



Third Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Public Accounts

Chairperson
Mr. Edward Helwer
Constituency of Gimli



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
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WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PUBLIC ACCOUNTS

Monday, May 6, 2002

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Edward Helwer
(Gimli)**

**VICE-CHAIRPERSON – Mr. Jim Maloway
(Elmwood)**

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Mackintosh, Selinger

Ms. Allan, Messrs. Gerrard, Helwer,
Laurendeau, Loewen, Maloway, Penner
(Steinbach), Reid, Rondeau

APPEARING:

Mr. Jon Singleton, Auditor General

MATTERS UNDER DISCUSSION:

Rules and Procedures Pertaining to the
Functioning of the Public Accounts
Committee

Mr. Chairperson: Good morning. I think we have a quorum, so we can start. This meeting has been called to consider the rules and procedures pertaining to the functioning of the Public Accounts Committee. Prior to consideration of these matters, are there any suggestions from committee members as to how long we should sit this morning? Any suggestions?

Mr. Marcel Laurendeau (St. Norbert): Let us take a look at how far we have gone by noon, Mr. Chair.

Mr. Chairperson: Any other suggestions? I believe we should be able to be done by noon, hopefully anyway.

On April 25, 2002, as chairperson of the committee, I circulated a letter to committee members requesting submissions for agenda items or questions requiring detailed answers. A letter with the same request was also circulated by our Clerk Assistant on May 1, 2002, to the new members of the committee. The Clerk Assistant did not receive any agenda items for this meeting. Therefore, we will proceed to consider the matters referred to this committee, that is, the rules and procedures pertaining to the functioning of the Public Accounts Committee.

Did the honourable Minister of Finance wish to make an opening statement, and would he please also introduce the officials in attendance from the office of the Provincial Auditor?

Hon. Greg Selinger (Minister of Finance): I have with me today the Deputy Minister of Finance, Pat Gannon; the Assistant Deputy Minister and Comptroller, Gerry Gaudreau; and his official, Terry Patrick.

I have also with me the Minister of Justice who, as you know, is the House Leader responsible for rules, and I would like to delegate to him the opening statement on the rules if I could.

Mr. Chairperson: The critic for the Official Opposition party, Mr. Penner. Do you have an opening statement at this time, Mr. Penner?

Mr. Jim Penner (Steinbach): No, I do not.

Hon. Jon Gerrard (River Heights): I would just like to comment very briefly that clearly, from the Provincial Auditor's Report, Manitoba has been such an extraordinary outlier that it is clear that there need to be major reforms to this committee and that just tinkering is not going to be enough.

Mr. Chairperson: Thank you, Mr. Gerrard. Yes, Mr. Selinger had indicated that Mr.

Mackintosh would like to discuss the rules, or do you want the Provincial Auditor to make a statement first, Mr. Mackintosh? What is the will of the committee?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Well, perhaps we should just have an agreement as to what the objectives of today's meeting are and then go from there. I am pleased to propose something to get us moving today.

Mr. Chairperson: Thank you, Mr. Mackintosh. Does the Provincial Auditor, Mr. Singleton, have any comment at this time? Do we want to discuss the report or discuss the suggested committee procedures? Did you have any comments, Mr. Singleton?

Mr. Jon Singleton (Auditor General): Just a brief comment. Of course, I am very thrilled that this particular meeting has been scheduled to review the rules of the committee. As I am sure the members of the committee are aware, I have been recommending for a number of years that a number of improvements be made to the rules governing the functioning of the Public Accounts Committee. I find it very encouraging that the committee has scheduled a special meeting to deal with these.

I would just like to make the comment that, as the Provincial Auditor, typically we hold out sort of the end goal as being perfection in an ideal world. We fully understand that this committee needs to consider the unique circumstances of Manitoba's historical precedents around this and work out a set of rules that works for this committee that may vary in a number of ways from some of the recommendations that we have put on the table. I do not see that as a negative thing. I think it is useful for the committee to discuss those and find a set of rules that is satisfactory to everyone.

Mr. Chairperson: Thank you, Mr. Singleton. Would you like to introduce your staff perhaps at this time?

Mr. Singleton: Sure. I have with me today on my right Bonnie Lysyk, who is the Assistant Provincial Auditor and Chief Operating Officer of the Provincial Auditor's office. Sitting behind

me is Mr. Norm Ricard, who is the Executive Director of our Value for Money audit division. Beside him is Marianne Farag, who is a principal of our governance practice.

Mr. Chairperson: Thank you, Mr. Singleton. Now, Mr. Mackintosh, if you would like to introduce the committee report and maybe discuss that.

Mr. Mackintosh: I understand on Wednesday, May 1, it is notable that the new Auditor General Act is coming to force in Manitoba, which significantly increases the powers and breadth of the review available to the Auditor General. We are just playing a little Ping-Pong here, but perhaps if the Finance Minister wants to talk about that I think it does set a context as to what we are doing today.

I think that what is being ushered in is a new era in terms of recognizing the roles and responsibilities of the Auditor General here in Manitoba.

Mr. Chairperson: Thank you, Mr. Mackintosh.

Mr. Selinger: I do have the Order-in-Council coming, which I am going to table on proclaiming the new auditor act legislation which we passed in the last session, last summer. As soon as the stuff shows up I would just like permission to put it on the record. I do not know if you want to do it today, but at some point I think it might be useful for this committee just to spend a little time understanding the powers that have been expanded and increased under the new provincial auditor act. I think it would be helpful if we all understood the new rules and the new powers that the Auditor has, but it does not have to be done now.

Mr. Chairperson: Thank you, Mr. Minister.

* (10:10)

Mr. Mackintosh: We have to get used now to referring to you as the Auditor General, I understand. We are both AGs. *[interjection]* That is Marcel's job.

As I understand their process today and the objective is to have a dialogue to determine if

there is a likelihood of a consensus being available to move ahead with modernizing the rules and procedures of the Public Accounts Committee. After discussions with the Opposition House Leader, the Liberal Leader and the Provincial Auditor and MaryAnn, I do believe that we can move ahead in a very significant way by updating the rules of Manitoba. I think that the changes that appear to be available to us are quite historic, quite frankly, and recognize at the same time that Manitoba does have a unique parliamentary system that has long-established practices and traditions, largely perhaps, not just around the size of the Assembly, but around the political make-up of the Assembly and the partisan nature of the Manitoba House that goes back, quite frankly, some decades.

We think that while maintaining government or ministerial accountability and, as well, ensuring that the change will be successful, we have distributed today, I did ask the committee to distribute two documents. The first one is entitled: Draft Public Accounts Committee Procedures: Proposals for Discussion in Developing Consensus. There we tried to outline acceptable options as well as options where we thought incremental change or where change should not be made at this time. Second of all, we have some draft rules.

