

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

NOTICES OF MOTIONS AND QUESTIONS

Mr. Lingenfelter: — Mr. Speaker, I give notice that I shall Monday next move that an order of the Assembly do issue for a return showing:

The total amount paid by each government department, agency, and Crown corporation for the period May 17, 1988, to the date shown in this return, was ordered to commercial airlines, travel agencies for air fares, including in each instance: (1) the names and positions of those whom the fares were authorized; (2) the cost, purpose, and destination points for each trip; and (3) the air carrier on which each trip was taken.

I so move.

Mr. Shillington: — Thank you very much, Mr. Speaker. I give notice that I shall on Monday move an order for the Assembly do issue for a return showing:

For the period May 17, 1988, to the date this return was ordered, the amount paid to the firms of Dome Advertising Ltd. and Dome Media Buying Services Ltd. by each department, board, commission, Crown corporation, and agency of the Government of Saskatchewan; (2) in each case, the nature of the work performed.

I further give notice, Mr. Speaker, that I shall on Monday next move:

That this Assembly condemns the Government of Saskatchewan for its waste, its mismanagement of taxpayers' dollars, of public funds and public assets; and further, that this Assembly condemns the Government of Saskatchewan for its mismanagement with respect to the privatization of 2.2 million of dental equipment, as noted on page 98 of the auditor's annual report.

Mr. Tchorzewski: — Thank you, Mr. Speaker. I give notice that on Monday next I shall move that an order of the Assembly, that a return be issued showing:

For the period May 17, 1988, to the date this return was ordered: (1) the amounts paid to the firm of Roberts & Poole advertising corporation by each department, board, commission, Crown corporation, and agency of the Government of Saskatchewan; (2) in each case, the nature of the work performed.

Mr. Speaker, I further give notice that on Monday next I shall move:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the 1988 annual report of the Crown

investments corporation, and for having broken the law.

Some Hon. Members: Hear, hear!

Mr. Koskie: — Thank you, Mr. Speaker. Mr. Speaker, I give notice that I shall on Monday move that an order of the Assembly do issue for a return showing:

With respect to D-Mail Services Inc., the contracts that this company received from May 17, '88, to the date of this return was ordered, from any departments, Crown corporations, boards, agencies, or commissions, or the Government of Saskatchewan, including in each instance: (1) the amount of the original contract; (2) the amount of any contract costs overrun; (3) the purpose of the contract; (4) the work performed by the company; and (5) whether or not the work in question was awarded by public tender.

I so move.

Mr. Brockelbank: — Mr. Speaker, I give notice that I shall on Monday next move that an order of the Assembly do issue for return showing:

For the period May 17, 1988, to the date this return was ordered, the number of public opinion polls and market researcher projects ordered, performed, or commissioned by or for each government department, agency, and Crown corporation, including in each case: (1) the purpose of the poll or project; (2) the total cost of the poll or project; (3) the method by which the work was awarded; (4) the names of the individuals or organizations who performed the work, the results and analysis provided to the government.

Mr. Hagel: — Thank you, Mr. Speaker. Mr. Speaker, I give notice that I shall on Monday move that an order of the Assembly do issue for return showing:

For the period May 17, 1988, to the date this return was ordered: (1) the total number of out-of-province trips made by each minister of the government; (2) in each case the destination and purpose of the trip; (3) in each case the names and positions of those who accompanied the minister at government expense; (4) in each case the amount charged on behalf of each person travelling at government expense; (5) in each case the total cost of the trip separated according to costs incurred for: (a) air fares; (b) hotels; (c) ground transportation; (d) meals; and (e) entertainment expenses.

I so move, Mr. Speaker.

And further I give notice of motion that on Monday next I shall move:

That this Assembly condemns the Government of Saskatchewan for its waste and its

mismanagement of taxpayers' dollars and of public funds and public assets. And further, that this Assembly condemns the Government of Saskatchewan for its mismanagement with respect to the Meadow Lake Sawmill as noted on pages 79 and 80 of the auditor's annual report.

And I so move as well, Mr. Speaker.

Mr. Goulet: — Mr. Speaker, I give notice that on Monday next, I move:

That this Assembly condemns the Government of Saskatchewan for its waste and its mismanagement of taxpayers' dollars and of public funds and public assets; and further, that this Assembly condemns the Government of Saskatchewan for its mismanagement with respect to the Department of Parks, Recreation and Culture, as noted on pages 67 and 68 of the auditor's annual report.

I also give notice that I shall on Monday move that on the order of the Assembly do issue for a return showing:

The names, titles, and remuneration of all non-clerical staff employed in or assigned to the ministers of the Government of Saskatchewan for the period May 17, 1988, to the date this return was ordered.

I so do move.

Mr. Anguish: — Mr. Speaker, I'd like to give notice of a motion for return. I give notice that on Monday I move that an order of the Assembly do issue for a return showing:

For the period May 17, 1988, to the date of this return was ordered a detailed list of the aircraft chartered by each department, agency, or Crown corporation of the Government of Saskatchewan, including in each instance: (1) the purpose of the charter and the minister who authorized it; (2) the name of the individual or company who provided the charter service; (3) the total cost of the charter and the name of the department, agency, or Crown corporation to which it was charged; (4) the date of the flight; (5) all destinations on the flight; (6) the names of each MLA or government employee on the flight; (7) the number of family members of MLAs on each flight; (8) the total number of passengers on each flight.

Mr. Solomon: — Thank you, Mr. Speaker. I give notice that I shall on Monday move that an order of the Assembly do issue for return showing:

For the period May 17, 1988, to the date this return was ordered, a detailed list of the flights taken by the Government of Saskatchewan's executive aircraft, including in each instance: (1) the purpose of the flight and the minister who authorized it; (2) the date of the flight; (3) all destination points of the flight; (4) to which department, agency, or corporation the cost of the

flight was charged and the amount of that charge; (5) the name of each MLA on the flight; (6) the name of each government employee on the flight; (7) the number of family members of MLAs on each flight; and (8) the total number of persons on each flight.

Mr. Kowalsky: — Mr. Speaker, I give notice that I shall on Monday move:

That on order of the Assembly due issue for a return showing for the period May 17, 1988, to the date this return was ordered, a list of all reports, studies, investigations or projects awarded to external consultants by each government department, agency, and Crown corporation, including in this case: (1) the name and purpose of the report, study, investigation, or project; (2) the total cost; (3) the method by which the work was awarded; (4) the name of the external consultants who perform the work; and (5) the recommendations or analysis provided to the government.

Ms. Simard: — Thank you, Mr. Speaker. I give notice today that I shall on Monday move that an order of the Assembly due issue for a return showing:

For the period May 17, 1988, to the date this return was ordered, a list of the executive motor vehicles purchased by the central vehicle agency, including in each instance: (1) the make, model and cost of the vehicle; (2) the name and location of the dealership from which the vehicle was purchased; (3) the name and position of the individual to whom each vehicle was assigned.

Mr. Upshall: — Thank you, Mr. Speaker. Mr. Speaker, I give notice that I shall on Monday next, move:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the 1988 annual report of the Saskatchewan auto fund and for having thereby broken the law.

Mr. Calvert: — Mr. Speaker, I give notice that I shall on Monday next, move:

That this Assembly condemns the Government of Saskatchewan for its waste and its mismanagement of taxpayers' dollars and of public funds and public assets; and further, that this Assembly condemns the Government of Saskatchewan for its mismanagement with respect to SaskPen Properties Ltd., as noted on page 57 of the auditor's annual report.

Mr. Trew: — Thank you, Mr. Speaker. I give notice that I shall on Monday next move:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the 1988 annual report of the Saskatchewan Government Insurance and for having thereby broken the law.

Mr. Koenker: — Thank you, Mr. Speaker. I give notice that on Monday next I shall move:

That this Assembly condemns the Government of Saskatchewan for its waste and mismanagement of taxpayers' dollars and of public funds and public assets; and further, this Assembly condemns the Government of Saskatchewan for its mismanagement with respect to the accounts and records regarding ministerial use of executive aircraft as noted on page 99 of the auditor's annual report.

Mr. Brockelbank: — Mr. Speaker, I give notice that I shall on Monday next, move:

That this Assembly condemns the Government of Saskatchewan for its waste and its mismanagement of taxpayers' dollars and of public funds and public assets; and further, that this Assembly condemns the Government of Saskatchewan for its mismanagement with respect to the Department of Justice as noted on page 65 of the auditor's annual report.

Mr. Romanow: — Thank you, Mr. Speaker. I give notice of motion that an order of the Assembly do issue on Monday next showing:

For the period May 17, 1988, to the date of this return: (1) a list of all advertising firms employed by each department, board, commission, Crown corporation, and agency of the Government of Saskatchewan, with the exceptions of Dome Advertising Ltd., Dome Media Buying Services, and Roberts & Poole advertising company. In each case provide the amounts paid and the nature of the work performed.

While I'm standing, Mr. Speaker, I'd also like to give notice that I shall on Monday next move:

That this Assembly condemns the Government of Saskatchewan for its waste and its mismanagement of taxpayers' dollars and of public funds and public assets. And further, that this Assembly condemns the Government of Saskatchewan for its mismanagement with respect to payments made to a consultant by the Crown investments corporation as noted on pages 24 and 25 of the auditor's annual report.

INTRODUCTION OF GUESTS

Mr. Tchorzewski: — Thank you, Mr. Speaker. It's my pleasure to introduce some guests who are seated in the Chamber here this afternoon. I've had the privilege of meeting with them briefly. I wish I'd had more time, but it was an enjoyable time to meet with them and discuss a little bit the proceedings of this legislature.

They are five students from the Saskatchewan Abilities Council here in Regina. The Saskatchewan Abilities Council comes two or three times a year with students, and certainly we welcome them all the time. They are

accompanied by co-ordinators Lynn Demeule, Joyce Sevigny, Anne McCann, Florence Welin, and Ev Rumpel. I would like to ask members of both sides of the House to join me, through you, Mr. Speaker, in welcoming these guests to the legislature of Saskatchewan.

Hon. Members: Hear, hear!

Hon. Mr. Schmidt: — Mr. Speaker, as Minister of Social Services and Minister of Human Resources, Labour and Employment, on behalf of the government I would like to welcome the people from the Saskatchewan Abilities Council. And I know that you live in various constituencies throughout Regina and Saskatchewan. We would like to welcome you here on behalf of the government and wish you success in the future. Thank you.

Hon. Members: Hear, hear!

Mr. Hagel: — Mr. Speaker, it is my pleasure to introduce to you, and to all members of the Assembly through you, 59 grade 5 and 6 students from Sunningdale School in Moose Jaw, who are seated in the east gallery today, Mr. Speaker. These students have already been on a tour of the Legislative Assembly building, and I will be meeting with them at 2:30 for pictures and refreshments and a visit. They are accompanied today by their teachers, Margot Swayze, Randy Doering, and Trina Templeton. And, Mr. Speaker, I ask you and all members of the Assembly to show welcome to these students from Sunningdale School in the usual manner.

Hon. Members: Hear, hear!

Mr. Calvert: — Thank you, Mr. Speaker. It's my pleasure today to introduce a guest who is seated in your gallery, in the second pew of your gallery, Mr. Speaker, a Mr. Jim Johnson. Mr. Johnson is a member of the city council in Moose Jaw, and so I would invite all members of the House to welcome Mr. Johnson to the Assembly.

Hon. Members: Hear, hear!

Mr. Romanow: — Thank you very much, Mr. Speaker. I have also the privilege and the honour of introducing some students who are here in your gallery today, Mr. Speaker, from Princess Alex(andra) School — I think it is up in the Speaker's gallery, right? — in Saskatoon, about 28 students. They're grade 8 students. They are accompanied by — I hope I get these names pronounced the right way — Donna Hrytzak . . . well that name I can pronounce for sure; Donna Hrytzak, Sue Barrett, Audrey Kear, and I believe, Prudence Ansah. I'm sure that they are going to find question period very informative and entertaining, and look forward to meeting them after the proceedings are finished in question period. Thank you, Mr. Speaker.

