

Mr. Chairman: — Good morning, everyone. I'd like to welcome the new members to the committee. I understand that there'll be one more. And Ms. Haverstock and Mr. Muirhead haven't blessed us with their presence yet, but I'm sure they'll be along shortly.

Before we get into the agenda for the day, I'd like to say to the new members that the Clerk has delivered most of the information that the committee has dealt with over the last seven months, to you. We've gone through a lot of information regarding the role of public accounts committees around Canada. A lot of it's fairly good information, and certainly things that we've adopted here as part of our operating principles in our mandate. And I would just encourage the new members to go through that material fairly quickly so that they are prepared to participate based on those principles and guidelines.

Perhaps we should get to the first item on the agenda then, and that deals with the public accounts conference in Fredericton, New Brunswick, July 5 to 8, '92. I understand the past practice of this committee in regards to these events has been to send a couple of members plus some of our staff to them. Mr. Van Mulligen has a motion in that regard, or Mr. Anguish. And perhaps we should just open it to discussion.

Mr. Anguish: — I'll maybe place the motion first, Mr. Chairman, so we can discuss it if there's any discussion. I move:

That this committee authorize the attendance of two members of the committee and the committee Clerk at the annual meeting of the Canadian Council of Public Accounts Committees to be held in Fredericton, New Brunswick, July 5 to 8, 1992.

Mr. Chairman: — Okay. Discussion of the motion?

Mr. Van Mulligen: — Mr. Chairman, it's been traditional that the chair and the vice-chair, if they're able to attend, attend this conference on behalf of the committee. I think that it's vitally important that the chair attend this conference because you are in a sense reporting to other provinces what it is that we do here, and are in a position to report back to us what it is that the other provinces are doing.

But as opposed to the vice-chair necessarily going this year, I suggest that it may be more appropriate to send the chair of the Crown Corporations Committee. And my reason for that is that Saskatchewan will be taking back to this conference a major report on Crown corporation accountability which has been completed by a large part by the Clerk with the assistance of the auditor. And I think there's also an involvement with some other provinces and the federal parliament in the preparation of that report.

Given the issues concerned, I think that it would help this institution if we were to send the chair of the Crown Corporations Committee as opposed to the vice-chair of this committee to that conference. I mean it would be nice if all three could go, but the budgets being what they are I don't think that we should be sending more people. I

think having said that, that I'd be most pleased if members would support an amendment to add to that:

or at least one member of the committee and the chair of the Crown Corporations Committee.

I'll move that amendment.

Mr. Chairman: — Any discussion on the amendment by Mr. Van Mulligen?

Mr. Muirhead: — Your motion is just the one, just saying that . . . not who goes, just that you're saying the chair.

Mr. Van Mulligen: — Yes. The motion is normally constructed in the sense of being members, because if you specify that it be the chair and the vice-chair and then for some reason at the last minute the chair can't go, you're stuck with a motion that says the chair must go. It means that other members cannot then attend. So therefore the motion has always been expressed in the terms of two members attending.

Mr. Muirhead: — And then what happens if the chairman of the Crown Corporations can't go?

Mr. Van Mulligen: — Well then we still have two members of this committee are still able to go.

Mr. Chairman: — I may have a degree of difficulty in meeting that commitment. Are you prepared at this time if need be? It's quite a ways down the road.

Mr. Van Mulligen: — Yes, we'll have to see. Like I'm not opposed to going to this conference, neither am I particularly anxious to go for a day-long plane ride and a day-long plane ride back here for a two-day meeting. No, I'd be prepared to do that. But I think that's something that we can discuss later on to see who would be the most appropriate to attend. But I did want to leave the door open for the chair of the Crown Corporations Committee to be able to attend that.

Mr. Chairman: — Do we want to pass the motion as amended then?

Mr. Anguish: — I think the motion just enables us at some point to select two members, and it's our preference. If the chair of Crown Corporations can go, he'll go. And if he can't, then we find another member to go. I think the motion is open-ended enough to allow that to happen.

Mr. Chairman: — Agreed? Carried.

Second item of business will be the future business of the committee and how we will conduct our meetings in the future. We've got a number of items to deal with. There's the special report by the auditor, Provincial Auditor's annual report '90-91 and the *Public Accounts* '90-91. And we probably also will have the Gass Commission to deal with at some point either in relationship to the *Public Accounts*, auditor's report, or on a separate basis. So there'll be lots of things to keep our attention.

With the change in the House rules, we have a number of

options open to us that weren't open previously. And my feelings as chairman were that we would meet on Tuesday mornings from 9 to 11.

The independent member from Greystone has expressed a wish to be able to attend both Crown Corporations and Public Accounts. I understand from the chairman of Crowns that he is planning on Thursday mornings as the meeting time for that committee, and that we would be able to then accommodate any member of the House who wished to interact with both committees by holding them on separate days. And we always have the option of Thursday evenings potentially, also. So what's the wishes of members?

Mr. Van Mulligen: — Yes. No, I agree with your suggestion. I think that we need to be able to accommodate the wishes of all members. And I think that to meet on Tuesday mornings is sensible and to, if necessary, and as desirable, to meet on Thursday evenings.

Mr. Chairman: — Any other comments?

Mr. Anguish: — Yes, Mr. Chairman, I have no problems with what's being proposed. I do have some concerns with the amount of work that we have to cover that we may want to explore the possibilities of Thursday evening meetings as well as the possibility of Wednesday morning meetings, or to extend the hours of the committee beyond two hours at a block, and as long as we can keep that open depending on how the work proceeds.

