



STANDING COMMITTEE ON PUBLIC ACCOUNTS

Hansard Verbatim Report

No. 41 – November 28, 2006



Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

**STANDING COMMITTEE ON PUBLIC ACCOUNTS
2006**

Mr. Elwin Hermanson, Chair
Rosetown-Elrose

Ms. Joanne Crofford, Deputy Chair
Regina Rosemont

Mr. Lon Borgerson
Saskatchewan Rivers

Mr. Ken Cheveldayoff
Saskatoon Silver Springs

Mr. Michael Chisholm
Cut Knife-Turtleford

Mr. Andy Iwanchuk
Saskatoon Fairview

Mr. Kim Trew
Regina Coronation Park

[The committee met at 10:30.]

**Public Hearing: Report to the Standing Committee on
Public Accounts Regarding Oyate ataya WaKanyeja
OwicaKiyapi Inc.**

The Chair: — Good morning everyone. I'd like to welcome you to our Public Accounts meeting. We have one item on the agenda, and that is a continuation of our consideration of the special report on the Oyate Safe House.

We have with us the deputy minister of Community Resources and Employment, Mr. Fisher, and several of his fellow officials. We have one substitution that I will inform you of. Substituting for Mr. Lon Borgerson is Mr. Kevin Yates. We welcome you to the committee, Mr. Yates.

And because we have been dealing with this issue for a couple of sessions, we will forgo a report from the auditor. His office gave us that report at our first consideration of this matter. I would also remind members that I know that there is a considerable amount of material that has come forward on this, but you might want to consider leaving enough time at the end of the meeting to deal with 20 resolutions — quite a few resolutions by the auditor or recommendations in this report. Madam . . .

Ms. Crofford: — We're scheduled to adjourn at . . .

The Chair: — Quarter to 12.

Ms. Crofford: — Quarter to 12. So we'd probably need 20 minutes to half an hour if it would take that long.

The Chair: — Well depending on how much discussion is around the recommendations. I never know. Usually there's very little. Usually the discussion's all taken place prior to dealing with the recommendations so I would think 10 or 15 minutes would suffice. Therefore, Mr. Fisher, if you want to . . . I doubt if you have much of a statement but if you do you're welcome to bring an opening statement as well as introduce your colleagues.

Mr. Fisher: — No, I have no opening statement. I'll just introduce the officials that are here with me today. To my left is Shelley Whitehead who is the ADM [assistant deputy minister] of client services. To my right is Bob Wihldal, the assistant deputy minister for operations. We also have with us Darrell Jones, who is the assistant deputy minister of central administration and housing; Don Allen, who is the executive director of our financial management division; Karen Bitner, director of financial planning; Marilyn Hedlund, the executive director of child and family services division; Andrea Britton, our associate executive director; and Lynn Allan, who is the regional director for the southwest region of Community Resources operation.

Mr. Hermanson: — Thank you very much. We'll open the floor to questions. Mr. Merriman.

Mr. Merriman: — Thank you, Mr. Chairman. Good morning to everyone. From our last meeting there were several

carry-over issues. In our previous meeting on November 7 we were told that there would be . . . a financial reconciliation was to be done by November 14. Can you provide that to us today please?

Mr. Fisher: — Yes. The financial reconciliation for the entire history of the Oyate operation with the department has been completed. Basically what we have found is that for the period from opening until September 30, which was the time under review, we paid Oyate a total of \$1.063 million. Going through all of the expenditures for the program we identified that there were \$1.076 million in expenditures that were eligible for reimbursement, and so we owe Oyate approximately \$13,000.

Mr. Merriman: — Are you able to provide us a copy of that detail today?

Mr. Fisher: — Well I can provide you with additional detail if you have additional questions, sure.

Mr. Merriman: — On the issue of payment to board members, have you reconciled that issue?

Mr. Fisher: — That would be . . . that issue plus the issue of the contract employee who developed a personnel system, the issue of the food camps, and some other consulting issues that were raised in the Provincial Auditor's report have all been classified as non-eligible expenses and will not be reimbursed.

Mr. Merriman: — So if I hear you right then, between the million sixty-three or the million seventy-six, depending on the number, in the million seventy-six, you're telling me that those reimbursements for directors' honorariums have been taken out and are now being absorbed by Oyate themselves.