Hon. Members: Hear, hear!

ORAL QUESTIONS

SaskEnergy Public Meetings and Saskatchewan Securities Commission

Mr. Lingenfelter: — Mr. Speaker, my question's addressed to the Minister of Justice. Earlier this week, Mr. Minister, you and your cabinet colleagues decided that you were above the law, and by the stroke of a pen you ordered cancelled the Securities Commission order which said that you must stop the advertising and road show of the SaskPower privatization. Mr. Minister, can you outline for us what was the rationale behind this? Why did you go ahead and put yourself above the law?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, the legislation that was introduced and proposed into the House on section 44 of that particular legislation, through that legislation we proposed to exempt this particular SaskEnergy issue from the Securities Commission — from the purview of the Securities Commission. Under section 44, we are exempting it from the Securities Commission.

Now when the legislation did not pass and has been put out to the Barber committee to review, we were left in a position where (a) we were violating the Securities Commission, as the Securities Commission found. The Securities Commission then, as far as we were concerned, we had three choices. We could cease and desist, number one. Number one, we could cease and desist, if you want to hear the answer. We could put in a regulation that said basically the same thing that was in the Act and therefore you could go forward and exempt yourself from the Securities Commission, which is what in fact the proposal was that we took.

Mr. Lingenfelter: — Mr. Speaker, a new question to the minister. Since your decision of Tuesday, SaskEnergy can now go on with its program of exaggeration, innuendo and misrepresentation and half-truths with impunity. That's what you can now do.

But I want to ask you, Mr. Minister: have you studied section 131 of your Act, specifically section (3)(c), as to the possibility of bringing charges against your colleague, the minister responsible for SaskPower, and any of his officials for being in violation of the Act prior to Tuesday's cabinet meeting? Have you checked into charges being laid?

And while you're checking that, have you noted the penalty in the section which notes that any director, officer of the company, or other persons authorized to permit or acquiesce in violating the Act is subject to a fine up to \$1 million or two years in jail? Have you checked that out?

Some Hon. Members: Hear, hear!

The Speaker: — Order. I realize the . . . our guests may, from time to time, wish to participate in the proceedings, but the rule of the House is that guests do not in any way participate in the proceedings of the House.

Hon. Mr. Andrew: — Mr. Speaker, I never participated or was requested to participate or asked for an opinion, as minister responsible for the Securities Commission, as to the action they would take. And I don't think that you would expect that I should.

The Securities Commission made a ruling, as they make rulings on various things, and the Securities Commission have the Act, Mr. Speaker. They enforce the Act. They can enforce the Act how and when they wish, and that's up to them to decide. It certainly is not me, Mr. Speaker, to tell them what actions to initiate, and I do not intend to do that.

Mr. Lingenfelter: — New question to the minister. Mr. Minister, you are the minister responsible for The Securities Act of this province. You have earlier in this question period admitted guilt and that you were breaking the law. My question is: are you now considering laying charges against the minister and the officials who were in fact breaking the law? Are you now doing that?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — What I indicated to the hon. member was as follows: if there are charges to be laid, let's say, in a criminal nature by the director of public prosecution, I as minister do not initiate criminal action. The director of public prosecution does that, and I remove myself from any decision on that, Mr. Speaker.

The same is true with the Securities Commission. If the Securities Commission wish to take action, then they take it. It is not for me to interfere and tell them when and what to do. And if one was to do that, Mr. Speaker, one would be chastised severely for that. And that is not the job.

The Securities Commission has the right to do what they wish. If they wish to take action and lay charges, then the Securities Commission should take action and lay charges, and I am not going to sit here as a politician and tell them to do that.

Mr. Lingenfelter: — Mr. Speaker, I think that all people in the province will find this incredible. We have a minister here that admits guilt, admits that his government . . . the Minister of Justice admits that his government was breaking the law; that they were advertising against their own laws that they had implemented. No other private company would be allowed this privilege. If this were a private company, they would be charged.

I say to you, Mr. Minister, have you not in your capacity as Minister of Justice checked out the possibility and the implications of laying these charges against the minister who in fact was breaking the law, by your admission, not by ours?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, let's make it first of all clear. Under the proposed Act of the Saskatchewan Energy Corporation, the legislation says that corporation shall be exempted from the Securities Commission. That's exactly what it says in section 44. And, Mr. Speaker, where we took that from was the Saskatchewan development fund that was introduced by the previous government in — I forget — 1973, Mr. Speaker. And in that section 17 of that Act, the Saskatchewan development fund, which was to go out and sell funds to

the population of this province — public participation NDP-style, Mr. Speaker — the Securities Commission was, in the legislation, ruled not to apply, Mr. Speaker.

So what we're doing is the same thing that was done by the previous government. And that is a government public participation initiative, and you exempt yourself, you exempt Saskatchewan Energy, Mr. Speaker, just as the Saskatchewan development fund was exempted from the purview of the Saskatchewan Securities Commission.

Some Hon. Members: Hear, hear!

Mr. Lingenfelter: — Mr. Minister, once again you're trying and attempting to . . .

The Speaker: — Order, order. Order, order. Would you please indicate a new or a supplementary.

Mr. Lingenfelter: — New question, Mr. Speaker, to the same minister. What we are talking about here, Mr. Minister, is obviously the period before you changed the law, when you were breaking the law. Do you understand that? This is the period that we're talking about.

It has nothing to do with what amendments were made previous for any other corporation, which in fact would be in order. What I'm talking about is the period while you and your colleagues were in fact breaking the law of the province.

What I'm saying: have you checked out the possibility of laying charges against the officials and the minister responsible? That's what I'm asking.

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, as I understand, the Securities Commission came to the view that what SaskEnergy was doing was improper and was in violation of the Securities Commission.

The Securities Commission then issued an order to cease and desist. That was their decision. It was cease and desist (a) the advertising, and (b) the programs of public meetings around the province. The government cease and desist had the option then of (a) continuing the cease and desist order and do that, or they could change the regulations, or they could file a prospectus.

Now those are the things. The charges are up to the Securities Commission, Mr. Speaker. Mr. Speaker, there are various times . . . And if we simply pose the question to the chairman of the Securities Commission, either in Saskatchewan or other jurisdictions, various people would violate various sections of The Securities Act. They then, Mr. Speaker, can do a variety of things. They can issue an order saying cease and desist, or they can lay a charge, or they can do what they take as a decision to do.

I'm simply saying, Mr. Speaker, the following, is that the Securities Commission sits out there as a quasi-independent body. And should the Minister of Justice, Mr. Speaker, should the Minister of Justice as the minister responsible for that commission superimpose

my views on that independent body? Now should you do that?

And I suggest that you should not, Mr. Speaker. I think it is improper. And should I in fact do that, Mr. Speaker, I would be accused of interfering in the operations of the Securities Commission.

Some Hon. Members: Hear, hear!

Mr. Lingenfelter: — Mr. Speaker, a new question to the minister. I find it incredible again that you would condone the minister of SaskPower breaking the law; that you, the Minister of Justice, would condone that.

You have indicated here that you had a number of choices. I say you had a fourth choice, and that would be to lay charges against the officials and the minister.

Some Hon. Members: Hear, hear!

Mr. Lingenfelter: — But your second choice that you listed was to present a prospectus to the Securities Commission and to the people of the province — perfectly legitimate that you should present a preliminary prospectus so the people of the province knew what you were attempting to sell.

Why haven't you looked at that option, which is what you did in 1985 prior to bringing in the Bill to privatize the Saskoil? You did it in 1985 in this Assembly. You brought in a preliminary prospectus well a month ahead of when the Bill was presented in the House. Why wasn't that an option, and why isn't that an option? Why do you choose to deal in innuendo and misrepresentation and millions of dollars of taxpayers' advertising to sell something that the people don't want you to do?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, let me deal with the two questions raised by the hon. member. Number one, if the Securities Commission were of the view during that period in time when they had a finding that it was violation of the law, Mr. Speaker, and the time of the cease and desist order, if they were of the view that charges should be laid, Mr. Speaker, they did not advise me of it.

If they advise me of it, Mr. Speaker, I would simply tell them to proceed with laying the charges, as I properly should, and would be, and clearly state that to be, Mr. Speaker.

With regards to why the problem arose, Mr. Speaker, is the Bill was presented to this House, Mr. Speaker, for debate in this House. Before it was even introduced, Mr. Speaker, the members opposite turned the bells on, Mr. Speaker, and left this Assembly for 17 days, leaving the government in a position of not being able to disclose what the legislation was and how it would be introduced into the province, Mr. Speaker.

The reason why that was done, Mr. Speaker, is the members walked away from this Assembly. They were not prepared to debate that issue in this Assembly, Mr.

Speaker. We believe that there was a right to go out and tell people what the proposal is.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Mr. Speaker, I have a question to the same minister, the Minister of Justice, although I'm beginning to wonder why he has that title. It's bad enough, Mr. Speaker, in my question to the Minister of Justice, it's bad enough for any minister or any member of this legislature to break the law, but when it is the Minister of Justice, Mr. Speaker, it is unbelievable that this would be allowed to take place and that the Premier would stand by and condone this kind of thing to happen.

I ask the Minister of Justice, therefore, the following question: how can you explain, Mr. Minister, after admitting the fact that there was guilt here, how can you explain that you, as the Minister of Justice, are not prepared to undertake the necessary step to lay charges?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — I indicated to the hon. member, there are a variety of times when there are violations of the securities law, Mr. Speaker. Whether it is a violation by, in this case, a publicly owned corporation . . .

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

Hon. Mr. Andrew: — Whether it is a government Crown corporation . . .

The Speaker: — Order, order. Order. Give the minister the opportunity to speak.

Hon. Mr. Andrew: — Mr. Speaker, what I indicate to the hon. member is the following. There are a variety of violations of the Securities Commission, as there is a variety of violations of any other law. I mean, you can compare a violation of the Criminal Code with a violation of provincial speeding regulations. Mr. Speaker, both of them are violations of the law.

Now the action to be taken there and determined there is by the Securities Commission, and that is pursuant to the law, Mr. Speaker, that they are the ones that initiate the procedures and lay the charges, Mr. Speaker. Now it is up to them to lay the charges, and it is proper for me not to interfere one way or the other. And that is the way the securities' laws work and are properly supposed to work. That's what happened here, and it is to the Securities Commission to determine what action they wish to have taken. And it seems to me that's in fact what they have done.

Mr. Tchorzewski: — Mr. Speaker, I have a new question to the minister. Mr. Minister, the minister in charge of SaskEnergy obviously broke the law. Officials involved with SaskEnergy obviously broke the law. Mr. Minister, it's your job, as the Minister of Justice, to enforce the law.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Why then, Mr. Minister, do you continue to stand up in this House and say to the public of

Saskatchewan that you refuse to enforce the law?

Hon. Mr. Andrew: — Mr. Speaker, the Securities Commission is the agency that will (a) investigate the particular issue, investigate the facts of the issue, Mr. Speaker, and then they will make their recommendations. If they make recommendations for charges, then charges will proceed. If they make recommendations for a cease and desist order, or an order to do this, this, or this, then that is their order, and properly so. Mr. Speaker, it is for them to do that and not for me to interfere. If they recommend that charges should be laid in this case, then charges will be laid in this case, Mr. Speaker, and Department of Justice would co-operate in that.

It is not for me as the minister, Mr. Speaker, as the members opposite wish to allege, to step in there personally and say, you lay these charges, any more than it is for me, Mr. Speaker, to step in in a case of fact, whether it was the government or anyone else in violation of the criminal law or of any other statute law. For me to step in and tell the RCMP or the city police of Regina or any other agency of law enforcement, Mr. Speaker, you lay these charges, that is not the function of an attorney general, nor should the members opposite suggest that it is. When it is recommended, Mr. Speaker, then it would proceed through the Department of Justice, as it properly should.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — A new question to the Minister of Justice, Mr. Speaker. Mr. Minister, I think that the editorial in the Saskatoon *Star-Phoenix* of yesterday sums it up very well when it writes, the government's position on this matter is contemptuous. And I quote from that editorial which says the following:

It is a monumental slap in the face to every honest Saskatchewan business that has operated within the regulations enforced by the securities commission.