Mr. Chairman: — I think the preference would be to sort of set something in place as a regular schedule and then we can, on an *ad hoc* basis, branch out into other days. If members wish to say, every second Thursday – initially – evening or something like that as a beginning point. But I think it's important that we set a schedule and stick with it and then branch out.

Mr. Lautermilch: — Well I guess I, just to add to what Mr. Anguish has said, I ... there is a lot of work before this committee and I think it would be wise to try and complete while the session is on as much as we could, if for no other reason, just because of the cost factor. If we're sitting interessionally the amount of dollars that this group would cost to run this committee would increase, I think, quite dramatically.

And I think we should strongly consider the Wednesday morning option as well as the Tuesday morning. I certainly have no quarrel with the Thursday night other than one of the reasons we changed the rules of the legislature was to allow members to interact with different groups that ask to meet with us. And I think we should, you know, just given the amount of work, we should have a close look at Wednesday mornings as well as Tuesday mornings.

Mr. Chairman: — I guess I raise the point of the fact that this committee has always been chaired by the opposition. This is in effect one of the opposition's opportunities ... with a very small opposition the work-load is very extensive as anyone from the government who sat here from '82-86 can attest to.

I'm not sure that as chairman, with my other duties, that I could maybe accommodate three days a week and do a proper job of it. One of the things that when we went through our mandate and operating scenario was that we found, in conjunction with other provinces, that even though there are incremental costs associated with intersessional sittings, that the quality of the work has tended to be superior by combining those type of sittings with sittings while the House is on, for the very fact that Public Accounts by its mandate is not orientated toward policy or politics, that meeting interessionally the members tend to stick to the meat and potatoes of the items before the committee rather than some of the more partisan stuff. It has been well recognized across Canada that the committees become more effective.

So I guess I have to weigh the work-load as chairman doing a proper load here against facing those sitting days out and certainly being concerned about the taxpayer in all aspects of it.

Mr. Anguish: — Is there one other block of time, Mr. Chairman, where you'd feel comfortable sitting, so we can maybe lock that in right now? If we don't need it, we can reduce it.

Mr. Chairman: — Well I'm quite comfortable with Thursday evenings.

Mr. Muirhead: — Yes, for ... (inaudible) ... Mr. Chairman. That is, I think everyone realizes that there's seven members on the government side. Other than the chairman, there's only myself here, and it would be pretty ... You can have one or two or three miss, that don't have to be here, like say Tuesday morning and have Wednesday morning. And in my heavy schedule – and I mean heavy – it would be ... I hate to have to commit to be here Tuesday morning and Wednesday morning.

And I would like to see us make it a standard ... make a policy that we're going to meet two hours on Tuesday morning and to be ... I'd rather extend that for a little longer than have to tie up two mornings in a row.

Why don't we try it? Because how do we know how strenuous and how long this is going to be? We don't know. It's usually been the practice, it's the opposition that asks most of the questions. It's usually been that way. And if we get a few weeks in at one meeting or a few meetings on a Thursday night but not locked in, and then we can easily change it after a few weeks. Hey, this is not work; we've got to have more time.

I mean I'd appreciate it if we could try it that way first, and maybe it'll just go very quickly. Maybe we'll find after we ... We know we're going to be here for the summer, most of it.

A Member: — Depends on you.

Mr. Muirhead: — Well, no. It depends on ... (inaudible interjection) ... Mr. Chairman, it doesn't depend on me; it depends on what day the government table their last Bill, and that usually is about the 71st day. And so that'll put us into August. We'll be here that long. We know that.

And just to be fair, why couldn't we start out with a locked-in Tuesday and then have the chair or vice . . . and our chairman say when we could call meetings on Thursday nights. And if that isn't going to work, we can, when we're at a meeting, we can soon change it.

Mr. Anguish: — Okay, let's leave it then. We'll meet on Tuesday mornings from now until we find out that that's maybe not working and then we'll discuss the agenda again, if that's all right with you, Mr. Chairman.

Mr. Chairman: — Is that agreed with the committee? Okay, Gerry?

Mr. Van Mulligen: — Mr. Chairman, I wonder if . . . I always forget to do this too, but we might introduce the new members of the committee to the staff or . . .

Mr. Chairman: — Oh, for sure.

Mr. Van Mulligen: — . . . go around the table and have people introduce the new members of the committee to the staff or how this . . . go around the table have people introduce each other and where they're from.

Mr. Chairman: — Gerry, perhaps you'd start for us.

Mr. Kraus: — Okay, I'm Gerry Kraus, the Provincial Comptroller, Department of Finance.

Mr. Paton: — Terry Paton, with Gerry's office.

Mr. Hunt: — John Hunt with the Provincial Auditor's office.

Mr. Vaive: — Robert Vaive, Clerk of the committee.

Mr. Strelieff: — Wayne Strelieff, the Provincial Auditor.

Mr. Wendel: — Fred Wendel with the Provincial Auditor's office.

Mr. Serby: — Clay Serby, the member for Yorkton.

Mr. Sonntag: — Maynard Sonntag, the member from Meadow Lake.

Mr. Van Mulligen: — Harry Van Mulligen.

Mr. Anguish: — Doug Anguish.

Mr. Lautermilch: — Eldon Lautermilch.

Mr. Kujawa: — Serge Kujawa, the rookie MLA (Member of the Legislative Assembly).

Mr. Anguish: — And we have one other member of the committee, Mr. Chairman, who is not able to be here today. Eric Cline is our other member of the committee and he was unable to be here this morning.

A Member: — Bringing the heavyweights in.

Mr. Anguish: — I don't know. I thought he was more of a middleweight. Are you talking about the ring?

Mr. Lautermilch: — I don't think Eric weighs any more than 150, 155.

