



No. 22

VOTES and PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

PROVINCE OF SASKATCHEWAN

FOURTH SESSION—TWENTY-EIGHTH LEGISLATURE

Monday, December 2, 2019

1:30 p.m.

PRAYERS

PRESENTING PETITIONS

Petitions of citizens of the province of Saskatchewan were presented and laid upon the Table by the following members: Vermette, D'Autremont, Wotherspoon, Beck, Mowat, and Rancourt.

READING AND RECEIVING PETITIONS

According to order and pursuant to rule 16(7), petitions from residents of the province of Saskatchewan, requesting the following action, were read and received:

To restore the cuts to our kids' classrooms.

(Sessional paper no. 47)

To direct the Ministry of Health to completely cover hormone therapy medications.

(Sessional paper no. 48)

To reinstate PST exemption on construction.

(Addendum to sessional paper no. 4)

To stop the federal government from imposing a carbon tax on the province.

(Addendum to sessional paper no. 5)

To call by-elections in the constituencies of Regina Walsh Acres and Saskatoon Eastview.

(Addendum to sessional paper no. 7)

To develop and implement a suicide prevention strategy.

(Addendum to sessional paper no. 31)

INTRODUCTION OF BILLS / DÉPÔT DE PROJETS DE LOI

The following bills were introduced, read the first time, and ordered to be read a second time at the next sitting:

Les projets de loi suivants sont présentés, lus une première fois, et la deuxième lecture en est fixée à la prochaine séance:

Bill No. 203 — The Financial Planners and Financial Advisors Act

(Hon. Mr. Morgan)

Bill No. 204 — The Jury Amendment Act, 2019

Projet de loi n° 204 — Loi modificative de 2019 sur le jury

(Hon. Mr. / L'hon. Morgan)

QUESTION OF PRIVILEGE

(Premature disclosure of contents of a bill)

On November 26, 2019, the Opposition House Leader (Ms. Sproule) raised a question of privilege concerning the release of details related to Bill No. 199 — The Opioid Damages and Health Care Costs Recovery Act before its introduction to the Legislative Assembly.

I have deferred my ruling twice to ensure a fulsome and careful review of the practice and precedents from Saskatchewan and other jurisdictions.

In her case, the Opposition House Leader claims that the Minister of Health (Hon. Mr. Reiter) made comments to the media prior to providing information to the opposition. She alleges that the early release of information constitutes a contempt of the Legislative Assembly of Saskatchewan by preventing all members from exercising their duties and responsibilities as Members of the Legislative Assembly.

I would first like to address the precedents presented in the member's question of privilege and then address the much broader issue of an early release of a bill or its contents.

To support her case, the Opposition House Leader cited a case from the House of Commons in Ottawa regarding the premature disclosure of details of Bill C-14. Speaker Regan decided the release of specific details of that bill before its introduction constituted a prima facie question of privilege.

The Opposition House Leader also noted that Speaker Tochor used the Regan ruling on June 2, 2016 to support his decision that the release of embargoed information about the provincial budget constituted a prima facie case of privilege.

I think it is necessary to address these two decisions because they are somewhat pivotal to the Opposition House Leader's case. I will begin with Speaker Tochor's ruling.

In her case, the Opposition House Leader quoted Speaker Tochor's decision not to accept apologies for the budget leak. I remind members that I addressed the subject of apologies on March 14, 2018 when I said:

It is my belief that members come to this place with honourable intentions. When a mistake is made the right thing to do is to apologize. There is no doubt that the consequence of a member's action is an important consideration in determining questions of privilege. There might well be instances when an ample and genuine apology is not sufficient but it is this Speaker's general belief that the willingness of a member to make amends should be an important consideration in deciding cases.

I will now address the broader issues of Speaker Regan and Speaker Tochor's decisions as they relate to the case before us.

Speaker Tochor cited the Bill C-14 case because he believed Saskatchewan's sole precedent on a budget leak did not match the circumstance of the case before him. In Saskatchewan, House of Commons practice is to be considered under the authority of rule 1 only in unprovided situations. In the House of Commons rulings, he found an evolving situation with precedents that seemed to contradict the historical standards for Speaker's rulings on privilege questions concerning budget leaks. Speaker Tochor found House of Commons practice to be out of step with more recent rulings on the premature release of information on bills. In reference to the Bill C-14 case, he said, "It is also my point of view that the leak of budget information is as significant, or possibly even more significant, than the leak of a bill before it is tabled in the Assembly."

It is important to recall that Speaker Tochor's decision was in the context of a budget leak and the lack of a directly relevant Saskatchewan precedent. In consideration of the case at hand, it is worth reviewing the application of rule 1, since that is how Speaker Tochor came to cite the Bill C-14 ruling.