Mr. Minister, everyone in this province believes that your actions and their government's actions are wrong — the media does, the public does, and even you do, Mr. Minister — and that there is nothing more here than a bald-faced, cynical move to thwart the laws of this province for your own political ends and the political ends of the Premier. How, Mr. Minister, then can you explain this slap in the face to the business community which has for years played by the rules because it believes that's the right thing to do?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, for the hon. member opposite to suggest that government should be able to exempt itself from the purview of the Securities Commission, Mr. Speaker . . .

The Speaker: — Order, order. As I said earlier, I think the minister deserves the opportunity to answer the question without a stream of interruptions.

Hon. Mr. Andrew: — Mr. Speaker, the hon. member would somehow suggest in the various editorials saying that it is improper for government to exempt itself from the rules of the Securities Commission. That's what they're saying. The government should not be exempted from the Securities Commission no different than any other company in this province.

What I am saying, Mr. Speaker, and that's a view that people can clearly hold, but the members opposite when they were in government exempted the Saskatchewan development fund from the purview of the Securities Commission. Did they exempt that fund from the law, Mr. Speaker, of the securities' laws of this province? Clearly they did, Mr. Speaker, as the government on the Saskatchewan Energy company did as well, Mr. Speaker. Both of them exempted their particular privatization, public participation initiatives from the Securities Commission, Mr. Speaker. We did exactly the same thing. Is that proper? That is up to the people to decide.

Mr. Tchorzewski: — A new question to the minister, Mr. Speaker. Mr. Minister, that same editorial goes on to state the following:

For the government to cavalierly override the securities commission and write its own rules to suit its own share offering is ludicrous. It threatens the integrity of both the commission and the government.

It's one thing to catapult SaskEnergy to the top of the political agenda. It's quite another to become so obsessed with the issue that the government refuses to play by the established rules of the game.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — That, Mr. Minister, is a very searing indictment. And the Regina *Leader-Post* followed up today in an editorial which it says the following:

... government, as much as governing, is there to set an example. It hardly does that if it bends the rules to suit its own purposes and intones: "Do as I say, but not as I do."

I ask you then, Mr. Minister, why do you have one set of rules for yourselves and the government, and why do you have another set of rules for honest business people who have known and have always played by the rules?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, the member opposite that just read the question out, Mr. Speaker, just delivered the question out, exempted the Saskatchewan development fund from the rules of the Securities Commission — Bill S-14, 1973, Mr. Speaker. That fund went out and solicited money from peoples around this province, invested it in mortgages and bonds, etc., Mr. Speaker, with a chance to make a profit on it, Mr. Speaker. That was done.

Now it was exempted from The Companies Act and The

Securities Act, Mr. Speaker. Why? Because it didn't have to follow the same rules as the private sector companies that did, Mr. Speaker. Now what they did in that fund, what we are doing here is exactly the same, Mr. Speaker. The problem ... the problem ... Mr. Speaker, if the hon. member ...

The Speaker: — Order. Order, order.

Hon. Mr. Andrew: — Mr. Speaker, if the hon. members' argument is to be listened to, what they said is government public participation funds should follow the same rules as private sector companies. They exempted this one from the Securities Commission; we exempted the Saskatchewan Energy Corporation from the Securities Commission. The Bill did not pass; it was put out to committee, Mr. Speaker; therefore the regulation was to allow us to go out and tell the people what was in that legislation.

Some Hon. Members: Hear, hear!

(1445)

Mr. Koskie: — I'd like to address a question to the Premier, if he feels obligated to answer a question. Mr. Premier, your Minister of Justice stood in this House today and admitted that your government, an agency of government, was breaking the law. I want to ask you, Mr. Premier, do you condone that action by other members of your Executive Council? And I ask you further: when are you going to take charge and show some leadership and morality in your government?

Some Hon. Members: Hear, hear!

Hon. Mr. Devine: — Mr. Speaker, we will respect the law and the laws of the Securities Commission. Make no mistake about that. And I will make it very clear to the hon. member and to the members opposite that we will respect the Securities Commission and the laws as they put forward with respect to the Securities Commission.

And, Mr. Speaker, the hon. member asks if we will respect the law as outlined by the Securities Commission, and the Securities Commission will lay out the alternatives you have, and we will have to deal with those, and we do. And I say that very clearly.

Let me also say to the Leader of the Opposition, as I've said here, and to the public very, very clearly, I've made the offer, Mr. Speaker, that we don't have to have public hearings. We don't have to have Dr. Lloyd Barber going out talking to people. All we have to have, Mr. Speaker, is have the legislation debated here as all of the rest were, Mr. Speaker; debate it, vote on it, then let the people decide. But the hon. member, Mr. Speaker, won't let the ...

The Speaker: — Order, order. Order, order. Order. Order, order. Would the hon. members please restrain themselves.

Hon. Mr. Devine: — It does get their attention when I ask about bringing it before this House, and I presented this to the media several times, and they acknowledge that it's a

fair question. Now listen, Mr. Speaker, come on.

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

Hon. Mr. Devine: — Thank you, Mr. Speaker. I just say once again to the hon. members, I don't know why they're afraid of the legislation on the floor of the House. The people of Saskatchewan want to know about the legislation. The hon. members don't want to hear about the hearings; they don't want to talk about the cost.

I've said many times, Mr. Speaker, bring the legislation before the House and debate it here and vote on it. There's no need for public hearings, Mr. Speaker, nor a need for the concern of the Securities Commission. None of that, Mr. Speaker. But they're afraid to talk about it in here. So I again say to the hon. members, bring it into the House. We could . . .

The Speaker: — Order, order. Order, order. I'm going to give the Premier the opportunity to . . . Order, order. Order. He's been interrupted several times, and I'm going to give him the opportunity to finish his remarks.

Order! Order, order. Order, order!

Hon. Mr. Devine: — Mr. Speaker, I just say in once sentence. I invite the hon. members to co-operate with parliamentary democracy and debate the legislation on the floor of the House. There will be no hearings, no costs — just debate it here, and debate it often if they like, and vote on it. Then let the people decide, Mr. Speaker. They're afraid to do that. We're not, and we will offer that challenge to the people of Saskatchewan right here.

Some Hon. Members: Hear, hear!

The Speaker: — Order.

MOTIONS UNDER RULE 39

Full Co-operation with the Provincial Auditor

Mr. Shillington: — Mr. Speaker, before orders of the day, I rise pursuant to rule 39 of this Assembly to seek leave of all members to move a motion on a matter of urgent and pressing necessity.

The central issue, Mr. Speaker, is the unacceptable pattern of waste and financial mismanagement of a government and their concealment of it. The waste and mismanagement have been documented in the annual *Report of the Provincial Auditor*. The auditor has even stated in several instances, the government has refused to provide full co-operation and information and has interfered with his work.

Accordingly, I seek leave to move the following motion:

That this Assembly urge the Government of Saskatchewan to require that the Crown investments corporation provide full co-operation to the Provincial Audit and all of the information he requires and is entitled to by law in order that the Provincial Auditor may fulfil his legal responsibilities as watch-dog of public money

and a guardian of the public interest.

Some Hon. Members: Hear, hear!

Leave not granted.

Full Co-operation with the Provincial Auditor

Mr. Lingenfelter: — Mr. Speaker, I rise pursuant to rule 39 and ask leave to move a motion that would deal with the Sask Property Management Corporation and the lack of co-operation with the Provincial Auditor.

And here we have seen a great number of taxpayers' dollars — and I think the auditor agrees with us — wasted, and as a result of that, taxes going up significantly and the debt of the province rising to close to \$4 billion. And for that reason I would move, with leave:

That this Assembly call before the bar, Mr. Otto Cutts, president of the Saskatchewan Property Management Corporation, to be examined regarding his agency's refusal to provide full co-operation with the auditor.

I so move.

Some Hon. Members: Hear, hear!

Leave not granted.

Full Co-operation with the Provincial Auditor

Mr. Tchorzewski: — Mr. Speaker, I arise before orders of the day, pursuant to rule 39 of this Assembly, to seek leave of all members on a very serious matter, and that is to move a motion on a . . .

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

Mr. Tchorzewski: — As I began, Mr. Speaker, I rise pursuant to rule 39 of this Assembly to seek leave of all members to move a motion on a matter of urgent and pressing necessity on an issue that is of concern to not only this Assembly but to every single resident in the province of Saskatchewan.

The central issue, Mr. Speaker, is the unacceptable pattern of waste and financial mismanagement of the government opposite and the attempt by this government to cover that up by not allowing the Provincial Auditor to do his work by providing him the information he ought to have. It's a record of mismanagement and corruption, Mr. Minister. It was highlighted again, this mismanagement, by the performance of the Minister of Justice today.

And so accordingly, Mr. Speaker, I seek leave to move the following motion, seconded by my colleague the member for Regina Elphinstone:

That this Assembly call before the bar Mr. Wolfgang Wolff, chairman of the Crown investments corporation, regarding his agency's refusal to provide full co-operation with the Provincial Auditor.

I so move.

Some Hon. Members: Hear, hear!

Leave not granted.

Full Co-operation with the Provincial Auditor

Mr. Koskie: — Thank you, Mr. Speaker. Also I rise on a very important issue, and I rise pursuant to rule 39 to seek leave of all the members to move a motion, and I think very, very important to the people of Saskatchewan. And again it deals with providing information and the accountability of the taxpayers' money which this government has refused to provide.

The major concern to the people of Saskatchewan is the mismanagement and waste of this government. And that has been documented in the auditor's report.

And accordingly, Mr. Speaker, I seek leave to move the following motion:

That this Assembly call before the bar, Mr. Paul Schoenhals, chairman of the Potash Corporation of Saskatchewan, to be examined regarding his agency's refusal to provide full co-operation with the Provincial Auditor.

Some Hon. Members: Hear, hear!

Leave not granted.

Failure to Table Financial Statements and/or Annual Reports

Mr. Thompson: — Before orders of the day, I rise pursuant to rule 39 of the Assembly, to seek leave of all members to move a motion on a matter of urgent and pressing necessity.

The central issue, Mr. Speaker, is the unacceptable pattern — waste, and financial mismanagement of the government opposite. That mismanagement and waste have been documented in the annual report of the Provincial Auditor. The auditor has even stated that in several instances the government has refused to provide full co-operation and information and has interfered in his work.

Accordingly, Mr. Speaker, I move, seconded by the member from Quill Lakes:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the following financial statements and/or the annual reports, in the manner required by law, as noted in Appendix IV of the auditor's annual report: Saskatchewan Beef Stabilization Board; Saskatchewan Cancer Foundation; Saskatchewan Centre of the Arts; Saskatchewan Computer Utility Corporation; Saskatchewan Crop Insurance Corporation; Saskatchewan Economic Development Corporation; Saskatchewan Forest Products Corporation; and Saskatchewan Government Printing Company.

Some Hon. Members: Hear, hear!

Leave not granted.

Failure to Table Financial Statements and/or Annual Reports

Mr. Goulet: — Mr. Speaker, before orders of the day I rise pursuant to rule 39 of this Assembly and seek leave of all members to move a motion on the matter of urgent and pressing necessity.

The central issue, Mr. Speaker, is the unacceptable pattern of waste and financial mismanagement of the government opposite, over \$4 billion in debt and a lot of excessive taxation. That mismanagement and waste has been documented in the annual report of the Provincial Auditor.

The auditor has even stated that in several instances the government has refused to provide full co-operation and information and has interfered in his work. He says that they have not also followed the law.

