

EVENING SITTING

SPECIAL ORDER

MOTIONS

**Point of Privilege — Criticism of the Provincial Auditor
(continued)**

Mr. Lyons: — Thank you, Mr. Speaker. Mr. Speaker, I rise here tonight, I would like to before addressing the substance of the motion before you, summarize for the people — constituents out in TV land out there — what they witnessed here today. They witnessed an unprecedented event in the history, in the annals of this legislature. They witnessed a government, Mr. Speaker, who voted against a motion put forward by one of their own ministers. They witnessed a government who in order to cover up, in order to suppress the truth regarding the events surrounding the reason this motion we are debating here tonight, went to take themselves on and they lost, Mr. Speaker. They lost.

Some Hon. Members: Hear, hear!

Mr. Lyons: — Never before, I suggest, Mr. Speaker, never before has a government took itself on in debate, ended up voting against itself. And I ask you, Mr. Speaker, I ask you, Mr. Speaker, what possible kind of government and political leadership are we witnessing here in the legislature of Saskatchewan?

You know, Mr. Speaker, it would be laughable if it wasn't so serious. Here we had, Mr. Speaker, here we had a government minister, the minister of public privatization, who went and put forward a motion — and I'll read it here, just to remind the members, the people of this province and yourself, Mr. Speaker, that the motion was put forward by the minister of privatization:

That certain correspondence tabled by the Minister of Justice on May 19 and 23, 1989 and any 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.

Mr. Speaker, in other words we had the minister of privatization put forward a motion saying, let's refer this matter, the matter which has gripped political events here in Saskatchewan over this last week or so; let's refer this motion to a committee of the legislature.

And what happened? When the vote came, when all members had an opportunity to debate that motion, the government members stood up and voted against their own minister of privatization, Mr. Speaker. Never before, never before have we seen a government gall to debate itself and then lose its own debate. Never before have we seen that happen, Mr. Speaker. And what is the reason?

An Hon. Member: — And it was unanimous.

Mr. Lyons: — And it was unanimous, Mr. Speaker, it was

unanimous. They voted against themselves unanimously — right? — to a man and woman.

Let me say, Mr. Speaker, I don't believe anyone in this province, whether it's in the press gallery or members here in the legislature, have ever seen this, that a government voted a vote of non-confidence in their own minister.

Because in terms of parliamentary tradition, Mr. Speaker, that is precisely what has occurred in this legislature. A minister of the Executive Council, a member of the Executive Council moves a motion which is not backed by members of his own caucus. And the tradition, Mr. Speaker, in every parliament in the British Commonwealth is when that occurs, it is the minister's duty-bound to resign because he doesn't have the confidence of his own caucus, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Lyons: — Mr. Speaker, it is unprecedented, it is unprecedented to see what has occurred here. And I think, Mr. Speaker, it shows to the depths, the depths and out of control that that government has found itself in. Because, Mr. Speaker, what they did today, what they did where they ended up voting against themselves, is nothing more than a reflection of the kind of political mess that this government has found itself in, and is nothing more than a reflection of the kind of political motivation which has led to this debate in the first place.

I want to read, Mr. Speaker, for you and for the people who are watching tonight the motion that we're discussing. It says:

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 . . .

Some Hon. Members: Hear, hear!

Mr. Lyons: —

and further, (Mr. Speaker), that this Assembly reaffirms the importance of the office of the Provincial Auditor as an officer of this Legislature.

Mr. Speaker, I ask you, why are we debating that motion here? What is the reason that we are finding ourselves having to debate that kind of motion, which in itself is unprecedented in terms of the annals of this legislature, where a Minister of Justice stands before all members of the legislature, accused of an unjustified and unwarranted attack upon an officer of this legislature?

Mr. Speaker, I want to spend a little time, if I may, putting forward what I believe are the reasons we are spending this time debating this motion. And that is the question of the political motivation behind the actions of the Minister of Justice.

Mr. Speaker, this attack on the auditor of the province of Saskatchewan was not a whim. This attack on the Provincial Auditor was not done in the heat of debate. This attack on the Provincial Auditor was not done out of some kind of angry response to an event that had happened. Mr. Speaker, this was a premeditated attack on the Provincial Auditor for strictly partisan, political reasons. Mr. Speaker, there can be no other explanation of what has occurred in this legislature and the actions and the motivations of the Minister of Justice in launching that attack on the minister . . . pardon me, on the Provincial Auditor.

And what would the political motivations be, Mr. Speaker? Why would it be that the Minister of Justice, who's already been reprimanded by this legislature once for attacking another officer of the legislature, why would that Minister of Justice attack the Provincial Auditor in the way he did?

Well first of all, Mr. Speaker, I would submit the first reason is for short-term political gain. I sat in this House last Friday, May 19, and I heard the Minister of Health — as question period unfolded, as people began to raise the question of the Provincial Auditor, and the Minister of Justice responded with his scurrilous accusations — I heard the Minister of Health say to one member of the front benches of our side, how is this for a little deflection, hey guys? How is this for a little deflection?

Well, Mr. Speaker, I want to say, first of all, that it's not a little deflection. This has not become a question of politically deflecting the heat that that government was taking, based on the things which are written in the Provincial Auditor's report. That little bit of political deflection has backfired on this government because, because of the scurrilous attacks of the Minister of Justice on the auditor of this province, there is not a person in Saskatchewan who does not know what the functions of the Provincial Auditor are, and who does not know that the Provincial Auditor is saying that he can't do his job because of the interference and because of the kind of cover-ups that the government is engaged in.

Some political deflection, Mr. Speaker, some political deflection. That little bit of political deflection that the Minister of Health talked about has backfired in a mighty big way on that particular government.

Some Hon. Members: Hear, hear!

Mr. Lyons: — So, Mr. Speaker, the short-term political deflection, because that's what it was all about, to attack the Provincial Auditor, to attract attention away from the auditor's report, that little bit of political deflection has not worked. But there's another part to the political strategy and the political motivation, Mr. Speaker, behind the activities of the Minister of Justice, and that is the long-range motivation, Mr. Speaker.

Just as the Minister of Justice had attacked another officer of this legislature, that is to say the Legislative Counsel, that is that the Minister of Justice, at a time before this time, engaged in attack on the credibility and the integrity of the Legislative Counsel, in the hopes that not only

would he do short-term damage to that particular person occupying that particular post, but that the Minister of Justice would in fact make it impossible for that person to carry out their activities as an officer of this legislature.

That was the political motivation behind the minister's attack, and he was forced to resign. He was forced to resign, Mr. Speaker, after making allegations, which by the way . . . Not forced to resign, he was forced to apologize to this legislature after making allegations, which I submit to you, sir, were in no way at all nearly as serious as the allegations he has made regarding the Provincial Auditor.

That Minister of Justice attacked the former Legislative Counsel of this law clerk. And he was forced to apologize, after making what appeared to be some off the cuff remarks, even though they were intended to have a long-term political effect.

The long-term political effect of the activities and actions and the statements of the Minister of Justice, in regards to the Auditor of this province, are this Mr. Speaker, I submit. The political motivation behind the Minister of Justice statements are: (1) is to permanently injure, permanently discredit, and permanently dishonour the integrity of the person that occupies the post of auditor of the province of Saskatchewan. The auditor — and I might say, Mr. Speaker, is a member of the Public Accounts Committee — when a member of the Executive Council says that the person who's responsible for doing the books is willing to, for small change, throw out so many years of service to this province in exchange for a supposed pension package; when the minister makes that kind of charge to try to cast aspersions on the integrity of that person, what do you believe that I and any other member of the Public Accounts Committee has to do with that person? What do you think that the kind of opinion that we form of the character of this auditor would be? What do you think of the intent of the Minister of Justice's statements in terms of moulding public opinion in regards to the integrity and character of the Provincial Auditor is?

Well, Mr. Speaker, to me there can be only one intent, and that is to do long-term political damage to the Provincial Auditor, because it says the Minister of Justice, as a member of the Executive Council of that government, is saying, we think that you can be bought. We think that you can be purchased for a pension plan. We think that you can be, for your own personal consideration, be persuaded to change your report in regards to the finances of this province, because that's the impression that the Minister of Justice intended deliberately and premeditatedly to leave with the people of Saskatchewan. That's the opinion that that person wants to leave with the people of this province as to the character of the Provincial Auditor.

(1915)

And I say, Mr. Speaker, I say, Mr. Speaker, the refusal of the Minister of Justice to withdraw his statements, to apologize to the Provincial Auditor, to apologize to this Assembly, and to resign, proves — proves, proves — that he intends, and this government intends, to carry out long-term warfare against the Provincial Auditor. There

can be no other conclusion that people of this province can make.

And how, Mr. Speaker, how can the Provincial Auditor then go ahead and perform his function if he does not enjoy the confidence of both sides of this House? Because that's what the political ramifications of the actions of the Minister of Justice were. To say that because he will not apologize, neither will he resign, he is saying that the government of the day does not have confidence in the integrity of the Provincial Auditor. And that's the long-term political motivation.

And why, Mr. Speaker, why do they have that long-term political motivation? Because they want to be able to put in the place of the Provincial Auditor someone who is compliant, someone that will change the report, someone that will not be anywhere near as critical or as, quite frankly, as honest as the person who presently occupies the job.

You know, Mr. Speaker, the person that presently occupies the job of Provincial Auditor, Mr. Lutz, has been a thorn in the side of every government which has occupied those benches. And I say for that, three cheers, because he as the watch-dog of the spending of the public of this province has that particular role to play. Now I'll deal with that a little bit more, Mr. Speaker, a little later on.

But I want to say to you that when we talk about the kind of political motivation which has set the Minister of Justice on the path that he has been set upon, I would like to ask members on the other side, how is it that they can support that particular course of action?

It's not a question . . . my friend and colleague from Prince Albert-Duck Lake asks: what kind of moral character can they have? Well that's a very good question. What kind of moral character can they have — right? — when they condone that kind of slander; when they condone that kind of scurrilous attack; when they condone that kind of unwarranted libel of the integrity and character of a person that has served this province well.

How can they condone that? It is partly a question of moral character, but I submit, Mr. Speaker, that it is also a question of political smarts or the lack thereof — or the lack thereof. Because by condoning the actions of the Minister of Justice they've set a precedent. They have set a precedent. They say that it is okay for a government minister to attack officers of the legislature, and they've set that precedent. They say that it's okay for a member of this legislature to, in this legislature, raise the issue of the character and integrity of any officer of this legislature.

Anybody, Mr. Speaker, who for example occupies the Clerk's position; anyone, Mr. Speaker, who occupies the position of the Legislative Counsel; anyone, Mr. Speaker, who occupies the position that you presently occupy — all become fair game for politically motivated attacks in order to engage in, as the Minister of Health said, a little bit of political deflection.

And I don't know, Mr. Speaker, I don't know that if the members there are thinking more than two or three days

ahead, if they put their mind to thinking maybe . . . Maybe if they'd put their minds to what it may be like in this legislature two or three years from now, whether they want to set that precedent — whether they want that precedent set.

I would suggest, Mr. Speaker, that if they reflect on this matter a little more deeply than feeling the tug on the neck of the members of cabinet; that if they reflect a little farther ahead in the future — which I know is a great deal of effort for a government which can't plan on even finding out whether or not they're going to end up voting for their own motions, right? — they can't plan more than two days ahead. But if they reflect on this a little bit deeper than they obviously are doing now, that perhaps they don't want that precedent set, Mr. Speaker.

And they won't want it set for their own good. And they won't want it set for their own good because when they occupy the opposition benches — which they will — will then they try to come to the defence of an officer of the legislature, should someone attack that officer? Not saying that it will happen, but they will be compromised, Mr. Speaker; they will be compromised because of their actions now. They will not have any grounds to stand on to say, you shouldn't be able to criticize an officer of the legislature, because by their actions they have condoned, they have condoned an attack. And, Mr. Speaker, I say that shows the kind of lack of political smarts which has put this government into the hot water up to their necks that they're presently in.

Some Hon. Members: Hear, hear!

The Speaker: — Order. Order. Order. It seems that there are several debates taking place, and let's allow the member for Regina Rosemont to continue uninterrupted.

Some Hon. Members: Hear, hear!

Mr. Lyons: — Thank you very much, Mr. Speaker. Thank you; I appreciate that. As I was saying, Mr. Speaker, it is a question of precedent; this question of privilege is a question of . . . ultimately one of precedent in the future operations of this Legislative Assembly.

And you know, quite frankly, Mr. Speaker, if I were — given the actions of the members opposite, given their support for the kind of unwarranted, scurrilous, slanderous, and libellous attacks, should those things have been repeated outside the legislature, should that, Mr. Speaker, if I were somebody applying for a job as an officer of this Legislative Assembly, I would think twice about applying for that job given the actions of those members opposite, quite frankly. Because it shows not only a lack of political smarts, but as my friend from Prince Albert-Duck Lake says, a lack of moral integrity, a lack of an ability to reason things through to an end on the question of what is right and the question of what is wrong.