Mr. Anguish: — It would have to be featherweight.

Mr. Chairman: — Perhaps we should talk about the items before us and do some prioritizing.

Mr. Anguish: — How many items did you mention, Mr. Chairman.

Mr. Chairman: — Well we potentially have four, depending on how they're either combined or left alone or whatever.

Mr. Van Mulligen: — Mr. Chairman, first we have the *Special Report by the Provincial Auditor Saskatchewan*, and it's my suggestion that because it came to us first that perhaps we deal with that first. Having said that, that when we're completed our review of the special report of the auditor . . . And I might back up.

I understand the Clerk also has some last minute touches that we have to do on the operating principles and the mandate and so on. I think it's something we can complete today. But subsequent to that, the special report of the auditor, I suggest that we just go through it cover to cover. There may be some questions that, I know, some of my colleagues may want to articulate today so that when we come to those sections of the report that the auditor and/or the comptroller may be in a position to answer those questions, to facilitate the work of the committee.

Subsequent to that, I suggest that we proceed, as we normally do, through the *Report of the Provincial Auditor* from cover to cover, and the *Public Accounts*. But I anticipate that the report of the Financial Management Review Commission, the Gass report, may also be before the commission.

And I note that there is a number of instances in which the auditor makes comments or recommendations not unlike those recommendations and comments that are made in the Gass Commission. And if there's any way that the auditor and/or the comptroller might be able to look at the two reports so that when we do go through the auditor's report and we're discussing an item, that is also . . . that we might otherwise also be discussing in the Gass Commission, he might be able to flag that. So that as we go through the auditor's report we may in fact be dealing with some of the recommendations of the Gass Commission report, and then to finish up whatever recommendations have not be discussed in the context in the auditor's report. I make that by way of suggestion, just to try and facilitate the work of the committee.

Mr. Chairman: — I think it's important that we, as Harry has pointed out, we begin on this process of making the comparisons. The auditor's report that we'll be reviewing is still based entirely on the cash basis the government does its accounting, even though you have comments in there that would tend to support the accrual method. Is that not the basis of some of those comments?

Mr. Strelieff: — We do have a chapter on . . . Mr. Chairman, we do have a chapter on the Gass Commission

in our annual report that takes particular positions on the recommendations of the Gass Commission. And we also have other sections in the report. There's a few, not very many, but that pertain to issues that the Gass Commission has also recommended or dealt with.

Mr. Chairman: — I might ask the auditor, if the committee undertook a review of the Gass Commission in its entirety, the 155-page report or whatever, how will that work in relationship, say, to your next report to this committee in '92-93? Will any of your future . . . because of the issuance of that report, will it influence the way that the Provincial Auditor in the future prepares his audit?

Mr. Strelieff: — Mr. Chairman, in our '91 report we said that we would be monitoring how the government deals with the 42 recommendations of the Gass Commission and would report on that monitoring in next year's report.

Mr. Chairman: — So by going through that special report, it would prepare us as a committee for your report in the future? Is that what you're saying? It would be a good study item for future auditor's report?

Mr. Strelieff: — Mr. Chairman, I think the recommendations in the Gass Commission are important right now and would be valuable for the committee to look at. We've also, in this year's report, we've referred to some of the key recommendations that we think are particularly important and that should be considered by this committee. And then in the future we'll be watching how the government addresses each of the recommendations and providing some feedback back to the legislature and this committee. So the interrelationship between our report and the Gass Commission goes through this year and in the future.

Mr. Chairman: — Any other comments from anyone?

Mr. Van Mulligen: — Can I just ask whether that's possible for the auditor to do that, so that some issues we might be dealing with both your report and the Gass Commission report simultaneously as opposed to dealing with your report, the issues therein; then after that dealing with the Gass Commission report and again dealing with issues which we've just dealt with. Is that possible that you might be able to do that?

Mr. Strelieff: — Mr. Chairman, Mr. Van Mulligen, yes it is. In our report this year, we do. Where we address a similar issue, we try to link it up, and I think it would be fairly easy to give what the commission said on that issue.

Mr. Van Mulligen: — Okay. We'll look to your assistance and the comptroller's then in doing that. We leave no recommendation unturned.

Mr. Chairman: — We're going to need about 10, 15 minutes . . . (inaudible) . . . the two items that we went through intersessionally. And I wonder if we shouldn't just get them out of the way and then, by what time remaining, we can propose things for the comptroller and the auditor on the special report for next meeting. Is that agreed?

Mr. Van Mulligen: — Agreed.

Mr. Chairman: — The first one is the mandate document. I think we've been through . . . obviously the new members might not have had time to read it. It was pretty well agreed to by the committee. Is there anyone that would wish to make a comment on it at this time?

Mr. Van Mulligen: — We went through this particular document, I think, and we made corrections to it.

Mr. Chairman: — Yes we did, last time. The Clerk brings to my attention that the last point on page 3 has been added in just as a wrap-up clause. It wasn't ratified by the committee, but I don't think anyone would have any problem with it.

Mr. Sonntag: — The Provincial Auditor doesn't appear in this . . .

Mr. Anguish: — How about we add in the Provincial Comptroller then as well?

Mr. Chairman: — Sounds good to me. What do you think, Gerry?

Mr. Kraus: — Sure.

Mr. Anguish: — Do you want to work together? Yes, he does. Can we add him in?

Mr. Chairman: — We'll ask the Clerk to add him in.

Mr. Kraus: — There's one comment I have to make, Mr. Chairman. I think I understand the spirit of the first comment about examining the reliability and the appropriateness of information in the *Public Accounts*, but it sounds like you can't rely on it. And you might . . . I would have thought you'd be examining the information, you know, in the simplest of terms in the first place. Naturally you want to make sure that it's the information that you want, but it came across a little bit negative to me.