Accordingly, Mr. Speaker, I seek leave to move the following motion. It's moved by myself, Mr. Speaker, and seconded by the member from The Battlefords:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the following financial statements and/or the annual reports in the manner required by law, as noted in Appendix IV of the auditor's annual report: Public Trustee for Saskatchewan; Regina General Hospital; St. Louis Alcoholism Rehabilitation Centre; Saskatchewan Agricultural Research Fund; Saskatchewan Agricultural Returns Stabilization Fund; Saskatchewan Alcohol and Drug Abuse Commission; Saskatchewan Anti-Tuberculosis League Employees Superannuation Fund (1987 and 1986); Saskatchewan Arts Board.

I move.

Some Hon. Members: Hear, hear!

Leave not granted.

(1500)

Failure to Table Financial Statements and/or Annual Reports

Mr. Anguish: — Thank you, Mr. Speaker. I rise, and the nature of the urgency is with the Provincial Auditor's report for the year ending March 31, 1988. And I rise pursuant to rule 39 of this Assembly to seek leave of all members to move a motion on a matter of urgent and pressing necessity.

The central issue, Mr. Speaker, is the unacceptable pattern of the waste and financial mismanagement of the government opposite. That management and waste have been documented in the annual report of the Provincial

Auditor. The auditor has even stated that in several instances the government has refused to provide full co-operation and information and has interfered with his work.

Accordingly, Mr. Speaker, I will be asking leave to move the following motion:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the following financial statements and/or the annual reports in the manner required by law, as noted in Appendix IV of the auditor's annual report: the Prescription Drug Plan; the Prince Albert Institute of Applied Arts and Sciences Revolving Fund (1987); Public Employees (Government Contributory) Annuity Fund (1987 and 1986); Public Employees Dental Fund; Public Employees Disability Income Fund; Public Employees Group Life Insurance Fund; Public Employees (Government Contributory) Superannuation Fund (1987 and 1986); and the Public Service Superannuation Board (1987 and 1986).

With leave I so move, Mr. Speaker.

Some Hon. Members: Hear, hear!

Leave not granted.

Failure to Table Financial Statements and/or Annual Reports

Mr. Solomon: — Thank you, Mr. Speaker. Before orders of the day, I rise pursuant to rule 39 of this Assembly to seek leave of all members to move a motion on a matter of urgent and pressing necessity. The central issue is the unacceptable pattern of lack of accountability, the waste and mismanagement of Conservatives in the Conservative government.

That mismanagement and waste and lack of accountability has been documented in the annual *Report of the Provincial Auditor*. The auditor has even stated that in several instances the government has broken its own laws, has refused to provide full co-operation and information, and has clearly interfered in the work of the auditor.

Accordingly, Mr. Speaker, I seek leave to move the following motion, seconded by my seat mate, the member from Prince Albert:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the following financial statements and/or the annual reports in the manner required by law, as noted in Appendix IV of the auditor's annual report: the Milk Control Board, the Municipal Financing Corporation, the Northern Revenue Sharing Trust Account (1986), Palliser Regional Care Centre, Parkland Regional Care Centre, Parkridge Centre, the Potash Corporation of Saskatchewan, the Prairie Agricultural Machinery Institute.

I so move.

Leave not granted.

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

Failure to Table Financial Statements and/or Annual Reports

Mr. Kowalsky: — Thank you, Mr. Speaker. Before orders of the day, Mr. Speaker, I rise pursuant to rule 39 of this Assembly to seek leave of all members to move a motion on a matter of urgent and pressing necessity. The central issue, Mr. Speaker, is the failure of the government to co-operate with the auditor by choosing to hide information, and also failure of the government to abide by the laws of Saskatchewan in order to cover up the waste and mismanagement.

Accordingly, Mr. Speaker, I seek leave to move the following motion:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the following financial statements and/or the annual reports in the manner required by law, as noted in Appendix IV of the auditor's annual report: the Saskatchewan Grain Car Corporation; the Saskatchewan Health Research Board; the Saskatchewan Heritage Fund; the Saskatchewan Horse Racing Commission; Saskatchewan hospitalization fund; the Saskatchewan Legal Aid Commission; the Saskatchewan Liquor Board; the Saskatchewan Liquor Board superannuation fund.

Some Hon. Members: Hear, hear!

Leave not granted.

Failure to Table Financial Statements and/or Annual Reports

Ms. Simard: — Thank you, Mr. Speaker. I rise too, pursuant to rule 39, to seek leave of all members to move a motion on a matter of urgent and pressing necessity.

It has to do, Mr. Speaker, with the fact that this government has been engaging in waste and mismanagement and it has to do with the fact that the Provincial Auditor has pointed this out and the Provincial Auditor has indicated that he's unable to get access to accounts and records. And, Mr. Speaker, it has to do with the fact that the lack of access to this information amounts to a cover-up for the government's waste and mismanagement.

I therefore seek leave to move the following motion:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the following financial statements and/or the annual reports in the manner required by law as noted in Appendix IV of the auditor's annual report: Saskatchewan Liquor Licencing

Commission; Saskatchewan Medical Care Insurance Commission; Saskatchewan Mining Development Corporation; Saskatchewan pension plan; Saskatchewan Property Management Corporation; Saskatchewan Research Council; Saskatchewan student aid fund; Saskatchewan Telecommunications.

Seconded by the member from Prince Albert.

Some Hon. Members: Hear, hear!

Leave not granted.

Failure to Table Financial Statements and/or Annual Reports

Mr. Upshall: — Thank you, Mr. Speaker. I too rise, pursuant to rule 39 of this Assembly, to seek leave of all members to move a motion of urgent and pressing necessity.

The issue here, Mr. Speaker, is the unacceptable waste and mismanagement shown by the government opposite. This mismanagement, as documented by the auditor in his annual report where he states several instances where the government has interfered, refused to provide him with information, has not co-operated with him, and therefore he's not able to carry out fully the duties of his job.

Accordingly, Mr. Speaker, I seek leave to move a motion along the following lines:

That this Assembly condemn the Government of Saskatchewan for having failed to table in the legislature the following financial statements and/or the annual reports in a manner required by law as noted in Appendix IV of the annual auditor's report: Saskatchewan Transportation Company Employees Superannuation Fund (1987 and 1986), Souris Valley Regional Care Centre (1987 and 1986), South Saskatchewan Hospital Centre, Teachers' Superannuation Commission, University Hospital, Wascana Rehabilitation Centre, Western Development Museum, Whitespruce Youth Treatment Centre.

Seconded by the member for Regina Lakeview.

Some Hon. Members: Hear, hear!

Leave not granted.

Failure to Table Financial Statements and/or Annual Reports

Mr. Brockelbank: — Thank you, Mr. Speaker. Before orders of the day, I rise pursuant to rule 39 of this Assembly to seek leave of the members of this Assembly to move a motion on a matter of urgent and pressing necessity. The main issue, Mr. Speaker, is the unacceptable pattern of waste and financial mismanagement of the government opposite as displayed in the auditor's report, 1988.

That mismanagement and waste have been documented in the annual *Report of the Provincial Auditor*. The auditor has even stated that in several instances this government has refused to provide full co-operation and information and has interfered in his work. Accordingly, Mr. Speaker, I seek leave to move the following motion of urgent and pressing necessity.

Moved by myself, seconded by the member from Saskatoon Sutherland:

That this Assembly condemns the Government of Saskatchewan for having failed to table in the legislature the following financial statements and/or annual reports in the manner required by law as noted in Appendix IV of the auditor's annual report: the Agricultural Credit Corporation of Saskatchewan, the Agricultural Implements Board, Battlefords Regional Care Centre, Crown Investments Corporation of Saskatchewan, the Doukhobors of Canada Trust Fund (1987, 1986 and 1985), Fish and Wildlife Development Fund; Judges of the Provincial Court Superannuation Fund (1987 and 1986); Members of the Legislative Assembly Superannuation Fund (1987 and 1986).

Some Hon. Members: Hear, hear!

Leave not granted.

Full Co-operation with the Provincial Auditor

Mr. Koenker: — Thank you, Mr. Speaker. I too rise pursuant to rule 39 to seek leave of all members of this Assembly to move a motion on a matter of urgent public necessity. The public is concerned across Saskatchewan with the waste and fiscal mismanagement of this government and its privatization initiatives.

This mismanagement and waste have been documented in the annual *Report of the Provincial Auditor*, and the auditor has even stated that in several instances the government has refused to provide full co-operation and information for his purposes, and have interfered with his work.

Accordingly, Mr. Speaker, I seek leave to move the following motion:

That this Assembly urge the Government of Saskatchewan to require that WESTBRIDGE Computer Corporation provide full co-operation with the Provincial Auditor, and all of the information he requires and is entitled to by law, in order that the Provincial Auditor may fulfil his legal responsibilities as a watch-dog of public money and a guardian of the public interest.

Some Hon. Members: Hear, hear!

Leave not granted.

Full Co-operation with the Provincial Auditor

Mr. Van Mulligen: — Thank you, Mr. Speaker. Before orders of the day, I rise pursuant to rule 39 of the

Assembly which reads:

A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the Assembly . . .

Now I'm asking for unanimous consent of all members to move a motion on what I think is a matter of urgent and pressing necessity. The central issue, Mr. Speaker, is the usual but nevertheless unacceptable pattern of waste and financial mismanagement of the government.

That mismanagement and waste has been documented in the annual *Report of the Provincial Auditor*. The auditor has also stated that in several instances the government has refused to provide full co-operation and information and has interfered with his work. That he is being interfered with is, I submit, cause for our urgent consideration, and accordingly, Mr. Speaker, I seek leave to move the following motion:

That this Assembly urge the Government of Saskatchewan to require that the Potash Corporation of Saskatchewan provide full co-operation to the Provincial Auditor, and all of the information he requires and is entitled to by law, in order that the Provincial Auditor may fulfil his legal responsibilities as watch-dog of public money and guardian of the public interest.

I seek leave, Mr. Speaker.

Some Hon. Members: Hear, hear!

Leave not granted.

The Speaker: — Why is the member on his feet?

POINT OF ORDER

Hon. Mr. Hodgins: — Mr. Speaker, I would like to raise a point of order at this time.

The Speaker: — What is the member's point of order?

Hon. Mr. Hodgins: — Mr. Speaker, what we have witnessed so far today in the legislature is incredible. We're talking about the Provincial Auditor and, Mr. Speaker, I would like to refer you to the *Votes and Proceedings*, and on the date of Thursday, March 9, 1989, I myself, seconded by Mr. Taylor, moved a motion that ordered the *Report of the Provincial Auditor* for the fiscal year ended March 31 be referred to the Standing Committee on Public Accounts.

Mr. Speaker, I make that as point number one. The auditor's report has been moved to public accounts. Point number two, Mr. Speaker, if you take a look closely at rule no. 39, it says that these are items of urgent and pressing necessity.

Mr. Speaker, I believe that the members of the NDP are obstructing this legislature. I believe they are making a mockery out of the rules of this legislature. And, Mr. Speaker, beyond a shadow of a doubt, what was forecast has come true. It was forecast, Mr. Speaker, that the NDP

would be obstructionist. It was forecast, Mr. Speaker, that they would make this place ungovernable.

And, Mr. Speaker, I ask you to rule on this point of order.

Some Hon. Members: Hear, hear!

Mr. Shillington: — Thank you very much, Mr. Speaker. The member from Melfort might save some of his outrage for those members who have been breaking the law on a number of occasions.

Some Hon. Members: Hear, hear!

(1515)

Mr. Shillington: — Mr. Speaker, I would point out what I would think would be obvious, even to one such as the member from Melfort, that we are not asking for a rule 39 debate on the auditor's report, but a rule 39 debate on the failure of this government to obey the law and give the Provincial Auditor the information he's entitled to. That's something quite separate and what has been referred to the Public Accounts Committee. Indeed, Mr. Speaker, the Public Accounts Committee, as the auditor acknowledges, cannot do its duty without all of the information which the Provincial Auditor can get. So this is a separate issue, Mr. Speaker.

Some Hon. Members: Hear, hear!

The Speaker: — I've listened to the member's point of order and the remarks pertaining to it and given it my consideration, and what is happening this afternoon is valid according to the rules and proceedings of the House, and therefore I allow it to continue.