I don't want to pontificate, and I don't want to act as a holier-than-thou or someone that stands morally superior to anybody else in this legislature. That's not my intention, Mr. Speaker, that's not my intention. But it is my intention, as a member of this legislature, to point out

to those government members that there is a moral obligation on their part to protect the officers and offices of this Legislative Assembly. And that is not just a question of morals in the abstract, Mr. Speaker, that is a question of the oath that all of us took when we became members of this Legislative Assembly. And that oath was to uphold the institution that we stand in today and sit in today, and to stand up for those kind of principles which have evolved over the centuries, in terms of allowing questions of privilege to stand; allowing parliamentary immunity in terms of statements that people make; but also, Mr. Speaker, also making sure that those who make the statements are responsible for those statements, and are particularly those who occupy the Executive Council — those members who are members of Executive Council — the cabinet; those who have to have accountability to all us members in this Chamber.

And, Mr. Speaker, Mr. Speaker, that question of accountability, that question of responsibility rests on a number of things. When a member makes an allegation in the legislature, there is the supposition that there is some truth behind that allegation.

You know, Mr. Speaker, the question of truth, the question of allegations, and the making of tying the two together seems to have escaped the members opposite. But you know, and I know, and all members of this Assembly know, that in order to operate in a manner which the general public and the people of this province have to deal with, have to understand that when a minister of the Crown makes a statement there should be some semblance of truth to what that minister of the Crown says.

You know, Mr. Speaker, does that test apply in the case of the Minister of Justice? Was there, and is there, or have there been, any statements of truth attached to the allegations made by the Minister of Justice? Was he telling the truth when he said that the Provincial Auditor would change his report in relation to the question of the Provincial Auditor's retirement package? That was the allegation; that was the direct statement that the Minister of Justice made.

In other words, was the question of the auditor's retirement package linked to the question of changing the auditor's retirement package linked to the question of changing the auditor's report? You know, Mr. Speaker, that's the case, that's the case the Minister of Justice has tried to make since day one. He did so first of all by using selective quotations from a letter which said exactly opposite from what the Minister of Justice said it did . . . said he inferred.

I want to read, Mr. Speaker, in support of that particular statement, a column in the *Leader-Post* of May 20, Mr. Petrie. I want to read you this, Mr. Speaker, because it explains, I think in words that outline the situation much more clearly, in a shorter period of time than many others have been able to do. I want to read this, Mr. Speaker, and I'm going to quote:

It wasn't until Friday morning (and that's Friday, May 19) that Saskatchewan truly discovered how distant from reality a government can become

midway through its term.

Under attack from all sides by what can only be described as a scathing provincial auditor's report, the government set up its own world of make-believe to escape from allegations of secrecy in its spending habits.

This, Mr. Speaker, is the opening paragraph of how the press of this province sees the actions of the Minister of Justice in regards to this question of privilege.

Willard Lutz, the man who has double-checked government ledgers on behalf of taxpayers since 1971, all but included a letter of resignation in his annual report released Wednesday. The provincial auditor's job, he said, has become next to impossible. Only about half the . . .

The Speaker: — Order, order. Order. Quite frankly, I have to admit that I'm not sure of the ultimate intention of the individual in quoting. But let me just draw to his attention citation 328:

A Member may read extracts from documents, books or other printed publications as part of his speech provided in so doing he does not infringe on any point of order. A speech should not, however, consist only of a single long quotation, or a series of quotations joined together with a few original sentences.

(1930)

So while quotes are allowed and generally acceptable, reading long statements are not generally acceptable according to citation 328.

Mr. Lyons: — Thank you very much, Mr. Speaker. I intend to insert this as a very small part of my continuing remarks.

As I said before, Mr. Speaker, the opinion I'm putting forward now is Mr. Petrie's opinion, is not my opinion. Mr. Petrie says that; in this article he said: (a) that first of all that Saskatchewan woke up to find a government divorced from reality, and how far divorced from reality is. Then Mr. Petrie makes his next statement which is:

Under attack from all sides (even themselves, because they even end up voting against themselves) . . . Under attack from all sides (what happens? and again I quote, partial quote) . . . the government set up its own world of make-believe to escape from the allegations of secrecy . . .

Mr. Speaker, what is that world of make-believe, what is a fantasy land? I mean, we all know from experience what make-believe things are. It's obviously things like *Alice in Wonderland*, *The Wizard of Oz*, and now the Minister of Justice. Because it goes on to say, Mr. Speaker, that Mr. Lutz almost submitted his letter of resignation — all but submitted his letter of resignation. Why? Because, it goes on to say, Mr. Lutz can't do his job. That's what it says in the auditor's report — Mr. Lutz can't do his job. Why? Well it goes on to say why:

If (Mr.) Lutz's estimates are correct, the only auditor who must, by law, report to taxpayers, can't get detailed information about almost \$3.5 billion in spending by government and Crown corporations — or (Mr. Speaker, and this is what hit me in particular) approximately \$3,500 for every man, woman and child in . . . (the province).

So for those people who are watching on television I say, look around you tonight at the people who are watching the hockey game in your living rooms or doing what you're doing; count the number of people and multiply by \$3,500, and you will find the people in your household that the Provincial Auditor can't account for in terms of the tax dollars that they represent — \$3,500 for every man, woman, and child in this province that the Provincial Auditor, whose duty it is to account for, can't represent.

Now, Mr. Speaker, more succinctly and to the point of the kind of make-believe fantasy land that the Minister of Justice is trying to draw up or trying to put forward, Mr. Petrie goes on to talk about that a bit:

The reaction from the government Friday, or at least from Justice Minister Bob Andrew, was to shoot the messenger.

Now, Mr. Speaker, we know . . . we're familiar with that phrase "to shoot the messenger." That is, that those who bring messages that the receiver doesn't like, get shot. It was a practice, Mr. Speaker, it was a practice which arose from ancient times, ancient barbaric times, where when the messenger arrived with the messenger that the king or potentate did not agree with or like, the messenger was beheaded. Mr. Speaker, we look upon that as a kind of barbaric act that hopefully none of us would engage in here.

Except, Mr. Speaker, what the Minister of Justice did was engage in the same kind of barbarism on a political level because he beheaded the Provincial Auditor in a political sense. He, by attacking the character of the Provincial Auditor, is making it almost impossible for the Provincial Auditor to continue on as a servant of the province. And I know that was the intention of that Justice minister, Mr. Speaker. Every member in this legislature who are watching tonight knows that was the political intent . . . "was to shoot the messenger".

And, Mr. Speaker, quite frankly, it's the kind of political barbarism and the kind of political cowardice that we don't believe should be operative in this legislature.

Now, Mr. Speaker, it makes a comment, it makes a comment on the shooting of the messenger. It says, and I quote:

And the Tories' aim being what it is these days, Andrew naturally caught the bullet with his own foot.

Well once again, Mr. Speaker, I say, after having a government voting against itself and losing, I think that that is an apt description of the kind of political mess

that the Justice minister and that government is finding itself in. They've shot themselves in their own foot. Their own tactic of political deflection didn't work.

Now, Mr. Speaker, to go on a little further. Again I quote:

Puzzled and startled observers of the legislative assembly listen as Andrew read selected passages from a letter Lutz's lawyer wrote to the government's legal counsel on April 20. Andrew's abbreviated account of the correspondence left the impression Lutz had offered to resign, submit a palatable rewrite of his report and make no trouble for the government — but only if the price were right for a severance package.

Mr. Speaker, that is exactly, that is exactly what the statement of the Minister of Justice attempted to do, was attempting to link the question of Mr. Lutz's retirement, somehow link it to the question of a palatable report. That was the impression that that minister tried to leave with this Assembly. And that's why we're debating this motion here tonight. Because, sir, it was a prima facie case, a prima facie case of an attack on the integrity of an officer of this legislature. There can be no other doubt. And it's not just us saying that, Mr. Speaker, it is members of the press gallery, it is member . . . and I can go on and read lots of lots of press clippings from newspapers all over Canada who have reached the same conclusion.

Mr. Speaker, again I quote, I . . .

The Speaker: — Order, order, order. Order. I must once again draw the following citation to the attention of the hon. member saying that a speech should not consist of a series of quotations joined together with a few original sentences. I'm sure the hon. member will agree that by and large that's what he's been doing for the past while, and indicates intention of doing so, and I must draw that to your attention again that you'll have to change your method of delivering your speech.

Mr. Lyons: — Well, Mr. Speaker, thank you very much for your ruling. As I was saying very simply this, that the press across Canada realize the kind of political hatchet job that the Minister of Justice is attempting on the Provincial Auditor. And that's exactly what it is. That's exactly what it is, right? They created a fantasy land through selective quotations, through selective quotations from a letter which when tabled in this legislature proved exactly opposite from what the Minister of Justice was saying, a fact recognized by every responsible journalist all across Canada.

You know, Mr. Speaker, there is a special despicable quality to that kind of hatchet job. And that special despicable quality comes precisely from the person who occupies the position of Minister of Justice. And surely, Mr. Speaker, every person in this province knows that the fundamental tenets of justice allow every person charged with their day in court.

Mr. Speaker, the Minister of Justice is charging, he is trying, he has convicted the Provincial Auditor in this Chamber without allowing the Provincial Auditor his day in court. And that is unacceptable behaviour from

someone who claims to uphold not only the principles of this legislature, but someone who claims to uphold the principles of justice in this province. This is the Minister of Justice? This isn't one of the back-benchers off on a wild rampage. This is the Minister of Justice who is supposed to uphold the principle of innocent until proven guilty.

The Minister of Justice has turned this Legislative Assembly into the Court of Star Chamber. He has turned it into an institution worthy of the kind of institution known under the Spanish Inquisition. He has turned it into an institution where the principles of fair play, justice, decency, and democracy are trampled underfoot for his own narrow, partisan political interests, and he has done it with the reputation and the integrity of the Provincial Auditor. He and all those on that side of the House who support them have got to look at themselves in the mirror tomorrow morning and ask themselves: are they worthy of occupying their places in this Assembly if, in fact, they end up — as I suspect they will — if they end up supporting the actions and the activities of the Minister of Justice.

Mr. Speaker, they have to date. And don't they realize what the seriousness of this particular activity is? Not one shred of proof, not one iota of evidence, not one shard of anything approaching material reality was put forward by the Minister of Justice; nothing more than a warped and twisted interpretation of a letter which every responsible journalist in North America, in Canada, who has looked at this thing has said, this is crazy, this is crazy. What the Minister of Justice is doing is not right. It is shabby.

Again, Mr. Speaker, it's not the question of members of this side of the House saying this, judging that the activities of the Minister of Justice are a breach of privilege of this House; it's not just us saying that.

I refer, for example, to an article in the . . . an editorial in the *Toronto Globe and Mail*, who talked about, Mr. Speaker:

The shameful outcome has been that Mr. Lutz is obliged to enter his own estimates of the amount of public spending in the province, for want of any summary financial (calculations).

It goes on to say:

The image that emerges is of a shabby, almost furtive government.

You know, Mr. Speaker, in those few words I believe that the editorial writers for that particular journal have caught what we see before us — as we from this side of the House look across to that side of the House — those who are shabby and those who are furtive; a government which has lost its own self-respect; a government which has, by its finger-nails trying to cling to power, and in doing so is scratching the face and back and reputations of officers of this Legislative Assembly, in this particular case, the Provincial Auditor.

“Shabby” and “furtive” were the words used in that editorial, Mr. Speaker, and I couldn't agree more, because the treatment that Mr. Lutz is receiving at the

hands of the Minister of Justice can be described as nothing less than shabby treatment — shabby, unjust, unfair, unwarranted, and quite frankly, characteristic of that minister who already has had to apologize to this House, and characteristic of that government that doesn't even know enough to support its own minister and ends up voting against itself, trying to cover up what should be made public.

Because, Mr. Speaker, that's the reason. That is the reason for why this thing has occurred the way it has, why it has sprung on the public, why it is part of the public domain, why it is part, now, of the political debate that is occurring in this province. It is a politically motivated — an attack in order to cover up the malfeasance of officials of this government who refuse to carry out their duties as required by law.

(1945)

Mr. Speaker, any rating of the public of the auditor's statement, in regards to why the government has done what it's done, it doesn't take a mental genius to figure out what the motivations were for that. We have an auditor who, page after page after page, documents the waste, the mismanagement, the disappeared money. Money which has . . . they cannot account for. Taxpayers' dollars which have seemed to have gone out the window. Taxpayers' dollars who have ended up in who knows who's pockets. Taxpayers' dollars which have been not accounted for. Taxpayers' dollars which have disappeared into the mire represented by that government over there, and which the Provincial Auditor cannot account for.

