THIRD SESSION — TWENTY-NINTH LEGISLATURE

of the

Legislative Assembly of Saskatchewan

DEBATES AND PROCEEDINGS

(HANSARD)
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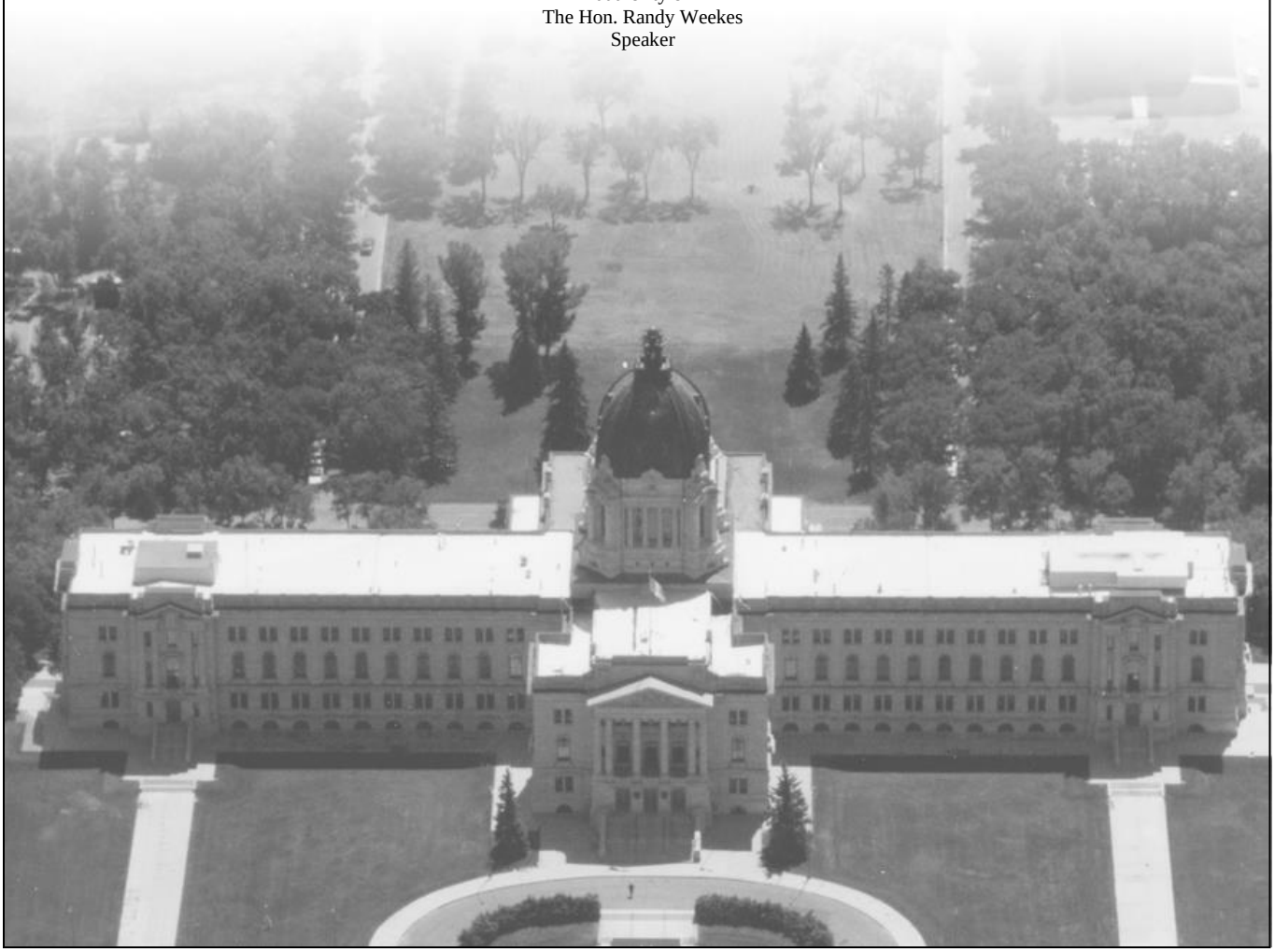
The Hon. Randy Weekes
Speaker



N.S. VOL. 64 **NO. 69B MONDAY, OCTOBER 16, 2023, 19:00**

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
3rd Session — 29th Legislature

Lieutenant Governor — His Honour the Honourable Russ Mirasty, S.O.M., M.S.M.

Speaker — Hon. Randy Weekes
Premier — Hon. Scott Moe
Leader of the Opposition — Carla Beck