Some Hon. Members: Hear, hear!

The Speaker: — Why is the member on his feet?

Hon. Mr. Hodgins: — Mr. Speaker, I have a motion to make. And, Mr. Speaker, I accept your ruling, but I do have a motion, Mr. Speaker, moved by myself, seconded by the member for Swift Current, that in light of the incredible move by the opposition this afternoon:

That we proceed to the next order of business.

The Speaker: — Order, order. The House has before it a motion moved by the member from Melfort, seconded by the member from Swift Current, saying:

Mr. Speaker, I move we proceed to the next order of business.

The motion is in order. It is not debatable.

Order, order. Would members please allow the proceedings to continue.

The division bells rang from 3:18 p.m. until 3:21 p.m.

Motion agreed to on the following recorded division.

Yeas — 30

Devine	Pickering
Muller	Martin
Duncan	Toth
Andrew	Johnson
Smith	McLaren
Swan	Petersen
Muirhead	Swenson
Maxwell	Martens
Schmidt	Baker
Hodgins	Wolfe
Gerich	Neudorf
Hepworth	Gardner
Hardy	Kopelchuk
Klein	Saxinger
Meiklejohn	Britton

The Speaker: — Order. I once more ask members to allow the vote to proceed in peace and quiet and tranquility.

Nays — 21

Romanow	Solomon
Prebble	Anguish
Shillington	Goulet
Lingenfelter	Hagel
Tchorzewski	Lyons
Koskie	Calvert
Thompson	Lautermilch
Brockelbank	Trew
Upshall	Van Mulligen
Simard	Koenker
Kowalsky	

The Speaker: — Does the member have a point of order?

Mr. Prebble: — No, not a point of order. I was asking for leave. I'd like to ask for leave to introduce some guests, Mr. Speaker.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Prebble: — Thank you very, very much, Mr. Speaker. Mr. Speaker, I'd like to introduce to you, and through you to all members of the Assembly, 84 students who are seated in your gallery, Mr. Speaker, in the Speaker's gallery. These students and their teachers are from Greystone Heights School in my constituency, Mr. Speaker, and I'm delighted to have them here at the legislative buildings today.

The students are accompanied by three teachers, Mr. Speaker: Barb Wright, Darlene Abraham, and Jackie Semchuk. I'm sure that all members will want to join me in wishing these students a very enjoyable visit here to the Chamber, to the legislative buildings. I hope very much that you'll have a good time in Regina, and we wish you all a safe journey home later today.

I ask all members to join me in welcoming these students.

Hon. Members: Hear, hear!

The Speaker: — Why is the member on his feet?

Mr. Trew: — Thank you, Mr. Speaker. Before the next order of business, I rise pursuant to rule 39 . . .

The Speaker: — Order, order, order. Order. That's what the vote was all about. We must move to the next order of business, being orders of the day, and under orders of the day, special order.

ORDERS OF THE DAY

SPECIAL ORDER

MOTIONS

Point of Privilege — Criticism of the Provincial Auditor

Ms. Simard: — Mr. Speaker, with respect to the motion that we are discussing, the attack on the Provincial Auditor in Saskatchewan, I simply want to say that what the government, what we've just witnessed a few minutes ago, the closure by the PC government on debate with respect to the Provincial Auditor, is just a continued pattern of obstruction by the government.

Some Hon. Members: Hear, hear!

Ms. Simard: — And that's what this whole motion is all about, Mr. Speaker. That's what this motion is all about. Do you have a copy of it? I'll just . . . If I may just read it:

That this Assembly . . .

The Speaker: — Order, order. Order. Order. Order, order. Order. I think in the best interests of the House, and I know we've had some interesting moments this afternoon, but the business must proceed in an orderly manner. And the member for Regina Lakeview has the floor, and I ask hon. members to allow her to make her remarks in order.

Ms. Simard: — The motion before us, Mr. Speaker, reads as follows:

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 have then been some amendments made to the motion, Mr. Speaker, but that is the crux of it.

And in effect, if we are to look at the history that brought this motion before the Legislative Assembly, we would say that it is exactly as what took place this afternoon by the government — obstructing the access of legislation by members of this Legislative Assembly and denying this legislature the right to information.

And that's what caused this problem to begin with, Mr. Speaker. That's where it all began, with the PC government refusing to make available to the Provincial Auditor the information that he required, and now the PC government refusing to deal with urgent motions that are being presented by members of the opposition, and further, closing debate on those issues. That's why we're here discussing this motion today, Mr. Speaker.

The auditor . . . I just want to sort of deal with the history that gives rise to this motion — the fact that the Provincial Auditor came out with a scathing report against the government; the fact that the government panicked as a result of that report; the fact that the government chose, rather than to correct their wrongs, to attack the integrity of the Provincial Auditor; the fact that the Minister of Justice stood in his chair over there and cruelly and heartlessly and unfoundedly attacked the integrity of the Provincial Auditor.

(1530)

Some Hon. Members: Hear, hear!

Ms. Simard: — And that's what I want to talk about today. And I think we have to look at the motive of the Minister of Justice. And only by talking about that motive can we truly interpret his words, the words that are contained in *Hansard*, on which he slandered the Provincial Auditor of this province.

The situation in Saskatchewan, Mr. Speaker, is that the government is breaking the law and breaking its duty to account to the people of Saskatchewan. That's the situation, that's what the Provincial Auditor reported, and that's why this government, the Minister of Justice, is attacking the credibility of the auditor.

This is a horrendous situation, absolutely horrendous, because never before in the history of this province, nor in the history of Canada, has there ever been such a scathing report levelled against a government by a provincial auditor — never before. And never before have we seen a provincial auditor's credibility attacked in the manner that the Minister of Justice did a few short days ago — never before.

We have a situation in Saskatchewan where our tax dollars are being frittered away, wasted and mismanaged by the provincial government, and the auditor says so in his report, Mr. Deputy Speaker. That's the situation in Saskatchewan. And the auditor accuses the provincial government of not being forthcoming with information, and what do they choose to do? They choose to attack the credibility of the Provincial Auditor. And I say that that is appalling, Mr. Speaker, and it's totally unacceptable for anyone in this legislature to engage in that sort of slander and scurrilous attack on the Provincial Auditor.

We have to examine the responsibilities of the Provincial Auditor in this whole discussion, Mr. Speaker. The Provincial Auditor is responsible for ensuring that this Assembly is informed and has all the information about how the executive arm of government is spending our tax dollars. That's the Provincial Auditor's responsibility.

And the Provincial Auditor is, one might say, a watch-dog of the taxpayers' moneys, a watch-dog of the provincial funds. He is there to make sure that things are being done lawfully and they're being done properly. And what happened is he discovered otherwise.

He also indicated he was unable to get co-operation from some government agencies — unable — a Provincial Auditor unable to get co-operation from some government agencies. That's what was happening.

He also expressed concern about private auditors, not because they're not honest, but because their obligation is to their client, and that is the executive arm of government. The Provincial Auditor's obligation, Mr. Speaker, is to the Legislative Assembly — a different client, Mr. Speaker, a different client. And as a result, the potential for conflict of interest arises in the sphere of private auditors. That's what the Provincial Auditor was suggesting, not that private auditors were dishonest, but that they couldn't serve two masters. Private auditors can't serve the executive arm of government and the Legislative Assembly because their client is, in effect, the executive arm of government.

So we have a Provincial Auditor in Saskatchewan that is responsible to the people, he's responsible to the Legislative Assembly, who puts a report forth that shows that the government is not being forthcoming with information and is in effect breaking the law. And what happens is we see the Minister of Justice stand up and ruthlessly assault the character of the Provincial Auditor.

The Speaker: — Order, order. There are two or three debates taking place simultaneously, and once again I remind the hon. members that the member from Regina Lakeview has the floor.

Ms. Simard: — Thank you, Mr. Speaker. The Provincial Auditor . . . you know the comments of the Provincial Auditor, if I can be a little more specific, that prompted the outburst of the Minister of Justice, the member from Kindersley, were as follows, and I'm quoting from the Provincial Auditor's report. The Provincial Auditor states, Mr. Speaker, that:

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

He goes on to state on page 2 of his report:

The public accounts are not complete, correct or timely.

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

That's what the Provincial Auditor states. He further state on page 9, Mr. Speaker, that he can:

. . . no longer effectively serve the Assembly (can you imagine that?) no longer effectively service the Assembly because:

— he now sees the financial transactions for about 50 per cent of the public spending (and)

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

— I am being denied access to information. (I am being denied access to information.)

He goes on to say that:

In my opinion (this is on page 11 at the bottom of the report) I have been interfered with in the execution of my duties.

Article 2.35:

In my opinion, this action by the Executive is an interference with the Officer of the Assembly.

Those are just some of the statements that the Provincial Auditor made with respect to the PC government, Mr. Speaker. And I say that those statements are a damning indictment of this government's waste and mismanagement and its management of the provincial funds and the provincial economy. It is a scathing report, Mr. Speaker, a scathing report.

And in Appendix IV of the Provincial Auditor's report, which is what we tried to show earlier today, there were a number of annual reports that were not tabled. They were not tabled by the government, as required by law, Mr. Speaker, and the Provincial Auditor points that out.

The Provincial Auditor refers to dental equipment in his comments under the Saskatchewan Property Management Corporation and illustrates that there's over \$2 million worth of dental equipment that cannot be accounted for. And the funds from the sale of that dental equipment cannot be accounted for, and he's unable to determine what has happened to that two-million-plus dollars. That's the report that the Provincial Auditor laid in this Legislative Assembly and that's the reason why the Minister of Justice chose to attack the Provincial Auditor in the manner that he did, Mr. Speaker.

Now there's another point that I want to make, and that has to do with the fact that, in my opinion, what happened in the sequence of events is that the Provincial Auditor prepared his draft report and presented it to the audit committee — he presented it to the audit committee.

And I say that because in The Provincial Auditor Act there is a requirement that he present it to the audit committee before he presents it to you, Mr. Speaker. He did not — and I think that point should be made clear — according to the documents and material that I have, he did not present it to the executive arm of government. He presented it to the audit committee.

Then the document, I'm not sure how, but I believe it got into the hands of the executive arm of government. I'm not suggesting there's anything wrong with it, but that's

what happened. And I say that because in the April 20 letter to the lawyer for the government from the lawyer for the auditor, there's a statement that the annual report in draft form, which your clients have apparently seen — Mr. Neill, the lawyer for the Provincial Auditor, Mr. Lutz, says, which your clients have apparently seen.

That would suggest to me, Mr. Speaker, that he thinks they've seen it but he's not sure, obviously because the report was submitted to the audit committee, not to the executive arm of government. And I think that's important when we consider the events here.

So what does the government do when they receive access to that report? Well they start opening conversations with the Provincial Auditor's lawyer to deal with identifying aspects of joint audit proposals, and to negotiate the terms, and to consider and approve any required statutory amendments to the Provincial Auditor Act. And — and, Mr. Speaker, this is important because it's the lawyers for the government that are approaching the lawyer for the Provincial Auditor about the third item, to have the participation of the Provincial Auditor in determining his successor following his retirement. That was initiated by the government, to have his participation in determining his successor.

There's also been statements made by the Minister of Justice about a special warrant with respect to retirement funds for the Provincial Auditor, and I think it's very important to comment on that, Mr. Deputy Speaker. A special warrant for the amount of the retirement funds does not benefit the auditor, Mr. Deputy Speaker. It doesn't benefit the auditor. Why? Because the auditor by law is entitled to that money and will get it.

But what it does is it protects the office, the people who are left behind, so that their budget would not be short. It protects the office of the auditor. But the point has to be made is that the Provincial Auditor is entitled to that money in any case and will get it in any case. The special warrant does not protect him as the Minister of Justice seemed to imply; it protects the office of the Provincial Auditor.

And the member from Weyburn is sitting, from his seat still making unfounded allegations — unfounded allegations. And the Minister of Justice tries to make a big deal out of these facts. But the fact of the matter is, is the Provincial Auditor, with respect to his retirement, was not negotiating anything that he was not entitled to by law.

