



STANDING COMMITTEE ON PRIVILEGES

Hansard Verbatim Report

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**STANDING COMMITTEE ON PRIVILEGES
2005**

Hon. P. Myron Kowalsky, Chair
Prince Albert Carlton

Mr. Bob Bjornerud, Deputy Chair
Melville-Saltcoats

Mr. Wayne Elhard
Cypress Hills

Mr. Glenn Hagel
Moose Jaw North

Ms. Doreen Hamilton
Regina Wascana Plains

Mr. Lyle Stewart
Thunder Creek

Mr. Kim Trew
Regina Coronation Park

[The committee met at 09:30.]

The Chair: — The meeting will come to order. The members of this committee have received notice that we will be meeting today from 9:30 to 10:00. The agenda is a continuation of consideration of the order of reference adopted by the Legislative Assembly on April 12, and consideration of a report to the Legislative Assembly because part of the mandate of course is to be able to report no later than Wednesday, April 20, which would be today. The floor is open to discussion.

The Chair recognizes Mr. Morgan.

Mr. Morgan: — Mr. Speaker, it's clear from our previous deliberations, we're not progressing or producing anything that will be beneficial to the House. We have a fundamental deadlock as to what the mandate of this committee is. And I think the only position we're in is we report back to the House that we are at an impasse and are unable to produce any beneficial recommendations. Frankly I'm disappointed by that, but that's the reality we're in. And I think going through the arguments yet again, all it does is add pages to *Hansard*.

The Chair: — Thank you. The Chair recognizes Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. I'd like to make a couple of points and then ask a point of clarification of exactly where we're at. I would like to point out that over the last two to three days, there have been technical briefings offered to all members of the Legislative Assembly prior to the briefings given to the media. And they were attended. And so all members of the Legislative Assembly had the opportunity to attend the technical briefing, and that opportunity was taken up by some members.

Now I'd like to clarify with the Chair exactly where we're at. We had before us at the last meeting a motion, an amendment moved by Ms. Hamilton which was defeated. And we had the motion that was made by Mr. Morgan which was also defeated. So I don't know what we would report other than because the motion made by Mr. Morgan was in fact a direct portion of the motion that was referred to us, in fact the content of it. So we've defeated both positions, I guess, here in the committee. So I don't know what we report back because it's not that there was no resolution. It was in fact that the issue sent to us was actually defeated here.

The Chair: — Thank you. I will proceed to respond to that. Our duty is to report either success or lack of success. And what I will do is I'll pass out a draft which members can take a look at, that there is a consensus at least that we have not agreement. And I believe that that is what we could report on, so three copies this way and three copies this way.

The report that I would propose as Chair is that we indicate exactly what we did and that is we met for organization purposes and also to consider order of reference in Legislative Assembly which is noted there. What the committee did is we elected Mr. Bjornerud as Deputy Chair. And then, if instructed by motion, then we would report that we met three times — on April 13, 18, and 20 — and were unable to come to a decision on the order of reference.

So if somebody's willing to move that or ask for further clarification. Motion is by Mr. Bjornerud. Is there a seconder to the motion? I am advised we don't need seconder. We will pause for a moment, if there is any discussion.

Just for clarification, that motion would be to adopt this report. The Chair recognizes Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chairman. Can I take it that if we adopt this particular motion and report back to the Legislative Assembly, that this particular reference that was sent to us by the Assembly will then constitute the position of the Assembly going forward?

The Chair: — I don't believe that would be a correct assumption. It simply reports what the committee was able to do or not able to do.

Ms. Hamilton: — Is that report debatable or non-debatable in the Assembly?

The Chair: — This report would be debatable in the Assembly . . . [inaudible interjection] . . . That's correct . . . [inaudible interjection] . . . I would ask . . . Right.

I would ask maybe perhaps the Clerk to clarify this because this is an important issue. Even under the assumption that there was an agreement of some type, either . . . proposed by any member, even that I believe does not necessarily become an established position until certain processes happen in the House. Could you clarify that for us?

Ms. Ronyk: — Mr. Chair and committee members, if the committee reports that it's been unable to agree to any recommendations, then the matter is back in the hands of the House, and there will be a concurrence motion in the committee's report that would be debatable. However the matter, the issue is back in the hands of the House for it to do with as it sees fit — if and when it sees fit.

The Chair: — The Chair recognizes Mr. Yates.

Mr. Yates: — . . . require another motion to deal with it, would it not? Because . . .

Ms. Ronyk: — Yes, if the House is going to do something, it would require another . . .

Mr. Yates: — A new motion . . .

Ms. Ronyk: — Or the House could instruct the committee to do something else or, you know, a number of options.