Beck, Carla — Regina Lakeview (NDP)
Bonk, Steven — Moosomin (SP)
Bowes, Jennifer — Saskatoon University (NDP)
Bradshaw, Fred — Carrot River Valley (SP)
Buckingham, David — Saskatoon Westview (SP)
Burki, Noor — Regina Coronation Park (NDP)
Carr, Hon. Lori — Estevan (SP)
Cheveldayoff, Ken — Saskatoon Willowgrove (SP)
Clarke, Jared — Regina Walsh Acres (NDP)
Cockrill, Hon. Jeremy — The Battlefords (SP)
Conway, Meara — Regina Elphinstone-Centre (NDP)
Dennis, Terry — Canora-Pelly (SP)
Domotor, Ryan — Cut Knife-Turtleford (SP)
Duncan, Hon. Dustin — Weyburn-Big Muddy (SP)
Eyre, Hon. Bronwyn — Saskatoon Stonebridge-Dakota (SP)
Fiaz, Muhammad — Regina Pasqua (SP)
Francis, Ken — Kindersley (SP)
Friesen, Marv — Saskatoon Riversdale (SP)
Goudy, Todd — Melfort (SP)
Grewal, Gary — Regina Northeast (SP)
Hargrave, Hon. Joe — Prince Albert Carlton (SP)
Harpauer, Hon. Donna — Humboldt-Watrous (SP)
Harrison, Daryl — Cannington (SP)
Harrison, Hon. Jeremy — Meadow Lake (SP)
Hindley, Hon. Everett — Swift Current (SP)
Jenson, Terry — Martensville-Warman (SP)
Kaeding, Warren — Melville-Saltcoats (SP)
Keisig, Travis — Last Mountain-Touchwood (SP)
Kirsch, Delbert — Batoche (SP)
Lambert, Lisa — Saskatoon Churchill-Wildwood (SP)
Lawrence, Greg — Moose Jaw Wakamow (SP)
Lemaigre, Jim — Athabasca (SP)
Love, Matt — Saskatoon Eastview (NDP)
Makowsky, Hon. Gene — Regina Gardiner Park (SP)
Marit, Hon. David — Wood River (SP)
McLeod, Blaine — Lumsden-Morse (SP)
McLeod, Hon. Tim — Moose Jaw North (SP)
McMorris, Hon. Don — Indian Head-Milestone (SP)
Merriman, Hon. Paul — Saskatoon Silverspring-Sutherland (SP)
Moe, Hon. Scott — Rosthern-Shellbrook (SP)
Morgan, Hon. Don — Saskatoon Southeast (SP)
Mowat, Vicki — Saskatoon Fairview (NDP)
Nerlien, Hugh — Kelvington-Wadena (SP)
Nippi-Albright, Betty — Saskatoon Centre (NDP)
Ottenbreit, Greg — Yorkton (SP)
Reiter, Hon. Jim — Rosetown-Elrose (SP)
Ritchie, Erika — Saskatoon Nutana (NDP)
Ross, Alana — Prince Albert Northcote (SP)
Ross, Hon. Laura — Regina Rochdale (SP)
Sarauer, Nicole — Regina Douglas Park (NDP)
Skoropad, Dana — Arm River (SP)
Steele, Doug — Cypress Hills (SP)
Teed, Nathaniel — Saskatoon Meewasin (NDP)
Tell, Hon. Christine — Regina Wascana Plains (SP)
Vermette, Doyle — Cumberland (NDP)
Weekes, Hon. Randy — Biggar-Sask Valley (SP)
Wilson, Nadine — Saskatchewan Rivers (Ind.)
Wotherspoon, Trent — Regina Rosemont (NDP)
Wyant, Hon. Gordon — Saskatoon Northwest (SP)
Young, Aleana — Regina University (NDP)
Young, Colleen — Lloydminster (SP)

Standings
Government Caucus: Saskatchewan Party (SP) — 46; Opposition Caucus: New Democratic Party (NDP) — 14;
Independent: Saskatchewan United Party (Ind.) — 1

Clerks-at-the-Table
Clerk — Iris Lang
Law Clerk & Parliamentary Counsel — Kenneth S. Ring, K.C.
Deputy Clerk — Kathy Burianyk
Principal Clerk — Robert Park

Sergeant-at-Arms — Lyall Frederiksen

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[The Assembly resumed at 19:00.]

EVENING SITTING

The Deputy Speaker: — The time now being 7 o'clock, we will resume debate on the government motion. I recognize the Opposition Leader.

Ms. Beck: — I request leave to make an introduction.

The Deputy Speaker: — Is leave granted?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Leave is granted.

INTRODUCTION OF GUESTS

Ms. Beck: — Thank you, Mr. Deputy Speaker. I'll be brief, but I couldn't let the opportunity pass to introduce someone very special to me sitting in the east gallery tonight, Mr. Deputy Speaker. Our first-born, Hannah, is here with us tonight. She came home this weekend to help celebrate my birthday. She's back on the road tomorrow.

I think I've introduced her before, but she's someone who I look up to. She's five ten, so that's one thing. But she is also someone who has an innate sense of justice. She's whip-smart. Since she was last here she's sporting a little pinky ring having recently convocated from the U of A [University of Alberta] in engineering and did quite well. But she'll be angry if I brag any more than that, Mr. Deputy Speaker.

She is someone who challenges me, who makes me strive to be a better person, and someone who is keenly interested in, usually what mom is doing in here, but is particularly interested in the debate that we're having today. So I just want to say how proud of her I am and invite all members to welcome Hannah to her Legislative Assembly.

GOVERNMENT ORDERS

ADJOURNED DEBATES

GOVERNMENT MOTIONS

Extension of Sitting Hours

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. J. Harrison.]

The Deputy Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Teed: — Thank you, Mr. Deputy Speaker. I just want to start by saying a congratulations on your election as Deputy Speaker. As a new MLA [Member of the Legislative Assembly] on my first committee in this building, in this Chamber, you were always very fair and I always appreciated your guidance in those situations. So I just want to say congratulations.

Mr. Deputy Speaker, I resume debate now on the motion at hand about changing the rules of our legislature. I've so far canvassed the changes to the rules set forward by the government, that the government is moving forward with as it related to the changing of the time frames we are sitting.

Mr. Deputy Speaker, I question the government: why the rush? What do they not want people to see? Do they not want the media to scrutinize this? Do they not want the scrutiny of the public? Do they want this to go away as fast as they possibly can? Or have they made some wayward deal with backbenchers as the rumours suggest and promised to move this forward as fast as possible in an attempt to abate a mutiny of backbencher exodus to the Sask United Party? Clearly, clearly, Mr. Deputy Speaker, they are changing the rules to suit their own agenda.

And as I've said, this is simply a government who is using their majority as a hammer in a democracy to trample on the democratic processes of this Chamber, to change the rules so that they can use the hammer that is the notwithstanding clause to trample the rights of children as quickly as possible, forcing through rules to debate their pronoun legislation as quickly as possible.

In short, this time frame and rule changes strike at the heart of public engagement by not allowing wholesome public engagement in this process. But if the rushed process wasn't enough, we are also seeing this tired and out-of-touch government take a stab at the heart of the democratic process by limiting the work of the official opposition to engage in this Chamber.

In the new rules they state that Monday, Tuesday, Wednesday, and Thursday we will have routine proceedings, statements by members, question period, ministerial statements, introduction, presenting reports by special and standing committees. Conspicuously missing on this list are petitions by members, introductions of guests, and the ability for any member to move emergency motions. And on Friday, Saturday, and Sunday, the only business is introduction of bills and presenting reports by standing and special committees. So on these days we won't even have question period to question the government on this policy, a government so not enthused about being asked about their record.

I'd like to dive into these rule changes a tiny bit by starting with the removal of petitions. Petitions are one of the main ways that opposition members are able to bring forward issues to this House. As we saw today, we had petitions on health care funding, education funding, petition asking the government to ban conversion therapy, calling on the government to fund in vitro fertilization. If all other methods of moving the government on issues, petitions by members serves as one of the last options in the official opposition's tool box.