And let's talk about who benefits from the retirement of the Provincial Auditor, because I think that's relevant. It's clear from the documentation that the government approached the Provincial Auditor about his retirement. The government approached the Provincial Auditor; in other words, asked him whether he'd be interested in retiring.

Why do they want him to retire? Well, the Minister of Justice says, well he was raising it before. I think the real answer to that, Mr. Deputy Speaker, is the fact that the Provincial Auditor, because of his report with respect to the government, his indictment of the government, has become a thorn in their side and they would like to see

him retire. The PC government would like to see the auditor retire. They stand to gain from his retirement, not the auditor, Mr. Speaker, not the auditor. The government stands to gain, and they initiated the conversations with respect to retirement. And I say that if there's any impropriety, that would be the impropriety.

And let's talk about the Board of Internal Economy. Let's talk about that. The request for officers of the Legislative Assembly to be under the Board of Internal Economy is nothing new, and the Minister of Justice admitted that in his comments. He admitted that by saying the Ombudsman and the Law Clerk and other officers of the Legislative Assembly would also like to be under the Board of Internal Economy. That is a legitimate request for an officer of the Legislative Assembly to make.

It's legitimate and it's nothing new, and there is no way that the Provincial Auditor personally benefits from that. It's a legitimate request. In fact, in fact, Mr. Deputy Speaker, if indeed the Provincial Auditor was thinking of resigning, that request would hardly even apply to him, but would apply to his successors in office.

And so what we see is a situation where the Provincial Auditor wants to make sure that when he leaves his job that the office of Provincial Auditor maintains its integrity and maintains its independence of the executive arm of government. That was his desire and that was his intent. But these members scurrilously attempt to imply some sort of wrongful intent and impropriety on part of the Provincial Auditor, and I say that that's appalling, Mr. Deputy Speaker — that's appalling.

(1545)

And so the Provincial Auditor talks about the appointment of his successor. And in this correspondence it shows clear that the government was referring to Mr. Lutz having input into the appointment of his successor. That makes it perfectly clear, Mr. Deputy Speaker, that the government was even willing to consider that. And why? Because it's a convention; because it's the tradition in this province and many other provinces across Canada that the Provincial Auditor would have input into the appointment of his successor. That's the convention.

And for these members to suggest that there is something untoward and improper about that, I say, Mr. Deputy Speaker, is appalling and unfounded. And they should be apologizing to the Provincial Auditor.

So let's just go through the sequence of events once more. Let's go through the sequence of events. We see that the auditor cannot get the information he needs in order to complete a proper and adequate accounting of the provincial funds in this province. That's the first situation that arises.

We see requests on behalf of the Provincial Auditor to attempt to get further information, requests that are ignored and refused by the government opposite.

The auditor prepares a draft report that indicates that the government is not fulfilling its responsibility of

accountability to the public. And the auditor obviously presents that report to the audit committee in accordance with the law and the Act.

The executive arm receives a copy of this report, I'm not sure from where, but they receive a copy of it. And they approach the Provincial Auditor to see whether or not there is anything . . .

The Deputy Speaker: — Order. Why is the member on his feet?

Mr. Neudorf: — Mr. Deputy Speaker, I apologize for the interruption, but I would like to ask for leave to introduce some guests.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Neudorf: — Thank you, Mr. Deputy Speaker. It gives me a great pleasure at this time, through you to members of this legislature, to introduce some guests, 18 grade 12 students from the town of Waldheim, and their teacher, Mr. Dave Hinz.

They're in here for the day. They just got in and have been listening to the member opposite for the last 10 minutes or so and are observing the proceedings. I will be meeting with them at about 4:30 for pictures and refreshments, and we can discuss a little bit in further detail of what you are witnessing here.

We're presently engaged in a debate of privilege, and the member opposite is forcefully making her points and, of course, in due time we will make our points. So we hope you enjoy the proceedings for the time that you're in here, and have a safe journey home.

I ask all members to help me to welcome these students from Waldheim.

Hon. Members: Hear, hear!

SPECIAL ORDER

MOTIONS

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

Ms. Simard: — As I was pointing out through this sequence of events that have occurred, the auditor prepared a report that indicated that he did not have access to information that he required to properly prepare his report. He then obviously, in accordance with the law, gave it to the audit committee.

The executive arm of government somewhere in there received a copy of the report, and the Provincial Auditor was approached to determine whether or not there was any way that the accountability could be repaired. And this approach was made, as I understand, from the government's lawyer.

And on March 23 the issue of his retirement was raised by

the government's lawyer in conjunction with, you know, looking at some way of repairing the accountability, to abbreviate it, Mr. Deputy Speaker. The fact of the matter is, they raised it. They stood to benefit from it, and they raised it in conjunction with other issues.

So I ask you, Mr. Deputy Speaker, how can they possibly claim there has been anything improper here on the part of the Provincial Auditor? If it was improper for the Provincial Auditor to talk about a special warrant that protects the office of auditor after he leaves, then it would be, Mr. Deputy Speaker, improper for the government to raise the matter itself.

They stood to gain from his retirement because obviously the Provincial Auditor had become a thorn in their side.

Another thing I wish to comment on specifically, Mr. Deputy Speaker, is the fact that the Minister of Justice said that the Provincial Auditor would change his report. And I want to comment on those words.

And the Minister of Justice may try to dance around that now and say that's not really what he meant, and he intended something different, Mr. Deputy Speaker, but let's just take a look at the exact words he used — and I'm looking at 1247 of *Hansard*, May 19:

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

Now he suggests that is improper. What does that mean? You know, if . . . the Provincial Auditor didn't say he would change his report to begin with. What he said is that he would indicate a solution to his concerns had been resolved. He never said he would change his report. He didn't negotiate a retirement package. They asked for his retirement, and he says that he's entitled to the amount provided by law. He did not ask for something he was not entitled to by law. But . . .

The Deputy Speaker: — Order. I would just ask the hon. members to allow the member to make her remarks, and then, if they have any points to make, to enter into the debate later. Thank you.

Ms. Simard: — Thank you, Mr. Deputy Speaker. The Minister of Justice had said, as I indicated earlier, that the Provincial Auditor says he will change his report. I pointed out he never did say he'd change his report. What he said is that he'd indicate that there had been a solution to the accountability problem, that's what he'd indicate.

They went on to say . . . The Minister of Justice went on to say, that if he has a proper retirement package . . . His retirement package wasn't negotiable, it was established by law, and he was entitled to it regardless of what happened. If he resigned, he'd get his retirement package according to the law. That's simple. That's straightforward. There's no deal. There's no negotiations here.

Now the Minister of Justice comes forward and says, well

I wasn't alleging any criminal intent or any fraudulent behaviour. I was just saying it was improper, that this wasn't the right way to do things. Well I think if you examine the events very closely, Mr. Deputy Speaker, you will see that what the Minister of Justice was implying, through innuendo, was far more than merely a slight case of bad judgement on behalf of the Provincial Auditor.

I would suggest, Mr. Deputy Speaker, that what he was implying is that if the Provincial Auditor received favours, he'd change his report. And we know that that's not true, and we know those are not the facts. And if they were the facts, then it would amount to something that the Justice department should be looking into.

So the Minister of Justice says, my leader has alleged that the Provincial Auditor has committed a criminal offence. Hog-wash! We never said anything of the sort, Mr. Deputy Speaker. What the Leader of the Opposition said was that what the Minister of Justice was alleging, if it was true, would amount most likely, to a criminal offence. And the Minister of Justice, being Minister of Justice and a lawyer, should know full well what the implication of his allegations mean. He should know that.

And I suggest, Mr. Deputy Speaker, he should know better than to make those suggestions in this Legislative Assembly and then turn around a day or two later, or three days later, and trying to say, oh no, I was just saying it was improper. What a backtrack, Mr. Deputy Speaker. What a backtrack. And I say that's unacceptable, and he should be apologizing to the Provincial Auditor.

What the Provincial Auditor did, Mr. Deputy Speaker, was completely above-board. He was not asking for any favours to change his report. He was not. They raised his retirement and he obviously said, well I'll need what I'm entitled to under The Provincial Auditor Act. And then he went on to say that if you provide me with the information I need, I will indicate in my report that the concerns of accountability have been repaired.

An Hon. Member: — Is that like changing your report?

Ms. Simard: — No. The member from Weyburn says, is that like changing your report? No, it isn't like changing your report. It isn't like . . . It's making an indication to the public that the concerns with respect to information have been dealt with.

And everybody, I would say everybody in this province has read the newspapers, has looked through the events and come to the same conclusion that we have, that the Minister of Justice made a scurrilous attack on the Provincial Auditor in order to save the hide of the government, because of their waste and mismanagement and the fact that they were breaking the law.

And the Minister of Justice, just the other day, instead of realizing the wrongness of what he did, chose to come back to this Assembly and talk about a special proposal and couch it in terms of secrecy and some sort of clandestine document and to try and raise further suspicion on the Provincial Auditor — trying to raise further suspicion on the Provincial Auditor. And I find that

disgusting and appalling.

And those were the terms: well, we can't release it; there's these trust conditions, and if they . . . we have to tear it up and burn it and they've all been destroyed. And he's trying to suggest there's some sort of secret proposal out there that's going to somehow make the Provincial Auditor guilty. And I say that that is appalling. And this special proposal is anything but; there is absolutely no way that this Provincial Auditor . . . this special report implicates the Provincial Auditor in the manner that the Minister of Justice clearly tried to imply in his statements — clearly tried to imply. And an analysis of what he said, what was in the letter of Mr. Neill, lawyer for the Provincial Auditor, can lead you to no other conclusion — can lead no fair-minded and honest person to no other conclusion, no other conclusion.

And so I guess what I'm saying is, asking the back-benchers of the PC government to once and for all stand up and do something that's right — stand up and do something that's right. Are you going to stand by and see a long-time civil servant, a man of integrity, be slandered and dragged through this Legislative Assembly? Stand up when it comes time to vote on this matter. Stand up and show some fairness for once in your life.

Some Hon. Members: Hear, hear!

Ms. Simard: — And so I ask you why, Mr. Deputy Speaker, why is the Minister of Justice slandering the Provincial Auditor? Why? He's doing it for cheap, political purposes, Mr. Deputy Speaker. He's doing it to divert the attention from the scathing report the Provincial Auditor has filed against this government. He's doing it to deflect the criticism that his government is receiving, not just in Saskatchewan, but right across this nation because of their waste and mismanagement, their incompetence, their frittering away of taxpayers' dollars.

They're refusing to account to the people of Saskatchewan, to the public of Saskatchewan, to the taxpayers, for what they're doing with the money of the taxpayers. And that's what this government's trying to do — deflect criticism by attacking the credibility of the Provincial Auditor. That's what this government's doing.

(1600)

It's trying to throw up a smoke-screen that is going to affect a long-time, honest civil servant in order to get the heat off of themselves, because of their incompetence, because of the fact they cannot account for money, or if they cannot account for it, they're refusing to account for it to the taxpayers of this province.

And I think it's time that the member from Regina Wascana, who's shouting from his seat, the member from Regina Wascana should stand up once and for all and he should stand up and he should support this motion of privilege because no honest and fair-minded person can come to any other conclusion than that it's a breach of privilege of this House.

There is absolutely no justification for the accusations levelled against the Provincial Auditor. No justification

for the innuendoes made by the Minister of Justice in his statements that form the basis of this motion — no justification. The attack on the Provincial Auditor was cruel and highly improper — highly improper, Mr. Deputy Speaker.

I never thought I'd sit here in this Legislative Assembly and see a cabinet minister of this government stand up and attack a long-time, honest civil servant in that fashion. I was totally appalled, totally shocked. And I want to see the member from Regina Wascana and other members sitting on the back bench standing up for what's right before this debate is over. I want to see them standing up for what's right, and we'll see what sort of stuff they're made out of.

