you look through these documents, if you look through particularly the letter of April 20, 1989, you realize that's not what the Provincial Auditor was saying at all. And if you look through the document that was tabled today, the *Special Report by the Provincial Auditor*, then you understand very, very clearly that that is not what the Provincial Auditor was referring to at all.

(2015)

He wasn't trying to make a deal on the basis of which he would change his report. He wasn't doing anything that would excite the interest of the professional association in any way, shape, or form; nor should it excite the interest of this minister.

What the Provincial Auditor was saying was simply this: make this problem of interfering with my duties go away.

Make this problem go away by telling the Crown corporations that they have to provide me with the information that I request. Make it possible, by whatever means you two choose, whether it's a joint audit with the outside chartered accountant firm, or whether it's by my own audit, or whatever, but tell the Crown corporations that they have to co-operate with me. Tell the Crown corporations that they have to answer my questions.

And if you will do that, if you will tell the Crown corporations that, then I won't have to report that you refused to do that. I'll report that the problem about reporting, the problem about complying with the law, has been resolved, and the Minister of Finance has resolved it by telling the Crown corporations to shape up and do it right and provide the Provincial Auditor with the information that he requires.

Now that's all the Provincial Auditor was suggesting. That's all he was suggesting in his letter of April 20th, which is the subject of the motion before you. And that's all he says in this document, *Special Report by the Provincial Auditor*, which he filed today. And it is quite, quite out of line for this minister to make the allegations that he did indicating that in some improper and underhanded way the auditor was trying to make a deal to change his report in some way. That, Mr. Speaker, is not at all what the auditor intended. That's made very, very plain on page 2 of this letter from the Provincial Auditor's lawyer, this letter of April 20th that we're talking about.

That letter sends two documents, two documents over to the lawyer for the government. The first document was a draft letter, a draft letter that was to go from the Minister of Finance to the heads of the Crown corporations, and other officials, instructing them about co-operating with the Provincial Auditor — that was the first proposal. The second proposal was a draft of the statutory provision about the approval of his estimates, which I have just summarized for you, Mr. Speaker, earlier in my remarks.

Those were the two proposals that were being made by the Provincial Auditor to the government through their lawyers in this letter of April 20. And the Provincial Auditor says this:

I am advised that if speedy acceptance of both these proposals is confirmed in writing, the Provincial Auditor will amend his report to reflect that satisfactory steps have been negotiated to answer his concerns . . .

Now what could be more plain than that, Mr. Speaker, and what person in this House, acting in good faith, could possibly read those words and say the things that were said by the Minister of Justice in this House last Friday? With respect, Mr. Speaker, with all due respect, no member of this House could read those words and come to the conclusion that the Minister of Justice uttered in question period last Friday.

Now I come to the question of the retirement severance. Now that is referred to in the letter of April 20, but it is as clear, as clear could be, as plain as the nose on the minister's face, that that had nothing to do with the proposals that were being made and on the basis of which

the Provincial Auditor would alter his report to reflect the fact that this problem about reporting had gone away. Clearly this was a different issue, a side issue, another matter altogether.

And, Mr. Speaker, it is quite outrageous for the minister to be suggesting, in light of the documentation that is now before the House, that that question of severance benefits or retirement benefits or the conditions of retirement were introduced by the Provincial Auditor. It is now perfectly plain and perfectly clear that the initiative with respect to the retirement question came from the government lawyer. There's absolutely no question about that at all.

I refer you to page 3 of the special report, the last paragraph, paragraph 1.08, subsection 4, where the Provincial Auditor says:

The question of my retirement was raised by Mr. Kyle. I was prepared to retire effective July, 1989 if this, in the opinion of the executive government, would create a more harmonious relationship between my office and the executive government.

That's what the Provincial Auditor had to say about that question. But that's not all that he had to say about the question.

It also was raised on page 4 in article 1.09. He's referring there to the instructions that he gave to Mr. Neill that led to the writing of the letter dated April 20. And he says this:

Accordingly, I instructed Mr. Neill to make the proposal contained in the letter of April 20, 1989, because my retirement was not in issue (was not in issue).

Now what could be more plain than that and is perfectly consistent with all of the documentation that is before this House?

Now why are we in this pickle? I mean, what we had going on in this House on Friday was the contents of the Provincial Auditor's report, which has been observed by people on this side of the House and by the press as the most drastic, the most drastic report ever delivered by a Provincial Auditor in this province, and, so far as anyone knows, the most drastic report ever delivered by a person in that position in any jurisdiction ever — ever. This government was plainly accused by the Provincial Auditor of breaking the law — of breaking the law.

And my leader in the question period last Friday began to ask questions about how it was that the government could condone these breaches of the law. Now the minister has reviewed in a very cursory way what questions were asked and what answers were given. And it is plain on looking over those questions and answers, Mr. Speaker, that it had to do with the general question of the Provincial Auditor's report and the thrust of that report so far as the actions of the government were concerned, or more specifically, the inaction of the government in dealing with this question of the deliberate breaking of the law by Crown corporations and others.

Now why were not answers, plain answers given to those

questions? I mean, if you look at the answers which the minister gave to those questions, they were always quite beside the point being raised by the minister. And we went through three such exercises, and finally the minister seemed unable to contain himself any longer and he launched into this letter — this letter which has nothing whatever to do with the question raised by the Leader of the Opposition, which was quite beside the point.

Now if you look at the letter of April 20, and particularly the first paragraph, Mr. Speaker, you will notice Mr. Neill's words:

You initiated this process . . .

And by that he is referring to the process then going on between he and Mr. Kyle in their exchange of letters and in their meetings.

You initiated this process to see if there was some common ground which would result in the Provincial Auditor being able to fulfil his statutory duties with the full co-operation of the executive government without impairing accountability.

Mr. Speaker, that is a crucially important sentence. It is a sentence which is nowhere denied by Mr. Kyle; nowhere is it denied by Mr. Kyle. That was the case. There seems to be no doubt at all that Mr. Kyle did initiate the process and that the purpose was to see if there was some common ground which would result in the Provincial Auditor being able to fulfil his statutory duties with the full co-operation of the executive government. That was the purpose.

Now in the next sentence you will note the words:

My client has suggested that joint audits of the crown corporations and crown-controlled corporations would go a long way to overcoming some of the difficulties. This was rejected by your side.

And from the material that is included in the *Special Report by the Provincial Auditor* which was filed today, it is clear, Mr. Speaker, that that was a proposal from the Provincial Auditor which did propose a joint audit of the Crown corporations, and the Crown Corporations by the Provincial Auditor and by the outside chartered accountants.

And it was only after the rejection of that suggestion, that the next sentence comes into play. Mr. Neill says:

My client has suggested that the executive government ensure that he has full access to whatever information he deems necessary (as his Act provides) together with a statutory amendment to allow for the review of his budget by the Board of Internal Economy rather than the present system.

That was the meat and potatoes of the whole proposal, Mr. Speaker. That was the whole thrust of the lawyer's proposal. And that is what in the end apparently was not

accepted.

Now there is no document in the material indicating that the government ever rejects that proposal. Rather it seems that they chose not to respond to it at all, with the result that the Provincial Auditor filed the report that he did, which, as I have said, is generally regarded inside this House and outside this House as the most drastic report ever prepared and filed by a provincial auditor or person in the position of a provincial auditor with respect to any government in any jurisdiction in this country at any time.

