

STANDING COMMITTEE ON PUBLIC ACCOUNTS
November 28, 1990

MINUTE NO. 22
November 28, 1990 at 9:00 a.m.

Morning Sitting

1. **PRESENT:** Mr. Van Mulligen in the Chair and Members, Anguish, Baker, Britton, Hopfner, Lyons, Muller, Rolfes, Sauder, and Swan

Officials

Provincial Auditor's Office

Wayne Strelieff, Provincial Auditor
Fred Wendel, Assistant Provincial Auditor
M. Heffernan, Deputy Provincial Auditor
Ed Montgomery, Audit Principal

Comptroller's Office

G. Kraus, Comptroller
T. Paton, Director, Financial Management Branch

2. The following documents were tabled:

PAC 20/90 — Saskatchewan Property Management Corporation: Annual Report and Public Accounts Reconciliation for the Fiscal Year Ending March 31, 1989

PAC 21/90 — Saskatchewan Property Management Corporation: Non-Government Organization Tenants 1987/88

PAC 22/90 — Auditor's Report to the Committee on Results of Examination of the Office of Provincial Auditor for the year ended March 31, 1990

PAC 23/90 — Department of Health: Responses to questions asked of the Department at the Public Accounts Committee meeting on April 24, 1990

3. The Committee resumed consideration of the Report of the Provincial Auditor for the year ended March 31, 1989.
4. The Committee proceeded to the consideration of Chapter 32 Saskatchewan Property Management Corporation of the Provincial Auditor's Report for the year ended March 31, 1989.
5. **Public Hearing: Saskatchewan Property Management Corporation (Auditor's Report 1988-89)**

Witnesses:

Ron Dedman, President
Shirley Raab, Vice President, Finance
Norm Drummond, Controller
Rob Isbister, Director, Financial Planning
Bill Jones, Assistant Deputy Minister, Treasury and Debt Management Division

6. The Chairman advised the witnesses of their rights and obligations.
7. The witnesses answered questions.
8. The Provincial Auditor answered questions.
9. The Comptroller answered questions.
10. At 10:35 a.m. the sitting was suspended.
11. At 10:55 the sitting resumed.
12. Questioning of the witnesses was resumed.
13. It was moved by Mr. Anguish:

That the Committee request the Board of Directors for SPMC, to provide the committee with SPMC's detailed budgets for 1987/88 and 1988/89.

After debate, the question being put on the motion, it was negatived.

14. It was moved by Mr. Hopfner:

That the hearing of the Saskatchewan Property Management Corporation be concluded subject to recall, if necessary, for further questions.

The question being put on the motion, it was agreed to.

15. At 12:01 p.m. the Committee adjourned until 2:00 p.m.

Afternoon Sitting

1. **PRESENT:** Mr. Van Mulligen in the Chair and Members, Anguish, Baker, Britton, Hopfner, Lyons, Muller, Rolfes, Sauder, and Swan

Officials

Provincial Auditor's Office

Wayne Strelloff, Provincial Auditor
Fred Wendel, Assistant Provincial Auditor
B. Atkinson, Deputy Provincial Auditor
J. Hunt, Deputy Provincial Auditor

Comptroller's Office

G. Kraus, Comptroller
T. Paton, Director, Financial Management Branch

2. The Committee resumed consideration of the Report of the Provincial Auditor for the year ended March 31, 1989.
3. The Committee proceeded to the consideration of Chapter 33 Saskatchewan Transportation Company of the Provincial Auditor's Report for the year ended March 31, 1989.
4. **Public Hearing: Saskatchewan Transportation Company (Auditor's Report 1988-89)**

Witnesses:

Dave Sentes, Vice-President, Finance and Administration
Ian Disbery, Secretary to the Board
Gerald Naylen, Corporate Solicitor

5. The Chairman advised the witnesses of their rights and obligations.
6. The witnesses answered questions.
7. The Provincial Auditor answered questions.
8. At 3:10 p.m. the sitting was suspended.
9. At 3:20 p.m. the sitting resumed.
10. Questioning of the witnesses was resumed.
11. And a point of order having been raised by Mr. Lyons on whether or not witnesses must answer all questions directed to them.

