

STANDING COMMITTEE ON PRIVILEGES



FIRST REPORT OF THE TWENTY-EIGHTH LEGISLATURE

June 14, 2016
LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

**Legislative Assembly of
Saskatchewan**

Committees Branch



7 - 2405 Legislative Drive
Regina, Saskatchewan
S4S 0B3
Tel: (306) 787-9930
Fax: (306) 798-9650
E-mail: committees@legassembly.sk.ca

June 14, 2016

To the Honourable Members of the Legislative Assembly of Saskatchewan:

The Standing Committee on Privileges presents its first report, regarding the privilege motion raised in the Legislative Assembly on June 2, 2016.

A blue ink signature, appearing to read 'Corey Tochor', written over a horizontal line.

Hon. Corey Tochor
Chair
Standing Committee on Privileges

Order of Reference

The Government House Leader, Hon. Mr. Cheveldayoff, raised a question of privilege on Wednesday June 1, 2016 concerning the premature release by the Member for Saskatoon Nutana, Ms. Sproule, of confidential, embargoed information about the provincial budget. The Government House Leader believed that the early release of budget information constituted a contempt of the Assembly.¹ On Thursday June 2, 2016, the Speaker, Hon. Mr. Tochor, determined that a prima facie case had been established and permitted the Government House Leader to proceed by moving a question of privilege.² The Government House Leader moved the question of privilege motion in accordance with rule 12(5) of the *Rules and Procedures of the Legislative Assembly of Saskatchewan*. The motion read as follows:

“That the early release of embargoed budget information by the Member from Saskatoon Nutana and the opposition caucus clearly constitutes contempt of the Legislative Assembly of Saskatchewan by preventing all members from exercising their duties and responsibilities as Members of the Legislative Assembly; and further

That this matter be referred to the Standing Committee on Privileges for a full investigation and a report with a remedy to be tabled in the Legislative Assembly.”

The question was debated and adopted by the Assembly on recorded division. Effectively the motion became the committee’s present order of reference and is the subject of this report.

Organization

On Tuesday, June 7, 2016, the committee appointed a steering committee to establish an agenda and priority of business. The steering committee consists of the Speaker as Chair along with the Government House Leader and the Member for Saskatoon Centre, Mr. Forbes.

Committee Investigation

The committee conducted its investigation on Wednesday June 8, 2016. The Member for Saskatoon Nutana and Mr. George Soule, Chief of Staff, Opposition Caucus, appeared before the committee and answered questions.

¹ Attached as Appendix 1 — The Government House Leader’s case and question of privilege provided to the Speaker and distributed to members in accordance with rule 12(1) of *The Rules and Procedures of the Legislative Assembly of Saskatchewan*.

² Attached as Appendix 2 — Statement of the Speaker published in the *Votes and Proceedings of the Legislative Assembly of Saskatchewan*, dated June 2, 2016, “Statement by the Speaker: Ruling – Budget Leak – Prima Facie case established.”

Remedy

The government members of the committee proposed a course of action as follows:

That no sanctions shall apply with respect to the 2017-18 budget document and technical briefings except that the budget document will be provided to a single opposition MLA who will be personally responsible for ensuring that the embargo agreement is honoured; and

That if any further embargoed materials related to the budget or any other embargoed matter are released prematurely by the official opposition, they will be prohibited from receiving embargoed materials and attending embargoed events for the remainder of the term of the current Legislative Assembly.

Recommendation

Your committee recommends the following:

1. That upon concurrence by the Legislative Assembly, the remedy presented by this report be accepted by the Government of Saskatchewan; and
2. That in consequence to the concurrence of this report by the Legislative Assembly, the imposition of the terms and conditions of the remedy proposed by this report, if applied by the Government of Saskatchewan, shall not be the subject of any question of privilege.



Government
— of —
Saskatchewan

Office of the Government House Leader

June 2, 2016

Hon. Corey Tochor
Speaker of the Legislative Assembly of Saskatchewan
Room 129, Legislative Building
2405 Legislative Drive
Regina, Saskatchewan



RE: Notice of Question of Contempt as per Rule 12

Mr. Speaker, yesterday at 1:10 p.m., the Member from Saskatoon Nutana via the Opposition Caucus staff, sent an email that released financial information, government initiatives, and proposed government policy changes before the Minister of Finance rose in his place to read the 2016-17 budget. We have attached the referenced email to this letter. We believe that this untimely release of confidential, embargoed information constitutes a *prima facie* case of contempt of the Legislative Assembly of Saskatchewan.