Mr. Van Mulligen: — We've just updated the reporting but . . . there's some better way to express that than . . .

Mr. Sonntag: — We agree to work with it and right away he wants to change things.

Mr. Chairman: — How about examining the contents and the other appropriateness, I guess, is just the way that it's presented in. If we can find a better word to say how it's sort of . . .

Mr. Anguish: — Do we change reliability to format?

Mr. Kraus: — I would like . . . Reliability indicates there's something that you should always be suspicious of, and I don't think that's true. You definitely might want different information, but the information is presented at least.

Mr. Anguish: — We're all paranoid people.

Mr. Chairman: — We have pulled this from the model of the information that we reviewed.

Mr. Anguish: — We can set our own model though. Why don't we put in format instead of reliability?

Mr. Chairman: — It gives eight criteria under this. It says: to fulfil this function, the committee investigates and reports to the legislature on the following, and then it goes through eight points. That was the first one. But we can certainly amend it.

Mr. Strelloff: — Mr. Chairman, the work of our office brings to you assessments on whether you can rely on the information in the *Public Accounts*, so you're dealing with the reliability of the information in the *Public Accounts* on a regular basis because we're bringing that kind of information to you. And also we're quite often dealing with what information should be in the *Public Accounts*, which gets to the appropriateness. It seems like it's relevant to the debate that quite often takes place in the committee.

Mr. Van Mulligen: — To me the thing that the committee needs to be doing is on an ongoing basis is to determine whether the *Public Accounts* are reliable. And that's not meant as any criticism, but that's meant that we should be determining whether or not they are reliable.

Mr. Kraus: — The information is presented fairly.

Mr. Van Mulligen: — Yes, then also the format is such that, you know, the information is appropriately expressed. So for me the question is that if one said, today we're going to examine the reliability of the *Public Accounts*, one might interpret that as being some criticism of the *Public Accounts*. But one took the position on an ongoing basis we'll do that, that's not necessarily intended as any criticism.

Mr. Kraus: — Okay. I guess I should accept that. It's just that this was written by a national group, was it?

A Member: — Yes.

Mr. Kraus: — And if I can say, I suspect the auditor's had something to do with writing it as well.

Mr. Strelloff: — Public accounts committees, I think . . .

Mr. Chairman: — Canada-wide.

Mr. Kraus: — Okay. Fine.

Mr. Van Mulligen: — But if you can add, on an ongoing basis.

Mr. Chairman: — Okay. Examine the reliability and appropriateness of information in the *Public Accounts* on an ongoing basis. Agreed.

Now the other document "Operating Principles/Practices". It's 46 points that come out of our discussions.

Mr. Anguish: — We've got agreement on the first document, then?

Mr. Chairman: — Yes, Now, how do you want to handle

this? Do you want to go point by point, or just have section by section?

Mr. Anguish: — Well I think we've been through point by point before. If there's a problem with the document for any of the members, I think they should state the concern that they have, and if not then we approve the document.

Mr. Muirhead: — I don't see any reason for point by point, Mr. Chairman, because we've been through them point by point. Could we, Mr. Chairman, I suggest that we just adopt each section — chair, membership meetings, etc.

Mr. Chairman: — Well I think that's fairly standard.

Section — *in camera* meetings.

Mr. Van Mulligen: — Just a word on this, Mr. Chairman. The question of *in camera* meetings is always a touchy one for the public and particularly for the media, but I think that it needs to be recognized that there are occasions in which *in camera* meetings are desirable.

And I think we've clearly outlined the reasons for the occasions under which we would want to consider that: especially when evidence of a particularly sensitive nature is given, when dealing with matters in a police investigations, where public hearings would constitute an unreasonable intrusion into the privacy of individuals, when the evidence could impact on the competitive position of a company, when dealing with matters that could affect national security. That's not likely to be a big issue here in Saskatchewan, but . . .

Also, we meet *in camera* to discuss our reports to the Assembly, draft reports, although the final report's always a matter that's discussed publicly. And we've always taken the position that briefings by the Provincial Auditor and the comptroller on subject that the committees will review will be held *in camera*. We've always extended that courtesy to the auditor and the comptroller to be able to get their views *in camera* before we proceed to develop lines of questioning for witnesses that might come before the committee.

I think that those are appropriate occasions under which we might meet *in camera*. And again, I don't think there's been any problem with that in previous years, but I think that it's appropriate to point that out that we will be doing so.

Mr. Chairman: — Any more comment on that section?

The next one is: briefing process and operation. The Clerk has suggested a change in no. 19. And it's just a wording change, that the committee will play a "significant role" instead of "a role" in setting the committee's agenda when considering proposals made by the steering committee.

Mr. Muirhead: — Play a what?

Mr. Chairman: — Just add the word "significant."

And on no. 20, at the end it should read "to issues raised

in the Provincial Auditor's report" in order to clarify the section.

Mr. Anguish: — I'm sorry, Mr. Chairman, what was that?

Mr. Chairman: — Section 20, or item no. 20, at the end of the paragraph it should have "in response to issues raised by the Provincial Auditor's report."

Mr. Anguish: — Just add that at the end?

Mr. Chairman: — Yes, add that to the end.

One of the things that this section deals with that I don't think is going to past practice in this committee is to prepare a series of written questions ahead of time for people that are appearing before the committee. Evidently it is used quite successfully in the House of Commons and a couple of other jurisdictions and has speeded up the process of the committee and has allowed the people coming before it to bring more pertinent information rather than sending us reams of paper at later dates, which always has an added cost to the operation of the government.