This government turns around and attacks the Provincial Auditor, trying to cover up the fact that it has lost control — that it has lost control over the finances of this province, or, if they have not lost control, are engaging in practices which a Provincial Auditor would find unacceptable, and hence are trying to remove the Provincial Auditor from trailing and tracking down where it is that taxpayers' money have gone.

That's the only conclusion that can be reached in this affair, that the activities of the Minister of Justice have been political motivated, and they've been politically motivated in order to cover up what this government is doing with taxpayers' money. Anybody that is looking at what has occurred in the last several weeks in this province knows that to be true.

Mr. Speaker, I could refer to a number of things that have occurred very recently in regards to the government breaking the law; for example, the whole question of the auditor's report itself. Here we have the Saskatoon *Star-Phoenix*, May 18, “Tory actions break the law, auditor says.” That's one headline. “Saskatchewan broke law, auditor says.” That's from the *Globe and Mail*, May 16. On and on and on.

We look at what happened with the securities exchange commission . . . Saskatchewan Securities Commission, that says that the government broke the law through its advertising campaign.

Now, Mr. Speaker, people may say, what has that got to do with the question we're debating here? It has a lot to do with it because, Mr. Speaker, why else would the government want to cover up? Why else would the government want to hide what it's doing with the taxpayers' dollars of this province? Why else would the government want to keep hidden from the people of Saskatchewan, unless they're engaged in activities that the Provincial Auditor will say breaks the law, as he did in his report?

We're not dealing here, Mr. Speaker, with what happened to this nickel or that dime. We're dealing here with over \$3 billion. That's \$3,000 million — more than \$3,000 million of taxpayers' money. And what happened to it? Where has it gone? What's it used for? Who's getting it, Mr. Speaker? Who's getting it? Because we know that the people of Saskatchewan aren't getting their taxpayers' dollars back.

The auditor's report says that there are 2,000 fewer civil servants in this province than there were a year ago, yet spending by that government has increased by \$100 million. And there has not been an increase of \$100 million dollars in any services in this province, Mr. Speaker.

The reason that this government is trying to hide, to cover up, to conceal, to keep from view of the public of where their taxpayers' dollars are going, is the reason we're standing here debating. There can be no other rationale then why the Minister of Justice and that government wants to get rid of the Provincial Auditor. Because they know, Mr. Speaker, that the people of this province are asking that question: where's the money going, and who's getting it?

And that, Mr. Speaker, I would suggest to you, sir, with all due respect, is the bottom line, the bottom line of the politically motivated hatchet job carried out on the Provincial Auditor by the Minister of Justice. He wants, that Minister of Justice and that cabinet and the Premier and the front benches of that government want somebody in the place of the Provincial Auditor that will be compliant; that won't poke into corners that they don't want poked into; that won't look into bank accounts and people's pockets that they don't want looked into.

I suggest, Mr. Speaker, that that's the real motivation of the attack on the Provincial Auditor; that the long-range strategy of forcing him from his job in order to cover up, in order to hide where the money is going, is the real reason for that.

And, Mr. Speaker, you can look at the timetable. You can look at the timetable of events that surround here. You know, the auditor's report was released by the auditor to this Assembly on May 17, 1989. Two days later, the Minister of Justice launches an attack on the Provincial Auditor in order, as the Minister of Health said, to deflect attention away from the contents of the Provincial Auditor's report.

Then, Mr. Speaker, the next day, the Minister of Justice starts talking about:

We demand all information be put to the legislature. We demand all relevant documents be tabled before the House by the Provincial Auditor. We demand it because . . .

And I'm quoting from the Minister of Justice, Mr. Speaker.

We demand it because I've been told the truth about what happened, and this is material (says the Minister of Justice, this is material) to why I made the allegations I did.

What happened, Mr. Speaker? Well on May 23, I believe it was, the auditor submitted all the documentation relating to any negotiations that he may have had through his lawyer with the government. On May 23 the auditor tabled a special report outlining in detail, and including all correspondence, including the very material that the Minister of Justice asked for. And what do we find in that special report, Mr. Speaker? What do we find in that special report? Did it prove the allegations made by the Minister of Justice? Did it say that what the Minister of Justice was alleging . . . would it provide evidence that what he was saying was true? No, it did not. In fact it said the exact opposite.

It said that the Provincial Auditor was concerned with one thing. When you read through all the documents, when you read all the letters, when you read all the communication, it said one thing. The message from the Provincial Auditor was clear. It said: I will leave provided that my office remains inviolate; that I will leave provided that my successor, who, according to custom, is the assistant auditor, is appointed. No demands for personal gain, as alleged by the Minister of Justice; no demands for a pension package; no demands for anything above and beyond to which the Provincial Auditor was entitled. But the demands he made on the government were the ones that the government found to be unacceptable. And those demands were that the Provincial Auditor's department remain outside the grasp of those who would use it in order to cover up any kinds of malfeasance or any kinds of misuse of public funds. Mr. Speaker, that's what the main demand of the Provincial Auditor was, and that's why the Minister of Justice is performing a hatchet job on him.

The Provincial Auditor is saying, I want my office independent of the Executive Council because I don't trust Executive Council to do what the Provincial Auditor is supposed to do, and that is to provide a fair and accurate, and above all, honest rendering of the public accounts of the taxpayers' dollars of the people of this province. That's what his main demand was. And for making that demand and for refusing to knuckle under to the pressure being applied to him by members of Executive Council, we find the Minister of Justice engaging in a political hatchet job.

Well, Mr. Speaker, that's my interpretation of the events, that's my interpretation of the timetable. You know, Mr. Speaker, it's not only my interpretation, it's the conclusions which have been reached by responsible observers of this legislature clear across Canada. They've reached the same conclusion. They have said . . .

Hon. Mrs. Smith: — A point of order, Mr. Speaker. Well

we appreciate, on this side of the House, the member's zeal for high drama and debate in this House. I would ask that perhaps you give consideration to the ruling on repetition in debate.

The Speaker: — I've listened to the member's point of order, and indeed repetition is one of the rules that is contained in the rules of our House, and I bring that to the member's attention.

Mr. Lyons: — Thank you very much, Mr. Speaker. I certainly wouldn't want to be repetitive and bore the hon. members opposite. I know that they're sitting there paying attention to what I have to say because they know very well, Mr. Speaker, that what I have to say will have a direct bearing on their future as members of the Legislative Assembly of the province of Saskatchewan, and their conduct in regards to this matter will provide a direct — and I may say, material, to quote the Minister of Justice — material effect on how long they remain members of this particular legislature.

As I said, Mr. Speaker, we dealt with the question of political motivation for the hatchet job. We dealt with the nature of the hatchet job. We dealt with the actual events and facts that took place in terms of what the hatchet job consisted of and how it ties together.

And now, Mr. Speaker, I want to deal, if I may, for a very few minutes on what are the potential outcomes? Well as I've said several times in the debate, but it bears worth repeating, I would suggest, Mr. Speaker, is this: this government is engaged in trench warfare against the Office of the Provincial Auditor department of Saskatchewan. And they will somehow, in some way, try to secure from Mr. Lutz his resignation.

(2000)

I want to say this, Mr. Speaker, to Mr. Lutz, who although I know he is reaching retirement age — he's a gentleman of 64 years of age, and he's put in many years of distinguished service into this province — I want to say this to Mr. Lutz as an officer of this Assembly. Those of us on this side of the House have not always agreed with Mr. Lutz, but we have always respected his integrity; we've always respected his honesty. And as a member of the Public Accounts Committee, working close with Mr. Lutz, I want to say that I can say that without any hesitation or without any kind of qualification.

In that regard, Mr. Speaker, I want to say this to Mr. Lutz, publicly, here, that you have the confidence, sir, of this member, and, I believe, of this side of the Legislative Assembly.

What I also want to say, Mr. Speaker, is that, don't quit; don't give in to the kind of political hatchet job being done on you. Stay in your post, stay in your post so that you can bring this government to task the way that you have been doing in the past and the way that you did with the previous government. Stay in your post in order to protect your own character, your own integrity, so that you leave with all the honours . . . when you leave, you leave with all the honours that you are due, sir.

I think that that's the message we want to send to Mr. Lutz here, Mr. Speaker. I know that's the message that we on this side of the House . . . we don't want Mr. Lutz to give into the kind of political pressure being exerted on him. We want him around to act as the watch-dog for as long as he thinks fit.

And we think, Mr. Speaker, given the kind of political motivation of that government, that that should be at least until the next election when the people of Saskatchewan will have the opportunity to show their support for Mr. Lutz and for honesty in government and for fairness in financial reporting and for openness in the accounting of their tax dollars.

So I think, Mr. Speaker, when I say the members on this side of the House want Mr. Lutz to stay on, I believe, in the current political situation we find ourselves in Saskatchewan, that every right-thinking, responsible and fair-minded citizen of this province wants the person who is occupying the office of Provincial Auditor to stay on and to not knuckle under to the kind of scurrilous attack launched on him by the Minister of Justice. And I say justice, in this context, with a foul taste in my mouth.

Secondly, Mr. Speaker, not only should, given the political aims of the government . . . I think that the people of Saskatchewan should be taking a very close and careful note of what the auditor has to say in his report and also to the financial position of the province of his government.

So I would invite all members of the public who wish to see what it is that the Provincial Auditor has to say about the spending habits of this government, to write to me or any of my colleagues at Room 265 in the Legislative Assembly.

The government may want to hide the truth, Mr. Speaker. The government may want to hide what it is that the Provincial Auditor is saying by attacking his integrity. But the report exists, the report is available, and anyone that is interested in looking at the financial situation of this province and understanding what it is that is going on here in this legislature, in this province — write in, or phone collect. You can phone the chairman of the Public Accounts Committee at 787-1900. You can phone myself, 787-1890, or any of my other colleagues, in order to get the report to find out why it is, to find out why it is that the minister, the Minister of Justice, has attacked what has been and is an honourable officer of this Legislative Assembly.

Finally, Mr. Speaker . . . Mr. Speaker, finally the . . . I fail to see the humour in the situation that evidently the members opposite do. I don't find a hatchet job done on an officer of the legislature a humorous situation. I don't find covering up public spending humorous. And when I see it from people from my own home town and members who represent another district in my own home town, like the member from Regina South, finding the attack on the Provincial Auditor a humorous event, I think that speaks volumes to the people of Regina as to the kind of moral character that that member has, that he would condone that kind of libellous and slanderous attack on the Provincial Auditor.

As I said, Mr. Speaker, finally . . . I want to read, Mr. Speaker, very briefly, so as not to be ruled out of order, the introduction to the auditor's remarks, and is to be found on page 1:

Report of the Provincial Auditor to the Legislative Assembly for the fiscal year ended March 31, 1988.
Introduction:

Saskatchewan's parliamentary system of government is based on the principle of the rule of law. Compliance with the law is critical to the entire system. Because of the importance of this principle, much of this report is about instances where the laws have been contravened.

The law requires the Provincial Auditor to report where, in his opinion, the management of public money was deficient.

Mr. Speaker, the first . . . In light of the statements of the Minister of Justice, I find that the first several sentences of this report to be more than prophetic. Saskatchewan's parliamentary system of government is based on the principle of the rule of law. Couldn't agree more. The question is for you, Mr. Minister of Education, Madam Minister of Energy . . .

The Speaker: — Order, order. Order! Order. Order, order. The hon. member is referring to members in the House, and it's a breach of the rules. Members are not to refer to other members.

Mr. Lyons: — Thank you. Mr. Speaker, to all those who are sitting on that side of the House here tonight, I say this: are you going to allow the Minister of Justice to engage in the kind of lawlessness which he has engaged in, in regards to the Provincial Auditor? That is the question when we vote on this motion that you will be faced with. And that, Mr. Speaker, is the motion, the question that they will be forced to deal with, not only in this House, not only in this legislative court, but before the court of public opinion as well. Are they going to condone the kind of activities that the Minister of Justice has carried out or not? That's what the vote will be about. And if you condone it, if you condone that kind of activity, I say to you that you had better look at yourselves well in the mirror the morning after, because there will be something lost in each and every one of your character if you allow the Minister of Justice to get away with the kind of scurrilous attack that he does.

I say that, Mr. Speaker, without any partisan attempt, without any partisan attempt, because if it was done by a member of my front bench, I would be on my feet — as I will be after we form the next government if the kind of slander, scurrilous activities are engaged in in any kind of members of our front benches; you can bet your bottom dollar on it. That, Mr. Speaker, is precisely the question that all those members who sit on that side have to face.

It is time to take a stand for moral and political morality. It is time to take a stand in this legislature for truth and honesty versus cover-ups, slander, scurrilous attacks, hatchet jobs — the kind of things that the Minister of

Justice engaged in.