Do they have the courage to stand up to their leaders on the front bench who are telling them how to hop and dance and jump? Do they have the courage, Mr. Deputy Speaker? I suggest that they don't, but I'm hoping that they do have the courage to stand up for honesty, stand up for justice, and stand up for what's right.

Some Hon. Members: Hear, hear!

Ms. Simard: — And so we asked the Minister of Justice to repeat his unfounded innuendoes outside of this House, and did he repeat them? No. He refused to repeat them. And do you know why he refused to repeat them, Mr. Deputy Speaker? Because they're unfounded and there's no substance to them.

So he hides behind the protection of this House, I might say, Mr. Deputy Speaker, in my respectful opinion, abuses the privilege of protection that members are given with respect to things that are said in this House. We are protected from libel and slander by what we say in this House, but we hope that when members use that privilege, they use it with honesty and they use it with integrity.

And if they're not prepared . . . if they're prepared to make such terrible accusations against an individual and not prepared to mention them outside of the House, then I suggest that they're abusing that special privilege that's given to members of the Legislative Assembly.

So in conclusion, Mr. Deputy Speaker, I want to say once again, I want to say once again, that in the sequence of events, what happened is that the Provincial Auditor was not allowed to see all the books of the government to determine whether or not taxpayers' dollars were being properly spent, to determine for example what happened to the \$2.2 million worth of dental equipment that appears to be somewhere. Is it in the warehouse? Has it been sold? How much has been sold? I understand some has been sold.

The Provincial Auditor indicates that the money from that dental sale is supposed to be put in the Consolidated Fund, in the general fund for general revenues of the government. But he's unable to find anything in the Consolidated Fund, any payment to the Consolidated Fund. It was not paid over, or if it was, there's no accounting of it.

So here we have a government that privatized the school-based children's dental plan and fired 400 dental workers in this province, put the dental equipment in a warehouse, and sold some of it, and is refusing to account to the public for how that dental equipment is being sold, for how much it is being sold, is refusing to allow the public to know where that money is going.

This is an example, this is an example of what the Provincial Auditor referred to in his report, not to mention the fact that annual reports are not being tabled as required by law — not to mention that.

And so what happens, what happens? Does this government say, okay, we'd better get this information to the Provincial Auditor; we'd better comply with his requests so that we do account to the public that trusted us, that elected us, and put their trust in us, because that's what the public did. They put their trust in you? Do they try to remedy this, this breach of trust? Do they try to provide the information?

No, Mr. Deputy Speaker. They decide after they approach the Provincial Auditor about retirement, after they raise it with him, they decide, Mr. Deputy Speaker, to attack the Provincial Auditor and to use innuendoes and insinuations that are totally unfounded. And not only do they make that attack on day one, they have the weekend to think about it. And it's clear from how objective people are analysing the situation that the attack is unfounded.

Oh no, oh no, they won't come back to the Legislative Assembly and say, you know, I didn't mean to say that; I'm sorry; it's an unfounded attack. They say, oh there's a special proposal out there and it's a secret proposal and this is really going to get to the root of the information, or words to that effect, is what the Minister of Justice said, attempting to leave the impression that there was a document out there that would incriminate the Provincial Auditor and justify his slanderous comments that were made the Friday before. And did the special proposal do anything of the sort? Nothing of the sort, Mr. Deputy Speaker, nothing of the sort.

And I say that there is nothing left to be done by this government other than to once and for all, just once in its history, admit it made a mistake. Stand up; apologize to the Provincial Auditor. And if the Minister of Justice refuses to do that, Mr. Deputy Speaker, he should hand in his resignation.

Thank you.

Some Hon. Members: Hear, hear!

Mr. Koskie: — Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I spoke on the original motion, but I want to address some remarks in respect to the amendment, in respect to the amendment that was . . . to my original motion that was submitted by the members opposite, the government members.

I want to indicate, Mr. Deputy Speaker, that we stand before this legislature and have spent several days, and we are addressing a situation that is important. It's

important to the continuation of the existence of the very system of government called a democratic government.

Our Legislative Assembly has certain rules and rights and privileges. And I want to indicate to you, Mr. Deputy Speaker, as a former outstanding premier of this province, Tommy Douglas also had a case come before him in respect to civil liberties in respect to two civil servants. And he indicated at that time in this legislature that the rights, the privileges, and the liberties have to be protected. And in part of his speech he said this: but unless we are prepared to defend these liberties that belong to other people, we ourselves will not enjoy them very long. How true a statement that is.

We stand in this legislature, and members opposite are not even taking it seriously. This is a grave indictment against one of their front-bench members, an experienced cabinet minister, the Minister of Justice who you would presume would know the bounds of how far he could go. And what a disappointment that he would come into this legislature and slam a public servant. The motive likely was to divert attention from the very scathing report in respect to the auditor's report.

No one believes that the Minister of Justice has made his case. I can guarantee you that the people of Saskatchewan that have watched this debate in the question periods know and feel that the Minister of Justice is wrong, that he did an injustice to a long-time career civil servant, a servant of this Legislative Assembly.

And I say to you, Mr. Deputy Speaker, the people of Saskatchewan . . . I take a look at the editorial here in the *Star-Phoenix*. And they go through it and analyse all of the information, not just the scurrilous, gutless utterances the minister made when this was initiated, but they go through all the documentation that was put in subsequently by the auditor.

And you know what the conclusion of the *Star-Phoenix* editorial, "Apologize or resign" . . . I want to read some of this so the people of Saskatchewan can understand what the editorial board of the *Star-Phoenix* has decided. It says:

Justice Minister Bob Andrew has two options: apologize for his personal attacks on the Provincial Auditor or resign.

That's what the editorial says.

And given his less than courageous performance in the legislature recently, the latter option might be the more suitable (the latter, that is, resign).

And that is what we have done here in raising this point of privilege, Mr. Deputy Speaker. The only court that's available for the auditor is this Legislative Assembly, and the rules which give him that protection from impediment to his carrying out his duties.

I want to go on. It says here:

After attacking Willard Lutz last Friday, charging that Lutz suggested changes to the auditing

process in an attempt to fatten his retirement package, Andrew didn't bother to try to soften his words this week. Instead he went on to imply impropriety on the auditor's part, citing the existence of some secret document.

And do you recall that, Mr. Deputy Speaker? Even after he had erred miserably, and he had a scathing attack on the auditor Friday, then he came back into this legislature under questioning the following Monday, and again he said, oh I got this secret document but I can't disclose it because I don't have it; only the auditor has it.

Do you know what the editorial goes on to say?

Andrew's claim that Lutz offered to soften his criticism of the government in his annual report in exchange for a better pension is preposterous.

Preposterous, that's the word they used. The auditor was simply offering a government a further chance to remedy the problems outlined in the report. That is the substance of what the auditor was doing. He was willing to add a note saying steps had been taken to resolve his concerns, which seems like a reasonable position. He said, let's get over this dispute about auditing and subaudits. And he said, I'll modify my report accordingly. The offer was made in the context of what could be done to improve relations with the government before Lutz's successor took over. That's what it says.

(1615)

And it goes on to say:

It seems Lutz is genuinely concerned with preserving the integrity of his office. It's a shame that Andrew feels that he has to undermine it.

That's the editorial. One of your colleagues, your Minister of Justice, who did this scathing attack . . . (inaudible interjection) . . . Laugh; the member from — he thinks it's funny — from Bengough. It's really funny all right.

Take another look at the Regina *Leader-Post*. One week into this debate all we have, it says one week into this debate on the privilege, in respect to the minister:

One week into this debate, all we have is a sheaf of documents to show negotiations were under way earlier this year between lawyers for Provincial Auditor Willard Lutz and the government.

It goes on to say:

The original proposal was improper, he says, and it would have been improper for the government to embrace.

That's Mr. Andrew's . . . the Minister of Justice's argument.

His argument is a curious one and raises more questions than the government appears (to be) ready to answer.

What, for instance, made Lutz's initial proposal improper? No one seems to know.

Nor will they go outside the House and indicate. It goes on in the concluding part of this, and this is by Ron Petrie in *Leader-Post* of May 25:

The Tories adopted somebody's ill-conceived strategy to launch an attack of innuendo against the man who has watched over government spending for the last 18 years.

Andrew was summarily dispatched into the fray, armed with a half-baked plan of attack and no path to retreat.

That's exactly the position of the Minister of Justice. At least . . .

Now it is his reputation, it is his reputation, not Willard Lutz's, on trial in this legislature.

And that is the fact, Mr. Deputy Speaker.

Some Hon. Members: Hear, hear!

Mr. Koskie: — And he concludes:

At least that's one theory. And unless the government has any more light to shed on the matter, it remains as valid as any.

As I said, Mr. Speaker, this is certainly a very grave situation. And in the original motion, what we brought forward — and the Leader of the Opposition when this broke, called upon the Premier of this province, in light of the allegations of the Minister of Justice, to call before this House, this bar, witnesses, including Mr. Lutz, anyone else associated that this Legislative Assembly so desired in order to get at the root of the situation. And the government rejected that. They rejected it. Why would they reject it? If they're on safe ground, why would they reject any legitimate method of disclosure?

And you know very well it's unfounded. And as the *Star-Phoenix* said, the Minister of Justice should either apologize or resign. And I say he should resign.

I just want to indicate here to the members, as I said, this is indeed a very serious situation. For if a member of the government who doesn't like a report and wants to skirt around it, get the pressure off in respect to the nature of that report . . . what they have done here is try to slander the writer of that report. That's exactly what they have done.

And I want to say that also in his speech . . . and I want to indicate to the members here, as Tommy Douglas said in his address to this House, he said:

That great poet of Scotland, Robert Burns, was a civil servant who almost lost his job for speaking out in favour of universal franchise. Burns once said:

Here's freedom to them that would read,

Here's freedom to them that would write.
There's none ever feared that the truth should be heard,
But they whom the truth would indict.

Let's just listen to that again. The last two lines you have to listen to, Mr. Speaker:

There's none ever feared that the truth should be heard,
But they whom the truth (but they whom the truth) would indict.

Shocking! That's what we're up against here. And I say that it's incumbent upon this legislature and the members on both sides of the House to view this with the seriousness that it deserves.

I think that the evidence before this Assembly today, there is no doubt, no doubt in my mind that action should be taken against the Minister of Justice for what he has done. He has breached the privilege of this House with his unscathing attack on the auditor. And as I say to you, why should we be afraid of the truth? Only those who the truth would indict are afraid of it.

And why shouldn't we have people brought before the bar, for once and for all clear the name of Mr. Lutz. Or if there is a wrongdoing, let it be exposed. But there is none. And that's why this government will not support bringing anyone before the bar here in this House.

I want to say, Mr. Speaker, further, that we have asked in the original motion for the apology and resignation of the minister as Minister of Justice. I think it's a fair request in light of the seriousness of his remarks. And I say if it is allowed to go and pass, what really happens is that there's an erosion, there's an erosion of the democratic institution. If any minister is allowed to do that in this House, to attack without foundation a civil servant for his other political purpose, then this institution cannot go on functioning for many years.

And so I ask all hon. members to look seriously at what we're talking about. And I say to you, Mr. Speaker, that there are options. We have asked, and the Leader of the Opposition has asked the Premier to co-operate and to bring witnesses here as we have done in a previous occasion when there was an allegation of dirty hospitals. And what we agreed is to bring in the administrator or the head of the hospital association, and questions were asked. The truth came out. The allegations were false.

So one must ask, what is the government afraid of? And the government is afraid because they know their minister made a groundless attack, a slanderous attack, and they can't justify it.

We have also indicated that having debated it, now that all the evidence is in . . . After the first day, the minister made his comments in which you found the point of privilege. Subsequent to that, he said he had more information; then we got the special report from the auditor. All of the documentation is in, as the *Star-Phoenix* has indicated. All the evidence is in, and any fair-minded and reasonable member that have seen

the sequence of events here and the documentation know full well, Mr. Speaker, know full well, Mr. Speaker, that the Minister of Finance was wrong. He can't substantiate it, and he won't say it outside the House.