House of Commons Procedure and Practice states "There is a long-standing tradition of keeping the contents of the budget secret until the Minister of Finance actually presents it in the House". (*House of Commons Procedure and Practice 2ed, p. 894*) Mr. Speaker, the Opposition, having served in government, is fully aware of this long-standing parliamentary convention. Not only this, but eight members of the Opposition and several members of the Opposition Caucus staff signed the 2016-17 Budget Embargo Guidelines. We have attached the copies of all signed embargo copies to this letter. These guidelines clearly state that "All material is embargoed until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday June 1, 2016 at approximately 2:15 p.m.".

Mr. Speaker, this is a very serious and unprecedented matter. This early and irresponsible release of embargoed budget information not only violated the privilege of the Minister of Finance and all members of the Legislative Assembly of Saskatchewan, it also caused undue hardship throughout the province by pre-emptively alerting third-party and government organizations to any revenue adjustments or facility closures. Instead of the management of these facilities and third-party organizations alerting their employees to funding adjustments or facility closures in the 2016-17 budget, these employees were alerted to reductions or closures by an irresponsible NDP email. An example of this is the proposed closure of the Buffalo Narrows Correctional Centre; the Ministry of Corrections and Policing takes these decisions very seriously and more importantly, strives to ensure employees are notified appropriately and as soon as possible. This news release, which breaches the privileges of Parliament disregards all of this work and has a significant negative impact on people's lives and well-being.

House of Commons Procedure and Practice states, "There are, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any Member or officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands or libels upon itself, its Members, or its officers. As the authors of *Odgers' Senate Practice* (Australia) state: "The rationale of the power to punish contempts, whether contempt of court or contempt of the Houses, is that the courts and the two Houses should be able to protect themselves from acts which directly or indirectly impede them in the performance of their functions". (*House of Commons Procedure and Practice*, 2ed, p. 82-83)

Mr. Speaker, the actions of the Opposition Caucus on behalf of the Member for Saskatoon Nutana not only violates a century of parliamentary convention it clearly constitutes contempt of the Legislative Assembly as outlined above. The Minister of Corrections and Policing is but one example of how the untimely release of confidential budget information has negatively impeded her in the discharge of her duties and responsibilities.

Mr. Speaker, I will be prepared to move the following motion during today's proceedings:

"That the early release of embargoed budget information by the Member from Saskatoon Nutana and the Opposition Caucus¹² clearly constitutes contempt of the Legislative Assembly of Saskatchewan by preventing all members from exercising their duties and responsibilities as Members of the Legislative Assembly, and further;

That this matter be referred to the Standing Committee on Privileges for a full investigation and a report with a remedy to be tabled in the Legislative Assembly."

Thank you for your timely attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Ken Cheveldayoff". The signature is fluid and cursive, with the first name "Ken" written in a larger, more prominent script than the last name.

Ken Cheveldayoff
Government House Leader



Derek Robinson <derekjrobinson@gmail.com>

EMBARGOED: Sask. Party budget shows truth behind campaign lies

2 messages

Saskatchewan NDP Caucus <noreply@ndpcaucus.sk.ca>
Reply-To: Saskatchewan NDP Caucus <noreply@ndpcaucus.sk.ca>
To: derekjrobinson@gmail.com

Wed, Jun 1, 2016 at 1:09 PM

[View this email in your browser](#)

NDP Caucus Saskatchewan

265 Legislative Bldg
Regina SK S4S 0B3
p. 306.787.7388
f. 306.787.6247
caucus@ndpcaucus.sk.ca
www.ndpcaucus.sk.ca

EMBARGOED: June 1, 2016 2:15 p.m.

Sask. Party budget shows truth behind campaign lies

Budget reveals more cuts, more fees and no plan to protect and create jobs

REGINA – As the government presented their budget, Saskatchewan families and seniors were left wondering why, instead of coming clean before the election, the Sask. Party chose to hide their plans to cut the programs and services people depend on.

“There is absolutely nothing in this budget that justifies such a long delay,” said NDP Finance Critic Cathy Sproule. “Even after the wait, it is deeply troubling to see that the Sask. Party still has no plan to retrain workers, create jobs, and diversify the economy. This government clearly has no interest in helping Saskatchewan people get back to work.”