I'm asking the members opposite: are you going to allow it or not? If you do, your actions, as they are in politics, but in this case in particular, this case in particular, your actions will be on your heads, and you shall pay dearly — you can bet your bottom dollar on that — you shall pay.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Van Mulligen: — Thank you, Mr. Speaker. Mr. Speaker, it's now been about two and a half years since I was first elected to serve the people of Regina Victoria in the Legislative Assembly. It's been a very exciting and eventful two and a half years. And although it's a short period of time, it's nevertheless enough time to be able to form some opinions, form some opinions about this government in the context of the motion that's before us. Because it's not the first time that the question of privilege has been raised in this House, and I would suggest to you, sir, that this is not the first attack that we have seen on an officer of the Legislative Assembly, and the attacks by the Minister of Justice on the Provincial Auditor are attacks by a member of the House on an officer of the Legislative Assembly.

Two and a half years, again, is a short time, but nevertheless enough time to form some opinions, and one opinion that I've formed of this government, or the PC government — in speaking to the motion — one opinion that I've formed is that this government is anti-democratic. This is a government that seeks to limit the democratic institutions, gives rein and gives play to those who would stifle dissent, gives credence to those who would censor opinion, and helps those who would bury opposition.

And this motion before us is very much one about democracy, about a democratic institution, the Legislative Assembly and one of its officers, and the conduct of one of its members. You know, Mr. Speaker, the PC Party — one has to wonder if it's still the party of Diefenbaker. John Diefenbaker, as you know, and as the people of Saskatchewan know, was a one-time prime minister of Canada, a member of the Progressive Conservative Party, and a resident of Saskatchewan. He represented the constituency of Prince Albert for many years in parliament. He is a man — notwithstanding differences of opinion — he is a man who is cherished and loved, respected, I think by most people in Saskatchewan. I think it's fair to say that.

I have a great deal of admiration for John Diefenbaker, and I had that admiration, not because I agreed with him on everything; I disagreed strongly with him on some stands that he took in his lifetime, but I admired the man, and I admired him greatly because of his position on human rights and his love for democracy.

Whatever else one might have said about John Diefenbaker, or still might say, no one would ever say that John Diefenbaker did not love democracy, did not love the institution of parliament, did not love the concept of human rights, did not love to see a country in which

everyone had basic, unalienable rights, and were strong and protected. That was John Diefenbaker.

John Diefenbaker, who was a member of the Progressive Conservative Party, and I would think it's fair to say, Mr. Speaker, that when one talks historically of the Progressive Conservative Party in Saskatchewan, one must of necessity talk about John Diefenbaker. And again, even though he was a member of that party, I think he represented the very best of that party. He represented a strong libertarian attitude, a strong sense of fair play, a strong sense of individual liberties that one finds from time to time in the Progressive Conservative Party — perhaps with the exception of these days.

(2015)

But certainly John Diefenbaker represented that, and represented that very strongly and very effectively, and I think is treasured and loved by the people of Saskatchewan for that. And we know he had a reputation that extended beyond Prince Albert and beyond Saskatchewan and extended across Canada and was very strong, especially in western Canada.

And I have to ask myself that when I look at that tradition and that pillar of strength in the Progressive Conservative Party, and when I look at that sense of adherence to concepts of liberty and of rights, and then I look at this government before us and the fact that we're dealing with this motion, I say, are we talking about the same party? Are we talking about the party of John George Diefenbaker, or are we talking about the party of Joe Stalin? Joe Stalin, Joseph Stalin also ran a government, Mr. Speaker, a government supposedly based on laws, but had very different ideas about how you deal with rights and how you deal with opposition and how you deal with dissent. John George Diefenbaker, Mr. Speaker, would not want to associate himself with the actions of the Minister of Justice, with the actions of this government since it was first elected in 1982. He would not be proud, he would not be proud of their actions.

I want to review, Mr. Speaker, I want to review for you some of the record of this government when it comes to their adherence to traditions of democratic fair play in Saskatchewan. I want to point out to you, Mr. Speaker, that the motion before us is not an isolated example of where a member of the government has gone to attack those who by anyone's definition should be allowed the freedom to express their opinions. And in some cases of necessity, we ask for their opinions.

I want to make it very clear to you, Mr. Speaker, and for those who might be watching, that this matter, the matter of the Justice Minister attacking the Provincial Auditor, is not an isolated case. And it's part of the reason that I make the claim that this government is anti-democratic, and I make the claim that John Diefenbaker would not recognize the party today or this government.

It wasn't very long after the Progressive Conservative government was elected in 1982, Mr. Speaker, that it set out to stifle, to bury, to discourage any legitimate opposition. It had an opposition in the House, to be sure, it had eight or nine members of the New Democratic

Party; but any opposition to the government that it perceived to be there outside of the Legislative Chamber, it went out to destroy that opposition; it went out to do away with that opposition. The very first inkling we had of that, or one of the first inklings we had of that, had to do with the Ombudsman of the day. And the Ombudsman, like the Provincial Auditor, is a servant of the Assembly. The auditor is there to take the complaints of citizens about government, to investigate them, to make sure that individual citizens have not been wronged by government. That is his job.

In 1983, Mr. Speaker, the Ombudsman of the day, David Tickell, condemned proposed cuts in the budget to his office. Rather than dealing with the question of what an adequate level of funding might be for the Ombudsman, the inclination of that government was to attack the Ombudsman. The Premier said that his remarks were improper — and when have we heard that word before, Mr. Speaker? — and unproductive. And he stopped short of calling Tickell unprofessional.

And I'm referring here to an article in the *Star-Phoenix*, Mr. Speaker, March 23, 1983. He said that the Ombudsman had no right to comment on budget bureau proposals. He said it was inappropriate for the Ombudsman to speculate on what the budget might hold for his office. The Premier was asked repeatedly whether he shares the views of, at that time, the Minister of Finance, the member from Kindersley, the current Minister of Justice. That minister of Finance, the same individual who is at the centre of the controversy and at the centre of the privilege motion before us, said that Tickell, the Ombudsman, the servant of the Assembly, that his remarks were chintzy and unprofessional.

Rather that deal with the question of what was an adequate level of funding for the Ombudsman's office, that member from Kindersley, at that time, one year after being elected — less than one year — attacks an officer of the Assembly.

Now apparently the . . . It says here in the newspaper article that:

Andrew made his comments to the media shortly after the Ombudsman's annual report was tabled in the legislature Monday.

And he said, Mr. Speaker, according to these press reports — and I have no reason to doubt them — that the Ombudsman was chintzy and unprofessional. And of course we raised concerns about it at that time.

My colleague, the member for Regina Centre, accused the government of that time of trying to shackle and muzzle, trying to shackle and muzzle David Tickell, the Ombudsman, a servant of the legislature, an officer of the Legislative Assembly.

My colleague went on to say that:

Not only does the anticipated budget cut threaten his ability to fulfil his obligation as a mediator and investigator, but the attack by Andrew compounds that.

And he went on to say in an article in the *Leader-Post*, the member for Regina Centre said:

Attacks against the Ombudsman by Devine and Andrew impair Tickell's ability to fulfil his role as a mediator.

The Speaker: — Order. Order. I appreciate that hon. members wish to draw issues into their remarks that are relevant to the motion under question. However, I must say that while the member is somehow relating these arguments, that he is kind of drawing a long bow, a long bow, and he's spending a great deal of time on these other issues but very little on the motion itself, and therefore I'd like to deal with the issue in a more direct fashion.

Mr. Van Mulligen: — Thank you, Mr. Speaker. The motion that's before us, Mr. Speaker, is the motion that was moved by the member from Quill Lakes, and that motion says:

That this Assembly condemns the Minister of Justice (the member from Kindersley) 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.

Mr. Speaker, this is not the first time, this is not the first time that that member and that minister has been a subject of a motion of privilege — not the first time. And I think that a member and a government cannot continue along to criticize officers of the Assembly; cannot do that without the public being made aware of that, without the House being made aware of that, and without that being taken into consideration as we consider the motion.

I think it's very important to understand the history, Mr. Speaker, it's very important to understand that this is a very severe motion of censure. And the reason that it's so severe is because it's not the first time that this minister has been involved in actions of this nature.

And as I was saying, Mr. Speaker, he attacked a previous officer of the Legislative Assembly, a former servant of the Legislative Assembly, and it was that same member . . . And I would say that he's not the only one; the member for Melville also has attacked officers of the Assembly. What this Minister does is not unrepresentative of the government, the member for Melville as well.

When the Ombudsman, an officer of the Assembly, raised criticism about government and its handling of child welfare, that Minister, rather than dealing with the substance of the comments, made remarks like, "Saskatchewan may be better off in doing away with the Ombudsman's office," and at the initial reaction of his department to a report by Ombudsman David Tickell

Condemning the government for failing to deal with the crisis in the child welfare system was to

question its validity.

And that has been drawn to the public's attention before in editorial, both his conduct and that of the member from Kindersley. In 1983 the *Leader-Post* said that:

. . . actions on these fronts by the government would be more productive than sniping at the glare of publicity that is the Ombudsman's one channel to air his grievances. And they take exception to the approach by Finance Minister Bob Andrew.

They refer, or the *Star-Phoenix* does, they refer in 1987 to the Minister of Social Services, the member from Melville. They say that:

. . . confronted with a report from Saskatchewan Ombudsman, David Tickell, calling for significant changes in the way his department handles the care of foster children . . .

The Speaker: — Order. I must once more draw to the member's attention that the motion under discussion deals with the motion concerning the Minister of Justice and alleged criticisms he made against the Provincial Auditor, and therefore breached the rules of the Assembly.

It sounds to me, sir, like you're discussing in a long, long fashion the case against the Ombudsman, not this motion. And as I've said earlier . . . (inaudible interjection) . . . Order. Order, order. As I said earlier, examples are permitted, but I'm afraid you're going off the topic quite a long way, and I would like you to come back to it.

Mr. Van Mulligen: — Thank you, Mr. Speaker. I perhaps didn't make myself clear that what I was addressing myself to, and I appreciate the comments from the members opposite, Mr. Speaker, and I invite them, I invite them to get up off their seats, to stand in their place and to explain to the people of Saskatchewan just what it is that you're planning to do with the Provincial Auditor. What it is that you're planning to do with the taxpayers' money, to explain your actions in this regard to the people. Rather than sitting there in your seats and criticizing, get up from your seats, explain yourselves, defend your actions, defend your minister. Defend his gutless attacks. Do that if you would. Do that if you would. Stand up! Stand up! Stand up, defend him — defend his gutless attacks.

Some Hon. Members: Hear, hear!

Mr. Van Mulligen: — Defend his gutless attacks. I ask you to do that . . .

The Speaker: — Order. Order, order. Order, order. Order, order. Order. I must once more intervene. I realize in the heat of the moment sometimes one says things, and I know that the word "gutless" has been used prior by members. However, I don't believe it's a word that we should become accustomed to using in describing other members in the House, and I ask the hon. member to refrain from that term. In the future I'll have to rule it out of order, in an unparliamentary manner, so I'm just bringing that to your attention.

(2030)

Mr. Van Mulligen: — Thank you, Mr. Speaker. I apologize for the use of that word. It's been used before in debate, and I took my cue from that. What I meant to refer to was the Minister of Justice, the Acting Minister of Finance, the member for Rosthern, to my mind, and I think to members on our side and to the public generally, to the media, displayed a distinct lack of intestinal fortitude in his attacks on the Provincial Auditor which are the subject of the motion before us.

Many others would say that he had a yellow stripe a mile wide down his back. Many others would say that he's a chicken. Many others would say that he's too afraid to say outside the Assembly the things that he said in here.

But no, the members opposite continue their discussion from their seats, Mr. Speaker. They don't defend the cowardly actions of the Minister of Justice. They don't defend one of their own who's got a yellow stripe a mile wide down his back. They don't defend the bully from Kindersley. Boy, they must be proud in that town tonight. They must be proud there.

Mr. Speaker . . .

The Speaker: — Order. Order. I think that hon. members just take a deep breath and allowed the member for Regina Victoria to speak. And the House will just calm down and proceed.

Mr. Van Mulligen: — Thank you, Mr. Speaker. I always appreciate your interventions.

Mr. Speaker, the point that I wanted to make is that the motion before us, the motion that's before us is very severe — very severe in what it calls for. This is not a motion that simply asked that the minister apologize, but this motion also asks that the minister resign from the Executive Council.

That is an important distinction, and it's a very severe indictment of the minister and there are reasons for that, sir. There are reasons for that, and those reasons go back to the previous antics of this minister. They go back to the government generally in its attitude as it seems to us, to those who have a legitimate role to play in our society and who have a legitimate right to express their opinions, as does the auditor.

I want to remind the members and the public of the case of the Legislative Counsel and Law Clerk in 1987, who was also attacked by the Minister of Justice. And this is another reason that the motion before us is very severe. In 1987 — I want to explain this, Mr. Speaker — in 1987, you will recall, the setting was one of a government which chose not to call the House into session but chose to try to govern outside of the Legislative Assembly and to spend money until mid-June of 1987.