I know after our December meetings I received an entire box full of it that weighs some 50 pounds, and I don't suppose it was generated without some type of cost. A lot of that information was simply because they weren't prepared to bring things, and it might behoove us to give them lists ahead of time that would prepare some things.

Mr. Anguish: — Two points I would want to bring up in that regard was that I recall us having this debate in Public Accounts Committee before and the government at that time opposed quite strenuously having written questions prepared in advance for the witnesses appearing before the committee. I don't fully understand the reasons, whether it was politics that was being played on this committee, or whether there was some valid reason for that.

The other point that I bring up is that it's correct the House of Commons, their Public Accounts Committee do prepare questions in advance. But they also have two full-time researchers assigned to the committee, and part of their job is to do that in preparation for the witnesses coming before the committee.

I have no objection to questions being prepared ahead of time, but my concern would be is to who does that. Is Mr. Muirhead going to add that onto his work-load to prepare these questions in advance? Or is the Clerk of the committee going to do that? Who's going to prepare these questions?

Mr. Vaive: — I think when the point of questions for witnesses was discussed here, what members had in mind at that point were basic, standard questions which would be applicable to all departments and not really questions that addressed particular issues that are raised. I think that's another matter. But there were a number of basic kinds of questions that had been identified by the Provincial Auditor that could, you know . . . by which witnesses could be briefed and be prepared somewhat, but not to the extent that these would be questions that

would delve into the issue of the matter because indeed we don't have the staff for that.

Mr. Anguish: — Well I think if we can get to that point of preparing advance questions for the witnesses, fine, but I don't think we need to have it in our operating principles and practice. If the committee . . . I don't think we have to be totally confined to this. I don't want to see us locking ourselves into providing written questions in advance, whether they're sort of generic in nature, whether they're topic specific. But I don't see the need to have that within the document.

Mr. Kujawa: — Thank you, Mr. Chairman. In dealing with 22, 23, 24, aren't we really saying that before we call a witness we should know the purpose for calling him, what information we want to obtain from him, and that we should ask him nothing but relevant questions? Isn't that really all?

Now the main fault of humans on earth is that they do things without having the faintest idea of what they're trying to accomplish. And this is, I think, a beautiful illustration of it. So we make up for it by paper. We have to know why we call this guy. If we know that, then we know what's relevant. If we confine it to relevance, we don't need these detailed bits of prior rules in this thing.

Mr. Muirhead: — Just in response to Mr. Anguish, I agree, I wouldn't want to be locked in to where we've got to have our questions written ahead of time, because they often come up, one answer leads to other questions. We wouldn't want to be locked in.

But I think it's a good idea to give us, you know, the right to be able to send some questions ahead of time. For instance, when Mr. Anguish and I were . . . in December or early January when we met here, we both brought up issues that were under police investigation. And now I don't think . . . at least the one that I'm involved in isn't, and I would like to send a letter to the department to be prepared to answer all the questions on the entire fact.

And I don't want to do it, if I want to do it verbally, fine; but if I want to do it in writing, I think that's a good idea to have that right. But I agree with Mr. Anguish not to prepare all the questions that we're going to be asking the witnesses they'll be prepared before, because that would be almost an impossibility. I've sat here for quite a few years and one question and one answer leads to some more questions and you wouldn't want them locked in.

Mr. Chairman: — I think the reason that this format is in here . . . and Mr. Anguish is right that the House of Commons does have staff that work with the committee, and this committee has expressed the wish that when budgetary pressures permit that this committee also have that ability to have research staff assigned to it that it would help members in preparation of their work. Certainly I think the auditor has agreed that it would make his life a lot simpler if some type of assistance was there for members.

And I know full well from seeing the witnesses come before this committee last time that even some of the most mundane questions that you would think people would

be prepared to answer, that they weren't, and the consequences of it are just reams of paper. And I don't think we need to cut down forests just to side-step issues.

I'm sure all of us could prepare some basic questioning ahead of time and we can keep it simple to begin with and see how it works out in the future.

Mr. Anguish: — I appreciate your concern for the forest, but do you think in no. 22 we could just change the word should to may?

Mr. Chairman: — Yes, that would do it.

Mr. Anguish: — Does the Clerk have any more?

Mr. Chairman: — Section under witnesses. In the section, reports to the Assembly.

Mr. Van Mulligen: — Just a minute. In attempting to articulate who should . . . or anticipate who normally might come before the committee, by doing that we seem to exclude people who we have not traditionally called before the committee but whom we are empowered to call before the committee, and that is people who are formerly officials or people who may be able to answer questions that the committee wants answered.

And we talk about deputy ministers and senior officials and ministers only being invited when public servants cannot provide answers. And treating public servants fairly begs the question of inviting other witnesses — people for example, like sometimes we ask deputy ministers questions and they say, well I wasn't around at that time so I really don't know the answer to that question.

The committee has always reserved the right, has had the right to call former officials to put questions to them. And by specifying how we treat certain kinds of witnesses, we seem almost by definition to exclude others. And I think it needs to be clear in here, I guess to include the phrase from Beauchesne's or wherever it is, that the committee has the right to call in all witnesses — however that's expressed.

Mr. Anguish: — I think that Mr. Van Mulligen's definition is even too restricted. I'd like to get the wording from Beauchesne's, wherever it is, that we're not restricted to former employees either. If the committee wishes to call a witness, they can call and/or subpoena witnesses to appear before the committee. And I think that needs to be in the witness section, Mr. Chairman.

Mr. Chairman: — Yes, that persons and papers section. Is the Beauchesne's references, are they modern enough to cover off all of the chartered stuff that's around, vis-a-vis witnesses in committee?