I understand that, after today's meeting, we will have further discussions to firm up any available consensus, and then we would go to the Rules Committee that is chaired by the Speaker of the House. That is a consensus committee, and that is really required in order to move on substantive changes to these rules. So there are actually two committee hearings, and then it goes to the House for approval.

Just to reiterate, the Rules Committee is a consensus committee. So, while we all may have different positions, at the end of the day, if this is to succeed, we have to put our heads together and come up with something that we all can live with, because the rules are not owned by a government; they are not owned by an opposition. They are owned by the House as a whole. It is always incumbent on individuals currently elected and just passing through this House that governments never remain in government forever, neither do opposition parties remain where they are currently.

That, I understand, is the process today. We do not necessarily have to come to agreement. If we can, that is great. I think, though, it is an understanding process just to see where everyone is and if we are all in the same tent.

Mr. Chairperson: Thank you, Mr. Mackintosh. There was one other point, Mr. Mackintosh, we had raised with you and our House leader had raised with you, and that is the fact of the special operating agencies. We felt that there should be a 10th point on that acceptable options whereby the committee have the ability to question or to summon the special operating agencies because of the fact that they do use outside auditors in some cases and that the committee should have the option of summoning the minister responsible for those particular special operating agencies. What is the will of the committee here?

Mr. Laurendeau: I think we should go through them one step at a time, have the House leader bring them up. We can discuss each one of the rules or the effect of each one of those rules as they come up.

Mr. Chairperson: So is it the will that we go through the acceptable options first?

Mr. Mackintosh: I understand that SOAs are covered, but I think the Auditor General can speak to that issue as we go through. If that is the wish then of the committee, I can begin by talking about No. 1 and going down the list.

The reason for this document was so that we would not miss themes that may be expressed in the rules but are more disjointed in the draft rules.

The first and I think very important option that we should consider on the understanding that we are making a move and a significant move, we do not know if we are moving too fast or too slow. So, therefore, it is suggested that the Legislature require this committee to review the procedures after four years, that would be in 2006, and report back to the House. That, I think, serves a very useful purpose of keeping the committee mindful of its procedures with a view to determining whether this is working for Manitoba or not, both in terms of its respect for

government accountability and for oversight of the public accounts.

Second of all, and I think that this has been a matter of some contention, and that is that we move to more regular meetings and that—
[interjection]

Mr. Chairperson: Mr. Laurendeau?

Mr. Laurendeau: It would be good, Mr. Chair, if we could agree to each one of those separately as we go along. That way we do not have to go back and review them all.

Mr. Chairperson: Yes, I think we can do that. So let us deal with No. 1 first, the mandatory review of procedures after four years with the report to the House. Is that good, Mr. Penner?

Mr. Jim Penner: Mr. Chairman, is that every four years? Is that the way it is supposed to read?

Mr. Chairperson: Mr. Mackintosh?

Mr. Mackintosh: The rule is No. 42 on page 4 of the attached document. And that just sets out one review in 2006, and at that time I think there can be a further consideration as to whether another review is needed or not. But talking eight years down the road may be a bit much at this point.

Mr. Chairperson: Is there any other discussion on point No. 1 then? We will agree to point No. 1? [Agreed] Okay, we will go on to point No. 2, where regular meetings are to be called in consultation with the Chair and the Deputy Chair. Mr. Mackintosh?

Mr. Mackintosh: I think this is an important rule. Of course, it is a long-standing item of political competition as to when committee meetings are held and not held. The practice in Manitoba, of course, has always been that the Government is accountable for calling committees and it will be accountable to the public. In fact, we just recently had some publicity around that issue, and while it may sting from time to time, that is the whole role of engaging the public in the Legislature and making sure the Government is held accountable for these kinds of issues.

All of the other committees, of course, are called by an order of the House or by an announcement in the House by the Government House Leader, and therefore the Government is accountable for the frequency of committee meetings. However, what is suggested here is that there is some significant movement to temper that practice, first of all, by requiring consultation with the Chair and Deputy Chair, in other words requiring a dialogue and presumably a consensus-building exercise on the frequency and the need for the frequency of meetings.

Second of all, it is set out actually further on down, but is to set out in the rules a minimum number of meetings that must be held in any given year. So this is quite a change in fettering the discretion of the Government House Leader and the Government as a whole.

Mr. Laurendeau: Which rule was it that we were referring to, Gord, on the number? Do you remember?

An Honourable Member: Number 18?

Mr. Laurendeau: This is where I guess we are going to have some discussion, Gord, some different feelings on it. If the committee were truly to operate in a non-partisan manner, which I do not think we will ever be able to do, not in our lifetimes, but to truly be able to operate in a non-partisan manner, there is no problem. The thing is if it is controlled by Government, if we do have an issue, this is an issue for you as well for when you come back into opposition. I mean, you used to fight the same position.

As a government we can control how long the meetings are held. A committee is called for ten o'clock in the morning, by noon it rises, and we do not see it again for another three months. If there is an issue the Government may want to hide from, they turn around and they abscond with the committee and ask questions throughout the committee. The issue that is relevant that morning or the issue that the Opposition or the committee wanted to bring forward never really did get to see the light of day. I do not know if two-hour committee meetings are enough. I do not know. They are not enough. It is as simple as that.

We have got to come around to something that will give a little bit more power to the

committee, not necessarily to call the committee. I mean, if we go to the three, four committees per year, that is fine, but on how we control it once the committee is called so that it does not necessarily have to rise after two hours, if we can come to some sort of consensus that maybe that committee could meet in the morning, come back at night, maybe set a time frame for a couple or three days so that you can have some proper committee hearings.

In some cases you just cannot deal with it in two hours. Governments of the day might decide they want to hide from an issue. So I think we should set out in the new rules some type of mechanism that there is a little more accountability to the public and to the non-partisan committee.

* (10:20)

Mr. Gerrard: I agree with the member from St. Norbert on this issue that the performance of Manitoba has been so terrible under this Government and indeed the last government in terms of the meetings of the Public Accounts Committee. Compared to the other provinces, this comparison of the number of Public Accounts Committee meetings by jurisdiction shows that Manitoba is almost off the map compared to the other provinces. The average of the other provinces is about 40 meetings, which is about one a month. Three times a year does not even meet the provincial average of other provinces.

As the member for St. Norbert (Mr. Laurendeau) has indicated, it is not only the number of meetings which is important, it is how the meetings are organized and how you achieve an adjournment as well as the call of the meeting. I think there needs to be some more fundamental reform than this. I think that if the committee just goes to this that it will not be regarded as sufficient or real evidence of willingness to change.