This summer my office worked hard on a number of petitions, including petitions regarding the recent pronoun policy brought forward by this government, petitions calling on the government to address the skyrocketing costs of home ownership and rent in Saskatchewan. Mr. Deputy Speaker, petitions are a primary vehicle for expressing the interests of our constituents. And often you'll find us MLAs — at least on the opposition side — out canvassing in our ridings, going door to door with a number of

petitions, talking about the issues that are so important to our constituents, and gathering the voices of those constituents in petitions so that we can elevate their voices in this Chamber.

By silencing petitions during this emergency sitting, they are saying to the people of Saskatchewan that they do not want their input — less engagement on a process that should already be slowed down and reviewed. This really speaks to the disrespect by this government to the people of Saskatchewan as they are essentially silencing the voices of constituents through the removal of petitions.

Second, it's also troubling to see the government has chosen to limit the introduction of guests during the emergency session. By limiting the introduction of guests throughout the emergency session, the government is not allowing anyone in this Chamber to introduce folks in the Chamber audiences and put them in the public record. Again the very stakeholders that the government is ignoring are now to be ignored in this Chamber when they come to visit, when they come visit their Legislative Assembly.

I need not remind the government that they are only caretakers of this province. They are only caretakers of this legislature. This is a legislature that belongs to the people of Saskatchewan, and it's a slap in the face to them that this government is looking to limit their participation. Because I really truly believe that we have all entered this Chamber to serve those who elected us. And when it shifts from serving people to serving oneself, to one's political agenda, we all need to check ourselves.

Mr. Deputy Speaker, I find all this too troubling. What I also find so troubling is just how cavalier the government is about changing the rules of this venerable Chamber. They've ignored experts. They've flouted the opinions of the child advocate, the Human Rights Commission. They've flouted the opinions of justices. They believe that their way is the only way forward, and they are using their government majority to ensure it.

It really comes back to the idea that if you can take away the rights of trans kids with the stroke of a pen and the use of the notwithstanding clause, what is stopping this government majority from changing the rules in a regular session? And what's stopping this government majority from taking away the human rights of other vulnerable communities? Mr. Deputy Speaker, we must be vigilant. And we in the Saskatchewan New Democratic Party will remain vigilant for the people of this province. Thank you so much.

The Deputy Speaker: — The question before the Assembly is the government motion. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

Some Hon. Members: — No.

The Deputy Speaker: — All those in favour say aye.

Some Hon. Members: — Aye.

The Deputy Speaker: — All those opposed say no.

Some Hon. Members: — No.

The Deputy Speaker: — I think the ayes have it. Call in the members.

[The division bells rang from 19:09 until 19:39.]

The Deputy Speaker: — The question before the Assembly is the government motion. All those in favour please stand.

[Yeas — 41]

Moe	Morgan	McMorris
Hindley	Reiter	Harpauer
Duncan	Merriman	Tell
Wyant	Makowsky	Marit
Cheveldayoff	Skoropad	Kaeding
Cockrill	L. Ross	Eyre
J. Harrison	Carr	Hargrave
T. McLeod	Buckingham	Fiaz
Kirsch	Lambert	Ottenbreit
Francis	C. Young	Steele
Bonk	Nerlien	B. McLeod
Grewal	Goudy	Keisig
Lemaigre	Jenson	D. Harrison
Domotor	Wilson	

The Deputy Speaker: — All those opposed to the motion please rise.

[Nays — 12]

Beck	Nippi-Albright	Mowat
Wotherspoon	Love	Teed
A. Young	Burki	Clarke
Sarauer	Conway	Bowes

Clerk: — Mr. Deputy Speaker, those in favour of the motion, 41; those opposed, 12.

The Deputy Speaker: — I declare the motion carried.

SECOND READINGS

Bill No. 137 — *The Education (Parents' Bill of Rights) Amendment Act, 2023/Loi modificative de 2023 sur l'éducation (Déclaration des droits des parents)*

The Deputy Speaker: — I recognize the Minister of Education.

Hon. Mr. Cockrill: — Thank you, Mr. Speaker. I rise today to move second reading of Bill No. 137, *The Education (Parents' Bill of Rights) Amendment Act, 2023*. Our government is concerned about the uncertainty surrounding the new parental inclusion and consent policy that has been caused by the involvement of the courts. This is why our government has taken the action and introduced this bill before the legislature to ensure that the rights of Saskatchewan parents are protected and that this policy is implemented by utilizing all legislative tools available to the government.

Our government simply just does not accept that it is in the best interests to hide information from parents. And after hearing from parents and grandparents and aunts and uncles from all across the province this last summer, Mr. Speaker, we know that

this bill has strong support from the majority of Saskatchewan residents.

Now, Mr. Speaker, this bill enshrines our belief into legislation that it is in the best interests of children when parents are involved in their education, in their classrooms, and in important decisions in their lives. And this bill will provide clarity and certainty regarding the rights and responsibilities of parents and guardians in Saskatchewan.

Now, Mr. Speaker, currently *The Education Act, 1995* is silent on these issues and has resulted in limited parental rights, responsibilities, and decision making on key issues surrounding the education of our children.

Now we know that parents and guardians have an important role to play in supporting and protecting their children. Children working through questions and issues relating to gender identity, they need support; and parents and guardians should be involved in these discussions and decisions.

[19:45]

Now, Mr. Speaker, we know that education is a shared responsibility between parents and guardians and children, school divisions, the Saskatchewan Distance Learning Corporation, the CÉF [Conseil des écoles fransaskoises] divisions, and government. These amendments in this bill demonstrate our government's commitment to ensuring that parents' and guardians' rights to be included in their child's education are enshrined into law.

Now many of these amendments are a result of feedback and concerns that our government has received from parents and Saskatchewan residents regarding the sexual health content being presented to children in our schools. And while there are some updates made to the existing sections of the Act in this bill, there are also several sections of *The Education Act* that are being added to reinforce the rights of parents and guardians as it relates to the education of their children. Let me go through a couple of those.