Under rule 1, only when Saskatchewan does not have its own rules or practices do we turn to other jurisdictions. Speaker Brockelbank stated on April 5, 1976, "... rule one applies only if Saskatchewan does not have an applicable rule, precedent or practice."

So, before turning to other jurisdictions, the Speaker should review whether this Legislative Assembly has any relevant precedent. I have done this and have found several rulings relevant to this case. On December 4, 1975; June 2, 1988; April 22, 1991; and on May 31, 1993, questions of privilege were raised when either a bill or its contents were released prior to introduction in the Assembly. Speaker Rolfes summarized Saskatchewan's practice in his ruling on May 13, 1993 when he stated:

While neither the rules nor the precedents require that Bills must be kept confidential until introduced in the Assembly, it is not customary for a bill to be distributed to the public before it is introduced in this Assembly. Notwithstanding that custom, at no time has the advance release of a bill been found to breach any privilege.

In each of these cases, the Speaker ruled it an important parliamentary convention that a minister first release a bill in the Assembly before releasing it to the public or media.

As Speaker Tochor pointed out, it appears that practice has been evolving at the House of Commons in Ottawa. For that reason, I want to turn back to the Bill C-14 case for a moment. Members are well aware that Speakers do not determine questions of privilege. It is up to the Assembly to decide if breaches of privilege and occurrences of contempt have occurred. It is noteworthy that the House of Commons never did determine that a contempt had been committed by the premature release of the details of Bill C-14. The issue was ordered to the Standing Committee on Procedure and House Affairs on April 16, 2016, but a decision was not reported back to the House of Commons.

It is also instructive to review precedent set in other jurisdictions. A jurisdictional survey of questions of privilege across the country does not indicate any case where an Assembly found contempt for the early disclosure of information from a bill, even when a prima facie case had been established. Additionally, Speakers across the country have consistently found that no prima facie case can be established without specific details of a bill being provided to the media. This has been confirmed by the rulings of Speakers in Alberta on November 8, 2016, December 2, 2013, and March 7, 2000; British Columbia on March 23, 2004 and February 23, 1973; Manitoba on May 22, 2018; and Quebec on June 13, 2014, November 14, 2007, and October 25, 2005.

Speakers have demonstrated a common concern for respect to the parliamentary convention of first access to legislative information. This was the basis of Speaker Kowalsky's decision of April 11, 2005, when members of the opposition were denied access to a technical briefing provided to the media on a legislative matter. House of Commons Speaker Regan stated on May 7, 2018, ". . . it remains incumbent upon those who are responsible for legislative information to respect the primacy of Parliament by respecting the right of the House to first access." In all of the Saskatchewan precedents I cited, while finding no breach of privilege, the Speakers did admonish the government for not respecting the convention that members should be advised of new policies first.

I have pointed out that our own precedents show that at no time has the advance release of a bill been found to breach any privilege. It appears that the needle has moved a little in some jurisdictions but there are no examples of a case proceeding without prima facie evidence confirming the release of very specific and detailed content of a bill.

In the case before us, the minister provided notice of introduction of Bill No. 199 — The Opioid Damages and Health Care Costs Recovery Act on Thursday, November 21, 2019. On Monday, November 25, 2019, he provided general information to the media about the intent of the bill. The Opposition House Leader said the opposition received an embargoed copy of Bill No. 199 at 8:30 a.m. on Tuesday, November 26, 2019 before it was introduced in the Assembly later that day. I have not been provided with evidence that the media was given access to the bill, any content of the bill, or specific details of the bill prior to its provision to the members of the opposition. Consequently, this question of privilege does not equate to the situation Speaker Kowalsky ruled on in connection to access to technical briefings and embargos.

House of Commons Speaker Regan stated on June 8, 2017 and re-emphasized on May 7, 2018:

The right of the House to first access to legislation is one of our oldest conventions. It does and must, however, coexist with the need of governments to consult widely, with the public and stakeholders alike, on issues and policies in the preparation of legislation.

The minister's comments to the media in response to questions about Bill No. 199 speak in very general terms about the objectives of the bill. The minister also expressed an inability to speak further to the legislation prior to its introduction, which demonstrated his intent to adhere to the parliamentary convention of first access.

An allegation as serious as contempt requires a thorough analysis. This has been achieved by scrutinizing our own precedents as well as those nation-wide and by examining the facts of the case. Based on this evidence, I find that members were not impeded in the discharge of their parliamentary duties and that a prima facie case has not been established.