Mr. Jim Penner: Mr. Chairman, I would not like to see us have meetings just for the sake of having meetings and looking good on a chart, but I would like to see us work on agendas, and when we have an agenda of meaningful discussion that a meeting be called within the week or whatever. Rather work in the direction of, like

Mr. Laurendeau said, we would not become apolitical, but certainly we could become meaningful in a lot of respects simply by working from an agenda and being able to prepare for the meeting even insofar as that the public may know that there is a Public Accounts meeting and what the agenda is so that we can deal openly. I think part of the process is to establish openness.

Mr. Chairperson: Thank you, Mr. Penner. If you will notice in the rest of our rules, we will have no in-camera meetings. They will all be public, so I think that part is covered off. But the number of meetings, is it the suggestion, Mr. Laurendeau, that we increase the number or that we have a different method of adjourning the meeting at a particular meeting?

Mr. Laurendeau: Mr. Chair, I would just like to have some open discussion on the issue to see if we can come to a consensus that would work. If it is going to be a truly nonpartisan committee, and that is one of the recommendations from the Auditor in the past, that is the way it is operated in a number of areas. Let us have some true consensus on this issue; let us have some discussion on how we can make it work.

By the way, Mr. Chair, you were wrong. You can always hold an in-camera meeting at any one of these committees, it has just got to be moved. You do not need a specific rule.

Mr. Mackintosh: Well, I think it is a matter of striking a balance between starting a committee process that just goes off on its own and could cost unbudgeted amounts. It could become a complex legal machinery that is not, I do not think, where anyone on this committee really intended the committee to go. At the same time, having more frequency of meetings in response to issues that it is raising is an outstanding item, then, that I think we should have discussions on over the next week or so. Perhaps we could find some middle ground there but I think I have just expressed what would be a concern—there is no other committee of the House that can meet on its own. This Assembly has always, I think it has always been an important part of our democracy here that committees are creatures of the House, and are accountable to the House; it is the House that sets the committee meetings. So, I would be

concerned about moving from that because the question is: What committee is next and will you just go off and start to review items that the Assembly has not prioritized or referred to the committee? So, I think that that is clearly an important issue as expressed by the members.

Mr. Gerrard: I think that there needs to be some safety valve so that the Government cannot just talk out the two hours, and that either the adjournment is set in a fashion that will give need for bipartisan agreement on adjournment time or, if there is not bipartisan agreement, that the committee must meet once more, Mr. Chair, within a week, to allow completion of the discussion which was started. I think that it is not necessarily just a matter as we have talked already of setting so many meetings; it is a matter of setting procedures which will allow for an adequate discussion.

I would, also, in the context of having a functional Public Accounts Committee, like some clarification in just how the agenda for meetings will be set. Because, clearly, that is going to be an important issue and it is not entirely clear from this document, the origin or origins of the agenda for each meeting.

Mr. Mackintosh: In terms of the last question of how the agenda is arrived at, I understand that the Chair and Deputy Chair would be doing that work in reflecting the matters referred from the House. But how it does its business, I think, is developing practice now.

Just to conclude, then, I think there have been some suggestions as to how the number of meetings can be dealt with, and so I look forward to discussing that with the Opposition.

If I can move on then to the next issue, and we can canvass and see what the outstanding approaches are in that.

The next one is the enhanced continuity of committee membership. Personally, I have been keen on this one for some time going back to my years in the Clerk's office. I have noticed in some other Chambers where cadres of specialized members are assigned to particular committees. That does allow for legislatures or even governments to empower committees to do

some inquiries, for example, into certain areas. Usually they are more non-partisan matters. I recall in Ontario, for example, there was a committee that dealt with mining in the province, and they were given the responsibility to go and look at mine safety laws. I do not think Manitoba has developed to the extent that it could, in that area, for example, in matters dealing with agriculture as a matter where clearly there can be a specialized cadre that is backed up by a better continuity of standing committees.

The issue here, though, is raising the context of the Public Accounts Committee, and I do not have a problem with enhanced continuity starting with Public Accounts Committee. In fact, I do embrace that. I, more recently, had discussions with representatives from the Opposition, and there is some concern about that. I think there is further dialogue needed there, too. I admit that just after discussions late last week with my counterpart. So, I think we should have some dialogue on that one. I would like to see some movement on that.

I also understand the oppositions like to stack committees with certain members with a certain interest, depending on the matter before Public Account Committee, recognizing that the policy areas that come here vary from meeting to meeting. I think a balance is necessary. I think we have to move ahead, though. I think it is a sign of a more mature democracy when we can start to create these cadres, and, like I say, it need not be only in Public Accounts. I will leave it at that for now. Perhaps my counterpart from the Opposition would like to put some remarks on the record.

Mr. Laurendeau: I think the House leader has basically brought the issue forward that we were discussing. It is on the continuity side. It is a little difficult sometimes to not be able to, if you want to put it that way, stack the committee. Depending on what is coming forward and what the issue of the day is, we might want to have a different critic on the committee. The rules of the House today, I do believe—I will have to ask the Clerk, but back under Wally Fox-Decent we had actually set up that the continuity committees back then, under the Wally Fox-Decent report, where all committees were

Decent report, where all committees were supposed to be continuous, and just be replaced and then fall back. I do not know what happened with that; I will have to ask the Clerk to review that.

If you check back to the Wally Fox-Decent, when we passed it in the House, all our committees were supposed to remain the same and we never did follow through, we never followed the rule actually. We just kept replacing, as is our ability as a House. That was one of the reports in the Wally Fox-Decent report. Continuity committees was discussed back then and, actually, the discussion went the same way that the Opposition of the day wanted to be able to put on the people who were reflective on those committees. If you sent something to law amendments today, a bill, we have to make sure we have the critic that is responsible for that bill on the committee; that is why we replace them. We can look at the continuity committees, but I think that will be something that we look at on the general side and I think it is already there anyway. I think we will just have to come to a consensus how we have been dealing with it in the past.

* (10:30)

Mr. Mackintosh: If we just agree that, actually, Nos. 2 and 3 are outstanding then? There is no sign off on that, and we will have further discussions on No. 3 as well. On No. 4, the mandate of the committee being specified. This will be the first committee, then, of this House to have a specific mandate that goes beyond just the title of the committee. We really are looking at Rules 3 and 4 there. It may be useful for members just to look through that. That, I believe, as I recall, was as recommended by the Provincial Auditor. I do not think there are changes, or at least not any significant change there. It does reflect, I understand, as well, the new Auditor General legislation very significantly. It does expand the scope of this committee to look at private corporations and private interests and what has, historically, not been thought of as organizations within the domain of the public sector. Those are only organizations that receive public monies.

Mr. Chairperson: Is there anyone else that would like to make a comment on that particular item?

Number 4, the mandate of the committee. Any problem there? We agree to that then.