And I repeat the question: why are we in this position? Why are we not dealing with the substance of the Provincial Auditor's report in the way that we normally deal with it? Why do we see instead, by way of a violent counter-attack, really a violent counter-attack upon the person of the Provincial Auditor? What could be the purpose of that?

Is the implication that what the Provincial Auditor says is not true? Is it suggested that when he says in his report that he was unable to get a certain kind of information from the Saskatchewan Property Management Corporation that that's not correct? I don't think that to be the case. I don't think that to be the case at all.

I found myself in astonishment last Friday when I heard the attack launched by the minister. And there's no other way to characterize it. You, yourself, have I think agreed with that by the effect of your ruling, Mr. Speaker. I mean, obviously it was an attack upon the person of the Provincial Auditor. And I ask myself why, then?

And I come to this House again this morning and I hear the minister not the least bit repentant, not the least bit apologetic, trying not to back down one single inch — although the whole world is shouting at him that he's out of line — insisting that he's right.

And again the question is, why? Why in the world is the minister attacking the person of the Provincial Auditor? Either his report is correct or it is not correct. If it is not correct, then let's hear the correct version. If it is correct, then let's remedy it.

But why this attack on the person of the Provincial Auditor? And that, Mr. Speaker, is a question that no one on the other side of the House has yet addressed. No one on the other side of the House has yet said why it is that they have launched this personal attack upon an officer of this Assembly, and I think that is a sad thing; that is a very, very unfortunate thing. This House will have to live with this precedent and somehow cope with it, and let's hope that never again will we see the likes of it come before us.

Now, Mr. Speaker, I want to conclude my remarks, but I want to conclude by moving an amendment to the motion introduced into the House by the member from Indian Head-Wolseley and seconded by the member from Melfort. And I would like to move, seconded by the hon. member from Saskatoon Nutana, the following:

(2030)

That the amendment moved by the member for

Indian Head-Wolseley be amended by adding the following words after 1989, "and the *Provincial Auditor's Special Report* of May 23, 1989, and all related correspondence and documentation", and further by adding the following after the word "breached" in the last line, "and these matters be referred to the said committee forthwith."

I would like to move that amendment, Mr. Speaker.

Ms. Atkinson: — Thank you very much, Mr. Speaker. In some ways I'm not very pleased to have to enter into this debate, but as a result of some of the circumstances that have arisen in the last couple of days, we are now in a position where we are debating a motion that was put forward this morning by my colleague, the member from the Quill Lakes.

I want to review a summary of the current events that have lead up to the situation where we have placed before this Legislative Assembly the following motion:

That this Assembly condemns the Minister of Justice for having breached the privileges of this Legislature by his unacceptable and unjustifiable criticism of the Provincial Auditor, that this Assembly calls on the Premier to require that the Minister apologize publicly and resign from the Executive Council, and further, that this Assembly reaffirms the importance of the office of the Provincial Auditor as an officer of this Legislature.

And then this afternoon, Mr. Speaker, the member from Indian Head-Wolseley amended that original motion put forward by the member from Quill Lakes and asked that certain correspondence tabled by the Minister of Justice on Friday, May 19, and today, Tuesday, May 23, and any other associated circumstances be referred to the Standing Committee on Privileges and Elections for their immediate investigation, and report as to whether or not the privileges of the Legislative Assembly have been breached.

Now, Mr. Deputy Speaker, I want to go through some of the events that have led up to this situation, where we have these motions, and amendment, and subamendment before us.

The Provincial Auditor, who is an employee or an officer of this Legislative Assembly, tabled through yourself on Wednesday, May 17, the *Report of the Provincial Auditor*. And it was the *Report of the Provincial Auditor* for the year ending March 31, 1988, over one year ago.

And this report outlines the auditor's opinion as to the way the government that the people of Saskatchewan have elected is spending the people's money. And the auditor, Mr. Lutz, on page 4 of this report says the following, and I quote:

I cannot effectively carry out my role to watch over the public purse for my client, the Legislative Assembly. I recommend the process be repaired to require that appointed auditors and the Provincial Auditor work together on crown corporation audits as joint auditors or with some similar

arrangement.

And then the auditor goes on a little bit later on the same page:

In my view, the Legislative Assembly requires more information about crown corporations, crown-controlled corporations and mixed corporations.

The public accounts are not complete, correct or timely.

There were a number of cases where the tabling of annual reports and financial statements did not comply with the law.

And then, Mr. Speaker, this auditor's report goes on, and on page 9 the Provincial Auditor says that he can no longer effectively serve the Legislative Assembly because:

— he now sees the financial transactions for about 50 per cent of the public spending;

— when reliance on an appointed auditor is not justified, it is no longer possible to carry out the work not done by the appointed auditor; and

— I am being denied access to information.

As a result of this Provincial Auditor's report which in many respects indicates to the Legislative Assembly and to the citizens of Saskatchewan that this government has gone awry, that it's violating some of the very laws that it has created, that this auditor's report was a real concern to the members on this side of the House. And so on Thursday we introduced a motion where we thought it important to debate the contents of this auditor's report.

And at the same time my colleague, the member from Regina Lakeview, brought to the attention of the House some of the remarks of the Minister of Justice, the Minister of Justice, who we are now debating tonight — and his behaviour — some of his remarks as it pertained to the Provincial Auditor.

Now, Mr. Speaker, I have been a member of this legislature for two and a half years, and I suppose as any new parliamentary, you don't really come to appreciate the people that are associated with this Legislative Assembly, particularly the officers of the Legislative Assembly, until you've been in this House for some time.

And I note with interest that this member that we are discussing tonight, the Minister of Justice, the member from Kindersley, has on three other occasions, in my view, attacked the credibility and respectability of officers of this Assembly. And I refer specifically to David Tickell, who was our former ombudsmen; and the Minister of Justice chose, because he didn't like a report that was issued by the former ombudsman, chose to attack the ombudsman.

The Minister of Justice chose to attack Merrilee Rasmussen, who was our former law clerk, legislative law

clerk, a person employed by this Legislative Assembly. Last year I recall that the Minister of Justice also cast some aspersions on the character of the Provincial Auditor. And now this past week and last week, the Minister of Justice has again attacked the credibility of the Provincial Auditor.

Now, Mr. Speaker, on Friday you ruled that we did have a case, a prima facie case, and then again today, Mr. Speaker, you ruled that we had another prima facie privilege case. And so, Mr. Speaker, the precedents, I understand, reveal that no similar occurrence of two prima facie privilege cases have been found in this Legislative Assembly, the history of this Legislative Assembly, on two consecutive days. And so we have a situation where, on two consecutive days of this legislative sitting, we are debating a prima facie case of privilege.

Now, Mr. Speaker, I want to talk about some of the concerns that have been raised. Last Friday in question period, the Leader of the Opposition raised with the Justice minister his concerns about the Provincial Auditor's report.

Now the minister's assault on the Provincial Auditor appeared to be premeditated in that he brought a letter into question period and he began to refer to it quite apart from the substance or the thrust of the question which he was responding to. Throughout the Minister of Justice's remarks he repeatedly implied and inferred improper conduct on the part of the auditor. And on page 1247 of *Hansard* he went so far as to state, "Mr. Speaker, I suggest that this is improper."

Now let me just read into the record what the Minister of Justice suggested was improper. Mr. Deputy Speaker, the minister read into the record his version of a letter from the lawyer Mr. Neill, to Mr. Kyle, the lawyer who was acting on behalf of the Crown investments corporation. And the lawyer for the Provincial Auditor, according to the Minister of Justice, set out in his letter four conditions that he wished the auditor to take action on. And the conditions were:

Number one, that he be allowed to go to the Board of Internal Economy to get his budget (and I'm quoting the Minister of Justice); that he doesn't have to go to treasury board; that his estimates are not debated in this House. Point number one.