Many concerns were raised. Many concerns were raised, not only by the opposition but by others in our province and outside the province, about the constitutionality of a government spending money without legislative approval.

We asked, as we normally do in these cases, we asked for an opinion from the Legislative Counsel and Law Clerk, an officer of this Assembly, the same as the Provincial Auditor, an officer of this Assembly.

That Law Clerk proffered an opinion and basically questioned the right of the government in the constitutionality of the government being able to spend money by warrant without having called the Legislative Assembly into session and having tabled a budget.

That was a fair, legitimate opinion. And I grant you, it was not the only opinion that was ever offered. Members on the government side offered opinions about the constitutionality and the legitimacy of their actions. But we asked an officer of the Assembly for her opinion and that lets go to council . . .

The Speaker: — Order, order, order, order. The member for Swift Current.

Hon. Mrs. Smith: — Point of order, Mr. Speaker. The motion before us is very specific. It has nothing to do with 1987 and what events possibly took place in 1987 or 1988. The motion is very specific on the Minister of Justice now, today, and I would ask that you rule on that, Mr. Speaker.

The Speaker: — I've listened to the member's point of order and the point of order that she has raised is one that we should all adhere to. It is correct in the sense that the motion does deal specifically with the Minister of Justice.

As I have said earlier, I have allowed brief examples to be used which are relevant, but not to use an example and to talk on it for an inordinate long time because that's getting away from the motion. So I'm bringing this back to the member's attention. His examples must be brief and relevant to the motion.

Some Hon. Members: Hear, hear!

Mr. Van Mulligen: — Thank you, Mr. Speaker. I appreciate your intervention and I appreciate your comments and I want to adhere to what you say. But I do think it's important, I do think it's important to put this motion into an historical context so it can be understood by you and members of the Assembly and by the public and as to why the motion is so severe, that in addition to calling for a public apology it is calling for a minister's resignation.

And I want to go on to point out that this is not the first time that it's happened, and I want to lay before you and the public some examples. And as brief as I can try to be, I will be, but the examples will have no meaning if I'm not allowed to explain them. And my job here tonight, sir, is not to filibuster, but to explain, and I want to explain the case of the Legislative Counsel and Law Clerk, Merrilee Rasmussen, briefly, succinctly, if I can.

And as I was saying, sir, this is a case of an officer of the Legislative Assembly, a Legislative Counsel and Law Clerk who was asked for an opinion, did her job, proffered an opinion. It was a fair opinion, not necessarily

an opinion that everyone should necessarily agree with, but gave the opinion — gave the opinion. What was the reaction of the Minister of Justice at the time? What was the reaction of the member from Kindersley? Was it to say, well, she has her job to do; we appreciate her opinion. No, he said, she works for the NDP; she's not an impartial officer of the House.

His first reaction, as it was with the Ombudsman, was not to say, there's a role for officers of the Assembly to proffer, to proffer, to put forward opinions, and to take those opinions and deal with them accordingly and appropriately. No, his first reaction in the case of the Legislative Counsel, in the case of the Ombudsman, and in the case of the auditor now, is to attack the messenger.

And that's the point that I wanted to make, Mr. Speaker, and I would simply point out that there are other examples of that, other examples of where not just this minister but the government, too . . . I don't think that anyone will forget that this is the government that put gag orders on non-governmental organizations, organizations that are supposedly to deliver programs and services on behalf of the taxpayers. One of the conditions of fundings that they had was that you can't say anything about government policy — you can't criticize us. You can deliver the programs, you can deliver the services on behalf of the taxpayers, but you can never say anything about the government. You can't criticize. And that's what the Minister of Justice is saying about the Provincial Auditor.

Speak up, speak up at your own peril. That's what the Minister of Justice, the member for Kindersley, is saying: speak up, speak up at your own peril. To you, the Ombudsman, you speak up — you speak up at your own peril. To you, the Legislative Counsel, you speak up — you speak up at your own peril. And it's no accident that the Ombudsman is gone and the Legislative Counsel is gone.

And now he's saying to the auditor, you speak up — you speak up at your own peril. I'll attack you. I won't deal with the substance of your remarks. I won't do that. No, I'll attack you. I'll attack your credibility. I'll indulge in an attack that's completely lacking in any guts.

The Speaker: — Order. Order. Order. I think the hon. member will want to just withdraw that remark and carry on.

Mr. Van Mulligen: — I certainly withdraw that remark, Mr. Speaker, and I . . . And again the member opposite, Mr. Speaker, makes comments from his chair and encourages us, on our side, notwithstanding constant interruption, to address the motion as we're trying to do here.

But I tell you, Mr. Speaker, that I've always been one who believed that debate should be a two-way street, and that all opinions should be offered in a debate for those who are watching the debate to form a fair and good and solid opinion and to make a good decision in the matter. The more opinions that are offered the better it is.

And we're met with a wall of silence. We're met with a

wall of silence from those members over there, the government members. They support this member from Kindersley. They support this PC member with a yellow stripe a mile wide down his back. They support him. They won't get up to defend him. What a crew they are!

Mr. Speaker, when the Provincial Auditor tabled his report, he made extremely strong criticism of the government, and that's one thing. He made very strong criticism. And the government didn't say, well we accept, in part, some of the criticism, but we don't accept others, and there's moves afoot to try and correct this. The very first reaction of the member from Kindersley, the Minister of Justice, was to say that, and I quote here, and he's referring to the Provincial Auditor. He says, quote:

“He's a hard guy to complain about working together,” Andrew told reporters Wednesday, “Jesus Christ, he can't work with anybody.”

So his first reaction to an auditor saying that I can't get access to government books, I can't get access to the information, I'm not being provided with the information — his first reaction is not to say, how could that be possible, how can we improve it, or here are my reasons why we're not doing it. He attacks, he attacks the auditor.

And if he had left it at that, and if he had tried to do some damage control in the sense of, well, we don't agree with the auditor on this one, or we agree with him on that one and he's not quite portraying the picture quite the way we would do it, and tried that method of damage control, you know, they might have gotten away with it to some extent. It still wouldn't erase the headlines of *The Globe and Mail* and the headlines that have made Saskatchewan just a laughing-stock in Canada. They're laughing at you people; they're laughing at the Minister of Justice.

This is like some southern state, some banana republic of a bunch of tin dictators gone wild, trying to have it their own way. They're laughing at you, and I guess that's one of the more shameful aspects of this, and the discouraging aspects of this whole question, Mr. Speaker, that we would become the laughing-stock of Canada; that this government would put us on a level with the fiscal foibles of a Newfoundland or other provinces of less than sterling repute. To take the reputation of Saskatchewan and besmirch it the way they have, it's not something that the people of Saskatchewan can forget.

(2045)

Again, it's not the first time, Mr. Speaker, it's not the first time that the member from Kindersley, the Minister of Justice, has attacked an officer of the House. He attacked the Ombudsman, he attacked the Legislative Counsel, and he also attacked last year the auditor — last year, last year in 1988 — shortly after the auditor's report was tabled for that year. And I want to quote from *The Kindersley Clarion*, where it says:

“But Andrew doesn't think the Provincial Auditor's report can hold the wet stuff.”

Andrew doubts the credibility of the auditor. It's a quote.

He said:

Auditors are people who bump against reality once a year. They live in that jungle zoo and call themselves bureaucrats. They wear thick glasses because they are looking at the fine print to see if every "i" is dotted.

Now the question that was raised, Mr. Speaker, was concerning Saskatchewan home program and whether there was proper legislative authority. Now here's a lawyer, a minister of Justice, and he could have taken the approach that, well I would disagree with the auditor — after all, he's not a lawyer, and we feel we had the legislative authority — and certainly if the legislative authority wasn't there, if the *de jure* authority wasn't there, certainly the *de facto* authority was there and we will correct it after the fact and make it good, because the people wanted that program and that's all the authority that we felt we needed. But if he says that we need a legitimate authority, a *de jure* authority, then we'll correct that.

He could have said that, or he could have said, I've had opinions from other lawyers, from our own lawyers, who disagree with the auditor. They hold an entirely different opinion of the Saskatchewan home program and its legislative underpinnings. He could have said that. No, instead he doubted the credibility of the auditor and said:

Auditors are people who bump against reality once a year. They live in that jungle zoo and call themselves bureaucrats.

That was in 1988. And in 1989 I think the story is all too familiar to the people of Saskatchewan.

I want to basically sum up, Mr. Speaker, by . . . I want to sum up by saying that the government members, the government members can defeat the motion. They can defeat the motion but they cannot rid themselves of the damage that they've done themselves. They cannot rid us, Saskatchewan, of the damage that they've done this institution by allowing a member of the cabinet, of the executive government, to make an unwarranted, scurrilous attack against an officer of the Assembly.

This Assembly is all that there is and stands between a government who would be inclined to exercise the theorem that might is right. This Assembly has certain rights and responsibilities and duties and obligations, and we need at all times to make sure that this institution remains strong. And part of remaining strong is for the officers of the Assembly to be protected at all times against cowardly attacks, against unwarranted attacks, whether it's in the House or outside the House.

That's an approach that this Assembly has always taken. And again, the government members can, without explanation and silently, without explanation to their constituents and to the people of Saskatchewan, they can choose to vote down the motion, but they can't rid this Legislative Assembly of the stench that they create by their actions, by the stench that they create by this smear attack on the Provincial Auditor. They can't rid us of the sense that we're losing something of our democratic

traditions.

Mr. Speaker, at the outset of my remarks I talked about John Diefenbaker. I don't think John Diefenbaker would have been very proud of the actions of the member from Kindersley. I don't think that he would be very proud of the attack by the Minister of Justice on an officer of the Assembly. John Diefenbaker had too much love and too much respect for democratic institutions, for parliamentary authority. He believed in the House, he loved the House, and he would be the first one to attack those who, by the nature of their jobs, are to criticize and to offer opinions. That's why he advocated a Bill of Rights many years ago, and he was very strong on that, and I don't think that John Diefenbaker would recognize this government, much less support this PC government today. And certainly they don't deserve the respect and support of the people of Saskatchewan.

Mr. Speaker, I encourage and ask some of the government members, the back-benchers, to look at the motion and, if they're not satisfied with the specific wording, to come back to us with some amendment, some resolution, but at least acknowledge that an attack has been made on an officer of the Assembly; that we should not be attacking officers of the Assembly; that we should do more than simply laugh, that we should do more than simply laugh from our seats about a cabinet minister attacking an officer of the Assembly, as members will do — as government members will do. This is not funny.

Where did you ever in your wildest imagination think that this was somehow funny, that this was a humorous situation, that this is something that deserved laughter? How could you ever think that?

It's just simply incredible, Mr. Speaker, simply incredible!

Mr. Speaker, again I don't think John Diefenbaker would support this party. I think John Diefenbaker would be the first to vote for this motion. I hope that some government members might see their way clear to finding some resolution on this issue, finding some way to make it clear to the people of Saskatchewan that we will not countenance attacks on officers of the Assembly, and make it clear to future legislatures, and make it clear to . . . and to build that tradition that we will at all times support, respect, and defend the officers of the Legislative Assembly.

I for one, Mr. Speaker, in the absence of any resolution being offered by the members opposite, will vote for the motion before us. Thank you very much.

Some Hon. Members: Hear, hear!

Mr. Prebble: — Thank you very much, Mr. Speaker. I'm very pleased to enter this important debate this evening, Mr. Speaker, a debate that gets right to the heart of the questions of democracy versus partisan politics in this province, Mr. Speaker. And, Mr. Speaker, so that those watching the debate this evening on television will understand the issue that's being discussed, what's in question here, Mr. Speaker, is the May 19 remarks of the Minister of Justice, which in effect, Mr. Speaker, constitutes . . .

The Speaker: — Order. Order.

Mr. Van Mulligen: — Mr. Speaker, the point of order I want to make: that this issue before us is so serious and it deserves the attention and the silence of all those who are not speaking and should be listening, and that members should not be speaking from their seats the way they are. That is my point.

The Speaker: — Well the point of order makes a valid point, but I would just like to point out that certainly interruptions from the floor are not acceptable. I would like to point out that this moment, that in reality this evening members from both sides have been guilty — from both sides. And therefore I ask members from both sides to adhere to not interrupting us.

Some Hon. Members: Hear, hear!

Hon. Mr. Schmidt: — Mr. Speaker, it is a standard rule of this Assembly that the member who is speaking is to address Mr. Speaker and the hon. members here, and since we have television live in the House, the member was clearly addressing the television camera in the far corner over there, and that is why he was not getting the due respect of the members. I bring it to the attention of, Mr. Speaker, that the member should be called to order to speak to the Assembly.

The Speaker: — Order. Order. The hon. member does not have a point of order.