Mr. Gerrard: In light of the comment earlier about special operating agencies and so on, it would seem wise to include as 3, sub-part 2 after Agencies, including special operating agencies and similar bodies.

Mr. Chairperson: Is that on No. 3 of the proposed terms of reference that we are talking about, Mr. Gerrard?

Mr. Selinger: Yes, I think the language "Crowns, agencies and recipients of public money" is very broad and would cover SOAs, but I think we can just take as understood that it includes SOAs.

Mr. Chairperson: Thank you.

Mr. Mackintosh: I have not heard an opinion to the contrary that SOAs are covered. I understand that absolutely they are covered. *[interjection]* Yes, it is a wholly owned subsidiary agency of the Province of Manitoba. I think where some of the grey areas arise will be where there are some grants that go to private corporations and so on.

I am sure there will be interesting times ahead, given the new scope of the Auditor General, because it raises all kinds of issues about the disclosures here and the debates, how that affects competitive positions of corporations, for example. This is a real new area for Manitoba. I understand it is based on practice elsewhere.

Mr. Chairperson: Thank you. So on item No. 4, is it agreed the mandate of the committee is specialized? Okay.

We will go on to No. 5.

Mr. Mackintosh: This is the ability to make recommendations to the House and follow up on recommendations. That really is an expansion, it is a clarification, but it does seem to be a move forward. The most important change there, though, is follow-up on recommendations and that is where the committee is actually given a bit of a life of its own.

That to me is very significant. For any government, there is a concern there about a

committee taking on a life of its own, that it will self-direct its work. That is only tempered by, again, the Government House Leader still being accountable for the calling of committees and referring matters to the committee, but if the Chair and Deputy Chair want to follow up on recommendations, that will now certainly be part of the mandate of the committee.

Mr. Jim Penner: Mr. Chairman, to follow up on recommendations requires a process because 10 or 20 of us cannot get involved in a follow-up. I would suggest that to follow up on recommendations we need an executive committee of three people who would be the follow-up.

Mr. Mackintosh: I do not think there is anything to prevent the Public Accounts Committee from breaking into working groups. I think that the committee would have to discover on its own as to how to organize itself.

Mr. Chairperson: Any other comments on item No. 5? If not, does everybody agree then No. 5 is okay? Thank you.

We will go on to No. 6, the proposed amendments.

Mr. Mackintosh: Speaking of a proposal that came from the then-Provincial Auditor, any amendments that affected the role of the Provincial Auditor, which would be that office's governing legislation, would come here before it went to the House for first and second reading. We just thought that we should just stick to the established process of bills going through first, second reading, committee stage, report stage, third reading, Royal Assent. In other words there would not be a committee stage put in before first reading. It just seemed rather awkward. I think all those issues can be dealt with by the bill coming here to this committee, required by the rules, after second reading has been granted in the House. So in other words, we are creating a specialization here. I really like this idea. I think this is very positive.

Mr. Chairperson: Any other comments on that?

Mr. Selinger: I just have the Order-in-Council that I will distribute for everybody, copies of. Give it to one of the AGs. I have the legislation

as well, which we all received a copy of last year, but just in case people want to have quick and ready access to it, here it goes again.

An Honourable Member: Is it all gone through now?

Mr. Selinger: Pardon me.

An Honourable Member: Is it all done now?

Mr. Selinger: I think it is, yes, until we come back and review it again at committee.

Mr. Chairperson: Mr. Minister, you will be tabling this in the committee this morning?

Mr. Selinger: Yes. Can I speak to it a little bit?

Mr. Chairperson: Yes, Mr. Minister.

Mr. Selinger: I just want to say that we passed this legislation in the House last spring, and I believe it was about 20 years since it had been updated. Not only do we change the name from Provincial Auditor to Auditor General, but I think we have included in here several modernizations of the role of the Auditor General, including the ability to do value-for-money audits, which is something that auditors have been moving into over the last, at least, decade. Now they can officially do that. This moves auditing into, what I would call, new territory. Normally they do a test auditing, or what some people used to call bean counting. Now they can do value-for-money auditing or looking at whether programs are achieving their goals of effectiveness and efficiency.

There are new methodologies required in that and new skills that come along with that. I noted this morning that there was an executive director announced of the value-for-money auditing division. It will be a challenge for us to watch this as it evolves and to ensure that it is done in an appropriate fashion. I am sure that it is a challenge to the Auditor's office to build the skill sets required to make this a valuable activity.

There are other provisions in here. I do not want to go into all the details right now, but I think at some point it might be helpful if we just

reviewed it again, as a committee, to understand what each of the new sections mean and what powers it confers upon the Auditor, and therefore this committee, in terms of things they can ask for and make queries on. I will leave it up to a later date when we can go over that. Thank you.

* (10:40)

Mr. Chairperson: Thank you, Mr. Minister. Are there any other comments on item No. 6?

Mr. Singleton: Mr. Chairman, I guess I cannot let the public announcement of the proclamation go without making some comment myself. I think this is a very important step forward in our legislation. I think all members of the Legislature ought to be complimented for their diligence and their care and concern, to look to bringing these amendments forward, and approving the new act.

I did also want to point out that at the Speaker's reception last Christmas they had a contest to count the number of jellybeans in a jar, and I will have you know that I won that contest. It was a tie. I have to confess there was a young woman who also got the right number.

An Honourable Member: Did you hire her?

Mr. Singleton: Made an offer on the spot, right?

The minister is quite right in a number of perspectives. While we have been doing value-for-money auditing for a number of years, it has not been specifically sanctioned by the Legislature. We basically have been hanging everything on a section in the previous act that said we can bring to the attention of the Legislature anything that we think they might be interested in. So we have been hanging all kinds of work on that one little phrase. For me, it is very positive to have the members of the Legislature say: Well, yes, you have been doing the right thing, and we specifically want to set out in your legislation that that is what we expect you to do as our Auditor. So the sections on value-for-money auditing, the compliance with authority and the auditing of recipients of public monies.

Just briefly, the other important section that I think will help everyone, in the test of time, is the additional authority that we have over government-appointed auditors. Where the Government appoints an auditor of a Crown corporation or an agency, we now have specific powers to require those auditors to co-operate with us in making sure your concerns are addressed when that audit work is being done.

Mr. Chairperson: Thank you, Mr. Singleton. Are there any other comments on No. 6, the proposed amendment? If not, is it agreed that we adopt that with the condition, with the proposed suggestion from the minister that we do have a special meeting to discuss and familiarize ourselves with the Auditor General legislation? Is that the will of the committee? Agreed? *[Agreed]*

Okay, so No. 6, adopted. We will go on to No. 7.