Point number two, Mr. Speaker: that he be able to audit, either jointly or by himself, all departments of government, which is allowed now, and all Crown corporations, which has not been the case since 1978.

Number three (I'm continuing to quote), Mr. Speaker, is, and I will read:

That he would of course expect to receive, on retirement, the same allowance and economic adjustments that are provided to deputy ministers.

Number four, Mr. Speaker: he also recommends that his successor be appointed internally — in

other words, that he has a say in who his successor is.

And then the Minister of Justice went on upon further questioning by the Leader of the Opposition, the member from Riversdale. He said:

I am advised (and he's quoting from this letter supposedly) if speedy acceptance of this proposal is confirmed in writing, the Provincial Auditor will amend his report to reflect that satisfactory steps have been taken (to negotiate the deal).

Mr. Deputy Speaker, that is not what the letter from Mr. Neill said to Mr. Kyle. And I would like to read into the record for those people who have just tuned into the proceedings tonight exactly what the letter from Mr. Neill said to Mr. Kyle, and I quote:

My client has suggested that joint audits of the crown corporations and crown-controlled corporations would go a long way to overcoming some of the difficulties. This was rejected by your side. My client has suggested that the executive government ensure that he has full access to whatever information he deems necessary (as his Act provides) together with a statutory amendment to allow for the review of his budget by the Board of Internal Economy rather than (by) the present system. If this were done he indicated that he could retire quietly upon the appointment of his successor, knowing that his successor would be able to fulfil the responsibilities of the office in a more harmonious atmosphere. He would, of course, expect to receive on retirement the same allowances and economic adjustments that are provided Deputy Ministers in accordance with The Provincial Auditor Act. He also recommended that his successor be appointed internally in accordance with the convention that has been established in this province, Ontario, Manitoba, Alberta, P.E.I., Newfoundland, and Nova Scotia. These proposals (were) rejected by you. You have made no counter proposal.

And the letter goes on:

The Provincial Auditor is prepared to continue in office so the appointment of a successor is not emergent. All that is required to overcome the difficulties is a directive from the executive to all concerned that they are required by law to furnish the information that the Provincial Auditor deems necessary to fulfil his duties and that his estimates be reviewed by the Board of Internal Economy.

I am enclosing:

- 1) A draft letter with respect to the former, and
- 2) A draft of the statutory provision with respect to the latter, for your consideration.

I am advised that if speedy acceptance of both these proposals is confirmed in writing, the Provincial Auditor will amend his Report to reflect

1)

that satisfactory steps have been negotiated to answer his concerns. He is also prepared to consider alternative wording of the enclosed drafts to accomplish the same objective. However, any changes in the Report will have to be made before the Audit Committee review of Tuesday, April 25, 1989.

Now I've read into the record exactly the contents of the lawyer, Mr. Neill, representing the Provincial Auditor, to the lawyer, Larry Kyle, representing the Crown investments corporation. And the question that has not yet been answered in all of this debate is: why was the lawyer for the Crown investments corporation negotiating, negotiating with the Provincial Auditor on matters that, in my view, have a great deal to do with this Legislative Assembly?

(2045)

Mr. Kyle is not the lawyer for the Department of Finance; he is not the lawyer for the Board of Internal Economy; he is not the lawyer for the Legislative Assembly; but he is the lawyer for the Crown investments corporation.

Another question that I'd like to know is: why would a lawyer for the Crown investments corporation be discussing the Provincial Auditor's retirement? That, in my judgement, is not something that a lawyer who initially got into this debate, I understand on the Provincial Auditor, who was representing the Crown investments corporation regarding the interpretation of The Crown Corporations Act, 1978, relevant to the payment of \$2.7 million reported in 5.05 of the 1988 annual report.

Why, then, would that lawyer, Mr. Kyle, who represents the Crown investments corporation have anything to do with the Provincial Auditor's retirement, and why would he raise the question in the first place? Because I understand from the material that the Provincial Auditor provided us late this afternoon, that it was Mr. Kyle who raised the early retirement, not Mr. Lutz, not Mr. Neill, the lawyer acting on behalf of Mr. Lutz, but Mr. Kyle, the lawyer acting on behalf of the Crown investments corporation, over the payment of \$2.7 million.

Now, Mr. Deputy Speaker, today again in this Legislative Assembly we witnessed the Minister of Justice in response to further questions, through innuendo, insinuate that the Provincial Auditor had a package, has some sort of package that he had put together, and that because there was some agreement between the lawyers that this wouldn't be released, that this couldn't be released to the Legislative Assembly. The Minister said that he had never seen this package of material. He said that all he knew was that Wolfgang Wolff, I gather, the chairman of the Crown investments corporation, Larry Kyle, the lawyer for the Crown investments corporation, and Mr. Kyle's secretary has seen this information. And without ever having seen the information, the Minister of Justice implied that the Provincial Auditor was doing something improper.

The Provincial Auditor today, before we left this Assembly at 5 o'clock, provided this Assembly with a

special report on this very matter, and he also provided this Assembly what that package was about. And I just want to review for the record what the package was about, because I think it's important that the people of Saskatchewan understand and know exactly what this situation is here.

This Minister of Justice has done a good job on the Provincial Auditor. He said here moments ago that he had the right to do a job on the Provincial Auditor. But in my view, he doesn't have the right. That right belongs to this Legislative Assembly, for all of us as a group, not for individual members. And I just want to review what the package said.

This package, as the minister calls it, discussed five areas. And I just wanted to briefly go through them.

I propose, (the Provincial Auditor says) the following solution to my concerns about interference with the Provincial Auditor.

(He proposes) a legislative amendment to The Provincial Auditor Act that calls for the Provincial Auditor to have his Estimates set by the Board of Internal Economy, in the following form:

And he lists the form that he wants his spending estimates to be set.

And as all of us in this Assembly are aware, the Provincial Auditor has had his budget cut back in the last several years under this government, as have a number of other watch-dog agencies that work on behalf of the Legislative Assembly. Not just the government, but all members of the Legislative Assembly.

The second thing that the Provincial Auditor put into this package was a letter, a proposed letter that the Minister of Finance could sign, to the Provincial Auditor, to all appointed auditors, to all Crown agencies and Crown-controlled corporations requiring the co-operation of all parties in the following form. And the Provincial Auditor outlines in letter, a draft letter form, for the Minister of Finance, the member from Qu'Appelle-Lumsden, to sign.

Then the Provincial Auditor says that he wishes to retire quietly. And he says:

There has always been internal succession in the office.

Always, in the history of our province there has always been internal succession in the office.

In the past, the Provincial Auditor has recommended his successor.

And that's all that this Provincial Auditor wanted to do. He wanted to recommend his successor. That has been past practice. And somehow the Minister of Justice makes that appear to be wrong, to be improper in his remarks on Friday and in his remarks today. That has been the past practice; the Provincial Auditor has recommended his successor, and his successor has come from within the

auditor's department. And he says:

I propose that Mr. Wendel be appointed Provincial Auditor by Order-in-Council effective the date of my retirement in the following form:

He did not say, I demand that Mr. Wendel be appointed. He said, I propose, I propose, and that's quite within reason, Mr. Deputy Speaker.