SPEAKER TABLES REPORTS

The Speaker laid before the Assembly the Saskatchewan Legislative Library: 2018–19 annual report.
(Sessional paper no. 49)

WRITTEN QUESTIONS

The order of the day being called for question no. 79, it was answered. (see appendix)

The order of the day being called for question no. 80, pursuant to rule 21(6), the question was converted and an order for return was issued. (see appendix)

SECOND READINGS / DEUXIÈME LECTURE**Bill No. 200— The Saskatchewan Employment Amendment Act, 2019**

The Hon. Mr. Morgan, a member of the Executive Council, having acquainted the Assembly that His Honour the Lieutenant Governor, having been informed of the subject matter of the bill, recommends it to the consideration of the Assembly, moved: That Bill No. 200 — The Saskatchewan Employment Amendment Act, 2019 be now read a second time.

A debate arising, it was on motion of Mr. Belanger, adjourned.

Bill No. 201— The Alcohol and Gaming Regulation Amendment Act, 2019**Projet de loi n° 201 — Loi modificative de 2019 sur la réglementation des boissons alcoolisées et des jeux de hasard**

The Hon. Mr. Makowsky, a member of the Executive Council, having acquainted the Assembly that His Honour the Lieutenant Governor, having been informed of the subject matter of the bill, recommends it to the consideration of the Assembly, moved: That Bill No. 201 — The Alcohol and Gaming Regulation Amendment Act, 2019 be now read a second time.

L'hon. M. Makowsky, membre du Conseil exécutif, fait savoir à l'Assemblée que Son Honneur le Lieutenant-gouverneur, ayant été informé de l'objet du projet de loi, le recommande à la considération de l'Assemblée et propose: Que le projet de loi n° 201 — Loi modificative de 2019 sur la réglementation des boissons alcoolisées et des jeux de hasard soit maintenant lu une deuxième fois.

A debate arising, it was on motion of Mr. Belanger, adjourned.

Il s'élève un débat et sur motion de M. Belanger, le débat est ajourné.

ADJOURNED DEBATES / DÉBATS AJOURNÉS**Bill No. 179 — The Apiaries Amendment Act, 2019**

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Marit: That Bill No. 179 — The Apiaries Amendment Act, 2019 be now read a second time.

The debate continuing and the question being put, it was agreed to and the said bill was, accordingly, read a second time.

By designation of the Hon. Mr. Harrison, in accordance with rule 85, Bill No. 179 — The Apiaries Amendment Act, 2019 was committed to the Standing Committee on the Economy.

Bill No. 180 — The Miscellaneous Statutes (Government Relations – Transfer of Gas, Electrical and Plumbing Functions) Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Carr: That Bill No. 180 — The Miscellaneous Statutes (Government Relations – Transfer of Gas, Electrical and Plumbing Functions) Amendment Act, 2019 be now read a second time.

The debate continuing and the question being put, it was agreed to and the said bill was, accordingly, read a second time.

By designation of the Hon. Mr. Harrison, in accordance with rule 85, Bill No. 180 — The Miscellaneous Statutes (Government Relations – Transfer of Gas, Electrical and Plumbing Functions) Amendment Act, 2019 was committed to the Standing Committee on Crown and Central Agencies.

Bill No. 181 — The Mineral Taxation (Modernization) Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Eyre: That Bill No. 181 — The Mineral Taxation (Modernization) Amendment Act, 2019 be now read a second time.

The debate continuing, it was on motion of Ms. Beck, adjourned.

Bill No. 183 — The Fisheries (Saskatchewan) Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Duncan: That Bill No. 183 — The Fisheries (Saskatchewan) Act, 2019 be now read a second time.

The debate continuing, it was on motion of Mr. Vermette, adjourned.

Bill No. 184 — The Fisheries (Saskatchewan) Consequential Amendments Act, 2019
Projet de loi n° 184 — Loi de 2019 corrélative de la loi intitulée The Fisheries (Saskatchewan) Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Duncan: That Bill No. 184 — The Fisheries (Saskatchewan) Consequential Amendments Act, 2019 be now read a second time.

L'Assemblée reprend le débat ajourné sur la motion de l'hon. M. Duncan: Que le projet de loi n° 184 — Loi de 2019 corrélative de la loi intitulée The Fisheries (Saskatchewan) Act, 2019 soit maintenant lu une deuxième fois.

The debate continuing, it was on motion of Mr. Vermette, adjourned.

Le débat se poursuit et sur motion de M. Vermette, il est ajourné.

Bill No. 187 — The Administration of Estates Amendment Act, 2019
Projet de loi n° 187 — Loi modificative de 2019 sur l'administration des successions

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Morgan: That Bill No. 187 — The Administration of Estates Amendment Act, 2019 be now read a second time.