Mr. Fisher: — They've been taken out, yes.

Mr. Merriman: — And the services that are being provided from the day of the closure to today — there's training going on, there's staff employed there — who is accepting responsibility for those finances?

Mr. Fisher: — Well as we discussed briefly last time, when the facility stopped taking admissions in mid-April, staff were retained for a short period of time. And they did some maintenance functions around the facility and some additional training was done for the staff, but I believe it was in early June when the entire staff was laid off.

So there are no current staff at Oyate with the exception of an assistant . . . or not an assistant, an interim executive director, excuse me, who is in place now to help with the program development that needs to occur to accommodate all of the recommendations of the auditor and the advocate.

Mr. Merriman: — In the last meeting that we had there were two board meetings that were provided to me and a list of board meetings of which I had received information on all but two meetings. One was in March, one was in May. Both were with the Minister Belanger. We had asked for you to provide notes or information taken on that meeting. Do you have those today?

The Chair: — Just a minute. Is this a point of order or are you just waiting your turn to speak?

Mr. Yates: — It is a point of order.

The Chair: — You have a point of order.

Mr. Yates: — Thank you very much, Mr. Chair. We have had a long-standing practice in the Public Accounts and I think that we should continue to follow that practice, and it's that the ministers are not required to table documents of a confidential nature and/or documents that should be considered private. And those meetings at which the minister was at are considered that, so these documents normally have never been provided to this committee and we should continue that practice.

The Chair: — Mr. Merriman.

Mr. Merriman: — So what we're saying . . .

The Chair: — Is this on the point of order?

Mr. Merriman: — Well what we're saying is we're covering it up. We're not allowing these minutes to come forward. These documents were provided to me by the deputy minister in good faith that these meetings happened between the minister and board. All other minutes were incorporated into the documents I got. These documents could be relevant and they should be provided. If they need to be blacked out of names like the deputy minister did with documents he provided me, I certainly accept that. But to say that they're not available in this critical matter is unacceptable.

The Chair: — Perhaps just on the point of order, just to clarify for the Chair, Mr. Duncan, could you indicate whether the notes that were taken at a meeting between the minister and the officials of Oyate, were they cabinet documents, or were they cabinet items? I don't think that's what's under debate here. I think it's just actually request was for notes taken at a meeting that was not a cabinet meeting and not a cabinet document. Am I correct in understanding that?

Mr. Fisher: — The two meetings in question — the March 16 meeting and the May 1 meeting — were not full board meetings of the Oyate board. They were meetings of members of the board and the minister that occurred in the minister's office.

The Chair: — And they wouldn't be cabinet meetings or this was not a cabinet item. This is a minister attending a meeting.

Mr. Fisher: — Yes, a meeting that the minister attended.

The Chair: — Well I think just if you give the Chair just a minute to reflect on this, I think, Mr. Yates, by definition, a cabinet decision item or a cabinet minute or a confidential cabinet document is not what's under discussion here now. You know, if you can explain to me that that's not the case, that the member is asking for one of those items, then I suppose you have a legitimate point. My understanding is that one of those items was not what was requested and perhaps Mr. Merriman could clarify exactly what it was that he requested of the deputy minister.

Mr. Merriman: — In the original questions we had asked for all minutes of meetings held between board or board members with the department of DCRE [Department of Community Resources and Employment] or the minister. We were provided an outline of all of those meetings of which there were 15 . . . I'm not sure the exact number. All of those documents were provided save but two. We had asked the deputy minister at the last session to provide notes or minutes from those meetings. He had agreed to undertake that, to look into it. And I'm asking for those minutes now.

Mr. Yates: — Thank you, Mr. Chair. To restate my point, is that we've had a long-standing tradition here and a long-standing practice that ministers were not required to table documents of a confidential nature and documents that are considered to be private. And these meetings were meetings between the minister and individuals and they're deemed to be considered private by the minister. And as such, it's been our practice never to table those documents. And all I'm saying is we should continue to follow our practices and not have these documents tabled.

The Chair: — Okay. Thank you, Mr. Yates, for that clarification. Mr. Duncan, then would you indicate to this committee that you and the minister have discussed the notes from this meeting and have determined that they are of a confidential nature, and you're not prepared to table them with this committee. Is that your position?

