

STANDING COMMITTEE ON PUBLIC ACCOUNTS
November 29, 1990

MINUTE NO. 23
November 29, 1990 at 9:05 a.m.

Morning Sitting

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

Officials

Provincial Auditor's Office

Wayne Strelieff, Provincial Auditor
Fred Wendel, Assistant Provincial Auditor
B. Atkinson, Deputy Provincial Auditor
J. Hunt, Deputy Provincial Auditor
Ed Montgomery, Audit Principal

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 resumed 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 witnesses answered questions.
6. The Provincial Auditor answered questions.
7. The Comptroller answered questions.
8. And a point of order having been raised with respect to the refusal of the witnesses to answer questions relating to executive expenditures on the grounds that the answers might have a bearing on criminal proceedings before the courts.

And the Chairman ruled that the prohibition against referring in debate or questions to matters that are before the courts is an established and well-understood principle in modern legislatures. Parliaments have voluntarily imposed restrictions on the member's right to free speech in order to prevent the possibility of such debate having a prejudicial effect on the rights of a citizen to a fair trial.

A corollary, though only recently expressed as part of the reason for the restriction, is to maintain the independence of the courts and judiciary from the legislative branch of government both in perception and reality. The application of the rule or the convention to matters that are before the courts is well documented in precedence in many jurisdictions. The convention is usually applied fairly strictly in criminal cases but somewhat less rigidly in civil cases.

I would point out that *Erskine May's*, 21st edition on page 378 indicates that:

Successive Speakers have exercised their discretion to allow matters to be discussed, on which (although they fall within the strict terms of the *sub judice* rule) they have considered that no substantial risk of prejudicing proceedings would arise.

The Chairman ruled that questions should not be answered as the matters covered in the line of questioning are *sub judice* and may well prejudice pending criminal court proceedings. The Chairman stated that the charges already laid, including charges relating to executive expenditures, relate to activities from January 1, 1988 to February 14, 1990, a period which covers the year under review by this Committee.

9. It was moved by Mr. Hopfner:

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

The question being put, it was agreed to.

10. At 9:45 a.m. the sitting was suspended.

11. At 9:55 a.m. the sitting resumed.

12. The Committee proceeded to the consideration of Chapter 11, The Department of Education, of the Provincial Auditor's Report for the year ended March 31, 1989.

13. **Public Hearing: The Department of Education (Auditor's Report, 1988-89)**

Witnesses:

Eleanor Rourke, Deputy Minister
Rita Archer, Executive Director, Finance and Operations
Don Trew, Director, Administration and Resources Distribution
Linda Jackson, Accountant, Financial Planning
Deborah Achen, Executive Director, Skill Training and Adult Education
John Biss, Director, Institute Liaison and Curriculum Development
Lorne Sparling, Director, Training Plans and College Liaison

14. The Chairman advised the witnesses of their rights and obligations.
15. The witnesses answered questions.
16. The Provincial Auditor answered questions.
17. The Comptroller answered questions.
18. It was moved by Mr. Hopfner:

That the hearing of the Department of Education be concluded subject to recall, if necessary, for further questions.

The question being put, it was agreed to.

19. At 12:05 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, Swan

Officials

Provincial Auditor's Office

Wayne Strelloff, Provincial Auditor
Fred Wendel, Assistant 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 16, The Department of Justice, of the Provincial Auditor's Report for the year ended March 31, 1989.
4. **Public Hearing: The Department of Justice (Auditor's Report, 1988-89)**

Witnesses:

Brian Barrington-Foote, Q.C., Deputy Minister and Deputy Attorney General
Keith Laxdal, Associate Deputy Minister, Administration
Terry Thompson, Assistant Deputy Minister, Corrections and Justice Services
Darryl Bogdasavich, Executive Director, Civil Law

Twyla Meredith, Director, Administrative Services
Lynn Tulloch, Assistant Director, Administrative Services

5. The Chairman advised the witnesses of their rights and obligations.
6. The witnesses answered questions.
7. The Provincial Auditor answered questions.
8. The Comptroller answered questions.
9. It was moved by Mr. Hopfner:

That the hearing of the Department of Justice be concluded subject to recall, necessary, for further questions.

The question being put, it was agreed to.

10. The Committee proceeded to the consideration of Chapter 25, Provincial Secretary, of Provincial Auditor's Report for the year ended March 31, 1990.

11. Public Hearing: Provincial Secretary (Auditor's Report 1988-89)

Witnesses:

Bill Clarke, Deputy Provincial Secretary
Bill Hoover, Director of Administration, Department of Finance
Brian Smith, Executive Director, Public Employees Benefits Agency

12. The Chairman advised the witnesses of their rights and obligations.
13. The witnesses answered questions.
14. The Provincial Auditor answered questions.
15. The Comptroller answered questions.
16. It was moved by Mr. Hopfner:

That the hearing of the Department Provincial Secretary concluded subject to recall, if necessary, for further questions.

The question being put, it was agreed to.

17. The Committee proceeded to the consideration of Chapter 10, The Department of Economic Development and Tourism, of the Provincial Auditor's Report for the year ended March 31, 1989.

18. Public Hearing: Department of Economic Development and Tourism (Auditor's Report 1988-89)

Witnesses:

Dr. David Rothwell, Deputy Minister
Harvey Murchison, Director of Administration
Bryce Baron, Director, Industrial Development
Bruce Walker, Director, Northern Revolving Fund
Dwight Milliker, Consultant, Tourism Industry
Lorraine Garratt, Director, Promotion
Neil Sawatzky, Director, Creative Services
Sharon Roulston, Executive Director, Internal Operations

19. The Chairman advised the witnesses of their rights and obligations.
20. The witnesses answered questions.
21. And a point of order having been raised by Mr. Lyons with respect to the refusal of witnesses to answer questions on the grounds of confidentiality to protect the witnesses' clients.

The Chairman ruled that a witness is bound to answer all questions put by the Committee and that it is for the Committee to decide whether he/she should answer or not. The Committee may decide to hear the witness *in camera*, depending on the witnesses' explanation or reasons stated by him/her not to be heard in public.

22. The Provincial Auditor answered questions.
23. The Comptroller answered questions.
24. It was moved by Mr. Sauder:

That the hearing of the Department of Economic Development and Tourism be concluded subject to recall, if necessary, for further questions.

The question being put, it was agreed to.

25. Public Hearing: Department of Highways and Transportation

Witnesses:

Jack Sutherland, Deputy Minister
Myron Herasymuik, Assistant Deputy Minister (Operations)

On the motion of Mr. Muller, it was agreed that the hearing of the Department of Highways and Transportation be concluded subject to recall, if necessary, for further questions.

26. At 5:10 p.m. the Committee adjourned until November 30, 1990 at 9:00 a.m.

Agenda:

Consideration of the Committee's Report to the Assembly.