Mr. Van Mulligen: — Yes, I think that Beauchesne clause is a broad empowering clause that enables us to call anyone and everyone. Whether we would want to submit them to certain lines of questioning because of the implication as for the charter, that's something that would have to be determined once they get here I suppose.

Mr. Chairman: — No, but you know, all the legal ramifications, Harry — the right to counsel and all of those things when you're dealing with people.

Mr. Van Mulligen: — Well it doesn't address those considerations. We're not a court of law.

Mr. Anguish: — I don't think that needs to be written in here, but you bring up a very good point. Maybe our legal friend could expand on that a bit.

Mr. Kujawa: — First of all I don't know the provisions to which you refer — Beauchesne or whoever. But I think that if you get into some possible situations where you know full well that you're looking for criminal offences or you know full well that they may be there, I think in today's world it would be highly desirable and proper to tell the witness in effect, you need not answer these questions; if you do, they may be used against you; or, whatever questions you answer here will not be used in a court of law. That sort of thing I think needs to be dealt with today.

Now if you're talking about whether a fellow is late for work, you don't worry about it. But if you're talking about whether he committed a criminal offence, I think you have to get into it or you've got a ready-made, five-year deal to the Supreme Court of Canada.

Mr. Chairman: — In past practice, as I understand this committee where you don't deal with issues of policy, you're basically dealing with facts as presented through the auditor's report, wouldn't bring you into that realm. The traditional practice in this province in areas of criminality has been to use the RCMP (Royal Canadian Mounted Police) or whatever the police jurisdiction happens to be in that locality in any investigation of criminality. And for this committee to branch beyond the mandate that it's had in the past, I would want us to get the Law Clerk or someone to look at Beauchesne's in its references as applies to the charter or whatever before we would add sections to our witness area here that may leave us open-ended.

Mr. Anguish: — Well that's a good suggestion, Mr. Chairman. And in light of the discussion we've had on the section on witnesses, I'd suggest that we just take that section out and table that for now because I feel quite strongly it has to be expanded from what's in there. And you do have some very legitimate concerns, so maybe we could just table that section of the report.

Mr. Van Mulligen: — Just maybe the Law Clerk could be consulted for his esteemed advice in this matter.

Mr. Chairman: — The Clerk just pointed out to me in our mandate statement the first one does cover fairly broadly our ability here. And it does take from Beauchesne's I suspect, the second last section, power to send for persons, papers and records and to examine witnesses under oath. And I guess until we launch out into something that this committee traditionally hasn't dealt with, that clause would probably stand us in good stead.

Mr. Anguish: — Well I don't think we should ever have any intention to venturing out into things that the

committee hasn't officially dealt with. And I certainly have no intention of doing that, and I don't think members on this side of the committee have any intention of doing that either.

We want to deal with those items which are placed before the committee, and I guess the first item that we have to deal with is this, our mandate and operating principles and practice. And the others are the *Special Report of the Provincial Auditor*, the auditor's report itself, the *Public Accounts*, and the Gass Commission.

I don't know what you mean by going into other things which we haven't traditionally dealt with.

Mr. Chairman: — Well it seemed that we were talking about expanding our witness area to handle some circumstance that was different than the past. Unless I misunderstood your comments, Mr. Anguish, that you felt that this mandate had to be expanded to handle some situation differently.

Mr. Anguish: — Let me give you an example of what I was thinking. In the auditor's special report the auditor talks about WESTBRIDGE Computer Corporation and how access to financial information was blocked by the people at WESTBRIDGE Computer, and yet we owned the majority of the company in the year under review. We may want to call someone from WESTBRIDGE Computer Corporation to appear here before the committee to answer questions and bring them to account for not allowing access to the servant of the legislature through the Provincial Auditor.

Now if we stayed on the wording that we have in our paper before us today, does that mean that we could not call a person from WESTBRIDGE Computer Corporation unless they fell under public servant, deputy minister, or minister? I would think that we'd want to be wide enough open that we can call someone from WESTBRIDGE to appear here.

And to me, what's stated in the paper could be argued at some point that we do not have the right to call somebody from WESTBRIDGE Computer Corporation because the scope of our operating principles is too narrow in regards to witnesses. So that's what I was thinking of, Mr. Chairman.

Mr. Muirhead: — Are we talking about non-government workers, like non-government employees? Someone outside of government?

Mr. Anguish: — Right. I would think that the president of WESTBRIDGE Computer Corporation never has been a public employee, and we may want to call that individual before the committee. I think we have every right to call and/or subpoena the president of WESTBRIDGE Computer Corporation to appear here before the committee.

Mr. Muirhead: — Mr. Chairman, that's interesting what he says and may be very important. Do we have the power to call a non-government employee off the street to come here? Do we have that, say, in our mandate?

Mr. Anguish: — Yes, they can be subpoenaed if necessary.

Mr. Muirhead: — It's just that I've been here for years. I haven't seen it happen, and I was just wondering if we really do have that power. What if they refuse? How do we go about it? What if we call the president of one of these companies you're talking about and they just say, I got nothing to do with the government and I refuse to come. How do we get them here? Do we have to go to the law then and subpoena them here like we would in a court room? Do we have that mandate? If they refuse to come, what do we do?

Mr. Chairman: — Well I'm probably the wrong person to ask. Where's the Law Clerk?

Mr. Anguish: — Where's the legal counsel and the Clerk of the committees?

Mr. Chairman: — Mr. Cosman. It's Bob Cosman, the Legislative Law Clerk.

Mr. Cosman: — Yes, Mr. Chairman, it's my belief that the committee has the full power to subpoena witnesses and bring them before the committee. This power emanates from the power of the Assembly itself to call witnesses before the bar of the Assembly.