Now section 197.2 makes clear that parents or guardians of a pupil have the right to act as the primary decision maker with respect to their child's education. Now this includes but is not limited to the following: being provided with at least two weeks' notice prior to sexual health content being presented to their child, including the subject matter and the dates; the right to withdraw their child from that presentation; and provide consent for their child, if under the age of 16, to use a gendered name and identity prior to its use by school staff.

Now section 197.3 outlines the responsibilities of parents and guardians to co-operate with the staff of their child's school to ensure that the child complies with the code of conduct and administrative policies, including discipline and behavioural management, and take all reasonable steps to ensure that their child attends school.

Now lastly, section 197.4 outlines the legislative framework for consent from a parent or guardian that is required for a student under the age of 16 to use an alternative gender, name, and identity and have it used by school staff in a school setting.

Now, Mr. Speaker, importantly, this section adds protections that if the child may suffer physical, emotional, or mental harm by obtaining consent from the parent, the principal will engage the appropriate school resources to support and assist the child in developing a plan for that child to address the request with their parents and guardians.

Now section 197.4 will operate notwithstanding both the Canadian Charter of Rights and Freedoms and the Saskatchewan human rights Act.

As I stated previously, Mr. Speaker, our government knows that parents and guardians, well they have an important role to play in supporting and protecting their children. Mr. Speaker, I believe that this bill will protect the fundamental rights of parents and guardians and ratifies that they are the primary decision maker when it comes to their child's education.

In closing, Mr. Speaker, I want to thank the parents and guardians who have communicated to us, their elected representatives, on the need for a piece of legislation such as this to help involve them more deeply in their children's education. And our government is proud to support them.

So, Mr. Speaker, I now move therefore that Bill No. 137, *The Education (Parents' Bill of Rights) Amendment Act, 2023* be read a second time. Thank you.

The Deputy Speaker: — It has been moved that Bill No. 137 now be read a second time. Is the Assembly ready for the question? I recognize the member from Saskatoon Eastview.

Mr. Love: — Thank you, Mr. Deputy Speaker. I wish I didn't have to deliver these words tonight, and I wish that I didn't have to be here doing this. But this is the prerogative of this majority government to go down a path that will put already vulnerable children at risk of irreparable harm. That's what I'm here for. I will do my job as an opposition MLA. I will do my job as critic for Education. I will do my job as a citizen of this province who believes in the Charter of Rights and Freedoms and the human rights code in Saskatchewan.

Mr. Deputy Speaker, it is my goal that this evening my comments will focus on what matters to Saskatchewan people most. My goal is to bring forth a reasonable presentation of the facts and a reasonable argument about what's important in our schools and what's important in our families. We do not have to trample on the rights of children to meet both of those outcomes.

This is a choice. Like everything that this government does, and any government, it is a choice. It is a choice that they're making to go down this road. They didn't have to do it, and to the members opposite I say, you still don't have to. You can choose differently tonight. You can choose differently when you arrive at work tomorrow to do your jobs, to stand up for what's right in our province. Our kids are depending on it.

We saw the actions of someone today, Mr. Deputy Speaker, someone who acted with integrity, somebody who looked at the situation and said, I will not be a part of that. I'd like to read early in my remarks the news, what happened just earlier this afternoon while the House was still in session. I know that folks are talking about it, but this happened while we were assembled here today.

I'd like to read something published by Alec Salloum in the *Leader-Post* and *Saskatoon StarPhoenix* entitled, "Sask. Human Rights commissioner resigns over school pronoun policy." Quote:

> A Saskatchewan Human Rights commissioner has resigned following the provincial government's decision to utilize the notwithstanding clause to pass a policy mandating teachers attain parental consent before using a student's preferred name and pronouns at school.
>
> In a letter announcing her resignation effective immediately, Heather Kuttai, one of six human rights commissioners in Saskatchewan, said the decision did not come lightly, but to her, the policy itself is "an attack on the rights of trans, nonbinary, and gender diverse children."
>
> "A child's rights must always take precedence over a parent's obligations and responsibilities," Kuttai said. "My first concern is that this bill is going to hurt kids."
>
> Speaking shortly after submitting her resignation, Kuttai said it was a hard letter to write. "What drove me to do this is, my husband and I have a kid who's trans." Regardless of that connection, she said she would have been against the policy but "being a parent makes it a bigger issue for us."
>
> Kuttai said she remembers seeing her son struggle, seeing how he wrestled with coming out even though he thought his parents would be supportive. "I can't be a good citizen of this province, I can't be a commissioner that defends human rights, I can't be the mother — a good mother — to a trans kid if I just sit by and let this happen," Kuttai said.
>
> Kuttai was appointed to the Saskatchewan Human Rights Commission in 2014. According to SHRC, she is an author, disability advocate, and human rights activist. In 2021 she was awarded Lifetime Achievement Award from the University of Saskatchewan "her accomplishments and contributions to the social, cultural and economic well-being of society."
>
> She said even with the household she had, even though she and her husband were supportive of their child, coming out was "terrifying for them."
>
> When it came to supporting her son as he changed his name and came out as transgender Kuttai said, "It came down to a life-and-death decision. I don't want to be scared about him not wanting to be around this world anymore."
>
> "You choose your child, above all things," she said. But when it came time for her child to first confide in someone and seek support, school was the first place he went. "If they don't feel safe there I don't know where they can go," Kuttai said. "I hate to think of what would have happened if he had not had that support."
>
> In her letter, Kuttai said this "is something I cannot be a part of, and I will not be associated with a provincial government that takes away the rights of children, especially vulnerable children."
>
> Leader of the Opposition Carla Beck, speaking Monday afternoon, recognized Kuttai "for her courage," while calling upon the government to pause its implementation of the bill. "This is a province that once led the country when it came to human rights. The first Bill of Rights was here in Saskatchewan in 1947. Today unfortunately, the province is going to make news because of this government pulling us backwards," said Beck. "It's time for sober second thought. It's time to pull away from their agenda to ram through this bill as quickly as possible."
>
> On Monday afternoon Education minister Jeremy Cockrill said he was not aware of the resignation. "I don't know about that specific commissioner, so I can't speak to what that says," Cockrill said when asked what it meant that a human rights commissioner would resign in the face of this policy.
>
> Despite the resign, Cockrill said he is still "comfortable with where we're at with this piece of legislation," maintaining that his government has "heard from many Saskatchewan individuals, parents, grandparents, families, even educators that are supportive of this direction."
>
> The policy, Bill 137, specifically uses the notwithstanding clause with respect to sections 4, 5 and 13 of *The Saskatchewan Human Rights Code*. The clause has historically been a rarely used provision of the Charter that allows governments to override certain sections of the Charter of Rights and Freedoms for up to five years.
>
> Kuttai said the policy puts teachers in a position where refusing to call a student by their preferred pronoun and name is tantamount to bullying, saying it can cause harm to the students. "If this proposed legislation is enacted, using the notwithstanding clause, Saskatchewan will no longer be a place that takes care of all its kids," she wrote. "I cannot tell you the depth of my disappointment in the government I have worked for and supported for the last nine years."