Despite 9,000 fewer jobs today than a year ago, the Sask. Party’s budget slashes job creation and training programs. These cuts, which include everything from apprenticeship programs and skills training to employment development, post-secondary and Adult Basic Education, were never mentioned during the campaign.

APPENDIX 1

Saskatchewan families and seniors are also being left to pay the price for the Sask. Party's poor decisions. The budget includes plans to hike the cost of medication for seniors and kids, and cutting the Saskatchewan Employment Supplement for low-income parents with teenage children. Healthcare and education cuts will also hurt core services Saskatchewan families depend on.

"When, during the election, did the Sask. Party mention their plans to hike prescription drug costs, and pull the rug out from hard-working families who rely on a little extra assistance just to get by? None of that was in their platform or their Throne Speech just two weeks ago," said Sproule. "The tiny increases allotted for both healthcare and education are not nearly enough to even maintain programs at their current levels. As a result school divisions and health regions will need to make difficult decisions in the coming months."

The budget also makes further cuts to the province's most vulnerable by making large cutbacks to Aboriginal Court worker programs, Aboriginal Police consulting groups, and the only Northern jail. Further, there is nothing in this budget to help move forward on the TRC recommendations, and this province's necessary role in reconciliation.

"These programs serve those most overrepresented in the criminal justice system. To make cuts and otherwise ignore these areas defies reality," said Sproule. "The Sask. Party needs to stop making Saskatchewan people pay for their mismanagement," Sproule said. "They should apologize to Saskatchewan people for refusing to be honest before the election and reconsider this budget."

- 30 -

For more information, contact:

Doyle Fox, NDP caucus

306-787-0974

dfox@ndpcaucus.sk.ca



Government
of
Saskatchewan

Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281

Budget 2016-17 Embargo Guidelines


May 31, 2016

I hereby agree, on behalf of myself and my political party and caucus to abide by the embargo guidelines set out below for the release of the 2016-17 Budget Summary, spending estimates and all other budget material.

1. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo material.
2. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
3. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
4. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
5. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
6. You cannot discuss the contents of the budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
7. All material is embargoed until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.


SIGNATURE


EMPLOYER


PLEASE PRINT YOUR NAME

APPENDIX 1



Government
— of —
Saskatchewan

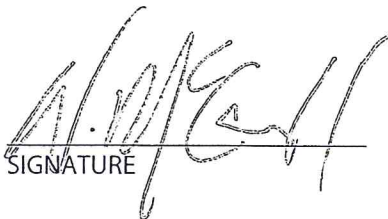
Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281

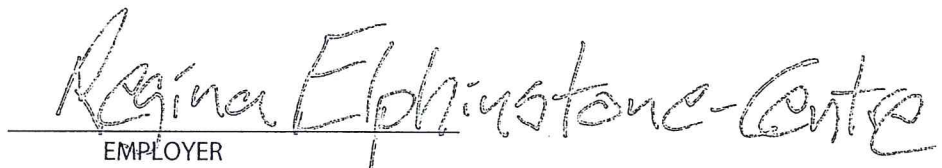
Budget 2016-17 Embargo Guidelines

May 31, 2016

I hereby agree, on behalf of myself and my employer, and any media outlet or media organization affiliated with my employer, to abide by the embargo guidelines set out below for release of the 2016-17 Budget Summary, Spending Estimates and all other related budget material.

1. This embargo agreement covers **working journalists, directors, editors, graphic technicians, camera technicians and analysts**. It does not apply to any other employees.
2. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo agreement.
3. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
4. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
5. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
6. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
7. You cannot discuss the contents of the Budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
8. You cannot print or air any story on the budget based on the contents, or interviews based on the content, until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.


SIGNATURE


EMPLOYER

PLEASE PRINT YOUR NAME

EMAIL: _____
PHONE #: _____

EMAIL OR FAX THIS SHEET TO MEDIA SERVICES AT leslie.macleod@gov.sk.ca or 306-787-8233 BEFORE 12 PM ON May 27, 2016

APPENDIX 1



Government
— of —
Saskatchewan

Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281

Budget 2016-17 Embargo Guidelines

May 24, 2016

I hereby agree, on behalf of myself and my political party and caucus to abide by the embargo guidelines set out below for the release of the 2016-17 Budget Summary, spending estimates and all other budget material.

1. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo material.
2. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
3. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
4. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
5. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
6. You cannot discuss the contents of the budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
7. All material is embargoed until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.