Mr. Muirhead: — Okay, further then. That would only be ... say we're talking about ... we always hear under the year under review. So would we be only able to subpoena or ask people just to come that's involved in that year under review? Or could we call some past president, five years past, or can we call past cabinet ministers from way back that ... or they'll have to just be people involved in the year under review?

Mr. Cosman: — That's a mixed question of law and the parameters of the committee. In terms of strict law you could call any witness that you so choose. However I think it's a mandate of the committee to strictly adhere to the year under review.

Mr. Muirhead: — That's the point I'm making, like we ... how far do we broaden this out? We have a certain amount of people that's responsible under the year under review and they can say, well gee, I didn't make that policy; somebody back a year or two ago did. Do we have a right to also call him because he made the policy out of that year under review?

Mr. Vaive: — It's been the practice of the committee to limit witnesses called before the committee to whatever's before the committee, i.e., the year under review. However to better understand issues raised in the year under review, if calling a witness that from previous years that arose, you know, before the committee in previous years, well then to shed light on the matter under review of this year, well indeed the committee can do that.

Mr. Chairman: — It in my mind would raise certain other potential problems that we need to address, I guess, in some context. If an individual such as that was here, I think the committee would have to make sure that, for instance, an allegation is voiced in here, and the press

were all here, against somebody that would be reported but not proven, I think would take this committee beyond where it perhaps has been before. And there would need to be some type of . . .

Members have legal protection. As I understand, this committee room here is treated just like the legislature. Is that not correct? It's just like we're in the House and we can say in here with immunity to anything. And yet the individual, if they are non-government employee or minister or that type of thing, being an outside person, you could allege certain things in here and they would not have certain recourses, as I understand it.

Mr. Muirhead: — Same as any staff in here.

Mr. Van Mulligen: — Mr. Chairman, you've raised some excellent questions. Mr. Kujawa has raised some excellent questions, and other good comments have been made respecting the process of calling witnesses and also the rights of witnesses vis-a-vis, you know, the charter, I guess, vis-a-vis fairness. And I'd suggest that this section, as Mr. Anguish . . . I suggest that this section, as Mr. Anguish previously suggested, be tabled and that perhaps the Legislative Counsel review it. And to clarify the procedure, that the committee may want to consider in calling witnesses and in questioning witnesses, so that it's clear for all concerned. And that some of the comments that you and Mr. Kujawa have made are in fact incorporated into our operating principles so that there's a clear understanding, should that ever arise.

And I don't know why we're dwelling on this because it hasn't happened and may never happen. But nevertheless it has been raised that we outline clearly what it is our practice will be so that should that event ever arise then it's clear for all concerned as to how we will proceed.

Mr. Kujawa: — Just a very simple point which may lead us to a little bit of progress. If, for instance, a person comes in here and he's an employee or one of those already listed and he makes a statement about what he did, not in the year in question but just before, which led to what followed. Are we entitled to call the driver of the checkered cab which he says he used to get to the place and question him? I would suggest that we are, because it's relevant. And shouldn't we base it on the question of relevance to the issue that we are entitled to examine?

Mr. Chairman: — That's a good point, Mr. Kujawa. Sometimes politicians don't deal in relevance though. Legal minds do. But it's an excellent point.

Mr. Kujawa: — Well when I say legal minds, in my opinion 95 per cent of lawyers are helping the opposition every time they go into court. So let's eliminate that term, for my purpose. That's where I learned this stuff. We don't ask ourselves, what am I trying to achieve, we're going to help the opposition.

Mr. Chairman: — Mr. Anguish has moved that this section be deleted until further review takes place.

Mr. Van Mulligen: — Tabled.

Mr. Chairman: — Tabled, tabled. Sections 30 through 33 be tabled until a further review can take place. Is the committee agreed? Carried.

Reports to the Assembly. The big difference being section 34 which was never previously in this committee. The rest is . . . section 40 was highlighted by Mr. Van Mulligen as being fairly important at an earlier session. Anything further there, Harry, that you need?

Mr. Van Mulligen: — No. It's agreed.

Mr. Chairman: — Verbatim and minutes of proceedings. Agreed? Media relations?

Mr. Van Mulligen: — I don't know about that.

A Member: — I don't think that's possible.

Mr. Chairman: — I presume we are using humour and political satire, are we?

Mr. Van Mulligen: — Good working relations. Now is that in a biblical sense or I don't know is this . . .

Mr. Anguish: — Have you got the contract on the casino equipment?

Mr. Kujawa: — If they can write a song about this, go ahead.

Mr. Chairman: — Resources. Anybody come up with an ingenious way to get us a researcher yet?

Mr. Van Mulligen: — Take on constitutional matters — you notice that in there.

Mr. Chairman: — Yes they come in droves, don't they.

Mr. Muirhead: — Maybe you could raise the price of soda pop again and get some more money.

Mr. Kujawa: — It's not the pop that's important, it's the container.

Mr. Chairman: — Professional development. Agreed.

Steering committee. Agreed.

Mr. Anguish: — Mr. Chairman, could we take a five-minute break right now so we can help increase the revenue for the province.

Mr. Chairman: — Well seeing as we've gone past our allotted time, I think we should say 11:30? What time we've got to come to an end here, because members have got things to do.

Mr. Lautermilch: — Had we agreed till 12?

Mr. Chairman: — Ten to 11 was the meeting time this morning to set agenda and that sort of thing, get through this mandate stuff. If we've got beyond that, I think members have planned according to this that we should realistically set some time limit.

Well we need to get the auditor and the comptroller and a few people lined up with some things for the next meeting.