Mr. Deputy Speaker, those are powerful words. Those are courageous words of opposition to a government who Kuttai served for nine years, nine years in defence of human rights in this province. And she stepped down today in an act of courage and integrity. And again through you, Mr. Deputy Speaker, I say to the members opposite, today can be their day to find their courage and to find their integrity.

Mr. Deputy Speaker, I began by saying I wish that I wasn't here making this statement tonight, but here we are. We have an emergency session called for the first time in a quarter century. Nearly 25 years since this Assembly has been recalled to talk about something so important you would think it must be impacting every corner of this province.

I might suggest, Mr. Deputy Speaker, that if we were here to talk about the situation that I was talking about this morning in my city in Saskatoon in front of RUH [Royal University Hospital] hospital — where 41 people are admitted to hospital; there's no bed for them to go to — that might justify recalling this Assembly. But that has become commonplace under this tired and out-of-touch government, that we're just getting used to seeing folks in hallways surrounded by blankets and sheets in our

hospitals receiving care in hallways or in closets or in spaces where care was never designed to be provided. That might be reason to call us back here. That's an emergency befitting of a sitting like this. I believe my colleague, our esteemed Health critic from Saskatoon Fairview, said earlier, where is our emergency sitting for our emergency rooms? That would have been justified to bring us here.

Perhaps an emergency sitting on the crushing cost of living that folks in our province are living through under this government who hasn't done a thing to make it better, but they've piled on utilities, taxes, fees, every increase that you can possibly imagine. This government has moved away from offering help and they've made things worse for folks in the province. That might be a reason to recall this legislature to talk about things that are impacting folks.

[20:00]

Or how about we call us back to talk about the nearly 200,000 people who don't have access to a family doctor. They don't have access to a nurse practitioner. They don't have access to that primary care that's the backbone of our health system. That might necessitate an emergency sitting in the legislature.

But what are we here for? While we have schools in this province with rain pouring in through the roof, waterfalls cascading to the library, down the stairs, into their daycare, rendering it unusable, we're here to talk about what kids call themselves on the playground.

I toured that school with members opposite, a member of this government's cabinet, a backbencher from Saskatoon. They were there. They looked at those tarps with their own eyes, hanging from the roof. They looked at the rotted walls. They looked at the unsafe conditions that students went to every day. They were there at 10:30 in the morning when it was already unreasonably hot in the second floor of this school that doesn't have any air conditioning. They saw it with their own eyes. They saw the closets being used for meeting spaces and instructional spaces and boot rooms. They saw all of the same things I did that might necessitate an emergency sitting of the legislature.

But what are we here to talk about? We're here to talk about a government so threatened by the member from Saskatchewan Rivers that they're going to move ahead . . . And we can't stop them. We can't stop this from happening, but we will oppose it every chance we get. They're here to have this emergency discussion to move ahead with something that they know — or at least they should know — will cause irreparable harm to children in this province, invoking the notwithstanding clause to trample on the rights of children, vulnerable children.

Why should they know this, Mr. Deputy Speaker? Why do I say confidently that they should already know this? Well, Mr. Deputy Speaker, when I got into politics I was warned that this is the worst-behaved classroom in the province. And I was warned again: are you sure you want to do this, to go from teaching into the Assembly? I was warned, you know, there's going to be heckling. There's going to be folks on their cell phones. There's going to be folks who don't want to listen to you. I can handle it.

But they should know when they come to this building that they should have done their homework. Had they done their homework, I can't conceive of any member in this Assembly having done their homework and voting for this legislation.

So, Mr. Speaker, through you I'd like to ask the members opposite if they've done their homework. You can nod, raise your hands, whatever. Have you read the judge's ruling from Justice Megaw invoking the injunction on this policy? I don't see any hands up. I don't see any hands up. Are they saying that they have not read the ruling? I know that this government tweeted out a response in less than an hour. Mr. Deputy Speaker, it took me several hours to read that ruling; it's 56 pages long. So to see no members from the government acknowledging that they actually read the ruling, how can they come in here and so confidently, so arrogantly stand here and applaud themselves for bringing forward this legislation? They have not done their homework.

Mr. Deputy Speaker, I've got good news. I think it's good news. I made a copy for all of them, and I've brought it here with me tonight. And if I can ask for some assistance from the Pages, I'd like to deliver a copy of the Court of King's Bench for Saskatchewan's ruling. I've got 47 copies — let's make sure that we don't miss the member from Sask Rivers — because we're going to be reading it here this evening.

The Deputy Speaker: — No, that's against the rules of the House. You can't do that.

Mr. Love: — My colleagues will deliver these to the Pages, and I will be . . .

The Deputy Speaker: — No. No, no, you can't do that. You can table it. Okay. Let's . . . Okay. You've heard it. You can table it, but you can't go and hand it out.

Mr. Love: — I wish to table 47 copies of the Court of King's Bench for Saskatchewan's ruling on the injunction. So while my colleagues help me with this, we'll table it, and then again . . . We've got participation. It's interesting. Moments ago when I asked if any members had read it, no one wanted to participate. No one raised a hand. No one indicated that they've read it. And now you want to get involved in debates . . .

The Deputy Speaker: — Okay, hang on for a minute here. You'll be tabling the one copy. Won't be distributing.

Mr. Love: — Thank you, Mr. Speaker. I'm happy to table one copy . . . Good. It's interesting as we engage in an exercise of who has done their homework, it's the most positive response I've ever received from this government, from the members, acknowledging that they haven't read the report and they don't want to. And they don't want to.