The other point that the auditor made in this so-called package that the Minister of Justice cast aspersions on was that he said:

If my recommendation is acceptable to the Executive, I will discuss my retirement with the Chairman of the Public Accounts Committee to ensure compliance with subsection 3(1) of The Provincial Auditor Act. If he is agreeable, I will advise you and retire the later of the date I see the Order-in-Council or July 31, 1989.

And then he goes on and he says:

The Provincial Auditor Act requires that I receive the same salary and privileges of office as deputy ministers. Deputy ministers are entitled to a lump sum payment when they leave office.

Therefore, (he says) I require a special warrant for \$112,000 to fund a lump sum payment and holiday pay when I retire.

And then he goes on and he says:

My resignation notice will be placed in escrow immediately with my lawyer as part of this process.

The conditions of the escrow will be as follows:

— the letter from the Minister of Finance is issued;

Remember, this auditor has had great difficulty with Crown corporations, mixed corporations, Crown-controlled corporations, and government departments. He wants the Minister of Finance to send out a letter to all of those agencies, private auditors as well as the Provincial Auditor, suggesting that they should comply with the provisions of The Provincial Auditor Act, suggesting that they comply with the law. Is that so much to ask? I don't think so.

Then he says he wants:

— the enactment of the legislative amendment;

And this has to do with his ability to do his job. He doesn't want any further cuts coming through treasury branch. He wants the Board of Internal Economy, which is the board made up of all members of this Legislative Assembly, to set his budget.

In view of past practice of this government, I understand why a Provincial Auditor would want such a provision,

because this government has been cutting back on a variety of watch-dog agencies.

And then he says:

— the Order-in-Council for the appointment of Mr. Wendel issued; and

— the special warrant is received.

Which has to do with the \$112,000 lump sum payment and holiday pay.

And then he says:

If these things are done or a written undertaking is received with regard to the legislative amendment and the special warrant, I will consider this part of the accountability process repaired. I will report accordingly and I will retire.

Now, Mr. Deputy Speaker, I don't see what's so wrong with what the Provincial Auditor has set out in this so-called package. And yet, and yet the Minister of Justice has cast aspersions on the character of the Provincial Auditor.

The Minister of Justice, I think, has really reflected, his comments have reflected upon the integrity of the auditor. And as a result of that attack on the integrity of the Provincial Auditor, we have emotions before this Legislative Assembly; we have two prima facie cases of privilege in two consecutive days, which is unparalleled, unheard of in the history of our province; and we have a special report by the Provincial Auditor that has been submitted to us this day.

Now why does the Provincial Auditor submit a report to us this day? The reason is because the Provincial Auditor, when he is attacked by any member of this Legislative Assembly, doesn't have the ability to come before us and speak to us to answer the charges. He doesn't have that ability.

— the letter from the Minister of Finance is issued;

The Leader of the Opposition was calling upon the Premier of our province to have agreement on both sides of the House that the Provincial Auditor would come before the bar of the Legislative Assembly, to come before the bar of the Legislative Assembly and answer the charges of the Minister of Justice that his behaviour had been improper.

And what did they do? The Premier didn't even get up in this Legislative Assembly and answer the questions — the Premier of our province. Instead, the Minister of Justice continued to answer the questions. The Premier of our province has a role, and has had a role in this whole exercise. The Premier of the Province was in here earlier tonight when the Minister of Justice stood up and gave a not too proper academy performance in terms of justifying his actions.

He says he has the right to question the Provincial Auditor's report. He says he has the right to say that the Provincial Auditor's behaviour is improper. And I say to the Minister of Justice, supported by the Premier of our

province, that he doesn't have the individual right. That right belongs to all of us collectively — all of us collectively.

And if we don't have that right, then I say that the Minister of Justice, supported by the Premier, today, in my view, has violated some of the practices as set out in Erskine May's *Parliamentary Practice*, 20th Edition, page 162, which states:

Both Houses will treat as breaches of their privileges, not only acts directly tending to obstruct their officers in the execution of their duty, but also any conduct which may tend to deter them from doing their duty in the future.

And I would say, as a result of the comments from the Minister of Justice, the member from Kindersley, supported by the Premier of our province who came to this House tonight to sit in this House while the Minister of Justice gave his account of what happened . . .

The Speaker: — Order. The hon. member knows the rules and she is not to refer to the presence or absence of members. Any member has a right to be in here without being referred to.

Ms. Atkinson: — My apologies, Mr. Speaker. The point I was trying to make is that the Minister of Justice gave an accounting of his behaviour to this legislature. He gave an accounting of his remarks with regard to Provincial Auditor. The Premier of our province obviously supported those remarks. And I am saying, as a result of that justification, as a result of his refusal to withdraw his remarks, as a result of the undying support of the members opposite, that I say, Mr. Speaker, in my view, this conduct may tend to deter them from doing their duty in the future.

We really have a situation, Mr. Speaker, where, as a result of this minister's refusal to apologize, as a result of his comments and his justification tonight, his attempt to justify his remarks, that in the future it is possible that any future officer, present and future, will have difficulty in executing their duties — difficulty in executing their duties. Because what we're saying, what the government is saying is that individual members can attack the integrity, the integrity of individual officers of this Legislative Assembly. And I say to all members in this legislature that that is clearly wrong — is clearly wrong.

Now the question is: what do we do? What do we do? Democracy is too important to let individual political considerations take over. Democracy is too important. An officer of this Legislative Assembly has been attacked, his integrity has been attacked by a minister of the Crown, a member of the Executive Council . . .

An Hon. Member: — The Premier laughs; the Premier's laughing.

(2100)

Ms. Atkinson: — And I understand the Premier is laughing; that's unfortunate. But an officer of our Legislative Assembly has been attacked, there's no

question about that. The members opposite obviously are condoning that behaviour because they have moved an amendment that takes away from the thrust of our original motion. And the thrust of our original motion was:

That this Assembly condemns the Minister of Justice for having breached the privileges of this legislature by his unacceptable and unjustifiable criticisms of the Provincial Auditor, that this Assembly calls on the Premier to require that the minister apologize publicly and resign from the executive council.

And this motion was amended to read:

. . . That this would be referred to the Standing Committee on Privileges and Elections (of which there are only 10 members).

Not all members of the Legislative Assembly will get to deal with the questions that have arisen as a result of this *prima facie* case of privilege. Only 10 members of the Legislative Assembly will have the opportunity to engage in lengthy debate.

And I think, Mr. Speaker, that that is extremely unfair, extremely unfair, because an officer of this Legislative Assembly is not just the employee of 10 people, 10 members of the legislature. An officer of the Legislative Assembly is an employee, is an officer for all 64 members — all 64 members.

Mr. Speaker, in conclusion I want to say this, that an officer of this Legislative Assembly, the Ombudsman, the Provincial Auditor, the Legislative Law Clerk, the Clerk, have the right and the expectation that they will be free of any unacceptable assaults from any individual member of this Legislative Assembly. They have the right to expect that their integrity will be held in trust by all of us — all of us together.

If the Minister of Justice had some individual concerns, he could have dealt with those individual concerns through his public accounts members. If the Minister of Justice had some individual concerns, he could have expressed those individual concerns in some other forum, some other way. But instead, the Minister of Justice chose to attack, chose to attack the integrity of the Provincial Auditor.

And why did this Minister of Justice decide to attack this individual? This Minister of Justice decided to attack the individual integrity of Mr. Lutz because they couldn't stand the message contained in the auditor's report. That's why. Shoot the messenger, shoot the messenger.