L'Assemblée reprend le débat ajourné sur la motion de l'hon. M. Morgan: Que le projet de loi n° 187 — Loi modificative de 2019 sur l'administration des successions soit maintenant lu une deuxième fois.

The debate continuing, it was on motion of Ms. Chartier, adjourned.

Le débat se poursuit et sur motion de Mme Chartier, il est ajourné.

Bill No. 188 — The Public Guardian and Trustee Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Morgan: That Bill No. 188 — The Public Guardian and Trustee Amendment Act, 2019 be now read a second time.

The debate continuing, it was on motion of Mr. Forbes, adjourned.

Bill No. 189 — The Coroners Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Morgan: That Bill No. 189 — The Coroners Amendment Act, 2019 be now read a second time.

The debate continuing, it was on motion of Ms. Chartier, adjourned.

Bill No. 194 — The Miscellaneous Municipal Statutes Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Carr: That Bill No. 194 — The Miscellaneous Municipal Statutes Amendment Act, 2019 be now read a second time.

The debate continuing, it was on motion of Mr. Pedersen, adjourned.

Bill No. 195 — The Lobbyists Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Morgan: That Bill No. 195 — The Lobbyists Amendment Act, 2019 be now read a second time.

The debate continuing, it was on motion of Ms. Chartier, adjourned.

Bill No. 196 — The Members' Conflict of Interest Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Morgan: That Bill No. 196 — The Members' Conflict of Interest Amendment Act, 2019 be now read a second time.

The debate continuing, it was on motion of Mr. McCall, adjourned.

Bill No. 197 — The Automobile Accident Insurance Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Hargrave: That Bill No. 197 — The Automobile Accident Insurance Amendment Act, 2019 be now read a second time.

The debate continuing, it was on motion of Ms. Mowat, adjourned.

Bill No. 198 — The Traffic Safety Amendment Act, 2019

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Hargrave: That Bill No. 198 — The Traffic Safety Amendment Act, 2019 be now read a second time.

The debate continuing, it was on motion of Mr. Wotherspoon, adjourned.

Bill No. 199 — The Opioid Damages and Health Care Costs Recovery Act

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Reiter: That Bill No. 199 — The Opioid Damages and Health Care Costs Recovery Act be now read a second time.

The debate continuing, it was on motion of Ms. Sproule, adjourned.

Bill No. 175 — The Marriage Amendment Act, 2019
Projet de loi n° 175 — Loi modificative de 2019 sur le mariage

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Morgan: That Bill No. 175 — The Marriage Amendment Act, 2019 be now read a second time.

L'Assemblée reprend le débat ajourné sur la motion de l'hon. M. Morgan: Que le projet de loi n° 175 — Loi modificative de 2019 sur le mariage soit maintenant lu une deuxième fois.

The debate continuing, it was on motion of Ms. Chartier, adjourned.

Le débat se poursuit et sur motion de Mme Chartier, il est ajourné.

On motion of the Hon. Mr. Harrison:

Ordered, That this Assembly do now adjourn.

The Assembly adjourned at 4:52 p.m. until Tuesday at 1:30 p.m.

Hon. Mark Docherty
Speaker

QUESTIONS AND ANSWERS

The following response to a written question was tabled by the government:

Question no. 79 (Mr. Pedersen):

To the Government, in the throne speech, the government claims there has been an annual savings of \$1 million per year through the elimination of Executive Air, how was this figure arrived at?

Answer:

The calculation to determine annual savings through the elimination of Executive Air was arrived at by calculating the average actual cost of operating the Executive Air service in each of the last three years of operation, and subtracting the total cost of charter flights for 2018–19. An allowance was also made for possible increases in other forms of transportation, such as increases in commercial flights and ground transportation.

QUESTIONS ORDERED FOR RETURN

The following written question was converted and an order for return was issued:

Return no. 64 (Mr. Pedersen):

To the Minister of Agriculture, in the throne speech, the provincial government claims that the agriculture industry sequestered nearly 12 million tonnes of carbon in recent years, (a) the government's calculations in how it arrived at this number, (b) if it is the government's claim that agriculture has had a net sequestration of 12 million tonnes of carbon, and (c) if so, the method this figure was arrived at.

NOTICE OF WRITTEN QUESTIONS

The following questions were given notice on day no. 19 and are to be answered by day no. 24:

Question no. 81 (Mr. Wotherspoon):

To the Minister Responsible for Saskatchewan Telecommunications, for each year since 2007, (a) what was the total volume of in-home installations, (b) what was the total volume of in-home service calls, (c) what was the total volume of in-home installations performed by outside contractors, (d) what was the total volume of in-home service calls performed by outside contractors, (e) what was the total volume of mobile device and contract sales, (f) what was the total volume of mobile device and contract sales executed by authorized dealers, (g) what was the total expenditures on third party contracts, and (h) what was the total expenditure for contracting authorized dealers?