I will happily provide any member of the government a copy of this ruling outside of the Assembly any time that they want. I came prepared with the readings that you failed to do before showing up at work today. If you would like one to follow along, I'm sure that we can get you the one copy that I've tabled here with the Clerks in the Assembly.

Let's get started. So, Mr. Deputy Speaker, I think that this ruling

is very important as we consider the legislation before us today, because this is an independent court in Saskatchewan that made a ruling on the policies brought forward by this government that mirror the legislation in Bill 137.

I've got them riled up over there. And again I come back to the warning, worst-behaved classroom in the province. Well we've got 100 per cent of folks here today that haven't done the homework and have no interest in doing it. But they're here; they're attending today, and so we're going to have a look through it.

Mr. Deputy Speaker, on page 3 Justice Megaw gives a little background. He says:

> On August 22nd, 2023, the Government of Saskatchewan as represented by the Minister of Education [Ministry] introduced the Policy to be followed in the upcoming school year by all school divisions in the province as well as the Conseil des Écoles Fransaskoises. [We'll refer to that as CÉF in the future.] The Policy is entitled "Use of Preferred First Name and Pronouns by Students". That title does not describe the nature of the Policy because in fact, it puts in place a requirement that parental consent is required for students under 16 before they are entitled to use a "preferred" name, gender identity, and/or gender expression with school personnel. This requirement does not apply to students over 16. The specific wording is as follows . . .

And it goes into the policy. I won't go into the wording of the policy because of course that's been replaced by the legislation before us today. While they're very similar, I will get into specific wording of the legislation later in my remarks.

On page 5, Justice Megaw continues:

> The Government has filed the affidavit of Mr. Michael Walter to outline the steps taken by the Government, through the Ministry, in the development of the Policy. Mr. Walter is an Assistant Deputy Minister with the Saskatchewan Ministry of Education. He deposes between early June 2023 and early August 2023, the Ministry received 18 letters regarding a document known as the New Brunswick Sexual Orientation and Gender Identity Policy, and further that those 18 letters expressed support for a similar policy in Saskatchewan. Of the 18 letters, Mr. Walter deposes that seven of the authors indicated that they were parents of school aged children. The affiant has provided no indication whether any of the 18 writers were resident in Saskatchewan although the deponent refers to them as a "constituent." Of the seven who indicated they were parents of school aged children, there is no indication what age those children were nor, again, where their parents reside.

Mr. Deputy Speaker, we have insight here in this affidavit from an esteemed educator who works in the Ministry of Education as an assistant deputy minister, someone who I've had the honour of being in committee with, seeing at SSBA [Saskatchewan School Boards Association] events. And he's here in a court of law providing an affidavit where he is sworn to be truthful about what processes this government undertook to develop the policy. So we need to pause here and examine the rules that govern our courts and this affidavit from Mr. Walter and how different they are from the political, partisan messaging from this Premier and this Education minister. We have a sworn affidavit. A sworn affidavit in a Saskatchewan court that details the process, and it comes down to seven emails. Seven emails from people who indicate that they are parents of school-aged children.

There is no way to verify any of these emails, to be honest. We can only go based on what they say, and we have seven. Seven people that led to the creation of this legislation before us tonight over a span of, I think, nine days in total.

There is no world, there is no democracy in which this constitutes adequate consultation for a bill such as this, and in no situation should seven emails and nine days of work lead to invoking the notwithstanding clause to trample on the rights of vulnerable children.

I'll go back to the Justice's ruling, again on page 5:

> Mr. Walter then describes that as part of the examination of policies and administrative procedures in the school divisions with respect to a student's indication that they wish to change their name and pronoun to accord with their "gender choice," there was a lack of consistency with respect to the policies in place.

Pause the quote there. We've heard this same messaging from the minister this week and last week, that there was inconsistencies out there. Okay? The judge will address this thoroughly in this ruling, that claim that inconsistencies led to the bill that we see before us tonight, Bill 137. I'll go back to the judge's words:

> He does not specifically identify the policies studied, nor does he identify what those policies stated. Finally, he does not indicate whether there had been any difficulties or problems through the implementation of any such policies. It is not explained in the affidavit why the specifics in this regard are not set forth.

Mr. Deputy Speaker, I think it's pretty clear . . . And we're only five in, by the way. I think it's pretty clear that the judge is indicating that the evidence presented in a court affidavit, argued by this government that this policy should be in place, was completely lacking — lacking in substance, lacking consultation. This is not how policies are developed. This is not a democratic process to developing any kind of legislation, especially one as important as Bill 137.

I'll move on, Mr. Deputy Speaker. On page 6:

> There is no indication in Mr. Walter's affidavit that the Ministry discussed this new Policy with any potential interested parties such as teachers, parents, or students. There is further no indication any expert assistance was enlisted to assist in determining the effect of the Policy. Finally, there is no indication the Ministry sought any legal assistance to determine the constitutionality of the Policy with respect to any potential considerations regarding the *Charter*.

Mr. Deputy Speaker, this is wild. This is wild. We have a premier, we have an Education minister who say that parents were consulted, but a court, a Saskatchewan Justice, reviewed all the evidence and he said, and I quote again: "There is no indication in Mr. Walter's affidavit that the Ministry discussed this new Policy with any potential interested parties such as . . . parents." Such as parents. They didn't consult parents. This is absolutely wild that that the minister will stand on his feet day after day claiming to have consulted parents, and we have a Justice here who looked at the evidence and ruled otherwise.

[20:15]

Yet we still hear the same messaging day after day from this Premier, from this Education minister that somehow the courts got it wrong. Somehow their own officials, their own deputy ministers got it wrong and they've got it right. They know all the answers over there, don't they, Mr. Deputy Speaker.

I think the facts beg to differ. I said tonight I'd like to come here and have a reasonable conversation about the facts. These are the facts. Parents were not consulted. Teachers were not consulted. School divisions were not consulted. This government showed no interest and no curiosity on what the impact of this policy would be.

So why did they do it? Why are they doing this? I can only speculate, Mr. Deputy Speaker, that it's purely for their own partisan political gain. There are no facts. There's no evidence to back this up, no consultation. They didn't even talk to parents.

I'm getting some desk pounding from the other side. I appreciate it, thank you. I'll be here all night.