Mr. Mackintosh: Next is the stronger role for the Chair. Some examples of the stronger role is the ability to question, which is very unique, and would be the only committee where the Chair can pose questions. I think the significance should not be understated. On the other side, though, I guess it could be argued that chairs do question by asking someone else to come and take the Chair while they sit over on one side of the table or the other. This is certainly significant, Mr. Chair.

The second is the consultation process that would be mandated with the Deputy Chair and the House Leader, in terms of meetings. There will be further consideration about the number of meetings. Finally, the ability to make statements, albeit statements approved by the committee to the House, recognizing that the Chair should not be able to get up in the House and make a little speech about how much public monies are flowing to the constituency of Gimli or whatever might be the pet peeve of the Chair. The Chair does have that ability to raise those matters in the House with approval of the committee.

Mr. Laurendeau: Move it on, Mr. Chair, with the powers that you are about to receive.

Mr. Chairperson: So we are all in agreement with No. 7.

Number 8.

Mr. Mackintosh: I think it is clear that the regime governing what documents are publicly available is FIPPA, and I think that is probably the best way to word this section. There was earlier wording suggested about respecting Cabinet secrecy, but I think that we should just stick to established rules that are being tested on a regular basis.

Mr. Gerrard: One question here. One presumes that the committee would, in some fashion, be able to have accelerated access to FIPPA documents because, as you well know, there have been, on occasion, some significant delays. Mr. Chair, I would think that it would be not enough just to state that this committee can work through FIPPA. You do not expect the committee to actually be requesting documents through FIPPA, I presume. But it is the same documents which would be available under FIPPA that should be available in some sort of accelerated procedure to this committee, one would hope.

Mr. Laurendeau: One of the things when we had the discussion on this, and you can correct me if I am wrong, was that we could request the documentation here at committee and, as in the past, if anything fails, then you go to FIPPA. They are just saying the guidelines that we will acquire this information are according to FIPPA. So it is not changing anything we had in the past. It is still going under the same rules, basically. Only we have got access here, we can ask for them at committee. Is that not correct?

Mr. Mackintosh: That is my understanding. The auditing process that, through which, I presume, most of the documents would be made available. I also remind members that, under FIPPA, there is a relatively strict time line in giving the documents. If there is not, there is a public accountability mechanism which would be enhanced by the committee being the person requesting the information.

Mr. Chairperson: I think what Mr. Gerrard is talking about is whether we would have explicit

power, but I believe all MLAs have the power. They all have the ability to access documents through FIPPA, so I believe all MLAs are still equal.

Mr. Gerrard: I am just trying to get a little bit of clarification. You do not want us to be sitting here filling out FIPPA forms in the committee, that in fact there is a process that would allow for access to documents, which does not mean that we are filling out FIPPA forms, right?

Mr. Jim Penner: Well, the way I was reading No. 8 was the explicit power to access documents according to FIPPA. That means that what FIPPA would release, we can access. We would not have to fill out the request for information. Am I reading that correctly?

Mr. Chairperson: I believe the committee members would have access. Am I right?

Mr. Jim Penner: What FIPPA would give you if you filed a request, this committee can get without filing a request.

Mr. Laurendeau: Maybe we can simplify this, but if the committee were to request a document, the minister responsible would take a look and see if it fell under FIPPA. If it did, he would hand it over. If it did not, he would not hand it over. Then a committee member would have to apply through FIPPA to try and access it, and then he has his other ways he can try and access that documentation as well. Everything still remains the same. Only the committee can make the request. The minister looks upon it as: Would FIPPA make me give this documentation over? Yes, okay, here it is. I think I am saying it in a simpler form, but that is the way we have discussed it.

Mr. Selinger: Well, I think the Member for St. Norbert has expressed it correctly. Anybody being requested a document would make a ruling or a judgment on whether it should be provided under FIPPA and then would make the decision to provide it. If they for some reason decided not to, it is still challengeable under FIPPA, and so the FIPPA legislation acts as a protection, if you will, in the case of a recalcitrant minister who did not want to provide a document because he thought it was outside of FIPPA requirements.

So you still have a third party you can go to, if the minister does not believe the document should be tabled.

Mr. Singleton: This is just a question for the members of the committee in terms of the wording of this section. If you look at section 25 of The Auditor General Act, dealing with the working papers of our office, it indicates that they are to be held confidential and not to be laid before the Assembly or any committee of the Assembly. Of course the act would supersede the rules, but I just wonder whether it might be useful in the rules to refer to that limitation on the committee's access to information as well.

Mr. Chairperson: Thank you, Auditor General. Any other comments?

Mr. Mackintosh: I think we should do a follow-up and have some further discussion on that item. So I will just clarify that, look at the section in the act and see if it should be reflected in the rule just to make it clear.

Mr. Chairperson: Is that the will of the committee? *[Agreed]*

We will try to clarify that. Number 9, professional development.

* (10:50)

Mr. Mackintosh: The section in the rules which should be referred to is No. 40 on page 4. The check and balance that was put in there following the recommendation made earlier was that it still is at the call of the House leader. There is still government accountability to guard against the Public Accounts Committee, and I am sure they would not want to do it, but they start going off to conferences and conventions around the world. Government has always been held to account for the oversight of committees in that regard. But what it does do and the step forward is to recognize that professional development could be important and that it should be enabled.

Mr. Chairperson: Thank you, Mr. Mackintosh. I think one example of that would be our familiarizing ourselves with The Auditor General Act. That would be an example of that.

Any other comments on item No. 9? It is agreed then we agree on No. 9? *[Agreed]*

Mr. Laurendeau: Mr. Chair, I do believe we have reached a fairly good consensus point on one to nine actually. There are a couple of issues we have to discuss some changes on, but everything that we have basically stated we already basically agree with as it is written, other than a possible amendment for the Auditor General. I think we should look at the other changes, possibly a little later. I think it is important that we get this committee up and running in that open fashion as soon as possible. I would recommend that we send one to nine off to the Rules Committee under a consensus position the way it is written existing with the amendment from the Auditor that he was requesting. And that we agree that we will over the next, say, six months, do the review on those items that were still outstanding so we do not rush into them and make mistakes. So we can do them right in the future.

Mr. Mackintosh: I am just wondering if we should not, quickly though, do the other five, because I do think it speaks as well to positive rule changes. That is the first issue that I raise. The second issue, is the member then saying that we should adopt all numbers one to nine but exclude two and three, and leave the status quo for two and three? Or should we engage in further dialogue on two and three over the next few days?

Mr. Laurendeau: I would say we do one to nine in the format that we have got here. We will say that we have got consensus at that point, but we believe there should be further discussion on two and three. We can always bring that back within the next six months so that we at least have a starting point, and nothing prevents us, over the next six months, from coming forward in another consensus position. At least, Mr. Chair, we will have consensus on what is before us today, and if we can make further enhancements let us do them in the future. Let us not prevent the enhancements of the committee or block them today because we have a couple of disagreements.