Well I'm asking the . . . I'm not asking you, Mr. Yates. I'm asking the deputy minister if he's had this discussion with the minister and that's their position. Obviously this is the minister's decision, not this committee's decision.

Mr. Fisher: — The minister has been advised that there are notes for these meetings and the minister has directed me that these should be considered confidential.

The Chair: — All right. And so then in that case you're not prepared to table them with this committee.

Mr. Fisher: — I cannot without the minister's direction.

The Chair: — Okay. Mr. Merriman, given the fact that the minister has determined that he feels these are confidential and is not prepared to share them with the committee, we can't pursue . . . I mean, we can request it but we can't force, apparently we can't force a minister unless there are other directions from the Legislative Assembly. So carry on, Mr. Merriman.

Mr. Merriman: — Well it's interesting because the minister had said in the House and we have him on record saying that there were no documents ever existed. We just had the deputy minister say that there were minutes that were discussed with the minister, and those are both on record. So somebody here isn't telling the truth on this issue.

Mr. Fisher: — If I might just put in a point of clarification. It may seem minor, but there are no formal minutes of the meeting that were drafted, sent out for people to comment on whether they were accurate, and then shared with all parties at the meeting.

Mr. Merriman: — But you had just said, sir, there were notes and you had asked if you could table those notes and were told, no. So there are notes that are available to this committee.

Mr. Fisher: — I'm just making a point of clarification that there is a difference between minutes and notes. And there are no minutes for these meetings that night.

Mr. Merriman: — In the last discussion we had about the financial, would you please table those documents for us at some time during this meeting, on the financial reconciliation so we could have a copy of that please.

Mr. Fisher: — So put together . . . I mean, are there other questions that I can help you with, or . . .

Mr. Merriman: — I'd like a copy of the documents so I can see which questions I'd like to ask.

The Chair: — Do you have the document with you at . . .

Mr. Fisher: — Well I don't have a . . . I've got a document that's got all of my scribbles on it.

The Chair: — Scribbles on it.

Mr. Fisher: — But we can, we can put together something and provide that. But you know, given that at the end of this meeting we were going to work towards talking about the recommendations, I would just offer to, if you've got any other questions, I'd like to deal with this if we can. If not, we'll provide additional information.

Mr. Merriman: — Well these were tabled on November 14. We're now sitting at November 28, which is two weeks later. We should have at least had them this morning when we come to committee so we can see if there's other information in there we'd like to ask questions on. Can you commit that by the end of this meeting you will table a clean copy of the document so we can have a look at it?

Mr. Fisher: — Well we'll try to do that.

Mr. Merriman: — Well if not today, when?

Mr. Fisher: — Well again, I mean I'll provide any information that you would like, but I just don't have a clean version. And we can, you know, get something that is easily understandable for everybody and put it together. But I'll try to answer whatever questions you have.

Mr. Merriman: — Well sir, if you have the document but you have your personal notes in it, then the document exists in some type of form, probably in a computer. I'd just like a printout of that reconciliation. I don't think that's a lot to ask. And I'd like it, if we could, by the end of the meeting or the end of the day. Is that possible?

Mr. Fisher: — I would hope so.

Mr. Merriman: — I'll take that as a yes then.

Mr. Fisher: — Okay.

Mr. Merriman: — Thank you.

The Chair: — Mr. Yates.

Mr. Yates: — Well thank you very much. The responsibility of this committee is to have an oversight capability and ask questions and get information. Not every document's going to be available on the spur of the moment that's requested, and I think we have to take that into consideration as we're looking at these issues, and give due time for the proper tabling of documents. And that normally — for the Public Accounts Committee — is not the same day. It's when it's available prior to the next meeting. So . . .

The Chair: — And the normal practice is if a deputy minister or official does not bring his document that is requested for at the meeting, that they will provide it at their earliest convenience. I think the concern in this case is that the document was discussed at a previous meeting and promised at a previous meeting of Public Accounts, and apparently the document's prepared and that's why the member is requesting that that document now be tabled.

Are there further questions?

Mr. Merriman: — Yes, thank you, Mr. Chair. I'd like to reiterate the document was promised on the 14th. This is the 28th. That certainly is sufficient time.

I have some questions that I would like to ask of the former deputy minister, Ms. Young. Is she here today that she can answer those questions?