Mr. Deputy Speaker, I'll move on to page 7 in Justice Megaw's ruling:

> The evidence filed by the parties will be commented on in more detail within these reasons. For the purposes of background, it suffices to identify that UR Pride's materials illustrate that students who are unable to identify according to their name, pronouns, and sexual identity suffer harm with the affiants identifying the nature of the harm suffered.

Later in the paragraph:

> It is fair to recognize that all of the experts, and for that matter the lay witness affidavits submitted by UR Pride, recognize the importance of parental involvement and support in a young person's experience with their name, pronoun, and gender identification.

Mr. Deputy Speaker, it is not up for contention in this Assembly or in any intelligent discussion about the importance of parents in their child's education. We absolutely know that deeply. I know that deeply as the parent to three school-aged children — grade 11, grade 5, and grade 1. They attend public schools in Saskatoon. They've got incredible teachers, incredible teachers. I'm so fortunate to have three amazing kids with those absolutely fantastic, dedicated, competent, caring professionals in their lives. But I know their teachers can't do it alone. I know how important it is that parents are involved in their children's education in every possible way, that it's not up for debate. But what is up for debate are the rights of vulnerable kids, and what this policy will do to cause harm, irreparable harm, according to this judge, to children in Saskatchewan.

I'm going to skip over looking . . . And it's a complicated decision to follow. And again I'll express my disappointment that none of the members opposite have read it or are willing to read it tonight. So I hope that they're okay following along. Maybe they're audible learners. I know I had students certainly that did better when they had visuals that they could maybe read along. I'm certainly not allowed to bring visuals in here in the form of charts or graphs or PowerPoints and things like that. I would love to see a guest speaker come in, but I think tonight is going to be the folks next to me here. Mostly me, if we're being really honest. So I'll continue reading, and I hope that the members opposite, who have not done their homework, can follow along as best as they can.

On page 9, Justice Megaw continues:

> For clarification, as part of its constitutional function, the Court is not asked to opine on the appropriateness of a governmental action from a political perspective. That discussion is for the legislative and executive branches of government. The judicial branch, as evidenced by this judgment, is required to examine solely the issue of legality of whatever action has been taken.

So I appreciate that Justice Megaw included saying, it's not up to our courts to determine the politics of this legislation, Bill 137. The politics of it, that's up to them. And I think it's pretty clear why they're doing this. They think it's politically advantageous to them. Justice Megaw is not going to weigh in on that. What he's going to focus on, is it legal? Is it legal? Will anyone's rights be trampled on? And, spoiler alert, they will be. He's pretty clear about that by the end of this ruling.

I wanted to pause and talk about that in terms of the scope of his finding and the notion that we have division of powers. We appreciate that in democracy. We rely on that. I know that we, as my colleague from Douglas Park has noted, we have members opposite who are members of the bar. I hope that they consider carefully what this kind of approach means for their own professionalism as members of the bar, to support this legislation, and the use of the notwithstanding clause, as well as the process that it took to get them there.

I'm going to skip ahead a couple pages here. There's much in the ruling, for those who do wish to read it at some point, in terms of the interests involved in this and having to prove that this is of interest to the public.

I'm going to move on to page 15. This is paragraph 38, page 15:

> The Government submits that UR Pride does not deal specifically with "elementary and high school aged children". I respectfully observe that this submission is both incorrect and further, fails to recognize the work, and the specific nature of that work, completed by the organization.

The Justice goes on to cite a similar decision by Chief Justice Wagner, in a similar case for precedence on this. I'll continue paragraph 39:

> I am satisfied that UR Pride has quite clearly demonstrated a link to the issue of gender-diversity and a genuine interest in that issue and has a lengthy resumé advocating for individuals' ability to disclose and discuss, with support, their gender identity issues.

Then he goes on to cite another precedent case in the words of Justice Wagner, paragraph 40:

> The Government submitted that because UR Pride serves interests solely in the city of Regina, this should disqualify it from obtaining public interest status. I determine this argument is simply of no moment when considering constitutional challenges to governmental action.
>
> If it was somehow necessary that this applicant have reach beyond just the city of Regina, the evidence of Ms. Giroux establishes that, indeed, it does. The camps and other support initiatives are not confined only to those who reside in Regina. I am able to conclude that UR Pride through all of its various activities is not an exclusively Regina entity.

And I bring this up, Mr. Deputy Speaker, to point out that the folks who brought this case forward at UR Pride have a very good grasp on the impact of this legislation. They know well, from the young people that they serve, elementary and high school age, and of course young adult, university-aged people and a number of different groups within the LGBTQ2S+ [lesbian, gay, bisexual, transgender, queer and/or questioning, and two-spirit, plus] community in Saskatchewan. I think that they've got a pretty good grasp of what the impact will be.

I know that from the ruling that I'm reading here today that the government opposed that, that they tried to challenge this and show that they did not have a grasp on what was in the public's interest. But the judge clearly saw it otherwise. And on this side we're going to respect the independent decision of that court in seeing it that way.

Further on, on page 16 it says:

> But, more to the point, this litigation involves a challenge pursuant to the *Charter* to government policy implemented throughout the province. *Charter* issues do not solely arise in one city or one area of the province. Rather, they are live issues anywhere that government policy is being implemented. That is to say that the issues raised in this litigation are not constrained by geography or location. The Government, of course, governs the entire province and therefore its actions have effect province wide. As a result, I reject the notion that where an entity operates somehow necessarily affects whether it can represent the broader interests at play in this litigation, or any other constitutionally driven actions.

Mr. Deputy Speaker, what the Justice is saying is that UR Pride has a strong grasp of what's happening province-wide. They run camps, namely Camp fYrefly. And for those who aren't familiar with it, Camp fYrefly has an impeccable, impeccable reputation in our province for providing welcoming, safe, inclusive summer camp experiences for queer youth.

Youth attend these camps from all over the province. They hold it in different locations. They come from all over the province, different grades. I'm not quite sure what the age range might be, but they do an amazing job offering these camps to youth who are navigating some of the most difficult times of their life, making it through their school-aged years and beyond, learning about themselves and where they fit in our society, in our institutions, in our province — sometimes even in their families. They provide an incredible service to the young people of Saskatchewan, and I honour them for that, Mr. Deputy Speaker. I'm proud to say on my feet how wonderful those camps are, how much they've meant to people around the province, including my own family.