What does he say? I want to put this back on the record. He says:

He now sees the financial transactions for about 50 per cent of public spending;

That's all. He doesn't see it for 100 per cent; only 50 per cent of the taxpayers' money is audited by the Provincial Auditor.

There have been people saying for some time that this government, in many respects, is just blowing money, is mismanaging the people's money. They've doubled the revenues of this province, they've doubled the expenditures of this province, but our services continue to get worse and worse and worse and worse and worse and worse.

And so the question is: where is the money going? Where is the money going? The Provincial Auditor talks about the fact that he is not able to see 50 per cent of the public's money and how this provincial government spends the public's money. They have been elected on behalf of the public. They represent all of us. They have an obligation to all of us to spend our money correctly, and yet the Provincial Auditor can't see 50 per cent of how this government spends its money.

This report, in many respects, indicates to the people of Saskatchewan that this government lacks integrity; that this government is out of control; that it's lost all senses.

The Speaker: — Order. Order, order. You must relate your comments strictly to the motion. The motion is dealing with the criticisms of the minister for his words, and it isn't the wide-ranging debate on the report now.

Ms. Atkinson: — Thank you very much, Mr. Speaker. I'm trying to indicate why this minister chose to assault the integrity of an officer of this Legislative Assembly. And this minister chose to assault Mr. Lutz; he chose to assault his integrity because of the contents of the *Report of the Provincial Auditor*, where the Provincial Auditor indicates to us on page 4 that he can no longer do his job. He can no longer fulfil his function, his . . . "role to watch over the public purse for my client, the Legislative Assembly." The client isn't the Executive Council; the client isn't the provincial government, the PC government; the client is the Legislative Assembly and we are elected, all of us, on behalf of all of the people of our province.

And so this minister decided, I can't hear the news contained in this report so I've got to shoot the messenger. And any time we get any kind of indication from an officer of this Legislative Assembly that there's something afool some place, these people decide to attack the integrity of those people — destroy them.

Now what kind of people would engage in that kind of exercise? Obviously, the kind of people that engage in those kinds of exercises are afraid for the people of our province to hear the truth. They're afraid to hear the truth. Well the truth is contained in the Provincial Auditor's report, and anybody who's listening tonight can write to the opposition caucus office at Room 265 at the Legislative Building and we will make sure that they get a report on how this government is and isn't spending our money. We can guarantee that much because every citizen in the province of Saskatchewan has the right to know — has the right to know if they choose to — how this government is spending the peoples' money.

Now, Mr. Speaker, in conclusion I think it's important that the integrity of the Provincial Auditor continue to exist. I think that's an important principle. Obviously the Minister of Justice chose to attack the integrity of the

Provincial Auditor, Mr. Lutz, because of the contents of this report. At no time in this debate has the Minister of Justice substantiated any of his allegations that the Provincial Auditor, Mr. Lutz, acted improperly — at no time has he done that.

As a member of the Standing Committee on Privileges and Elections, I look forward to representing the people of the province on this important matter that will, in all likelihood, be referred to that committee. I regret very much, Mr. Speaker, that all 64 members of the legislature can't, as a result of the motion that's been put forward by the member from Quill Lakes, indicate our reaffirmation of the importance of the office of the Provincial Auditor. It's too bad that we can't all do that. But hopefully, 10 members on the Standing Committee on Privileges and Elections will have some integrity, and we will bring in a report that brings back to this Legislative Assembly our respect, our respect for all officers of this House — all officers, including the Provincial Auditor, and that any future provincial auditor and the Provincial Auditor, Mr. Lutz, can continue to fulfil their role as the public watch-dog over the way this provincial government spends the public's money.

Some Hon. Members: Hear, hear!

Hon. Mr. Hodgins: — Thank you, thank you very much, Mr. Speaker. And it's my pleasure to enter into this debate this evening. And, Mr. Speaker, indeed we have a somewhat of a complex issue here to deal with tonight. We have had a number of motions and amendments and subamendments and, Mr. Speaker, we've spent a good considerable amount of time thus far listening to most, most of the NDP lawyers on the other side of the House. And, Mr. Speaker, those lawyers, those NDP lawyers seem to be able to very efficiently make an issue such as this extremely complex. And, Mr. Speaker, I want to get this issue, as important as it is to this legislature, back into perspective, Mr. Speaker. And to do that, Mr. Speaker, I do have to go through some of the history and some of the very significant events that have transpired as at 5 o'clock this afternoon.

Mr. Speaker, at 5 o'clock this afternoon, or shortly before, the Provincial Auditor provided to this legislature, to all members, a very important report. And I thank the Provincial Auditor for providing us with that information. And, Mr. Speaker, if you would have reviewed this report very carefully and, Mr. Speaker, if you would have listened very closely to the Minister of Justice's comments tonight, I am very certain, Mr. Speaker, that beyond a shadow of a doubt you would be convinced that this very report substantiates absolutely every statement of fact that has been made by the Minister of Justice. And in fact, Mr. Speaker, this very report stands to prove beyond a shadow of a doubt that no breach of privilege exists whatsoever.

I go back, Mr. Speaker, to give you the history of where we have come from to arrive at this point in this illustrious debate in this legislature. Mr. Speaker, last Friday, I believe it was, or last Thursday, the Minister of Justice made a number of statements. With those statements, Mr. Speaker, definitely questions arose, and indeed, Mr. Speaker, they were serious questions that all members of

this Assembly and the members of the public in Saskatchewan should be interested in. Because, Mr. Speaker, it's not every day that you make statements like that.

But, Mr. Speaker, following those statements, a motion was moved by the members of the NDP Party saying that this was a breach of privilege. Well, Mr. Speaker, today — and I'll get into it in just a few moments — I will show to you why there should be no breach of privilege.

Subsequent to this motion, Mr. Speaker, a motion was moved by the member for Indian Head-Wolseley that said, well, if this is a breach of privilege, let's send it off to the committee, the Standing Committee on Privileges and Elections, and rightfully so. And I think that committee would be very appropriate to determine if a breach of privilege was made.

Subsequent to that, Mr. Speaker, members of the NDP Party, moved by the member for Saskatoon Fairview, have said, well, this new information should as well go to the standing committee on breaches and privileges.

Well Mr. Speaker, I submit to you — and I'm going to come to the essence of my case, Mr. Speaker — I submit to you that, number one, it has now been proved that no breach of privilege took place. So, Mr. Speaker, in light of that new information, I don't believe that our own motion, our own motion introduced by my colleague, the minister from Indian Head-Wolseley, which said we'll take all the information to the standing committee, is a motion that we would vote for, Mr. Speaker. I'm going to recommend at the conclusion of my remarks, Mr. Speaker, that all members, after reviewing this new evidence, shall vote on whether or not this information should go to the standing committee. I don't believe it should, Mr. Speaker.

I ask you, Mr. Speaker, when you review all of the evidence, is there a breach of privilege when a man stands up and states matters of fact? I will review with you, Mr. Speaker, just what the member from Kindersley, the Minister of Justice, stated last Friday that brought up the question of privilege.

The member for Kindersley alleged that, number one, the Provincial Auditor made the statement that he be allowed to go to the Board of Internal Economy to get his budget. Well, Mr. Speaker, this very document, this very document submitted to us by the provincial officer says, yes indeed I talked about the fact that everything should go . . . or that my estimates should go to the Board of Internal Economy. Right here, page no. 3, item 2.