Mr. Prebble: — Thank you, Mr. Speaker, for your ruling. I appreciate that.

Mr. Speaker, what is at issue here is the May 19 remarks of the Minister of Justice in which, Mr. Speaker, he clearly alleged impropriety on the part of the Provincial Auditor. Mr. Speaker, the Minister of Justice, on May 19 alleged that the Provincial Auditor had been prepared, Mr. Speaker, in exchange for pension benefits and an improved benefit package, and in exchange for having a say over who the next Provincial Auditor would be in the event of his retirement . . . the Minister of Justice alleged that the Provincial Auditor traded these matters, Mr. Speaker, and was willing to trade these matters for, in exchange, removing criticisms of this government and of this government's illegal activities from his annual report. That is what the Minister of Justice alleged, Mr. Speaker.

And, Mr. Speaker, the reason why this debate on privilege this evening is taking place is because it was clear, after reading the correspondence that the Minister of Justice tabled from the solicitor who wrote on behalf of the Provincial Auditor, that the accusations of the Minister of Justice had made were totally unfounded, totally misleading, and bore no resemblance to the text of the correspondence at all, Mr. Speaker. And that is why, Mr. Speaker, among other issues, privilege deals with the matter of libel against officers of the legislature or members of the legislature, Mr. Speaker, and I believe, Mr. Speaker, that we have such an instance before us now.

I want to also cite, Mr. Speaker, some of the other matters

that privilege deals with:

It may be stated generally (and I quote here from Erskine May, *Parliamentary Practice*) that any act or omission which obstructs or impedes (the Assembly) in the performance of its functions, or which obstructs or impedes any Member or officer of (the Assembly) in the discharge of his duty, or which has (the) tendency, directly or indirectly, to produce such results may be treated as a contempt . . .

And I believe, Mr. Speaker, that we have such an example here in the comments that were made by the Minister of Justice about the Provincial Auditor.

He alleged, Mr. Speaker, he alleged, as I said, that the Provincial Auditor was prepared to remove from his report criticisms about the government of Saskatchewan in exchange for a personal benefit for himself.

And, Mr. Speaker, there is absolutely no evidence at all that that took place.

I want to specifically address the two matters that the Minister of Justice raised in his comments pertaining to the supposedly improper activities of the Provincial Auditor — activities that he can, I believe, Mr. Speaker, in reality have absolutely no justification at all in calling improper.

First, Mr. Speaker, he alleged that the Provincial Auditor was seeking personal benefit by way of special pension privileges upon his retirement. And, Mr. Speaker, it is clear that the Provincial Auditor was doing no such thing.

The pension benefits of the Provincial Auditor, in the event that he chooses to retire, Mr. Speaker, are clearly established by way of legislation that governs all deputy ministers and the Provincial Auditor. And specifically, Mr. Speaker, The Provincial Auditor Act states that the Provincial Auditor, upon retirement, will be entitled to the same pension benefits as any deputy minister. So that's not a subject for negotiation, that is a matter that is established in statute.

It's clear, Mr. Speaker, that the Provincial Auditor was making no attempt whatsoever to negotiate or transfer additional benefits to himself. All he was seeking to do was to remind the government of what the statutes of Saskatchewan said, and that the appropriate pension benefits would have to be allocated for in the future budget of the Provincial Auditor.

(2100)

Mr. Speaker, with respect to the question of the auditor's right to have a say in who his successor might be, and the negotiations that took place around that, clearly, Mr. Speaker, once again we have precedents set down both by way of the traditions of this Assembly and also by way of The Provincial Auditor Act that clearly suggests that the successor to the Provincial Auditor will be someone who is already working on the Provincial Auditor's staff and that has experience in working with the finances of the province of Saskatchewan.

And I believe, Mr. Deputy Speaker, that the Provincial Auditor had good reason to be worried about the motives of the government in appointing someone from outside of the Provincial Auditor's office, a hand-picked appointment, no doubt, Mr. Speaker, that the government of the day could control, and who in the future would not be so critical of the government's efforts.

I suspect that that is what the government was concerned about, Mr. Speaker, and that is why the government is trying to paint a picture of improper activity by the Provincial Auditor in suggesting that one of the other senior people in his office should assume his position. There is nothing improper in the Provincial Auditor suggesting that that prospect should be examined by the government of the day. And I believe, Mr. Speaker, that the concern of the Provincial Auditor would be that a hand-picked auditor by the PC cabinet would cease and desist from the criticisms that this government should be rightly subjected to with respect to their illegal activities.

Now, Mr. Speaker, as I mentioned, when the full text of the letter that the Minister of Justice was reading from was tabled before this Assembly, and when the *Special Report by the Provincial Auditor* was also tabled before this Assembly, it became clear, Mr. Deputy Speaker, that the Minister of Justice had totally misconstrued the points that the Provincial Auditor was trying to make.

And I want to continue to discuss this question of the succession of the Provincial Auditor by simply quoting from page 3 of the Provincial Auditor's special report to the legislature, in which he points out that the proposal that he put before the PC government with respect to the question of his successor was a proposal that was made because he was asked by the solicitor writing on behalf of the PC cabinet to address the issue in the first place.

He was asked by the government's solicitor to address the issue of a successor. He does that, and then the PC Minister of Justice accuses him of impropriety with respect to making a proposal about who his successor should be. And I say, how hypocritical of the government that they would attack the Provincial Auditor for responding to a subject matter that they asked him to address in the first place, and it's right here in his report and right here in the correspondence, Mr. Speaker.

Now, Mr. Speaker, the reality is, is that the correspondence shows that the real concern of the Provincial Auditor, his overriding concern, was to maintain the independence of his office and to negotiate an arrangement with the government under which his successor, a future Provincial Auditor, would have access to all the details with respect to the spending of the cabinet and of the Government of Saskatchewan irrespective of which government is in office in this province, Mr. Speaker. That was the real concern of the Provincial Auditor.

The correspondence demonstrates that the Provincial Auditor sought again and again and again to negotiate an arrangement in which he and his successor would have access to all the spending of government instead of the current arrangement, Mr. Deputy Speaker, in which the

Provincial Auditor now has access to only the detailed spending information of half, only 50 per cent of all the tax dollars that are spent in this province. That was the concern of the Provincial Auditor, Mr. Speaker.

He was also concerned — and the correspondence clearly shows this, Mr. Speaker — his other major concern was that his office would remain independent, that he would not be subjected to the constant budget cuts which this PC cabinet has subjected him to, cutting his staff, Mr. Speaker, to the point where he was unable to do his job of monitoring the spending of this government on behalf of the people of Saskatchewan. He wanted, Mr. Speaker — and the correspondence clearly shows this — the Provincial Auditor was concerned that because he is an officer of this Assembly, his budget should be set by this Assembly, not just by the Minister of Finance, but by this Assembly, Mr. Deputy Speaker, and that only when his budget is set by this Assembly, can he be accountable to this Assembly, Mr. Speaker.

That was the concern of the Provincial Auditor. Clearly he saw, Mr. Speaker, that the PC agenda was to continue to erode the independence of his office. The evidence for that is everywhere, Mr. Speaker. It is demonstrated by the fact that the Provincial Auditor has been continuously under attack by this government for the last two years. He has been the subject of continuous criticism by the Minister of Justice and by other members of the front bench of this government, Mr. Speaker, and this continuous criticism has reached a high point with this motion of privilege and the debate that we have before us now.

Now, Mr. Speaker, I want to specifically address the question of why the Minister of Justice should resign, because, Mr. Speaker, I believe that the evidence in support of the Minister of Justice's immediate resignation is now overwhelming.

Some Hon. Members: Hear, hear!

Mr. Prebble: — Mr. Speaker, I say first that the Minister of Justice should resign because the remarks that he made in this Assembly and his attack on the Provincial Auditor was clearly intentional and it was premeditated, Mr. Deputy Speaker. It was an attack designed for use in question period. It was an attack launched for the benefit of the television cameras who come into this Assembly for the 25 minutes that question period is on. And it was clearly designed with a view to discrediting the Provincial Auditor and discrediting the criticisms that the Provincial Auditor was making about the state of finances of the current government.

Mr. Speaker, I say that the Minister of Justice should resign because he made no attempt to apologize after making his highly inappropriate remarks. Instead, Mr. Speaker, the government has attempted to create a phoney rationale for what the Minister of Justice did.

So, Mr. Speaker, I say first of all that the Minister of Justice should resign because his attack on the auditor, an officer of this Assembly, was intentional, it was premeditated, and there was no apology.

Mr. Speaker, secondly I say that the Minister of Justice should resign because this is not the first time that the Minister of Justice has conducted himself in such an inappropriate manner. My colleagues have made reference earlier in this debate to the attack that the Minister of Justice made on the law clerk of this Assembly, and he had to apologize for that attack. He knew, Mr. Speaker, that attacking an officer of the Assembly was a clear breach of the privilege of this Assembly, and yet he clearly and intentionally proceeded to do it again a year later; to do it not once but to do it twice, Mr. Speaker, on two separate days. And that is inexcusable from a senior member of the cabinet benches who clearly knows better and who clearly shows no remorse at all for his actions, Mr. Deputy Speaker.

Now, Mr. Speaker, I say that a third reason that the Minister of Justice should resign is because he has shown himself to be a coward instead of a gentleman, Mr. Speaker. He has shown himself to be a coward because he refused to allow the Provincial Auditor to come before the bar of this Assembly and to defend himself, and that was a cowardly action, Mr. Speaker, in my judgement.

Mr. Speaker, the Minister of Justice's action was also shown to be cowardly because he refused to repeat his remarks about the Provincial Auditor in his attack on the Provincial Auditor outside the Assembly, where court charges could have been laid by the Provincial Auditor had he repeated his highly improper remarks outside this Assembly.

Mr. Speaker, I believe also that the Minister of Justice's remarks were shown to be cowardly because he continued to quote from the correspondence between the solicitor of the Provincial Auditor and the cabinet in a highly selective manner that was blatantly misleading. He was not prepared, Mr. Speaker, on behalf of the government, to accept the criticisms that the Provincial Auditor rightly made in his report, and to indicate that corrective measures would be taken. Instead, Mr. Speaker, he chose to attack the auditor directly in an attempt to discredit the comments that the auditor had made about the government.

Now, Mr. Speaker, why was the Minister of Justice so intent on attempting to discredit the Provincial Auditor and in so doing to discredit the criticisms that he made in the latest annual report that he filed with this Assembly? Well, Mr. Speaker, I believe that he wanted to discredit the charges that were being made by the Provincial Auditor about the many illegal acts that this government has been guilty of over the last year. And we have seen illegality after illegality documented in the report of the Provincial Auditor that has been recently filed with this Assembly, Mr. Speaker. Illegalities with respect to the failure of this government to file annual reports about the activities in spending of departments in a timely manner; illegalities with respect to the fact that time after time Crown corporations in this province have refused to give the Provincial Auditor access to basic information about their spending, Mr. Deputy Speaker, and many, many other illegalities that are documented in this report.

And I believe, Mr. Speaker, it is the fact that the Minister of Justice wanted to divert public attention from the

auditor's criticisms of the government, and the auditor's concern about the fact that the people of Saskatchewan could now only get answers to the detailed spending about half their tax dollars instead of all of their tax dollars, Mr. Speaker, that led the Minister of Justice to take this cowardly way out. Instead of addressing the issue squarely that the Provincial Auditor was raising in his report, he chose to duck the issues and to launch a chief attack on the Provincial Auditor. And, Mr. Speaker, that kind of cowardly action has no place in this Assembly. And on that basis alone the Minister of Justice should resign, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Prebble: — Mr. Speaker, I say that the man who has demonstrated real courage in this debate is the Provincial Auditor himself.

Some Hon. Members: Hear, hear!

Mr. Prebble: — Because, Mr. Speaker, the Provincial Auditor knew that for the last two years he has been the subject of constant attack from members of the government. And we saw it, Mr. Speaker, in Public Accounts, of which I was a member last year, in which we had a whole week of Public Accounts in February of 1989 looking, I might add, Mr. Speaker, at a report that was two years old — two years old at the time.

The Provincial Auditor rightly pointed out, Mr. Speaker, at that point in time, that the members of this Assembly and the public were no longer getting information that was terribly useful to them, because it was two years old when it had been filed in this House and when it was being reviewed by members of the Public Accounts Committee.

But putting that aside, Mr. Deputy Speaker, the Provincial Auditor during that week was subject to a barrage of attack from government members of the Public Accounts Committee, and the purpose of that attack, Mr. Speaker, was very clear. It was obvious that the members of the government were attempting to silence the Provincial Auditor. They were attempting to ensure, Mr. Speaker, that he would not come forward with another annual report that was critical of the government. They, Mr. Speaker, were intent on making sure that the Provincial Auditor either shut up or retired. And, Mr. Speaker, they failed in their attempt to silence the Provincial Auditor.