Question no. 82 (Mr. Wotherspoon):

To the Government, how many in-scope FTEs (full-time equivalent) were employed directly in each year since 2014–15 by SaskTel, SaskPower, SaskEnergy, and Saskatchewan Liquor and Gaming Authority?

Question no. 83 (Mr. Wotherspoon):

To the Government, how many out-of-scope FTEs were employed directly in each year since 2014–15 by SaskTel, SaskPower, SaskEnergy, and Saskatchewan Liquor and Gaming Authority?

Question no. 84 (Mr. Wotherspoon):

To the Minister of Health, for each year since 2014–15, how many in-scope employees were employed by the Saskatchewan Health Authority (or former health regions)?

Question no. 85 (Mr. Wotherspoon):

To the Minister of Health, for each year since 2014–15, how many out-of-scope employees were employed by the Saskatchewan Health Authority (or former health regions)?

Question no. 86 (Mr. Forbes):

To the Minister of Labour Relations and Workplace Safety, for each year since 2014–15, for each school division, (a) how many incidents of violence have been reported to occupational health and safety, (b) how many inspections resulted from incidents of violence, (c) how many investigations resulted from incidents of violence, and (d) how many safety plans related to violence have been filed?

Question no. 87 (Mr. Forbes):

To the Minister of Health, how many long-term care clients are there in each of the following age categories: 0–5 years, 5–10 years, 10–15 years, 15–20 years, 20–25 years, 25–30 years, 30–35 years, and 35–40 years?

The following questions were given notice on day no. 20 and are to be answered by day no. 25:

Question no. 88 (Mr. Pedersen):

To the Minister of Finance, for each year since 2009, how many Canadian-controlled private corporations reported net income in Saskatchewan of (a) less than \$100,000, (b) between \$100,000 and \$200,000, and (c) over \$200,000?

Question no. 89 (Mr. Pedersen):

To the Minister of Finance, for each year since 2009, how many Canadian-controlled private corporations had income in Saskatchewan that was ineligible for the small business deduction?

Question no. 90 (Mr. Pedersen):

To the Minister of Environment, have all discharges reported to the ministry in the past 6 years pursuant to section 9 of *The Environmental Management and Protection Act, 2010* been recorded in Sask Spills?

Question no. 91 (Mr. Pedersen):

To the Minister of Environment, in each of the past 6 years, how many discharges reported pursuant to section 9 of *The Environmental Management and Protection Act, 2010* relate to hazardous substances discharged into a domestic sewer system?

Question no. 92 (Mr. Pedersen):

To the Government, does the Government of Saskatchewan have an inventory or records of how much asbestos cement pipe is used in municipal water main systems in the province?

Question no. 93 (Mr. Pedersen):

To the Government, which municipalities use asbestos cement for water mains in the province?

Question no. 94 (Mr. Pedersen):

To the Government, (a) what is the total number of asbestos cement water main breaks in the province this year (2019 to date), (b) what was the location of the break, (c) does the government test for asbestos levels in water anywhere in the province, (d) does the Government of Saskatchewan require that municipal governments test for asbestos levels in water and, (e) if so, what is the process?

Question no. 95 (Mr. Pedersen):

To the Government, (a) what studies has the government conducted or commissioned on the health impacts of ingested asbestos, (b) what studies has the government conducted or commissioned on the health impacts of asbestos in municipal water supplies, and (c) what studies on the health impacts of ingested asbestos is the government aware of?

Question no. 96 (Mr. Pedersen):

To the Minister of Health, (a) does the government track the incidence of benign intestinal polyps in Saskatchewan, (b) does the government track the incidence of mesothelioma, (c) does the government track the incidence of mesothelioma that does not appear to be related to known asbestos exposure, (d) is the ministry aware the United States regulates asbestos in water because ingested asbestos has been linked to cancer, and (e) if so, how has this information been incorporated into policy?

Question no. 97 (Mr. Pedersen):

To the Minister of Environment, with respect to the Ministry of Environment's revenue listed under other own source revenue in public accounts, what categories or types of fees and charges make up the other fees and charges and the miscellaneous subcategories?

Question no. 98 (Mr. Pedersen):

To the Minister of Agriculture, with respect to the Ministry of Agriculture's revenue listed under other own source revenue in public accounts, what categories or types of fees and charges make up the other fees and charges and the miscellaneous subcategories?