Mr. Chairperson: Thank you, Mr. Laurendeau. So your proposal is that we accept items one to

nine and that further discussion will be held at either at the Rules Committee or at a later date on items two and three and eight, I believe it was. Is that the will of the committee or do we want to at this time discuss the other items, the one to five further down. Whether they would have any effect on items one to nine or not, I do not know. Mr. Gerrard first and then Mr. Mackintosh.

Mr. Gerrard: I think it would be important before moving on this to, at least, review the other five in case there are some items that we could agree on. I think it is also important that we recognize that if we proceed in this fashion, that it does not take us off the hook for substantively addressing the additional changes which are going to be needed to make this a committee which functions in a more comparable basis to other provinces. I think that this is not enough by itself, what we have got in terms of one to nine, that we have to go some steps further.

Mr. Mackintosh: Number 1 in the second list, then, really is that move toward more independence from the Government, but still maintaining ministerial accountability through the Finance Minister. That was a compromise, if you will, it is a movement piece.

Mr. Chairperson: No problem with that. Does any member have any comment on that? Fine. We will carry on.

Mr. Gerrard: Because this has been reviewed in other jurisdictions, I would like to ask the Auditor General, most other public accounts committees, provincial ones, as I understand it do not have Cabinet ministers on them. Perhaps the Provincial Auditor would comment based on his review of other provincial committees.

Mr. Singleton: The member is correct that in, I think, virtually all other jurisdictions there are no ministers on the Public Accounts Committee. But this ties back to my initial comments about where this committee has been and where it is going. As you correctly identified, I have been quite critical about where the committee has been and where it is going and the lack of powers and the lack of process that it has had. And, well, sure I would like it to move all the way to the nth degree; I think it is a very prudent

and reasonable approach to say here is what we can all live with and moving along that direction for now, and the four-year review gives a chance for people to say are we more comfortable now with the way this is working and perhaps at that time the Minister of Finance could be removed from the committee when one sees how it works.

Some of the concerns around having the Minister of Finance attend all the meetings, some are practical in terms of the Minister of Finance tends to be a very busy person, so it could be difficult for him to attend a lot of meetings if the committee starts to meet more frequently, and there is always a risk that it will jeopardize the non-partisan nature of the function of the committee when the minister is there who is potentially a target for questions. Having said that, if the committee were to compromise on this approach, I think it is a very reasonable first step at this point in time.

Mr. Mackintosh: Given the partisan nature of our committee process in the House in Manitoba, one can find arguments on the other side, having the minister there or not there. The Opposition, I think in Manitoba, would want the minister there to be in the hot seat perhaps from time to time or accountable. I think the Government can make arguments that the minister should be off doing other things, and I think the Finance Minister certainly and rightly does express concerns about the time being spent on Public Accounts Committee. I can go down a list of arguments pro and con, but I just think this is a prudent step forward, and let us just see how this goes.

I know in Ottawa, for example, a minister would never be a member of any standing committee. He would be only there on the invitation of a—that is just a process that is very foreign to Manitoba. We have always maintained strictly, I think, an emphasis on the accountability of Government, both in the sense of Government wanting to be able to defend its decisions and actions and the Opposition wanting to focus on the elected members on the Treasury bench.

Mr. Chairperson: Okay, Mr. Gerrard.

Mr. Gerrard: Well, I just wanted to make clear the reasons why in other provinces there are not

ministers, including the Minister of Finance, and I believe that we do not need the Minister of Finance. I believe that the Minister of Finance being on this committee will likely make it more partisan and more problematic in terms of strong functioning of the Public Accounts Committee. Now I know that we are only going to go so far today, but I thought it was important to make that point clearly. Thank you.

Mr. Jim Penner: Mr. Chairman, I recognize that there are differences in the way different jurisdictions are managed or the committees are structured. I think it is prudent though to have a member of Cabinet at this committee and that the person representing Cabinet should be the Finance Minister.

Mr. Laurendeau: There has been discussion on this issue. I guess we continue to go around and around. I think we have reached a fairly good compromise. Another compromise which I would have liked is we would like to have you at the committee all the time, Greg, but not necessarily sitting there. Sitting as a witness at the other end of the table would be the best place, but I think we are willing to meet the compromise, even though that is where the ministers actually should be with their staff is at the other end of the table being questioned. I think it would take away some of that partisan approach if they were actually over there and not next to the Chair—[interjection] No, Estimates, he is sitting there.

* (11:00)

Mr. Mackintosh: Could we sign off on that one? Could we recognize this as a compromise and a consensus position. I think this is a big step forward, at least, No. 1. Thank you. Number 2. There is no use going there. We have already dealt with that as No. 2 in the earlier list.

Mr. Laurendeau: Had we not said we could go to four on that one, four meetings.

Mr. Chairperson: Rather is that "up to three meetings," Mr. Laurendeau, extend that to four.

Mr. Laurendeau: Quarterly.

Mr. Mackintosh: If the Opposition House Leader is suggesting a minimum of four meet-

ings a year rather than three, there may be grounds for a consensus there and we can put that into the rules.

Mr. Gerrard: Well, I think that any move to bring us a little bit closer to what is the practice in other provinces, I mean this is a small step and still we would have far fewer meetings in almost every other jurisdiction in the country. So, yes, let us move to four.

I would ask, in relationship to this, there is not a clear statement here about how the committee meeting is adjourned or how it is ended. I think that is important that it be set down somewhere in the rules and procedures.

Mr. Mackintosh: On the understanding then that there is this new constraint now on Government, that there be a minimum of four meetings a year and the consultation process with the Chair and Deputy Chair, and just to make it clear that the issue of how we deal with adjournments is not a matter then that is addressed in the rules. The practice would continue. So that is an outstanding issue.

Mr. Chairperson: So it is agreed that we adopt No. 2 at this time then. Number 3.

Mr. Mackintosh: I suggest, since we seem to be making some movement here, maybe there is something we can do about continuity too. Maybe, there is some little move we can make there then. I would like to see some movement. As I said earlier, I do feel strongly that if we do some check and balance so that all the members of the committee are not removed, some check and balance, but maybe over the next few hours or days we may be able to pull that in. We will see.

Mr. Laurendeau: I do believe we can leave that to the existing rules because I do believe continuity is in those rules already, but we can review how we have been dealing with that and look at it for the future for all committees.

Mr. Mackintosh: Number 3 relates to proposed rules Nos. 23, 24 and 25. We recognize that the committee can of course have in-camera meetings, at its own discretion, as any other standing committee. This just gives some guidelines. Again, it is only permissive still, but there was

an earlier draft that said the committee could go in camera in dealing with a broader list of issues. I thought that might invite the committee to go in camera more often than may be in the public interest. So this is just a balance. Again, this is only permissive, in any event.