Mr. Speaker, the member for Kindersley as well alleged last week that the Provincial Auditor referred in his report to a successor. Well, Mr. Speaker, indeed, right here in this special report the Provincial Auditor indeed does make the case that he would like input into who the successor should be. Well, Mr. Speaker, what the member for Kindersley said, and what the Provincial Auditor says, match up.

(2115)

And, Mr. Speaker, furthermore, I ask you the question, would it seem fair or reasonable or proper to you that an employee of the people of Saskatchewan should choose his successor, or, Mr. Speaker, should it be members of the Legislative Assembly?

I don't think there's a question, Mr. Speaker, that members of the Legislative Assembly were elected to do a job. And one of the jobs that we were elected to do would be to appoint and to hire. And, Mr. Speaker, in this case of all cases, I think it stands out very much as being common sense.

So, Mr. Speaker, how could there be a breach of privilege when the member for Kindersley and the Provincial Auditor are in agreement that the subject matter in the report was choosing the successor to the Provincial Auditor?

Mr. Speaker, furthermore, the member for Kindersley alleged that the question of retirement of the Provincial Auditor was one of the subject matters. Here again, Mr. Speaker, the Provincial Auditor's new report that he has given to us here today, item no. 4, page 3, talks about the question of retirement.

And, Mr. Speaker, I believe that that Minister of Justice this evening in the legislature made a very, very good case, that all of these issues — retirement package, whether or not the Provincial Auditor goes before treasury board or goes before the Board of Internal Economy, the question of joint audits, those types of things, Mr. Speaker, are not and should not be part and parcel of an auditor's report. Mr. Speaker, that cannot be.

Mr. Speaker, the member for Kindersley made the case that in his judgement, that that package of items was improper, improperly used as a tool in an negotiating process. Mr. Speaker, I'm not a lawyer. Mr. Speaker, I'm not a member of a professional organization. But, Mr. Speaker, I do know a little bit about common sense, and Mr. Speaker, I do know a little bit about business and professional ethics.

And, Mr. Speaker, the case that the member made, the case that the member for Kindersley made, that gee whiz, this Provincial Auditor is acting improperly. He made the case that the Provincial Auditor perhaps did not use good judgement. And Mr. Speaker, I would throw this whole case out to the public of Saskatchewan and I would ask the public of Saskatchewan. Mr. Speaker, the public of Saskatchewan I believe would agree with me. I believe that every professional organization that you could put your finger . . .

The Speaker: — Order, order. The member has been interrupted several times and I haven't brought it to the attention of the members. But I am bringing it to the attention of the member now, that allow the member to continue with his remarks without the stream of interruption.

Hon. Mr. Hodgins: — Mr. Speaker, I believe that the public of Saskatchewan could judge. I believe as well, Mr. Speaker, that virtually every professional organization that you might want to pick at random, if

they were to examine these types of issues, or this specific issue, Mr. Speaker, and the issue is a whole package of items — retirement package, choosing of a successor, whether or not this particular individual should report to Internal Economy or elsewhere — the issue is whether that package should be a part and parcel of a package respecting the exact report, the professional report of this auditor.

Mr. Speaker, you ask any professional organization, you ask any man on the street, any person on the street whether or not it is fair to tie those two, whether or not it is proper to tie the two of them, and, Mr. Speaker, I don't believe that it is.

I believe, Mr. Speaker, that the Minister of Justice made a very good case for himself here tonight. And in light of the Minister of Justice's comments tonight, and especially in light of this very report that we got late this afternoon, Mr. Speaker, I don't believe, I don't believe that the motion of privilege against the member for Kindersley has any merit whatsoever.

Mr. Speaker, I would defend the member for Kindersley. I would say that members opposite, in light of this new information, in light of the information, Mr. Speaker, that backs up every single statement made by the member for Kindersley, I believe that there is no question at this point in time; that there is no case of privilege whatsoever against the member for Kindersley.

I would urge all members, I would urge all members in a non-partisan fashion to really stop and think what this document says and to really reflect upon what the Minister of Justice said the other day. And you can make your own judgements whether or not the Provincial Auditor was using good judgement or not. I'd say most people would say he wasn't. But, Mr. Speaker, there is no question on the issue of privilege here tonight.

So I would say to all members, Mr. Speaker, to defeat the motion, or the amendment to the motion, the subamendment to the motion, which is referring all of this information to the standing committee.

I would ask all members, in fact, to vote against the motion referring the whole issue to the standing committee on privileges. And, Mr. Speaker, we will put this issue where it rightfully belongs, and that is before public accounts.

So, Mr. Speaker, I will be moving a motion at another point in time that the whole issue be referred to the Standing Committee on Public Accounts. But at this time, Mr. Speaker, I am urging all members, all members to vote against, against this question of privilege. And, Mr. Speaker, we will decide that in this legislature, and ultimately, Mr. Speaker, the public of Saskatchewan, in using their good judgement and wisdom, I believe as well will agree that there is no case of privilege. Thank you.

Some Hon. Members: Hear, hear!

Mr. Goulet: — Mr. Speaker . . .

The Speaker: — Order. Would the member be seated,

please. Order. I believe the member for Cumberland has the floor, and let's give him the opportunity to make his remarks.

Some Hon. Members: Hear, hear!

Mr. Goulet: — Mr. Speaker, in light of the limitations on speeches, I might make a point, you know, at the outset, because the subamendment talks about all evidence relating to this issue in regards to the fact of the auditor, and the report there mentioning statements of the audit. It is my understanding, therefore, I could utilize particular aspects of the audit itself in making some key statements about the credibility of the auditor, Mr. Speaker.

I guess my introductory comment, Mr. Speaker, is this: the whole question of privilege is tied to the very important point about having information to the people. The auditor, as a functionary of the Legislative Assembly, is a person whose function is to provide information about the expenditures of the Government of Saskatchewan, and more particularly in his area as the public auditor.

I would state, Mr. Speaker, that the direct attack on the auditor is a deliberate attempt to utilize an old . . . it's an old trick, as one member says, of how you try and muzzle an opposition by attacking the messenger, by attacking the credibility of a functionary, in this instance, of our parliamentary democracy. I think it is very important to recognize this debate in that context, that it is not only an attempt to silence and muzzle the auditor, but it is also an attempt to keep that information that the auditor has been requesting for a long time, to keep that information away from the people of Saskatchewan.

And one of the ways that you try and muzzle democracy is to try and keep that information away from the people of Saskatchewan. So by muffling the auditor, by attacking his credibility, you attack the basis and the roads of providing that information which is the essence of any democracy, any parliamentary democracy in the world, Mr. Speaker.

So as I make my introductory comments, this breach of privilege has to be first of all examined in the light of where the attack is coming from on the first stage of the argument, and how that argument, you know, was started out by the Minister of Justice.

I would say from a general context, Mr. Speaker, many previous speakers have already pointed this out: the specific argumentation utilized has to be looked at in the context of what was mentioned in the letter to you dated May 23, 1989. It says on page 4, in the spring of 1987 the minister made such comments about the Legislative Counsel and Law Clerk.

At that point, Mr. Speaker, in that letter there was disparaging remarks made by the Minister of Justice on the Law Clerk, and the letter that was sent to you stated the following point. At that time you made a ruling which constituted a *prima facie* case of privilege.

Mr. Speaker, you said this on June 24, 1987 at page 697 of *Hansard*.