An Hon. Member: — He's the Minister of Justice, not the Minister of Finance.

Mr. Koskie: — Well the Minister of Justice, I mean. Mr. Speaker, so we could have gone that option. The second option that we could do is we could debate this. There's nobody coming forward from over on that side to defend the actions of the minister and substantiate it, even with the new documentation. There's nobody.

And I think on the evidence that has been introduced here with the special report of the auditor and the letters that's tabled by the Minister of Finance, there's no other conclusion but that the Minister of Finance should be reprimanded for a breach of privilege of this House. There's no doubt.

An Hon. Member: — It's the Minister of Justice.

Mr. Koskie: — Minister of Justice, right. And I say he should resign. But the government the other day, when we were debating this, the Deputy Premier got up and tried to make an amendment to move it to the public accounts. Well I'll tell you, Mr. Speaker, the issue that we're dealing with, as you ruled, is not the issue to be dealt with in public accounts.

Then the minister of privatization, that brilliant minister that got privatization off to such a flying start, he took over, he took over. And he said, well I guess there is something to be looked into, and he moved another amendment. And you know what the minister of privatization did? He said, we will move it into the elections and privileges committee, and he had it seconded by one of his colleagues.

And we thought, well, I think it should be dealt here before television where the people of Saskatchewan can watch the accusations of what the Minister of Justice has done. They should allow, I think, the people of Saskatchewan should see Mr. Lutz be able to defend himself. I think the exposure of what this government is up to should be seen by the people of Saskatchewan. And I think that would have been the forum that we should have had, because this affects all the people of Saskatchewan. Because when you start erosion of the institution itself, it's going to affect the rights, as Tommy Douglas said, and the civil liberties of other people.

But anyway what we have is then, Mr. Speaker, is the Minister of (Public) Participation saying in this House, yes, I think that what we should do is to move it to a committee. That's a committee of 10 members of this legislature. That committee can, in fact, subpoena witnesses; that committee can cross-examine; that committee can bring down a finding and they can report to this House, having found certain facts — coming to a certain conclusion.

And that was the minister of privatization. And that was earlier in the afternoon, you will remember, Mr. Speaker,

earlier in the afternoon, prior to 5 o'clock on a particular day. And at 5 o'clock or thereabouts I remember, Mr. Speaker, that you rose in the House and you said, I have received from the auditor a special report from the Provincial Auditor to the Legislative Assembly.

(1630)

And this set out the facts; it exposed the secret document that they were alleging they had of wrongdoings. And do you know what happened then, Mr. Speaker? Another member of the Premier's cabinet then got up in the House and he said, ho! we've got to run for cover; we can't even go to elections and privileges. He said, the facts are out, the facts are out. He said, we can't go there, we'll be exposed. And he stood up and he said, we can't go to that; I'm urging everybody not to support what that minister of privatization and his colleague moved. No, we're caught; let's change it again; let's run and hide; let's not go anywhere with this; let's stand up like brave men and defend our Minister of Justice who has defamed a civil servant without any justification. That's what they decided today, after the auditor brought down and exposed their little game that they were playing; stood up in this House and said they'd go to elections and privileges committee to review it.

And then another front-bencher gets up and says, well the report is down, we can't do it now. We're going to get caught. We couldn't possibly have an open forum where the press were there. We got to decide this in our caucus office and in the cabinet. And the Premier has called them together, I suppose, and he says, we're going to protect that minister at any cost.

And I'm going to challenge, I'm going to challenge you back-benchers; I'm going to challenge you for fairness. Your minister of privatization put into this House an amendment to what I had asked for, and that is the resignation . . . the apology and the resignation of the minister. He says we should have it go to the committee, go to a committee. Majority of members are your members, remember that.

But I'll tell you, I'm asking you for some fairness because your front bench put in a motion in respect to referring this to the elections and privileges committee. And I'm asking you, are you going to stand up and be fair, or are you going to hobble along and protect your minister who should not be protected? That's the question that we're going to be deciding here, and we're going to be deciding that very, very shortly.

Some Hon. Members: Hear, hear!

Mr. Koskie: — Those are the options that we have, legitimate options. I'm going to tell you, Mr. Speaker, they don't have the nerve on this one to take any of those options because, one, they have no justification. Their case got blown out of the water with the special report.

All across Saskatchewan, "Apologize or resign." You didn't see this, Mr. Speaker, when you were out. "Apologize or resign," it says — *Leader-Post*. Same thing in the Regina paper, Ron Petrie, same thing. No evidence
— none.

And now what are they going to do? They're going to want to vote on this in this House and defeat. They're going to let him walk away, the Minister of Justice, who should be upholding the law. And today again the same minister — head of the Securities Commission acknowledged they were breaking the law.

And what are these members, what are these back-benchers going to do? Well I think what they're going to do is to say that they're above the law. I think they're going to vote and indicate that they have no respect for this Assembly. I think they're going to say an honourable man that has served this province, a servant of this Legislative Assembly, he can be defamed, but we'll protect our members, our Minister of Justice.

And so I ask all members here, I ask all members to realize that this is a grave and serious matter. The remarks that have been made by the Minister of Justice no doubt impede the future functioning of the Provincial Auditor.

I would want, Mr. Speaker, not to be debating this privilege motion, nor do I take a great deal of pleasure in asking for the resignation of a colleague that has been in this legislature, I guess, as long as I have. I have wanted to have respect for the Minister of Justice. But I want to say, his actions of the last few days in this House leaves no one to continue to have that respect, because he used the privilege of this House to malign a man that has served the people of this province with dignity and conscientiousness and good service. There's no doubt about it.

And that's the situation — is this going to be allowed? Well I think, Mr. Speaker, what we have indicated in amending . . . putting in a subamendment to their amendment, that we're prepared, if all the information is brought forward before a Committee on Privileges and Elections, that we would indeed deal with it in that manner.

I don't think this can be washed away. I really don't think so, Mr. Speaker. Because take another example. What if members were to be critical outside the House or inside the House in respect to your office. This legislature would have to protect you, has to protect the dignity and the . . . of your office . . .

The Speaker: — Order. Order. Order. I appreciate the member's comments, but I would rather not be drawn into the debate.

Mr. Koskie: — Thank you, Mr. Speaker. I'm sorry for drawing you in. I was just using as a normal analogy, if someone were Speaker of the House, not yourself, if someone were Speaker of this House, and if someone . . . if some of the members came into this House, came into this House and slandered, and slandered that person that was the Speaker, I say that what you'd have to have . . . that the House would have to deal with it.

And I think that there should be a complete and full disclosure of all facts. And we have had full disclosure of all facts because the auditor has provided the sequence, through his solicitor, sequence of the events that have

taken place.

There is no doubt, there is no doubt that action should be taken and action must be taken. No member should have the right, as the Minister of Justice did, to come into this House with unsupported and unfounded allegations and to malign an individual who has served this House, this province, and is the watch-dog for the expenditures of the Government of Saskatchewan.

I think what we should be debating is the scathing report that the auditor delivered in respect to this government. And that report is so scathing, I want the people of Saskatchewan to know, that we have also a privilege in respect to how bad the situation is in respect to the auditor being able to perform his task.

What a condemnation for any government — two privileges within two days of the sitting of the House. Instead of addressing the damage and the issues that are raised by the auditor, they decided that they would malign and turn the issue onto the auditor himself and his integrity, if you could believe it. And cowardly would not go out of this . . . cowardly, he would not go . . . the Minister of Justice would not go out of this House and make his allegations.

So I say in conclusion then, Mr. Minister, Mr. Speaker, that there are options. And we wanted it dealt with here, fairly, by bringing witnesses before the bar. They've rejected that, and the Premier has rejected it.

The members opposite, or the government members, now have indicated that they would be prepared to take it to the elections and privileges committee. That's not our first option, but I want to say that it's an option, and we would be prepared to go forward with that and have a complete and total exposure of the situation so that Mr. Lutz's name can be cleared. He'll have an opportunity to appear to clear his name. He's done everything that he could by providing this legislature with a special report to counteract some of the allegations made by the Minister of Justice, which were unfounded.

And we aren't here defending any individual. It's more than that, we're defending the institution. Because if ministers can impede by threats and innuendoes the work and the performance of the duties of a senior civil servant, then you can't have that individual, who has to have independence in order to operate. Certainly the auditor has to have independence, and he has to have funds, and he has to have staff, and he has to have independence of operation. And that's why he's a servant of this Assembly, and not appointed by . . . not an official of a government agency.

And so I say in conclusion, Mr. Speaker, as Tommy Douglas said here when he quoted Robert Burns.

Here's freedom to them that would read,
Here's freedom to them that would write.
There is none ever feared that the truth should be heard,
But they whom the truth would indict.

That applies to the Minister of Justice. The truth would

indict him. The truth has indicted him. He is indicted.

But if they won't take action on the basis of all of the evidence here, then we say, let's go another step and let's see whether or not the Minister of Justice will appear before that commission under oath and make his allegations. And let us bring forward Mr. Lutz, and let us bring forward the agencies that refused him the information. Let's get to the truth, and let then only the truth indict those who are afraid of the truth.

So I urge the Minister of Justice to urge his members to support his colleague, the minister of participation's recommendation or amendment, that this matter, which he initiated, be referred to the special committee on elections and privileges. I would expect that the Minister of Justice would certainly show that much leadership. He started it; he's in it; at least he could take the leadership of asking his colleagues to go along with that amendment to the original motion. And I'll be looking forward to see exactly what the hon. member of Justice will be doing in the regard to this.

Some Hon. Members: Hear, hear!

(1645)

The division bells rang from 4:46 p.m. until 4:50 p.m.

Subamendment negated on the following recorded division.

Yeas — 21

Romanow	Solomon
Prebble	Anguish
Shillington	Goulet
Lingenfelter	Hagel
Tchorzewski	Lyons
Koskie	Calvert
Thompson	Lautermilch
Brockelbank	Trew
Upshall	Van Mulligen
Simard	Koenker
Kowalsky	

The Speaker: — Order, order. Votes cannot proceed if there are interruptions, and I ask the hon. members to co-operate. The Clerk may proceed.

Nays — 28

Devine	Hepworth
Muller	Hardy
Duncan	Klein
Andrew	Meiklejohn
Smith	Martin
Swan	Toth
Maxwell	Johnson
Schmidt	McLaren
Hodgins	Petersen
Gerich	Swenson

The Speaker: — Order, order, order, order. Would the hon. member please respond to the request that we don't

have interruptions, and allow the vote to proceed.

Martens	Gardner
Baker	Kopelchuk
Wolfe	Saxinger
Neudorf	Britton

The division bells rang from 4:54 p.m. to 4:57 p.m.

Amendment negated on the following recorded division.

Yeas — 21

Romanow	Solomon
Prebble	Anguish
Shillington	Goulet
Lingenfelter	Hagel
Tchorzewski	Lyons
Koskie	Calvert
Thompson	Lautermilch
Brockelbank	Trew
Upshall	Van Mulligen
Simard	Koenker
Kowalsky	

Nays — 27

Muller	Smith
Duncan	Swan
Andrew	

The Speaker: — Order. Order. Order, order. The vote cannot proceed if there are interruptions. The Clerk, I'm sure, is not able to hear the responses properly, and neither can I. And it's the tradition in this House that when votes, especially are taking place, there's quiet. And whether people agree or disagree, that's another matter, but let's allow the vote to proceed.

Maxwell	McLaren
Schmidt	Petersen
Hodgins	Swenson
Gerich	Martens
Hepworth	Baker
Hardy	Wolfe
Klein	Neudorf
Meiklejohn	Gardner
Martin	Kopelchuk
Toth	Saxinger
Johnson	Britton

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

Mr. Lyons: — Thank you, Mr. Speaker, thank you very much, Mr. Speaker, what we have just witnessed was an unprecedented act in the history of this legislature, Mr. Speaker.

The Speaker: — It being past 5 o'clock, this House stands recessed till 7 p.m.

The Assembly recessed until 7 p.m.