Mr. Laurendeau: I am trying to see why we need this rule at all, Mr. Minister, when we already can go in camera as a committee at any time as we so choose with the existing rules of today. If our AG recommends that we go in camera on an issue, I think that we go in camera on the issue, but the committee will make that decision. We are not very well-known for going in camera on easy issues. We have moved a motion and it has failed to pass. We have dealt with the issues in the public in the past. As well, we have gone in camera when we have had our meetings with the House leaders in the back and discussed why we were going in camera. I do not know why we have to define what we are going in camera for when we have always been able to do it in the past.

Mr. Singleton: I just had a technical point, Mr. Chairperson. I just wonder whether in 23 it should read: subject to rule 24, rather than 25.

Some Honourable Members: Yes.

Mr. Chairperson: Okay, I think that is agreed.

Mr. Mackintosh: Well, the proposal is that the whole section come out. The argument for putting it in is it recognizes that this committee does have in-camera meetings and there is some regime around it, but I think we have to be open to what arguments are there. I do not feel all that strongly on this one.

Mr. Selinger: I am just thinking about this and reacting to the comment of the Member for St. Norbert (Mr. Laurendeau). The only advantage of having this here is it gives some guidance as to when it is appropriate to have in-camera meetings. That might be helpful. I would not want the committee to inadvertently have a public discussion about something that should properly be handled in camera and then discover after the fact that they have goofed up, for example, a police investigation or something with respect to a private company that might

result in litigation against members of the Legislature. I just think this adds a little bit of clarity as to when it is appropriate to go in camera. I do not think that is a bad idea, given the sensitivity of some of these issues. I am just going off the top of my head on that, but I just think it helps give us a little guidance.

Mr. Jim Penner: Okay, then, Mr. Chairman, would it be better just to take Rule 24 and soften it a little bit by saying in-camera meetings should be considered, well, may be held. Yes, that is the same thing.

Mr. Chairperson: "May be held," I think, would be the proper wording there.

Mr. Mackintosh: Do I take that then as a sign-off on that.

Item 4, how we deal with witnesses are set out in parliamentary law; The Legislative Assembly Act and the rules deal with that. I think if we start putting in a specific regime respecting witnesses for one committee, I think it begs the question as to why you do not do that for others. I thought we would just let the current procedures continue, and just to remind members of course that the Assembly has the power to call witnesses; the committees of the House have the ability to invite.

Mr. Chairperson: Thank you, Mr. Mackintosh. Any other comments on that item 4? If not, I think we can agree on that one. Item 5.

Mr. Mackintosh: Number 5 is responding to a proposal that there be annual reports. I think this committee has full ability to report on everything that comes before it and does so. Instead of creating a report which I think would just duplicate work done, that we just let the current reporting mechanisms work.

I agree this is something the committee can consider over the next number of years if they want to change, but there is no use giving it work that does not make a difference in terms of what it reports.

Mr. Jim Penner: I understand that this committee can come before the House and report at any time. Is that right?

An Honourable Member: That is correct.

Mr. Jim Penner: So that is sufficient, would it not be?

Mr. Chairperson: I believe that is correct, yes. If there is any other further discussion on the items we have discussed, the proposals and the acceptable options?

* (11:10)

Mr. Gerrard: I wanted, before we conclude this part, Mr. Chair, to just review the guidelines of the Auditor General for an effective Public Accounts Committee and touch on four points which I think we have not adequately dealt with here.

Let me start with the right to review proposed changes to the provincial auditor act as well as changes to its own mandate. Now, as I look at the mandate of the committee, although indeed we are undergoing a review of terms of reference for the committee, it might in fact be worthwhile putting a clause 1(iii), that deals with the ability of the committee to review its own mandate from time to time. To some extent this is covered in the review four years from now, but it would seem to me that review, full review, four years from now should not include the possibility of looking at changes in the interim. I have some other points but maybe we can deal with these one at a time.

Mr. Chairperson: Who would like to comment on that?

Mr. Mackintosh: It just reflects, I guess, the rule later on requiring the committee to review and make recommendations to the House on the function of the committee. I think it just makes it clear then that that is within the jurisdiction of the committee.

Mr. Chairperson: I believe it is also the jurisdiction of the Government, really, to be able to have that ability, to be able to, if some member feels strongly about that, there are other ways of dealing with it that will end in legislation.

Mr. Gerrard, did you have any other comments on it?

Mr. Gerrard: No, just in reply to this. Do I hear that, in fact, there is consensus to include a clause which relates to part of the mandate of this committee is to conduct periodic reviews of its own self and its terms of reference and function?

Mr. Chairperson: I believe the committee will have that right to be able to examine whatever the committee does and recommend any changes or any improvements to the committee. I believe that is covered off in our committee.

Mr. Laurendeau: I think Doctor Gerrard had asked for an actual amendment to be put in. Can we see exactly where you want to put it again, Doctor G?

Mr. Gerrard: Clause No. 1 deals with the, and 2, deals with the mandate of the committee, right? It starts out: The mandate of the Public Accounts Committee is to: (i) examine the financial administration of public assets and so on and so forth; (ii) review amendments to legislation.

I think that there should be a (iii) which is: conduct from time to time reviews of the functioning of the committee and the terms of reference of the committee.

Mr. Chairperson: Agreed?

It would be (iii). Do you want to make a formal motion?

Mr. Laurendeau: We should have a formal motion before we send this all off to committee.

Mr. Chairperson: I believe we will have, at the end of our discussion, a formal motion. That is correct.

Mr. Mackintosh: It might be simply addressed by moving No. 42 and taking the same language and just making it 1(iii). That is really the same point. I just do not want to be redundant here and have it twice. If you want to move it up front for positioning purposes under Mandate, I think that language might suffice.

Mr. Gerrard: The mandate to review the rules and procedures should not be just in 2006. I

mean, if something comes up in the interim, the committee should be able to review and make changes and suggestions.

Mr. Mackintosh: Then I recommend that we take the language and just put the period after "rules."

Mr. Gerrard: Having dealt with that, the second item that I want to check on is the recommendations of the Auditor General, that the committee have the right to request the Provincial Auditor to conduct specific reviews.

Mr. Mackintosh: I believe that is covered in the new legislation. We can go over that if you wish. That was one of the additions to the new legislation.

Mr. Gerrard: Perhaps I could ask for some clarification from the Auditor General in terms of how he sees the role of this committee and whether it is fully covered off that the committee could make requests to the Provincial Auditor to conduct specific reviews.

Mr. Singleton: Okay, I will draw Doctor Gerrard's attention to items 30 and 31 in the proposed rules. The first one is that the PAC may request the Provincial Auditor to perform specific reviews or tasks, and then 31 requires it to be the whole committee be behind that request. So I think your concern is covered off in the rules.