It is vital, if parliament is to get fair and impartial service from its officers, that these officers must be defended from intimidation while conducting their duties. Critical comments attacking the competence of and credibility of an individual can be construed as a form of obstruction.

Mr. Speaker, these were your words on June 24, 1987.

I notice in context that, right off the bat — some other members have mentioned it — that this was the first time in the history of Saskatchewan that you've had two cases of privilege, two breaches of privilege back to back in the history of Saskatchewan; that never had this happened to anybody's knowledge of the ones that spoke so far; that indeed, it was an unusual event that cases of privilege would be brought back to back.

But as speaker after speaker mentioned, this wasn't the very first time that the said Minister of Justice had done this before; that indeed he had not only attacked the legal counsel and was forced to apologize at that point, but he also has done that in a couple of cases just this past couple of days. And other members have pointed out to the fact this minister also did the same to the Ombudsman, David Tickell, when he dared criticize the government.

(2130)

When you look at it in the overall historical context, governments throughout the world try and silence people by intimidation, by making strong criticism, or by using selective devices of omission, or by committing them to severe attack right throughout the world. Many people figure this only happens in Chile, or this only happens in the Third World where the dictatorships are occurring; that intimidation tactics are the ones that can only be used by these dictatorships.

But I think it's very important to recognize that intimidation is a matter of degree, that there are different forms of intimidation. We know that many people have voiced their opposition to this government in the past, but they've received letters, you know, back from this government in that regard. And I think that the central message that we are hearing from the people is that they don't want to be silenced by intimidation; they don't want to be silenced by fear of being attacked.

I would say that from my viewpoint, Mr. Speaker, when I look at the question of the auditor and I looked at how the auditor has presented his case, I checked around the older members in our caucus to find out in what way the auditor performed his tasks before and to the present. And the information I got, Mr. Speaker, in regards to the credibility of the auditor was very simple and straightforward. They said he's always been very critical, whether it was an NDP government or whether it is a PC government; that his job is to protect the public purse; and that whatever information that he has presented in the past has been brought out of the facts that he utilized in regards to coming to conclusions on his judgement.

I must say that as I got this information, I started looking at the more recent past couple of years. I've only been

around in the past couple of audits. And as I looked at the audit from last year, again, there was the same general type of critical approach that the auditor did use.

In other words, the auditor was not afraid to bring points that were contentious to the existing government, and which was the same that I got when I talked to the older members. They said he did the same thing when we were the government.

So that indeed we are attacking a person whose credibility has been long-standing in this legislature. And the auditor in turn is being attacked by a person with very questionable motives at this point in time in history.

And I might add when I look at the *Special Report by the Provincial Auditor* which was tabled just at 5 o'clock today, I looked at it on point 1.01, and the *Special Report by the Provincial Auditor*, it says that:

On March 10, 1989, my lawyer, Mr. Gordon Neill, was speaking to Mr. Larry Kyle who was representing the Crown Investments Corporation of Saskatchewan (CIC) regarding the interpretation of The Crown Corporations Act, 1978, relevant to the payment of \$2.7 million reported in paragraph 5.05 of my 1988 annual report.

And it's interesting that in the context of the auditor report, in regard to the auditor's report, the context there is a substantive content, and that there's \$2.7 million reported, and so on.

So, Mr. Speaker, the point here is that the auditor has been very critical about the government. And his point on 1.01 of the special report, which he tabled just before supper, shows that to be the essential reason why I think the government has gone on an outrageous attack on the public auditor. I will start out by reading selected aspects of the . . . of his summary statements on the *Report of the Provincial Auditor* to the Legislative Assembly for the year ended March 31, 1988. And I will state this right at the . . . In his overall title he says, summary of current issues of importance. And in relation to the Provincial Auditor, this is what he had to say. Right off the bat he says, on page 4:

I cannot effectively carry out my role to watch over the public purse for my client, the Legislative Assembly.

It shows very clearly that in this case the government, especially the executive, appears not to have co-operated with him in his watch-dog role over the public purse. I think that's the very clear statement of his initial position right off the bat. And in regards to the importance of information, Mr. Speaker, and much of the information he presents in his special report — which are also specifically connected not only to the letter but also to the audit — he says this on page 4. He says:

In my view, the Legislative Assembly requires more information about crown corporations, crown-controlled corporations and mixed corporations.

The public accounts are not complete, correct or timely.

There were a number of cases where the tabling of annual reports and financial statements did not comply with the law.

I think it's very clear, Mr. Speaker, that the auditor is being attacked because he has made very clear-cut statements about how public accounting was being taking place in this province.

He says that he had problems getting information from Crown corporations and Crown-controlled corporations where they didn't have full control, and mixed corporations where there is both private and public control on the corporations. And I think at this stage, when the government is promoting privatization, Mr. Speaker, where we need to know information of the public accounts in regards to the Crown corporations, it's very important at this stage when we're dealing with privatization . . . and I notice that in the amendment, Mr. Speaker, that it was the Minister of Public Participation that made the amendment, the first amendment to have this brought out at the committee level.

So the point there, Mr. Speaker, is this, that the auditor is making strong statements about the need to know exactly where our public corporations and our mixed corporations exist today.

For our purposes over here we want to know what the government is doing in privatization, and so on. We need to know our record, where we are coming from so we know where we are going. But that's what the Government of Saskatchewan is hiding to this date.

I know that when I was . . . It's very important, Mr. Speaker, that we're trying to get this into committee.

When we went into committee, the first thing I learned about committee was this: the committee doesn't allow you the same level of public knowledge. For example, right now there is a certain amount of the public who will watch the television. When we go in committee there is no television at all on the debates in committee. It all takes place in a room here in the legislature, and there's no TV cameras that report ongoing procedures in the way that the public can make judgements about how the proceedings go themselves. So it's more or less a more hidden form of governing; it's a more secret form of governing. Although from time to time there are reports coming out from the committees, it's not as readily available to the public as you would on the televised debates, as we do have right now.

Now on this side of the House we would rather more thoroughly deal with this on a public debate rather than just leaving it to committee, which the amendment suggests. So our proposal, also on the amendment, Mr. Speaker, in connection to that, is that we want information that was tabled, of course, in that special report, and connected with that special report and all connecting information from that — not that which is selectively brought into scope by the initial amendment.

So what we are talking about overall, Mr. Speaker, as we are dealing with this, is public information that the public has the right to know. To me it's an indirect form of trying to silence the public. It's trying to get the people . . . the government is trying to make the people not know about what's going on in our overall public account.

As I looked at the information on the auditor, I also saw the . . . it was not only in terms of the tabling of documents and so on that he was worried about, and I will relate page 9 on the current issues of importance again. And this is what he says at 2.20, he says:

The Provincial Auditor can no longer effectively serve the Assembly because:

—he now sees the financial transactions for about 50 per cent of the public spending;

—he now

In other words, there is another 50 per cent that he would like to see but he does not have access to, and to me that's going into the same boat when we try to debate in the committees. I used to try and get information on the Crown corporations through the committees, and when it was in the privatization process they said, well we can't give you the information because it's a private business, because it will be dealing with the secrets of business transactions and we can't give you that information.

And so that, you know, in regards to the same idea of privatization, they said we couldn't disclose this information because it would be unfair competition, or something of that sort. So that's the type of argumentation that was utilized. And we knew we weren't talking about issues relating to unfair competition; all we wanted was straightforward financial information that was on record, that existed already. That wasn't unfair competition; that had the right to be reported, but they didn't want to give us that information because they said it would be unfair competition. So that type of argumentation is always utilized.