The Chair: — The Chair recognizes Mr. Morgan.

Mr. Morgan: — My understanding is this report that we will send is an indication, and nothing more than an indication, that we were unable to come to a decision. The original motion referring it here is a matter of record, as is the preamble and anything else of that. And that motion, until rescinded by the legislature, is the position of the legislature. I mean the fact that this committee was unable to agree is immaterial to the . . . And

I guess that's an issue that's not before us; that's something before the legislature.

But I certainly take the position that the legislature has passed a resolution and that resolution stands. The fact that we were unable to deal with that doesn't change the initial motion that was passed . . . [inaudible interjection] . . . Yes, what came to the House was not a delegation of the House's duties. It was a reference to make a recommendation. And the other portions of that motion, including the referral here, still stands. We've done . . . our worker reported that we can't do any further work on it and, you know, and that's something that's probably not for this committee to debate either.

The Chair: — The Chair recognizes Mr. Trew.

Mr. Trew: — Thank you, Mr. Chair. I'd just like to be crystal clear on this. The House referred the matter to this committee. This committee is, if we pass the motion that we're debating, is fairly clear; it says that we were unable to agree. This committee has no recommendation, no motion of concurrence with the referral. The matter, the referral, dies as the mandate of this committee dies. There's no new, if I can describe it that way, status quo in the Chamber after this is done.

I think it's . . . on the one hand, we could view the work of this committee as a failure. On the other hand, as Mr. Yates pointed out, we've had technical briefings in the last couple of days that have been offered to all MLAs [Member of the Legislative Assembly] . . . have been attended. And these were technical briefings that preceded the technical briefing to the media. So MLAs had first dibs at it.

I would therefore argue that what the House wanted has been achieved with huge success in that technical briefings are now — at least in the last few days, and I frankly have some reason to believe that this will be ongoing — technical briefings are now offered to all MLAs before they're offered to the media. So I think the matter has been resolved very, very successfully, even though technically you can argue that the committee has failed because the committee can't agree to a report.

But I want to be crystal clear, and I want to hear it that when the motion before us is passed, that there's no new status quo created for the Chamber around technical briefings because of anything that we pass or don't pass here.

The Chair: — The question has been called, so the motion before the committee is:

That the draft report as distributed be adopted.

Does the committee favour the question?

Some Hon. Members: — Agreed.

An Hon. Member: — No.

The Chair: — I will take the vote again. Those for adopting the report? Three. Those . . . [inaudible interjection] . . . We're going to conduct the vote. Those opposed to adopting this report . . . [inaudible interjection] . . . Pardon me. Pardon me. Pardon me. Pardon me.

What I'm advised here is I had called the question while there were still people wanting to debate the question, and I have to retract that then. Is the committee ready for the question? The Chair recognizes Mr. Yates.

Mr. Yates: — Prior to receiving an answer to Mr. Trew's question, the issue of question was called. We'd like the Chair or the Clerk to answer the question as to whether he wants clear certainty that everything that we've done both in the House and this committee does not change the status quo of the operations within the Legislative Assembly of Saskatchewan.

The Chair: — Yes, Mr. Morgan.

Mr. Morgan: — Mr. Speaker, we have a question before this committee. Once again we have the members from the government side trying to re-argue something that the House has done. We can't do it. They can't do it. All we're doing in this motion is saying we can't agree on anything. And if we can't even agree to disagree, it's a pretty sad day in the Saskatchewan legislature.

What the House has done upstairs we can't debate or re-debate. I mean, if they want to raise that again in the House upstairs, that's . . . but it's outside of the purview of this.

I mean, all we're doing, all we're doing in this motion is saying we can't agree, nothing more. And whatever the status is or isn't with regard to that motion, we will continue to disagree on.

The Chair: — The question posed by Mr. Yates is, I believe, a question regarding the interpretation of the original order of reference. That is not something . . . that is not a procedural matter on which the Chair or the Clerk should comment or can comment. It's really up to the members themselves to do the interpretation. Is the committee ready for the question then?

Some Hon. Members: — Question.

The Chair: — The question then is the motion that's having been put, and that is that this first draft as distributed be adopted. Those who favour the motion.

Some Hon. Members: — Agreed.

The Chair: — Motion is carried unanimously. There would be then . . . Then what'll happen then is Mr. Bjornerud as the Deputy Chair will represent us in presenting this report to the Assembly. Motion to adjourn?

Mr. Trew: — I move we adjourn.

The Chair: — Moved by Mr. Trew. Those in favour of adjourning? Motion is carried. Committee is adjourned. Thank you, members.

[The committee adjourned at 09:49.]