Mr. Fisher: — No, she's not.

Mr. Merriman: — I had understood that from the last meeting which we didn't get into too much of time in asking those questions, that she would be available to ask questions either through you or by you, and I don't see her here. Is she coming to this meeting?

Mr. Fisher: — I don't believe she was invited to come to this meeting. It was my understanding that she wasn't required.

Mr. Merriman: — Well I'd like to read from the document that says, the motion that we had. Whereas the deputy minister is appointed to his position on April 11, 2006, whereas the current deputy minister was unable to answer all the questions to the satisfaction of the committee, "I move:"

That this committee request [that] the former deputy minister of Community Resources, Ms. Young, appear before the committee as a witness at the next . . . Public Accounts . . . [meeting].

In response to that motion the former minister, Ms. Crofford, responded in response to the motion calling Ms. Young as a witness:

We've deliberated and we think that's a good idea, and we agree to the former deputy appearing.

That's on November 5. A quote.

To Mr. Yates, and I quote:

The questions to the deputy should appropriately deal with what the deputy can actually speak to and do. To speculate or [to] speak on what somebody else's comments are . . . [not] necessarily appropriate or aren't appropriate [for the] questions to the deputy minister.

. . . to speculate on what a third party is saying and what that means puts a deputy in the position of trying to answer something that they're not in a position to answer because they don't know what the other person intended.

We had asked on the last occasion to have Ms. Young appear. I asked you four questions of which you didn't repeat or ask Ms. Young any of those questions that were directed to her. I have seven pages of questions for her. She's not here.

You know, this is a waste of my time. It's a waste of the witnesses' time, a waste of the auditor's times. You know, we're trying to find out what's going on about this. We're asking for documents we're not getting. The members opposite are trying to cover up the truth on this issue, and it's not right.

On October 5, this committee unanimously agreed to have the former minister of Community Resources, Wynne Young, should appear. On November 7, the government members of this committee did a complete flip-flop on this issue. They're running from the truth. What are we hiding? It's nothing but a complete cover-up. I have seen questions from Ms. Young . . .

The Chair: — Order. Order. Order. Mr. Merriman, order. Is this another point of order?

Mr. Yates: — Yes, most definitely. This is an inappropriate line of questioning to go to officials. If you're concerned about the processes of how the committee operates, that's an internal issue of the committee or of the Legislative Assembly. They're not in a position to answer questions or to speak on behalf of . . .

Mr. Merriman: — I'll get to the question if you'll finish interrupting.

The Chair: — Were you making a point of order?

Mr. Yates: — I was in fact making a point of order.

The Chair: — Could you complete your point of order?

Mr. Yates: — You're supposed to speak through the Chair. Comments are to be made through the Chair, and questions are to be asked of the officials about the operations of their department.

The Chair: — So, Mr. Merriman, are you coming to a question?

Mr. Merriman: — Absolutely.

The Chair: — Okay. Continue.

Mr. Merriman: — When I asked Mr. Fisher a question about

his meeting with Ms. Young he said, ". . . I don't recall . . . [what] we discussed . . ." a quote. That's correct. It's from *Hansard* on page 742. Mr. Fisher couldn't answer the question. The Chair of the committee asked Mr. Fisher when the minister was first briefed about the options of Oyate and Mr. Fisher said, and I quote, "I don't know that I . . . [can't] tell you . . ."

You know, we're here to ask the questions and get to the bottom of this. Ms. Young has vital information containing this that you, sir, said you didn't have the answers to. Without her here, we're not able to get to the bottom of this issue because I don't believe, sir, that you could answer the questions before and I don't believe you can answer them now.

So you know, for me to sit here and ask you questions, that are seven pages of questions to Ms. Young, is just a waste of my time and I'm not prepared to do it. I think we're covering this up and I just think it's a sham that you would do this with children. And it's a disgrace, and I'm not going to answer any more questions.

The Chair: — All right. Are there further questions? Ms. Crofford.

Ms. Crofford: — If I would comment. It would be my view that the role of this committee is to examine the auditor's recommendation and to agree or disagree with compliance on those recommendations and to ensure that the appropriate procedures are in place in government to have confidence that those recommendations would be enacted. And certainly, that would be where I would prefer to spend my time is on the audit and accountability work of the committee as regards implementing the recommendations.