Some Hon. Members: Hear, hear!

(2115)

Mr. Prebble: — The Provincial Auditor, despite that barrage day after day that he was subjected to in Public Accounts Committee by members of the PC government opposite, came forward in this report with another annual report to this Assembly that told the truth about the illegalities and the improper activities and the mishandling of public money that this government has been guilty of, day in and day out during the fiscal year under review, by that report, Mr. Speaker.

And so, Mr. Speaker, the Provincial Auditor, despite the

attempt by this government to cover up its illegalities has come forward and he has stood his ground. And for that act he deserves the respect and the thanks of all members of this Assembly, and above all, the thanks of the people of Saskatchewan, Mr. Deputy Speaker.

Some Hon. Members: Hear, hear!

Mr. Prebble: — Now, Mr. Deputy Speaker, I want to review the motion that is before us now. And that motion says:

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.

Now, Mr. Speaker, I want to address the question of what the fundamental purpose of this motion is, what this motion really gets at, over and above the issues that I have already addressed this evening. And I say, Mr. Deputy Speaker, that what this motion really gets at, what this motion is all about, is an attempt to protect democracy in this province. The Provincial Auditor is an integral part of our democratic system. He is non-partisan, Mr. Speaker, he is the watch-dog for the people of Saskatchewan over the government spending of taxpayers' dollars. And I say, Mr. Deputy Speaker, that if the Minister of Justice gets away with this attack on the Provincial Auditor, then that is another step back for democratic rights in this province, rights which have been steadily eroded since this government was elected.

Mr. Speaker, never before in the history of this province have we had a government that has so much disregard for democratic practice; everything, Mr. Speaker, from its failure to call the Assembly for periods as long as nine months at a time so that it's not subject to questioning by members of the official opposition, all the way through to its failure to table documents on time; for its failure to bring before the Public Accounts Committee, until months after the appropriate date, the detailed information on the spending of taxpayers' money in this province; the clear attempt to dismantle the independent boundaries commission in this province. All of those are examples of the clear attack that his government has launched on democracy.

And what we see this evening in this debate, Mr. Speaker, with this motion, is an attempt to address the continued attack by the PC cabinet and the PC government in this province on the democratic institutions of this province, Mr. Deputy Speaker.

And therefore, Mr. Speaker, the real issue before us is whether the democratic rights of the people of Saskatchewan will win out in this debate or whether the partisan political motives of the PC cabinet will win out in this debate, Mr. Speaker. That is clearly the fundamental issue that is before us, because what this government is obviously hoping to do by using its majority, Mr. Speaker,

is to ensure that the motion before us will be defeated.

And in the defeat of this motion, Mr. Speaker, will mean that the rights of the Provincial Auditor, the rights of all officers of this Assembly, the rights of all members of this Assembly will no longer be protected, that this government will be free to launch an attack whenever it wants to on the officers of this Assembly, and though it will be subject to public criticism, it will inevitably use its majority to protect itself.

Well, Mr. Speaker, I have no doubt that in the short term that is what will happen with this motion. In the short term, I have no doubt that the government's desire to protect itself and to protect its own Minister of Justice will win out over the rights of the Provincial Auditor and other members of this Assembly to be protected by this Assembly. In the short term that may happen, Mr. Speaker.

But I also have no doubt, Mr. Speaker, that the people of Saskatchewan now understand clearly the real motives behind this government's operation, its attempts to cover up corruption, its attempts to cover up dishonesty. Mr. Speaker, I have no doubt that this government's attempt to discredit the Provincial Auditor and to cover up the illegalities that the Provincial Auditor has documented in his report that has been filed with this Assembly will be a major issue in the next election.

One of the major issues in the next election, Mr. Deputy Speaker, will be the rights of the people of Saskatchewan to have the government of Saskatchewan conduct itself in a democratic way and in such a way that it is accountable to all taxpayers in this province.

And, Mr. Speaker, when that day comes, I have no doubt that this government will be defeated because of its record of breaking the law on a weekly basis and of attempting to undermine the democratic institutions of this province, Mr. Deputy Speaker.

Some Hon. Members: Hear, hear!

Mr. Prebble: — Mr. Deputy Speaker, I have no doubt that in the next election the government will pay dearly for what it is attempting to do today.

And therefore, Mr. Speaker, I close by saying that I will be proud to stand up in support of this motion, in support of the democratic rights of the people of Saskatchewan, and in opposition to the tyranny that the PC cabinet and the Minister of Justice have displayed in the Assembly in their attack on the Provincial Auditor. Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Ms. Smart: — Thank you, Mr. Speaker, it's with a good deal of sadness that I stand today to speak to this motion that's been moved by my colleague:

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.

There are three points to this motion, Mr. Speaker, which I will be addressing separately. I say it's with sadness that I rise to speak to this because I hold very dear the procedures of this Legislative Assembly which, as a rookie MLA, I am just beginning over the last few years to work with and to appreciate and to understand some of the limitations that we have in this parliamentary system to obtain the information that we need as members of the opposition. And all these issues are related in this motion that I want to speak to.

But, Mr. Speaker, the first thing I want to talk about, when we put in this point of privilege condemning the Minister of Justice, I want to just express to you not only my sadness but my absolute horror at watching the performance of the Minister of Justice in this Assembly the day that he used the letter from the auditor's lawyer to deflect the questions from the Leader of the Opposition relating to the auditor's report, and to instead put terrible innuendoes on the Provincial Auditor.

I have rarely seen an adult person behave in such a devious manner. Although what is said in *Hansard* and when he came in again the other day to justify his actions, he used what was written in *Hansard* and said, oh, I didn't say very much, didn't say very much. And he tried to imply that he was just calling it improper.

But what we saw in the Legislative Assembly on the Friday that he introduced that letter was a performance, a way of acting and speaking that had all sorts of innuendoes in it which the printed word may not have. But the performance was there and the performance was shocking, Mr. Speaker, just shocking. And I think it was unacceptable behaviour for a Minister of Justice; it was totally unacceptable to condemn the Provincial Auditor in the way that he did, and to malign the auditor.

I find it, as a rookie MLA, offensive to think that members who have the trust of their constituency, and who are here to represent an issue with the Minister of Justice, an issue as important and as fundamental as justice itself, would have come into this Assembly and presented a letter so dishonestly and so reprehensibly.

I mean, my reaction was that I was looking at a minister of injustice, Mr. Speaker, not a Minister of Justice. A person who has been in this Legislative Assembly for many years, a person who is a minister of the executive, a cabinet minister in this government. To do that to an officer of this Assembly, to malign that person, to use the letter in a way that was dishonest to us in this House because it did not reflect the total content of the letter, and which also referred to other material that we didn't have.

It was, as this motion says ". . . unacceptable and unjustifiable criticism of the Provincial Auditor . . ." It breached the privileges of this Assembly, this legislature, because in this legislature we are to answer questions and to debate issues as thoughtfully and as responsibly as we

can possibly do.

We have to do this as legislators, Mr. Speaker, and the members of the cabinet opposite, the executive, have a tremendous responsibility to conduct themselves in as fine a manner as possible. And instead we had a Minister of Justice who conducted himself very much like a schoolboy, Mr. Speaker, very much like a schoolboy trying to get out of a difficult situation; trying to be smart about it, Mr. Speaker; trying to suggest that he had some information that there was something wrong that had gone on with the Auditor and it wasn't his responsibility to address the question of the Auditor's report. And, Mr. Speaker, I have said already that I find it really quite frightening.

I've been looking through the Auditor's report, and there's some comments here that I would like to share with the Assembly because they mean a great deal to me, and I think they reflect on this debate.

We've called on this Premier to require that the Minister apologize publicly and resign from the Executive Council, and I think that any Minister of Justice who behaves in such an unjust manner, should apologize publicly and should resign from the Executive Council. I don't see what other action the Minister can take that would restore the credibility of the government opposite. The government opposite has lost almost all its credibility, if not all its credibility, in this particular action, because what they've been trying to do through the Minister of Justice is cover up the content of the Provincial Auditor's report. They've been trying to deflect attention from the report itself and put the attention onto the messenger. And that's a silly and juvenile trick, Mr. Speaker, one that will not in the long run hold up.

We have spent this week putting this issue forward to the public. We have done well, I think, Mr. Speaker. I was pleased to see the editorial in the *Star-Phoenix* on May 23, that said, and I quote:

Devine must act. It's time for Premier Grant Devine to step forward and tell government ministers and officials to co-operate with provincial auditor Willard Lutz.

Devine should make it clear that if they don't comply and provide the auditor with the information to which he's legally entitled, salaried officials may risk losing their jobs, and elected officials may face losing their portfolios.

(2130)

In his 1988 report, Lutz says that he can no longer effectively do his job because the government isn't obeying its own laws. It is denying him access to information he has a right to see.

He is particularly upset at some Crown corporations, which hire private auditors to produce their reports. Once a private audit is completed, Lutz has found corporations throw numerous roadblocks in his path if he attempts to obtain further relevant information.

His warning that the accountability process is breaking down should cause concern to all taxpayers in this province. If information about government spending is hidden from his scrutiny, it's hidden from the taxpayer.

Lutz is accountable to the legislature, which is accountable to the voters. It is vital that he, as the taxpayers' watchdog on government spending, is able to obtain all the information necessary to provide a complete picture of public expenditures.

The auditor's concerns about crumbling accountability, access to information and co-operation from officials are not new ones. He has voiced them before, but it seems the government hasn't bothered to listen. Justice Minister Bob Andrew's inane comments that Lutz is a difficult man complaining about an auditors' turf war does not present the image of a government genuinely worried about accountability.

The premier will have to make some attempt to temper the arrogance of government ministers and Crown officials. Otherwise, the public may well ask, "What has the government got to hide?"

That's the end of the quotation from the editorial, Mr. Speaker. I think it's a good one. I think it puts the finger right on the problems that we have here and certainly raises the very fundamental question: what has the government got to hide?

But before I move to that issue, which is one that I want to talk about in this debate, Mr. Speaker, I want to go back to the Minister of Justice — the man that I call now, the minister of injustice because of his terrible behaviour towards the Provincial Auditor.

This editorial says that the minister should be held accountable for his inane comments, and they are inane. And I was shocked myself to read in the paper, in the Regina *Leader-Post*, that the Minister of Justice not only behaved in a very poor way here in this Assembly in the use of the letter, but that he also speaks outside of the legislature condemning the auditor in words — and this is a quote which the Minister of Justice has not denied saying. He says about the auditor:

He's a hard guy to complain about working together. Jesus Christ, he can't work with anybody.

Now, Mr. Speaker, I find it unacceptable for a minister of the Crown, a minister of this government, a Minister of Justice in the cabinet opposite to swear about the Provincial Auditor in public like that. And I'm sure that there are a lot of constituents that I represent that would find that offensive too.

I know this government . . . the Premier has said that he wants to put God first and the family second, but I don't know whether he actually gives his ministers the permission to take the Lord's name in vain, as he has in

this condemnation of the Provincial Auditor. If that's what he means by putting God first, I suggest that it just reflects even more the kind of schoolboy behaviour that I stand in my place here to condemn from the Minister of Justice.

And to say that a man and a Minister of Justice who would speak like that publicly is not a person deserving of the respect and the loyalty of the constituents. That is a person who is reduced to the very lowest common denominator of name-calling in the school yard, Mr. Speaker. That is a minister who does not deserve the respect of the people of Saskatchewan, and that is why that is a minister that should publicly apologize and should resign from the Executive Council.

We have used many words in this Assembly, Mr. Speaker, which you have ruled unparliamentary — words such as "sleazy" — and I must admit that I find those words somewhat limiting, but also, Mr. Speaker, unfortunately very descriptive at times of the kind of behaviour that I've seen in this Assembly, especially from the Minister of Justice, especially around this . . .

The Speaker: — Order, order. Order. Having ruled those words out of order, I must also bring to the member's attention that the other part of the rule is that we cannot impute directly to a member that which the rules do not allow for directly. I'd like to bring that to your attention.

Ms. Smart: — Thank you, Mr. Speaker. The point I was going to make is that with words ruled as unparliamentary language, it becomes difficult to express very clearly and concisely the way in which I feel offended and concerned about the Minister of Justice's behaviour and the implications that, if the Minister of Justice can do this to the Provincial Auditor in this Assembly, can bring in the letter in that way that he did, to divert attention from the auditor's report and put it on to what Mr. Lutz said or didn't say in the letter, and to insinuate almost criminal liability on the part of the Provincial Auditor — if the Minister of Justice can do that, I have limited vocabulary to express my outrage at that behaviour, but I do want to express it as clearly as I can. To me, the Minister of Justice has got to be a person respected, in a position that's respected by the total Legislative Assembly, and this Minister of Justice has lost that, Mr. Speaker. This Minister of Justice has lost all credibility with this Assembly.

