



No. 2

# **VOTES and PROCEEDINGS**

OF THE

**LEGISLATIVE ASSEMBLY**

PROVINCE OF SASKATCHEWAN

**FOURTH SESSION—TWENTY-EIGHTH LEGISLATURE**

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**Thursday, October 24, 2019**

10:00 a.m.

*PRAYERS*

## **PRESENTING PETITIONS**

Petitions of citizens of the province of Saskatchewan were presented and laid upon the Table by the following members: Wotherspoon, Sarauer, Nerlien, McCall, Forbes, and Sproule.

## **REPORTS OF THE STANDING COMMITTEE ON HOUSE SERVICES**

Ms. Sproule, Deputy Chair of the Standing Committee on House Services informed the Assembly that the twelfth report of the said committee was filed with the Clerk on June 20, 2019.

On motion of Ms. Sproule:

Ordered, That the Twelfth Report of the Standing Committee on House Services be now concurred in.

Ms. Sproule, Deputy Chair of the Standing Committee on House Services informed the Assembly that the thirteenth report of the said committee was filed with the Clerk on September 16, 2019.

On motion of Ms. Sproule:

Ordered, That the Thirteenth Report of the Standing Committee on House Services be now concurred in.

## REPORT OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr. Wotherspoon, Chair of the Standing Committee on Public Accounts informed the Assembly that the third report of the said committee was filed with the Clerk on October 22, 2019.

On motion of Mr. Wotherspoon:

Ordered, That the Third Report of the Standing Committee on Public Accounts be now concurred in.

## QUESTION OF PRIVILEGE

Ruling — Intention to deliberately mislead the Assembly

On October 23, 2019, the Member for Regina Rosemont (Mr. Wotherspoon) raised a question of privilege concerning comments made in this Assembly on May 2, 2017 by the Minister of the Economy (Hon. Mr. Harrison) at that time.

The case maintains that the minister provided false information to the Assembly in his response to a question concerning the potential sale of SaskTel by stating that “. . . there have been no formal discussions as to what a transaction may or may not look like.” As evidence to support his case, the member cites the Information and Privacy Commissioner’s *Review Report 119-2018*, released on August 9, 2019. The report was in response to an applicant’s request to determine whether SaskTel appropriately applied FOIP (*The Freedom of Information and Protection of Privacy Act*) exemptions. It identifies agreements entered into on May 2, 2017 between SaskTel and a third party.

It has been recognized by the parliamentary authorities that if a member misleads the House deliberately, it may be treated as a contempt. At the heart of this case is whether the Member for Regina Rosemont has sufficiently established that the minister knew his statement was incorrect and that he intended to mislead the Assembly. I remind members that it is not the Speaker’s role to determine if a contempt of parliament has occurred. It is the Speaker’s duty to decide if there is *prima facie* evidence to warrant a debate on the matter and a decision of the Assembly.

Before ruling on the allegation, I want to address the question of whether this case was submitted at the earliest opportunity, in accordance with rule 12(2). The case was first submitted on August 9, 2019, which is the date the commissioner’s report revealed the existence of specific agreements cited as pertinent to the member’s privilege case. Subsequently, the prorogation of the Assembly prevented a ruling on the matter. The earliest opportunity to re-submit the case was before 8:00 a.m. today; therefore, I find the member is in compliance with the notice provisions of the rule.

In his question of privilege, the member states:

“Minister Harrison’s claim that ‘there have been no formal discussions’ cannot be reconciled with the fact that SaskTel entered into nondisclosure and privilege agreements to discuss a potential sale that very same day. It is clear that Minister Harrison’s answer was not consistent with the facts in the Information and Privacy Commissioner’s report.”

In the opinion of the Member from Regina Rosemont, the *Mutual Non-Disclosure Agreement* and *Joint Defense Privileged Agreement* identified in the report provide evidence that the statements made by the minister were false.

The commissioner's report establishes that SaskTel and a third party had agreements and discussions about possible partnerships and a potential transaction. It is not clear that the exchange of information and negotiations referenced in the report were exploratory or a "formal discussion" on the sale of SaskTel, which is what the member asked about in question period on May 2, 2017.

An allegation as serious as contempt requires proof of a very high order. The member did not point to or provide persuasive evidence to prove this was a formal negotiation. The interpretation of those discussions is a matter of perception. The report does not conclusively prove the minister's comment was false, and certainly does not provide evidence that the minister purposely provided false information with the intent to mislead the Assembly. I find the member's case has not achieved the threshold of evidence needed for me to find a *prima facie* case of privilege.

Before concluding this matter, I would like to address the proposed motion in this question of privilege. There have been instances in the past where privilege motions, proposed by both sides, have not conformed to the rules. I would like to clarify at this time, for the record, the intent of rule 12 clause (1)(c). It states:

The member shall provide to the Speaker in writing the following:

- (c) a question of privilege motion, which the member must be ready to propose:
  - i. declaring that a contempt or breach of privilege has been committed, which includes a remedy for the problem; or
  - ii. referring the matter to the Standing Committee on Privileges.

As outlined in this rule, there are two options in a question of privilege motion, declaring a contempt or breach of privilege has occurred with a remedy, or referring the matter to the Standing Committee on Privileges. The motion cannot provide both options. In the future, please ensure that all privilege motions conform to the rules of this Assembly.

#### **MEMBERSHIP OF THE BOARD OF INTERNAL ECONOMY**

The Speaker announced the membership of the Board of Internal Economy dated August 13, 2019.

#### **MOTION FOR ADDRESS IN REPLY**

The order of the day having been called for consideration of the speech of His Honour at the opening of the session, Mr. D'Autremont, seconded by Ms. Ross, moved:

That an Humble Address be presented to His Honour the Lieutenant Governor as follows:

TO HIS HONOUR THE HONOURABLE RUSS MIRASTY  
Lieutenant Governor of the province of Saskatchewan

MAY IT PLEASE YOUR HONOUR:

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the province of Saskatchewan, in session assembled, humbly thank Your Honour for the gracious speech which Your Honour has been pleased to address to us at the opening of the present session.

A debate arising, it was moved by Ms. Sarauer, seconded by Ms. Sproule:

That the motion be amended by adding the following after the words “present session”:

And, That this Assembly does not support the agenda outlined in the Speech from the Throne because it offers nothing new to address the crisis in our classrooms, address long waits in our emergency rooms, or restore the trust that was broken by the government’s secret plans to sell off our Crowns.

The debate continuing on the motion and the amendment, pursuant to rule 6(7), the Deputy Speaker adjourned the Assembly.

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The Assembly adjourned at 1:00 p.m. until Monday at 1:30 p.m.

*Hon. Mark Docherty*  
*Speaker*

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#### **RETURNS, REPORTS, AND PAPERS TABLED**

The following papers were laid upon the Table:

By the Hon. Mr. Wyant:

Saskatchewan Teachers’ Superannuation Commission: 2018–19 Superannuation Plan Dental Plan annual report

(Sessional paper no. 2)

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**NOTICE OF MOTIONS FOR FIRST READING OF BILLS**  
**AVIS DE MOTIONS PORTANT PREMIÈRE LECTURE DE PROJETS DE LOI**

On Tuesday / mardi:

The Hon. Mr. Morgan to move first reading of Bill No. 174 — The Enforcement of Maintenance Orders Amendment Act, 2019

L'hon M. Morgan proposera la première lecture du projet de loi n° 174 — Loi modificative de 2019 sur l'exécution des ordonnances alimentaires