The Chair: — Committee members, the Chair is always reluctant to proceed with an issue unless the members of the committee are sitting here and it's . . . I'm . . . particularly now feel that it is not proper to continue with all of the opposition members not sitting here.

I don't know what the government members would like to do but perhaps because this is a committee of scrutiny, you might want to move a motion to adjourn. And then we'll have to reconsider. Ms. Crofford and I will have to discuss how we would conclude this matter at a further meeting. Is there any discussion?

Ms. Crofford: — Mr. Chair, it's our preference to have a brief recess to discuss this and come back.

The Chair: — Okay. We will recess for 10 minutes.

A Member: — Ten minutes is . . .

Ms. Crofford: — Ten minutes, that's good.

The Chair: — Is plenty?

Ms. Crofford: — Yes.

The Chair: — Ten minutes we'll recess.

[The committee recessed for a period of time.]

The Chair: — We will reconvene the Public Accounts Committee meeting. The members asked for a recess, a 10-minute recess, which we were able to accommodate. The Chair expressed his concern that he was uncomfortable with this situation and suggested that there might be a motion of adjournment. So I would ask one of the government members to respond as to how they wish to proceed. Ms. Crofford.

Ms. Crofford: — Yes, Mr. Chair. It's our preference to continue hearing on the recommendations from the department what progress they're making on the auditor's recommendations. And we can do that today because that's our concern, or we can I suppose do it at a subsequent meeting. But we would like to continue doing the work which is here, which is to look at the auditor's recommendations and ask the department to affirm to us what progress they're making on those recommendations.

The Chair: — As Chair of this committee, this a unique committee in where the Public Accounts actually has a Chair that's selected from the opposition side. However as Chair, I have no vote. And therefore while I'm empowered to run the meeting — for lack of a better term — I have no voice unless there should be a tie, and obviously in this situation there cannot be a tie.

And it is precedent or it is the convention of committees that there be members from both sides present when business is entertained. That's why the Chair is very uncomfortable to proceed because there really in effect is no voice, particularly no voting voice, on one side of the committee.

The Chair has always determined that the meetings would take place once both sides were prepared to move forward. And I can't, you know, I can't determine whether the opposition is prepared to move forward unless I speak as the voice of the opposition, when in fact I have no power to vote on any issues.

Therefore I feel that I cannot continue in the Chair under this situation and maintain the convention of the committee. Therefore if you wish to proceed, you may have quorum and may wish to do so, but I would dismiss myself from the Chair because I do not want to be seen as, you know, being voiceless if decisions are made by this committee.

Ms. Crofford: — No. I can appreciate the difficult position you're in. However I do want to mention that we are at a scheduled meeting of Public Accounts that everybody knew what time it was at.

The two matters that caused some contention was a financial statement which the deputy committed to providing by later today. The second point of contention was the previous deputy attending a meeting which the motion read, "the next meeting." It didn't mean . . . It didn't say every meeting until we get tired of talking to her.

So I think the obligations were fulfilled and I believe the members opposite are absent by choice. And you know, certainly I do again understand your feelings, but this is a duly scheduled committee meeting with business to conduct.

The Chair: — That's correct, Madam Deputy Chair. It is a duly

scheduled meeting. I've explained the situation I find myself in and should the government members wish to continue then as I absent myself from the Chair, I guess the Deputy Chair would have to assume the Chair.

Ms. Crofford: — I just would indicate further that we have no intention of voting anything off today. If we were to continue, it's strictly for the matter of continuing the discussion.

The Chair: — Well that may be the case, but I would still find it . . . I just feel that while that commitment may be made, obviously the committee is still functioning as an official committee. And given the previous convention of standing committees, I cannot in good conscience carry out my role as Chair.

Ms. Crofford: — Do you then wish to . . . If we're going to lose you as Chair, Mr. Chair, I think then it is more appropriate to adjourn the meeting. And if you'd like that to be something that you do before you leave, that would be fine with us.

The Chair: — If there's a motion, I will hear the motion.

Ms. Crofford: — I'll so move that we adjourn the meeting.

The Chair: — All in agreement?

Some Hon. Members: — Agreed.

The Chair: — Carried. The meeting's adjourned. Thank you very much.

[The committee adjourned at 11:14.]