There is, in effect, no Minister of Justice in control in this province, and that is the reason for calling for his resignation from the Executive Council.

There are so many issues that the Minister of Justice has to deal with, and if he is functioning in this way, that he can come into this Assembly and use a piece of material, quoting it inappropriately — and my colleagues have gone over in detail what the letter said, and what was left out, and what the final report of the auditor has revealed to us in the fine compilation of documents that the auditor brought in later — all that has been spoken about in this House many times, Mr. Speaker.

The point I want to make is, the Minister of Justice does this to the Provincial Auditor. The Minister of Justice has no right to be continuing to be the Minister of Justice, and that's why the call for his resignation is so terribly

important.

The motion says that the criticism was unacceptable and unjustifiable, and the evidence that we've had since the attack on Friday that prompted this motion demonstrates completely and clearly to people across this province that the attack was unacceptable and unjustified; that the Provincial Auditor has made some very good points in his report which need to be looked at; and that the Minister of Justice has no reason to have gone forward at all with his innuendoes.

Now, Mr. Speaker, we've got the situation of a Minister of Justice has become a minister of injustice and should resign. We've got the issue of the Premier . . . the call on the Premier to do this, to require that the minister apologize publicly and resign. And unfortunately, it doesn't look as if the Premier is going to take this issue seriously.

But I can tell you, if the Premier does not take this issue seriously, certainly the people of Saskatchewan are going to take it seriously. And I for one am going to do everything in my power to see that the people of Saskatchewan clearly understand the issues here and clearly understand that the Premier has ducked responsibility for an issue that he should have shown great leadership on, and he should have taken action immediately against this Minister of Justice. He has not chosen to do so, Mr. Speaker, and that is very serious.

But the important thing as well is for us to turn our attention to this auditor's report. And I find it important that the auditor in his report spells out some principles that I think it's important for us to remind ourselves of as we debate this motion of privilege condemning the Minister of Justice. Because he says in the introduction to the report, "Saskatchewan's parliamentary system of government is based on the principle of the rule of law." And it's that rule of law that the Minister of Justice particularly is mandated to see that we uphold. Compliance with the law is critical to the entire system. Because of the importance of this principle, much of this report is about instances where the laws have been contravened.

Mr. Speaker, the auditor, our Provincial Auditor, is saying that the laws have been contravened, and it's the Minister of Justice who has stood up and condemned this auditor instead of taking a serious stand in support of the auditor and in support of the principle of the rule of law.

Mr. Speaker, the auditor is an officer of this Legislative Assembly, as people have pointed out already, and the law is absolutely clear on that point. The law is equally clear that the Provincial Auditor is required by statute to audit the accounts of the government of the day, to note any matters that in his professional view warrant significant attention, and to report those matters to this Legislative Assembly and thus to the public. And that is the auditor's job.

The auditor also, Mr. Speaker . . . I wanted to share with you another comment that was particularly important to me regarding the auditor's work . . . And I seem to have misplaced it here in this pile of notes because over the last

few days there have been a number of pieces of paper related to this issue that have come to our attention.

Perhaps I can just share with you the comments in his account itself, because in this report he says:

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.

. . . there were a number of cases where I could not get information that, by law, I was entitled to receive.

The public accounts are not complete, (they're not) correct or timely.

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

Those are very serious charges, Mr. Speaker. They are charges by an officer of the Legislative Assembly to us here, both the opposition and the members opposite in the government side of the House.

The members opposite on the government side are also responsible for these accounts, and these accounts reflect the spending of the taxpayers' money. This accountability process is also spelled out in the auditor's report, Mr. Speaker. And I was moved when I read these words, and want to share them with you because they are important in this debate. The Provincial Auditor says, The Accountability Process:

Accountability is the cornerstone of all financial reporting in government . . . Accountability requires governments to answer to the citizenry—to justify the raising of public resources and the purposes for which they are used. Governmental accountability is based on the belief that the citizenry has a 'right to know', a right to receive openly declared facts that may lead to public debate by the citizens and their elected representatives (and that's us, here). Financial reporting plays a major (an important) role in fulfilling government's duty to be publicly accountable (accounted) in a democratic society."

Because so much public money is spent in this province, of course the taxpayers want to know what the financial reporting says. I was surprised to see here in the public purse, in the auditor's report, the amount of money that he is trying to account for.

To March 31st of 1988, the Crown corporations expenses were \$4 billion, the government departments were 2.9 billion, for a total of \$6.9 billion. That's what we're talking about. We're talking about where that money has gone. That is the hard-earned money of the taxpayers of this province, Mr. Speaker. The Crown corporations have

acquired physical assets of \$13.1 billion, but for the government departments the information is not available.

The Provincial Auditor is our watch-dog over that much money, and that much money does not belong to us, it belongs to the people of Saskatchewan. It has been collected in trust that we would spend it wisely. And we in the opposition are charged with the tremendous responsibility of trying to find out how the government is spending the money and what is happening that will show that that money has been spent in good trust.

Mr. Speaker, the Provincial Auditor says:

The Assembly's ability to question the Executive's actions is affected by the information the Executive gives to the Assembly.

There can be a conflict of interest between the Executive and the Assembly with regard to information.

In other words, information that the cabinet wants to keep from this Assembly is information that the Assembly may need to know.

(and) The Assembly (all the elected representatives here) needs information from the Executive to question the Executive's actions. The Executive may be reluctant to provide complete, timely, and meaningful information to the Assembly.

And obviously they have been very reluctant. In this instance, they have been so reluctant they have been willing to let the Minister of Justice behave in a most unjust manner to try to cover up the contents of this report and to try to malign the man that is hired by all of us to do a job in looking after that public purse. That is a very serious issue, Mr. Speaker.

That's why we have made it a motion of privilege, and that's why we have spent this entire week discussing it. We have been shocked and horrified by the Minister of Justice's behaviour a week ago Friday, or Friday last, and we have been even more horrified by his behaviour since then, by his willingness to defend his position here in the House and refuse to speak to the media outside the House, refuse to repeat himself in public outside the House.

We have been horrified by the Premier not standing up to answer, in a position of leadership, to our questions regarding the Minister of Justice's actions and this auditor's report. And the people of Saskatchewan are horrified, Mr. Speaker. They read these editorials and they read the comments in the papers and they watch television and they're informed and they know what's been happening.

And what has been happening is that this government has sunk further and further into a lack of credibility and a total lack of responsibility and of power here in this legislature; in fact, that the government has shown by its refusal to deal with this issue of the Provincial Auditor, who is talking about the public purse and the taxpayers'

money, by refusing to deal with it, the government has lost the total respect of the population and certainly does not deserve to be the government of this province.

Some Hon. Members: Hear, hear!

Ms. Smart: — The people of Saskatchewan deserve much better than this, Mr. Speaker. They deserve much better than this. They deserve a Minister of Justice who, if he's going to malign the Provincial Auditor in this Assembly, should malign him outside of the House and say those words elsewhere as well, so that this issue can be dealt with properly; or they should bring the Provincial Auditor to the floor of this Assembly to question him and to get an explanation out.

It's obvious that they were not doing that, that the Minister of Justice has no intention of standing behind his allegations. He just did it, as I say, like a schoolboy trying to get out of a difficult situation. He did not do it in a responsible and adult way.

And so what we have here is the Assembly pleading with the government to deal with this situation of a Minister of Justice who is responsible for the laws being broken, who is responsible for this auditor's report not being able to be complete and the auditor being very worried about what's been happening. We have this Minister of Justice doing a cover-up.

The Provincial Auditor apparently now only sees 50 per cent of the expenditures from the public purse, whereas in 1987 he saw about 90 per cent of the public purse. So he's only been able to look at 50 per cent of that \$6.9 billion — only half of that — and the rest of it, Mr. Speaker, has gone we don't know where. But I'll tell you some of the questions that people in my constituency are asking, and some of the questions that the people I'm in touch with are asking.

We've seen what's happened here in the auditor's report. They're saying that over \$2 million worth of the dental equipment has disappeared. We don't know where the money is that may have been collected from the sale of that dental equipment. We don't know what has happened to it — gone.

We see here that the auditor is saying that the Saskatchewan Property Management Corporation has refused to give him information about ministerial travel expenses, and that the property management corporation has also been signing leases, or has been putting public money into the paying of rental and leases that are not documented.

I know that in Saskatoon, constituents would like to know how much the government is paying for the rental of the office of the Premier, which moved out of the government building in Saskatoon Centre into an office space across the street, into private office space. We don't know how much money is going into that particular rental.

We don't know how much the government is paying, for example, to rent the space that's used by the provincial archives. I asked that question at one point and was told that I had to go to the property management corporation,

and then the property management corporation says they won't answer those questions. So we can't find out what's happening.

We've all of us, on this side of the House, got examples of public money, of rumours of public money spent in different directions and wondering where that money has been spent. And when we ask the questions here — as members of the opposition we ask the government members opposite questions in question period — they very often don't answer our questions. In fact, if they do answer our questions directly, it's a source of surprise and amazement because most of the time those questions are not answered.

And Justice . . . when the Leader of the Opposition when asking the Minister of Justice questions about the Auditor's report that Friday, and the Minister of Justice did this slick sleight of hand by bringing in the letter and reading little bits of it and insinuating things about the Provincial Auditor that are not true, the questions were not answered. And we in the opposition have to depend on people like the Provincial Auditor to ferret out more information that we need and which is denied to us.

I was shocked, Mr. Speaker, when I first became an MLA, to go to government offices, like the Department of Consumer and Commercial Affairs, which I was the critic of, and to be told by staff there that they had been told not to speak to the MLAs. They had been told not to give us information, Mr. Speaker. And we in opposition, in this parliamentary system, have only certain avenues that are open to us in terms of getting information and in terms of holding the government accountable. It's our job in the parliamentary system to be able to hold the government accountable, but we are limited in what we can do.

The Provincial Auditor has a very important function in providing us with the information, especially regarding the taxpayers' money, because obviously the way in which money is spent is a key and crucial issue to the government of the province.

And we have a situation now where the province is in terrible economic shape, where people are hurting badly, where the Minister of Social Services will not increase the minimum wage, where people are hungry and don't have enough money to live on. And now we have an auditor's report that can't account for half the money of the province.

An Hon. Member: — Keep going, Anne.

Ms. Smart: — I'm going to keep going because this is a serious issue. I just stopped because there is a lot of noise going on in the government . . .

The Speaker: — Order, order. Order, order.

Some Hon. Members: Hear, hear!

Ms. Smart: — Thank you, Mr. Speaker. Mr. Speaker, the issue of the Provincial Auditor's report focuses partly on the question of the private auditors, the private sector auditors that have been hired by the government to look after particularly the Crown corporations, and the

relationship between the Provincial Auditor and the private auditors.

And the Provincial Auditor points out in his report, very clearly, that when the private auditors are hired by the Crown corporations, the boards of the Crown corporations are their clients, and those are the people that those auditors report to. The Provincial Auditor reports to this Assembly through this report and through the public accounts documents. And if he's only able to see 50 per cent of the reports and he's not able to question the private auditors, then he's obviously hamstrung in his ability to be accountable to us and to let us know what's happened to the taxpayers' money.

The private auditors, Mr. Speaker, were brought in particularly in 1987 when there was changes made to The Provincial Auditor Act, and I found it interesting to read what the Minister of Finance said when he was questioned about this change in The Provincial Auditor Act on October 26, 1987, in *Hansard* on page 3514. And the minister said this:

. . . what the objective of the legislation is, is to have the private sector audit that (Crown corporations), and the Provincial Auditor in the case where the private sector auditors are used, to have an override. If he's not satisfied, then he can go through and do an audit. There's nothing to stop him if he's not satisfied and if he gives reasons.

That is what the Minister of Finance said to us here in this House in 1987 when we questioned the changes in The Provincial Auditor Act. He said, when we said these private auditors will be accountable only to their Crown corporations and not to this Assembly, the Minister of Finance said clearly in *Hansard*, that the Provincial Auditor would have an override and that he would be able to get the information he needed. And now in 1989 we have an auditor's report that says that that information is being denied to him.

So here, Mr. Speaker, we have an example of the Minister of Justice behaving very badly and in an unjust manner and becoming, as I say, the minister of injustice. And we have the Minister of Finance saying one thing in 1987 and supporting and being part of a government that does totally the opposite in terms of its relationship to the Provincial Auditor, refusing to give the Provincial Auditor the information that that person needs in order to be accountable to the people in this province.

So the issue of the appointed auditors is an important one. And the Provincial Auditor says it very nicely here. The Provincial Auditor says:

No professional person wants to get himself (and I would say or herself), in a position of any sort of conflict of interest.

And he's talking . . .

Mr. Speaker: — It being 10 o'clock the House stands adjourned until tomorrow at 10 a.m.

The Assembly adjourned at 10 p.m.