SIGNATURE

EMPLOYER

Nicole Sarauer

PLEASE PRINT YOUR NAME



Government
— of —
Saskatchewan

Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281

Budget 2016-17 Embargo Guidelines

May 24, 2016

I hereby agree, on behalf of myself and my political party and caucus to abide by the embargo guidelines set out below for the release of the 2016-17 Budget Summary, spending estimates and all other budget material.

1. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo material.
2. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
3. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
4. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
5. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
6. You cannot discuss the contents of the budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
7. All material is embargoed until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.

SIGNATURE

EMPLOYER

Nicole Rancourt

PLEASE PRINT YOUR NAME



Government
— of —
Saskatchewan


Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281

Budget 2016-17 Embargo Guidelines

May 24, 2016

I hereby agree, on behalf of myself and my political party and caucus to abide by the embargo guidelines set out below for the release of the 2016-17 Budget Summary, spending estimates and all other budget material.

1. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo material.
2. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
3. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
4. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
5. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
6. You cannot discuss the contents of the budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
7. All material is embargoed until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.


SIGNATURE

EMPLOYER


PLEASE PRINT YOUR NAME



Government
— of —
Saskatchewan

Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281

Budget 2016-17 Embargo Guidelines

May 24, 2016

I hereby agree, on behalf of myself and my political party and caucus to abide by the embargo guidelines set out below for the release of the 2016-17 Budget Summary, spending estimates and all other budget material.

1. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo material.
2. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
3. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
4. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
5. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
6. You cannot discuss the contents of the budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
7. All material is embargoed until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.

SIGNATURE

EMPLOYER

PLEASE PRINT YOUR NAME



Government
— of —
Saskatchewan

Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281

Budget 2016-17 Embargo Guidelines

May 24, 2016

I hereby agree, on behalf of myself and my political party and caucus to abide by the embargo guidelines set out below for the release of the 2016-17 Budget Summary, spending estimates and all other budget material.

1. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo material.
2. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
3. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
4. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
5. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
6. You cannot discuss the contents of the budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
7. All material is embargoed until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.

SIGNATURE

EMPLOYER

PLEASE PRINT YOUR NAME

APPENDIX 1



Government
— of —
Saskatchewan

Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281

Budget 2016-17 Embargo Guidelines

May 31, 2016

I hereby agree, on behalf of myself and my employer, and any media outlet or media organization affiliated with my employer, to abide by the embargo guidelines set out below for release of the 2016-17 Budget Summary, Spending Estimates and all other related budget material.

1. This embargo agreement covers **working journalists, directors, editors, graphic technicians, camera technicians and analysts**. It does not apply to any other employees.
2. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo agreement.
3. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
4. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
5. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
6. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
7. You cannot discuss the contents of the Budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
8. You cannot print or air any story on the budget based on the contents, or interviews based on the content, until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.

SIGNATURE

NBP CAUCUS

EMPLOYER

MELISSA BENDIG

PLEASE PRINT YOUR NAME

EMAIL: _____

PHONE #: 306-5

EMAIL OR FAX THIS SHEET TO MEDIA SERVICES AT leslie.macleod@gov.sk.ca or 306-787-8233 BEFORE 12 PM ON May 27, 2016



Government
of
Saskatchewan


Media Services
Legislative Building
Regina, Canada S4S 0B3
(306) 787-6281


Budget 2016-17 Embargo Guidelines

May 31, 2016

I hereby agree, on behalf of myself and my employer, and any media outlet or media organization affiliated with my employer, to abide by the embargo guidelines set out below for release of the 2016-17 Budget Summary, Spending Estimates and all other related budget material.

1. This embargo agreement covers **working journalists, directors, editors, graphic technicians, camera technicians and analysts**. It does not apply to any other employees.
2. The material in your possession is yours and yours only. You have no authority to share its contents, or to discuss those contents with anyone, unless they have also signed an embargo agreement.
3. The material is **not** to be **photocopied or reproduced in any form** until after the budget address is delivered in the Legislature. The exception is the preparation of graphs and the like material, as long as the person in charge of your graphic design is on the embargo list.
4. This embargo extends to all forms of social media as well. (For example: Facebook, Twitter etc.)
5. You cannot conduct interviews based on the content of the embargoed material until after the budget is presented, unless the other party has also signed an embargo agreement.
6. You cannot discuss the content of the budget with an analyst unless that analyst has also accepted an embargoed copy and has signed for same, or is on the pre-submitted list.
7. You cannot discuss the contents of the Budget with any politician, department, Crown corporation or government agency prior to presentation, unless that party has also signed an embargo agreement.
8. You cannot print or air any story on the budget based on the contents, or interviews based on the content, until after Finance Minister Kevin Doherty begins to deliver his budget address in the Legislature on Wednesday, June 1, 2016 at approximately 2:15 p.m.