I would just say further that any member of the Legislature who has a concern they would like us to investigate is welcome to come talk to me at any time. If we think the matter warrants it, we would initiate a review on our own.

Mr. Gerrard: The next point I would like to bring up is the discussion around the recommendation that the committee have and use the powers to summon persons and examine papers and records and have the right to call witnesses and take testimony under oath.

I know that some members of the committee feel a reluctance to go this far, but I would like at least to have a discussion here, because I think if we are going to move this committee to have a more substantial impact on improving the public

accounts of the Province that it would be a reasonable thing to do.

Mr. Mackintosh: Well, the committees of the House have inherent powers and legislative powers which remain unfettered. I think that speaks for itself that there are established parliamentary laws regarding investigations that standing committees of legislatures can make. We are part of that body of law. I think if we start setting out certain rules we could skew the application of those rules. We should just let them proceed.

Mr. Laurendeau: Part of the problem though with the way we have this structured now, Mr. Minister, the PSAC may request a Provincial Auditor to perform specific reviews or tasks, that works, but the minute you go to a vote are we not putting our Auditor in a sort of a precocious position when he has to start saying: Oh, the Government voted against it and we have four members on the other side voted for it?

If we are taking an independent office and saying we are operating as a non-partisan committee and an issue comes up and we vote to say we want this investigated and the government says: No, we do not want it investigated, and the opposition says they do, as an independent officer of the Legislature, he basically already has his marching orders from the four who voted against it, saying: We want it investigated, because he cannot take his marching orders from this committee. We do not direct him, as such, to make a report or to investigate. I think this sort of puts our Auditor in a funny position. I would just like to hear from the Auditor on what type of position he would be in if we voted one way and the Government voted another.

Mr. Singleton: Well, I guess I would make a couple of points.

First, in the wording of the rule, which I think is appropriate wording, the word is only "request," in the first place. So even though the whole committee may have requested that we conduct a certain audit, that does not necessarily mean that we would. I mean, we would still have to assess the merits of the request. Frankly, in

practical terms, I cannot imagine a situation where the whole committee would ask us to do something and we would refuse to do it. I think that might have certain other consequences. In principle, it is a request to the office.

On the question of where the committee was not unanimous or had not achieved consensus in that request, the fact that there were four members of the Legislature that felt strongly that we should conduct a certain audit would be an important message to us, regardless of which side of the Legislature they were on. We would take that particular information back to our office and review it, as we would any other information we get from citizens of Manitoba, only recognizing that because we report to the Assembly and we report to all members of the Assembly it is my view that I would, and any of my successors, give particular weight to concerns of the members of the Legislature in forming a decision as to the appropriateness of a review, and that that would be done without fear or favour.

Mr. Gerrard: I could ask the Auditor General to comment as well about the comparative powers that we would have in this committee as it is now constituted compared to what happens in other provinces. The concern which I think is in part at the bottom of what the Member for St. Norbert has raised that even though the powers of the committee might be there it may be very rare that this committee, as it is now set up, would actually exercise them because of the potential for the Government to continue to control the agenda.

* (11:20)

Mr. Singleton: Just let me make the comment, to start with, that every jurisdiction of the Government has a majority on the committee, and that is just a practical fact of the way our democratic systems work, so that in practice in every committee the Government, of course, can, through its majority, enforce a particular vote. That is not unique to Manitoba. Beyond that, I do not feel confident commenting on the distinction between the powers that this committee would have under The Manitoba Legislative Assembly Act versus the powers that other committees have. I would suggest that, given that

those powers are there, it might be practical to continue to work with that act, and if in fact there are some limitations that the committee identifies in that in the future, then your section in terms of reviewing the mandate would be the opportunity to bring that matter forward for discussion.

Mr. Chairperson: Thank you. Then I guess our next item would be to adopt these. We need a motion to send these to the Rules Committee.

Mr. Mackintosh: It is just important to remember, of course, that this is not the rule-making group, and I think that general discussion has to be taken into consideration now. I would not recommend that we actually adopt specific wording. I think the Rules Committee should have the ability to construct its own wording. It is just our general recommendation on certain themes.

Mr. Laurendeau: Could we include in that the recommendation though, from Doctor Gerrard on his motion, to the Rules Committee?

Mr. Chairperson: Mr. Gerrard did not really have a motion. He had some recommendations that they be included in the other recommendations, so I believe there is not another motion.

Mr. Laurendeau: As long as that recommendation that Doctor Gerrard made is forwarded to the Rules Committee. Doctor Gerrard does not sit on the Rules Committee. I think it is important that we look at the issues that Doctor Gerrard has brought forward.

Mr. Chairperson: Okay. What we need now is a motion to refer this to the Rules Committee. Mr. Loewen?

Mr. John Loewen (Fort Whyte): Just before you do that, Mr. Chairperson, just on a technical note. In the rules that we had published, it refers a number of times to the Provincial Auditor. We just make sure that we change that to Auditor General before we send the rules on.

Mr. Chairperson: Thank you, Mr. Loewen, that will be done. What we need is a motion to send this on, to recommend referral to the Rules Committee. It has to be in writing, so we will need to get it in writing.

Mr. Laurendeau: Mr. Chairperson, I move that these recommendations on the proposed terms of reference be forwarded to the Rules Committee of this House.

Mr. Chairperson: We recommend that it be forwarded. Okay, Mr. Laurendeau, we will just get you to read this back again.

Mr. Laurendeau: I move, that these recommendations on the proposed terms of reference be recommended to the Rules Committee of the House. *[interjection]* That is what we are doing, we are suggesting.

Mr. Chairperson: That is what we are doing. I believe in that.

Mr. Laurendeau: Gord will call it.

Mr. Chairperson: Is that the will of the committee? *[Agreed]*

Before we adjourn, is it the will of the committee to adopt the motion? *[Agreed]*

Before we adjourn, I just want to thank all members for their co-operation this morning in

dealing with the rules. Okay, we have to go through this motion one more time, just to make sure it is clear for the Clerk. I would just ask members to sit down for one moment, and we will deal with this. He is rewriting it, and we will deal with it.

While he is doing that though, I just want to thank all members for their co-operation again this morning, and we look forward to having an effective and a good-working Public Accounts Committee. So thank you again. We will get this motion from Mr. Laurendeau in a minute.

It has been moved by Mr. Laurendeau that these recommendations on proposed terms of reference we recommend referral to the Rules Committee of this House.

The motion is in order. Is that the will of the committee? *[Agreed]*

Mr. Chairperson: The hour being 11:31 a.m., what is the will of the committee?

Committee rise.

COMMITTEE ROSE AT: 11:31 a.m.