Mr. Van Mulligen: — In the interests of time — I know that some of my colleagues have questions for the auditor with respect to the special report which I gather will be the next thing on our agenda — in the interests of time, if members have questions of the auditor, the answers to which may facilitate the work of the committee next week or the week thereafter, would it be permissible for written questions to be put to the auditor, as opposed to verbal questions in the committee? So that the auditor has the benefit of knowing what questions will in fact be asked at the next meeting.

Mr. Anguish: — Not just the auditor, the comptroller as well.

Mr. Van Mulligen: — And the comptroller.

Mr. Chairman: — Would that information be shared in the committee or in public . . .

Mr. Van Mulligen: — Yes. It may not necessarily be . . . my guess is the questions are questions that might be asked *in camera* as we normally do in connection with the report from the auditor and we ask questions about well what has this department done in response to this or what did happen there. And we get the auditor's comments and the comptroller's comments . . . as opposed to taking the time now because we're running out and so as to not spend next week asking questions that are then going to be answered the following week, whether it's appropriate to submit the written questions to the auditor in anticipation of a discussion on some of these items next week.

Mr. Anguish: — You see I think it's inappropriate for individual members to be doing that unless they've got the blessing of the committee to do it.

Mr. Kujawa: — I have quickly read this special report, and there's some things in there that are potentially touchy. And if I may call on my prosecution experience here a bit, I would suggest that we try and stay away from names of people if we can tell the story or if we can get the story of who did what, without knowing the people involved because the chances are we'll know some of them.

That makes it difficult. It makes it hard to be objective. If we can have a look at what happened and then fill in the names later, if it's necessary. I think that would be desirable both in consideration for them and consideration for us because it puts us in a hell of a spot.

To give you a very simple example, if someone comes to me and gives me a set of facts and says: Kujawa, does this amount to shoplifting? And I explain, yes it does for the following reasons, and I can't be talked out of it. And then the guy tells me, well your brother did it. You see the difference. If he'd told me it was my brother that went in in the first place, I'd be in a hell of a spot. It wouldn't be a worthwhile answer.

So if we can apply that to this, I suggest we try to do this minute because it's potentially touchy stuff, from my reading of this over the weekend.

Mr. Anguish: — Then I guess, Mr. Chairman, that would guide the written questions to either the comptroller or the Provincial Auditor, that no one's asking for names of individuals, but there's some basic questions that need to be asked. If we have the blessing of the committee, we'd provide those in writing, and of course all members of the committee would have access to that. If that's all right with you and Mr. Muirhead.

Mr. Muirhead: — If it's not to . . . (inaudible) . . . hit it, but to . . .

Mr. Chairman: — No, no problem at all. Okay, in the interest of time, if we could do that then.

Would you . . . I think that probably the best would be to forward these to the Clerk who then would make sure the comptroller and the auditor receive their copies as do members that traditionally all correspondence has gone through the Clerk, and it should remain that way.

Mr. Van Mulligen: — I wouldn't want the auditor to look upon the questions as another special report. We're just asking for follow-up on some of the comments that he's made in his report and questions that we would otherwise be asking verbally.

Mr. Chairman: — See it's difficult because members . . . We traditionally meet in here and we go through our *in camera* session where both the auditor and the comptroller are allowed to brief us in a manner that sort of prepares. And because we haven't had that opportunity today, it makes it difficult. So I think it'll help if those questions are forwarded, then at the next meeting we can go through that session and . . .

Mr. Anguish: — Mr. Chairman, one other point that Mr. Van Mulligen and I just discussed. Although we'll provide the questions in writing, or at least some of the questions in writing, it's not necessary to give back a written report to those questions. I think that the only reason for the questions being put in writing is so that you're prepared when we meet next Tuesday morning. Okay? So don't spend a lot of time doing paperwork. Just make sure you have any relevant documents at your fingertips when we arrive back here Tuesday morning. Okay, Gerry?

A Member: — Yes.

Mr. Anguish: — And all questions go to the Clerk. And the Clerk then distributes to the appropriate persons.

Mr. Lautermilch: — Mr. Chairman, is it my understanding that this will, this process will be treated in a similar fashion to how an *in camera* — I'm new to the committee so I'm, you know, in a little bit of a learning experience too — it would be treated similarly to the fashion . . . the way that you treated the *in camera* meeting in prior sittings of this committee.

A Member: — Yes.

Mr. Kujawa: — If this is of any help, it might be an idea to get, instead of actual questions, to give notice that you said so-and-so in your report. I would want to know how come you know that. Who did you talk to? Where did you get your information? So then he will know that this is the area in which we're going to ask a lot of questions. And we'll do the necessary preparation, come in ready to give them as opposed to writing out the individual questions ahead of time.

Mr. Muirhead: — I suggest you be that flexible.

Mr. Kraus: — The information that we're going to discuss would be discussed on Tuesday not Thursday. Is that correct?

Mr. Anguish: — On Tuesday morning. I understand that our next meeting will be Tuesday morning at 9 o'clock.

Mr. Chairman: — That's correct.

Mr. Kraus: — And this information would be discussed *in camera* as opposed to – did I hear that correctly? – would be *in camera* initially?

Mr. Anguish: — Well I think that we view it as part of our briefing.

Mr. Kraus: — Oh I see.

Mr. Anguish: — This is a briefing from the Provincial Comptroller and the Provincial Auditor. And our briefing sessions in the mandate we just talked about are held *in camera*. So you should come prepared to address the issues of concern at an *in camera* session of the Public Accounts Committee.

Mr. Chairman: — Are there any points of business for the committee? If not, we'll adjourn.

The committee adjourned at 11:15 a.m.