SIGNATURE


EMPLOYER


PLEASE PRINT YOUR NAME

EMAIL: _____
PHONE #: _____

EMAIL OR FAX THIS SHEET TO MEDIA SERVICES AT leslie.macleod@gov.sk.ca or 306-787-8233 BEFORE 12 PM ON May 27, 2016

APPENDIX 2

STATEMENT BY THE SPEAKER (Ruling – Budget leak – Prima Facie case established)

Yesterday, June 1, 2016, the Government House Leader (Hon. Mr. Cheveldayoff) raised a question of privilege in accordance with Rule 12. The Government House Leader argued that the Member for Saskatoon Nutana (Ms. Sproule) released confidential, embargoed information about the provincial budget before it was tabled in the Assembly, and that this constitutes a violation of parliamentary convention and a contempt of the Assembly.

Prior to receiving the notice of privilege, the Opposition House Leader (Mr. McCall), the Leader of the Opposition (Mr. Wotherspoon), and finally the Member for Saskatoon Nutana acknowledged in the Assembly that the breach of the embargoed information had taken place. All three members apologized to the Assembly for violating the conditions of the lock-up. With admission of the members that the leak had occurred, there is no dispute over the facts of the matter.

As the Government House Leader points out, and I think all members will acknowledge, it is a long standing parliamentary convention that the contents of the budget should be kept secret until the Minister of Finance tables the budget in the Assembly. The use of lock-ups have been a part of the budget process in this province and elsewhere for many decades. These lock-ups are entirely at the government's discretion but when they do take place it is expected that opposition members are permitted access to the technical briefs. In the past, when access has been denied, the Speaker has permitted privilege cases to proceed. It is appropriate then, if it is a serious matter when a member is denied access to the briefs, that a breach of the embargo conditions by a member should be treated with equal seriousness.

I have reviewed the precedents of this Assembly and elsewhere.

In 1982, a question of privilege was raised in this Assembly concerning the leak of budget information to the media prior to the presentation of the budget in the Chamber. In that case there was uncertainty about the source of the leak, which is a different circumstance than the present case. Under the conventions of the day, Speaker Brockelbank ruled there was no prima facie case of breach of privilege. Speaker Brockelbank's decision was based on the historical standards for such matters, which are outlined at page 894 of *The House of Commons Procedure and Practice, Second Edition, 2009*.

This convention is somewhat out of step with more recent rulings on the premature release of information on bills. On April 19 of this year, the Speaker of the House of Commons in Ottawa ruled on a contempt case in which the contents of Bill C-14 were provided to the media before the bill was introduced in the House. Speaker Regan stated that the House's right of first access to legislative information was not respected and the bill should have been brought to the House first and not prematurely released to the public domain. In this case the Speaker concluded that the incident constituted a prima facie case of privilege. This ruling was based on a similar House of Commons ruling of 2001.

It is apparent that there are conflicting precedents on these types of cases and parliamentary practice is evolving, just as it did when Speaker Milliken departed from previous House of Commons rulings in 2001 and found a prima facie case of contempt when opposition members were denied embargoed information provided to the media. That case became the basis for a similar ruling by Speaker Kowalsky in this Assembly on April 11, 2005. It is my point of view that the leak of embargoed budget information is at least the equivalent of denying access to members to a lock up. If one should be thought of as contemptuous then so should the other. 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.

I noted that the Member for Nutana and others of her caucus apologized for the leak of information. It is true that in past instances an apology has ended the matter. In this case I don't believe the apology is

APPENDIX 2

sufficient enough reason to end this case. The House of Commons in Ottawa has similar conventions and in many cases apologies do end the case. In other circumstances the apology is not sufficient. In the case of Bill C-14, Speaker Regan acknowledged the unequivocal apology of the government whip for the leak but allowed the case to proceed by finding a prima facie question of privilege.

The Regan ruling last month established a much higher standard of conduct for members and respect for the parliamentary institution. As in 2005, when Speaker Kowalsky was faced with a similarly difficult decision, I believe it would be appropriate for the Assembly to consider the direction that it wishes to take on this matter. Therefore I find a prima facie case of breach of privilege and invite the House Leader to move his motion.