I think it's very important for the people of the province to know that half the information, half the money that is publicly spent is not accounted for through the public auditor. And what he had been requesting for a long time is to have the basis and the resources to be able to do so, but this government has not been forthcoming. Instead they will provide millions to the big corporations to do this and that.

He also said that the Provincial Auditor can no longer effectively serve the Assembly because

I am . . . denied access to information.

And that's a very important point.

The Speaker: — Order. I am listening to the member, and I'm sure somewhere along the line all this information can be somehow tied into the motion. However there are two motions before the House, and one deals more specifically with the report; this motion and the amendments do not.

Therefore I would like to ask the hon. member to keep

that in mind in his remarks. It is not a wide-ranging discussion on the report. I've allowed one or two or three referrals to it, but the issue before the House is not the report as such.

(2145)

Mr. Goulet: — Thank you, Mr. Speaker. Mr. Speaker, the auditor went on . . . You know, with your comment, I will just make a concluding point. He said he had problems in getting the Crown report and also in regards to public participation-type promises. But he also said this very clearly on 2.31. He said:

. . . I have been interfered with in the execution of my duties.

And my point here, Mr. Speaker, and I see the connection, there is not only interference in regard to the public accounting in the province on public auditing. I think what we are coming to see is interference by the government on the functions of the Legislative Assembly of Saskatchewan; that indeed, the direct attack on the auditor is an indirect way of trying to muzzle whatever important information that he does have.

As I looked at the case done by the Minister of Justice, I would generally state, Mr. Speaker, he utilizes two methods in regards to his personal attack on the auditor.

One is what I would call the act of commission, and that is one where you make more or less disparaging insinuations about the auditor. And I'd like to put it on record, you know, for that when where I figure that was said. On page 1247 of *Hansard*, dated March 19, 1989, the Minister of Justice had this to say. He said:

Mr. Speaker, if a Provincial Auditor says, I will change my report if you do this, if you do this, if I have a proper retirement package and if I can determine who my successor is going to be, Mr. Speaker, I suggest that is improper.

What he is suggesting here, Mr. Speaker, is that the auditor is improper. He's improper for making suggestions about retirement packages and successors.

And to me, I connect this to my second point. One of the basic rules, of course, on debate or on information sharing is that you not only make disparaging remarks about who you are attacking, what you do is that you omit key sections. You don't tell the whole truth. You select out different packages from complete statements made, and then you utilize that in your argumentation.

I found that the minister was utilizing a lot of that type of argumentation in regards to making comments about the auditor. He was using very selective, incomplete sentences to make his argumentation. In other words, he was taking things out of context. And that device was used then to vociferously state his case.

And I was listening to what he had to say again, and he made the same points on the 19th, and I heard him make the same points again tonight. And although we had outlined those things for him before in comments by the

Leader of the Opposition, he should have known that indeed he was taking things out of the full context of the message that was provided for by the Provincial Auditor.

And so I will give my examples. Mr. Speaker, in point number three dealing with retirement, in regards to the question . . . and I'm reading the letter of April 20th, 1989, to a Mr. Larry Kyle, by the lawyer for the Provincial Auditor. And in regards to retirement, of course, the minister stated that:

He would . . . expect to receive on retirement the same allowances and economic adjustments that are provided Deputy Ministers . . .

What the Minister of Justice neglected to include in there was "in accordance with The Provincial Auditor Act." He completely neglected to mention the fact, Mr. Speaker, that you would be doing this "in accordance with The Provincial Auditor Act." In other words, that he would be following the law. He would be following the law, contrary to his charges on the government where he said that they don't comply with the law in many cases on auditing, and that . . . That was the very first, one of the big main arguments that is utilized by the Minister of Justice.

So when I looked at that, I thought to myself, well here is a person who's trying to follow Saskatchewan law, Saskatchewan rules and principles, and those that have been established here by parliamentary bureaucracy for many years. He makes that important connection.

But what does the Minister of Justice, the person who is supposed to be in charge of the law, do? He takes that out of context and leaves that out — he completely leaves it out in *Hansard*. There is absolutely no mention in his statement that it said in accordance with The Provincial Auditor Act.

I find that absolutely discouraging and disappointing, Mr. Speaker, for a Minister of Justice, for a minister in charge of the law, could deliberately try to give the impression that the auditor was not following the law. And I find that very, very, very disappointing.

But also in regards to the fact about . . . the minister kept talking about whether or not this Provincial Auditor would be able to somehow appoint his successor. And again in that letter that he sent, he says that he also recommended that his successor be appointed internally. And that's where, of course, the Minister of Justice stops. What he neglected to say, Mr. Speaker, is this, again:

. . . in accordance with the convention that has been established in this Province, Ontario, Manitoba, Alberta, P.E.I., Newfoundland, and Nova Scotia.

In other words, what he did here is that he said the successor should be appointed in accordance with Saskatchewan convention. Again, it is very, very disappointed again, Mr. Speaker. Here is the sin of omission again where you neglect to tell the full story. You only tell a little bit of it, and you select it out for your own argumentation to try and save your own neck.

And what he neglected to do here was that this is already our provincial practice, our provincial convention. And that's clearly stated in that letter of April 20. And that was sent already last week. But here I'm hearing the minister use the same argumentation again even this evening. And here he can call himself the Minister of Justice.

I certainly hope, as we go through this, that he clearly re-examines his own statements and practices, and learns to abide by the parliamentary tradition of respecting our functionaries such as yourself, Mr. Speaker, and also people such as the legal counsel, and also people such as the Provincial Auditor.

The other thing I looked at was the whole question of the Board of Internal Economy. The thing I can state there, Mr. Speaker, is going directly to the proposal by the auditor and what the auditor is saying. The minister seems to insinuate many strange, sinister things about what the auditor is proposing, but it's not. I would contend, Mr. Speaker, of course it's not sinister.

I looked at the Appendix IV of his report, and I looked at statements to see whether or not there was anything sinister about this. And I started looking at it, and I said to myself, well this doesn't look too sinister. It says, the proposal on Appendix IV says that:

The Provincial Auditor shall present to the Board of Internal Economy the estimates of the sums of money that are required to be provided by the Legislature for the purposes of this Act.

Nothing sinister about that.

That Board shall review the estimates and make any alterations that it considers proper, and shall thereafter concur in the estimates.

Nothing sinister about that.

The Speaker shall cause the estimates to be laid before the Legislative Assembly and the Assembly may refer the estimates to a Standing Committee of the Legislative Assembly pursuant to the rules of the Legislative Assembly.

I don't see anything sinister about that, Mr. Speaker, unless the Minister of Justice seems to insinuate that the Speaker . . . There may be something sinister there. Because all I see here in this V A 1(3) is a proposal by the Provincial Auditor talking about your position here, Mr. Speaker. And also when I look at the next thing, at point (4), it says:

where the estimates are not referred to a Standing Committee of the Legislative Assembly, the estimates are to be considered in the Committee of Finance and defended by a member of the Executive Council who is a member of the Board of Internal Economy and designated by the Speaker.

So what we see, Mr. Speaker, are processes and proposed solutions by the Provincial Auditor that have no semblance of the sinister way that the minister seemed to

present before. And my feeling is that he made other charges along the way. And one of the other main ones that I saw is the whole question of making a deal. There seems to be an impression here that . . .

The Speaker: — Order, order. It being 10 o'clock, the House is adjourned until tomorrow at 2 p.m.

The Assembly adjourned at 10 p.m.