The Chairman ruled that witnesses must answer all questions directed to them. The Chairman accepted in the present circumstances, the witness' reluctance to answer questions on the grounds that his/her answers may prejudice the position of the Crown and Defence in criminal proceedings.

The Chairman further ruled that the questions directed to the witnesses are out of order as they relate to audit reports for the STC year ended October 31, 1989, whereas the Auditor's Report under review by the Committee relates to audit reports for STC year ended October 31, 1988. Hence, the questions directed to the witnesses today relate to matters which, if reported by the Provincial Auditor, would appear in his Report for 1989-90, and are not presently before the Committee.

12. And a question of privilege having been raised by Mr. Anguish that his privileges as a Member of the Legislative Assembly have been breached because of the refusal of the witnesses to answer questions, thereby interfering with the Member's ability to properly fulfil his duties as Member of the Assembly.

The Chairman ruled that the Member raised a point which cannot be considered a question of privilege because, while it is based on the witness' refusal to answer questions the substance of which may be *sub judice*, the questions as such are out of order as they relate to matters that are not before the Committee.

13. It was moved by Mr. Anguish:

That the questions asked of STC witnesses, be referred to the Standing Committee on Elections, Privileges and Procedure (to determine if the questions are in order) and/or if there has been a violation of individual Member's privilege.

The Chairman ruled the motion out of order for the following reasons:

- 1) The motion seeks to refer a matter to another committee. *Beauchesne's* Fifth Edition states at Citation No. 611:

As the Committee has no power to censure nor to refer matters to other committees, the Member's motion should state that the matter be referred to the House for its action;

- 2) It is the Committee, and not the Assembly, that must determine if questions to witnesses are in order;
- 3) With respect to any breach of his/her privilege in Committee, a Member has the option of moving a motion stating that the matter be referred to the Assembly for its action.

The Chairman repeated his earlier ruling that the questions to the witnesses were out of order and referred to a ruling of the Standing Committee of the Public Accounts dated May 2, 1985 and stated that the Legislative Assembly has appointed the Standing Committee on Public Accounts to:

- a) Examine and inquire into all such matters and things as may be referred to it by the Assembly, and to report from time to time its observations thereon with the power to send for persons, papers and records, and to examine witnesses under oath;
- b) Review the *Public Accounts* of the Province of Saskatchewan and the issues raised in the annual report of the Provincial Auditor which have been referred to the Committee.

It would not be in order for the Committee to alter its terms of reference through an omnibus motion restricting segments of the *Public Accounts* or Annual Report of the Provincial Auditor from the legitimate scrutiny of the Committee.

And again I will refer you to *Beauchesne's* Fifth Edition, paragraph 569:

Committees receive their authority from the House itself and that authority of the House overrides that of any committee.

Similarly, paragraph 621 reads:

A Committee can only consider those matters which have been committed to it by the House.

So therefore, your suggestion that we deal with matters independent of what the auditor has reported, independent of what is in the *Public Accounts* would not be appropriate given the mandate of the committee.

14. And a point of order having been raised regarding questions to witnesses with respect to Crown corporations' annual reports, the Chairman ruled that annual reports of Crown corporations are referred to the Standing Committee on Crown Corporations. It is appropriate for Members of the Public Accounts Committee to use annual reports of Crown corporations as sources of information which relate to matters before the Committee but annual reports *per se* are not items which are referred to this Committee for consideration.

15. It was moved by Mr. Hopfner:

That the hearing of the Saskatchewan Transportation Company be concluded subject to recall, if necessary, for further questions.

16. At 5:05 p.m. the Committee adjourned until Thursday, November 29, 1990 at 9:00 a.m.

Agenda:

Saskatchewan Transportation Company
Department of Education
Department of Justice
Provincial Secretary
Department of Economic Development and Tourism (continuing)
Department of Highways and Transportation