That was argued in court, and the Justice found that they have the experience, the reputation, and the reach in our province to understand this issue deeply. The Justice continues on page 18:

> UR Pride is certainly pursuing this matter "with thoroughness and skill". UR Pride has marshalled its resources and channelled its efforts into preparing this case for adjudication. I have previously commented on the efforts in this regard as being significant. In an extremely short period of time, UR Pride has prepared detailed and complicated pleadings and obtained evidence in the form of three affidavits from experts and several affidavits from individuals who proffer relevant evidence to the matters in issue in the litigation. I use the terms "expert" and "relevant" advisedly. Both counsel for UR Pride and counsel for the Government acknowledged that those proposed experts who completed affidavits could be accepted by the court as experts and were therefore entitled to offer opinion evidence at this stage of the proceedings. Furthermore, neither party took any objection to the relevancy of any of the affidavits filed and accordingly, I am able to accept that the contents of the various affidavits are relevant to the issues presented by this litigation.

Mr. Deputy Speaker, what the Justice is saying is that UR Pride did their homework. Unlike the members opposite this evening, they've done their homework. In a short period of time they prepared several affidavits. They presented expert testimony. They did their work. They did their work. And I think that that's important to know when this government is citing sources that avoid transparency, avoid accountability. We're not really sure whether it's thousands, or maybe tens of thousands, or maybe just single digits in terms of how many parents they talked to.

We have a court in Saskatchewan fulfilling their obligation with their division of powers between the legislative executive and judiciary, and they've looked at the evidence and they've ruled on this. They've ruled on this, Mr. Deputy Speaker, and the judge says UR Pride did their homework.

I'm going to skip ahead a few pages to page 22. On page 22, the Justice continues, paragraph 59:

> The principle of legality and supremacy of the rule of law, means specifically that governmental action must not be either immunized or hidden from constitutional challenge. As well, artificial barriers cannot be constructed to defeat legitimate questioning of government action. The ability, in a legitimately framed proceeding, to challenge such constitutionality is what permits governmental action to be

> scrutinized and properly evaluated. It is that very principle upon which our free and democratic society is based and which permits the rule of law to operate. If the governmental action is determined to be constitutionally correct, the policy will remain. However, if the governmental action is determined to be unconstitutional, it must be struck down. The ability to mount such a challenge should be considered to be a critical component of our ability to function in our society. The ability through proceedings such as these to engage in full and free debate is a hallmark of our democracy and that which ensures all in society have a voice and are heard.

[20:30]

Mr. Deputy Speaker, I read that section to again remind this Assembly, not from my words, but the words of the judge who reviewed this decision, the importance of our courts, the importance of this independent voice. And he doesn't mince words: "The ability to mount such a challenge should be considered a critical component of our ability to function in our society."

I am shocked that a ruling such as this doesn't at the bare minimum, at the bare minimum, give this government pause. Let's just hold on a minute. An independent, non-partisan Justice in Saskatchewan who upholds the integrity of our independent courts looks at what we're doing and says it will cause irreparable harm to children. This is a pillar of our democracy. Let's at least hit the pause button.

I'll remind the government members this is just an injunction. This wasn't a decision on the constitutionality of it. It was just an injunction, an injunction to stop irreparable harm from continuing while the Justice looks at this. He'll go on to say later that this would have been done within the first semester of the school year.

What's the rush? Why such rush? Why not hit pause, let the courts do what Justice Megaw says that they are designed to do in our society? Why proceed at this pace? Why bring forward the rules to change this Assembly to limit public scrutiny? Why bring forth the notwithstanding clause to trample not just on Charter rights, but on *The Saskatchewan Human Rights Code*? Why push this forward at such a pace and put a clause in the legislation that says, by the way, we can't be held accountable for the harm that this will cause. Make it make sense. Make it make sense. What's the rush? Why not allow the courts to do what they're designed to do?

Mr. Speaker, continuing on on page 23, paragraph 62. This is under section B, is the application for an injunction premature:

> The Government argues that without these administrative procedures in place, there are no harms occurring, and accordingly there is nothing to enjoin through an interlocutory injunction.
>
> I find, respectfully, that this aspect of the Government's argument is incorrect in fact and in effect. In fact, the Policy has been implemented in the Regina Public School Division since the beginning of the current school year.

So again, with respect to the policy that led to this bill, we have a judge ruling that this is already in effect and an injunction is necessary, which is why he stepped in, ruling that it will cause irreparable harm to children.

Got to be careful how much water I take in here, Mr. Deputy Speaker. That's right. Otherwise things are going to go really badly. More for . . . [inaudible interjection] . . . Get outta here.

Looking at page 25, for those following along, paragraph 66:

> In the result, accordingly, a suggestion that this interlocutory application is premature, is without any evidentiary support at best. It further appears to ignore the clear indications that the Policy is to be adhered to.

Again we've got a judge saying that all of the attempts from this government's counsel, in-house counsel, is without any evidentiary support. I think my words would not be so respectful. I think I've used previously in this Assembly the term "dumpster fire." And I think that that might apply. It's completely without evidence, presenting arguments without any evidence whatsoever. And this is an embarrassment to this government to have such a harsh ruling on the policy that they're trying to ram through.

On page 27, Mr. Deputy Speaker . . . Before I go there, the judge looks at, is this a serious question to be tried, and kind of describes in his ruling that there's a very low bar that the government didn't challenge in this case. There's a low bar. Is this a serious question? Yes, they agree, I think that this is a serious question to be tried. The second hurdle that the affiants had to get over is in section 2: "Is there likelihood of irreparable harm to the applicant if the injunction is not granted?"

Okay, and that's where I'll read from here. On page 28:

> UR Pride has filed expert evidence concerning the potential harm suffered by gender diverse students if this Policy is not enjoined pending a full inquiry regarding the alleged *Charter* breaches of the Policy.
>
> UR Pride has filed an expert opinion affidavit of Dr. Travis Salway. Dr. Salway is an assistant professor in the Faculty of Health Sciences at Simon Fraser University. He has in excess of 20 years of public health research concentrating in the area of health of 2SLGBTQ1+ individuals. Specifically, his research deals with "identity . . . [validation]" and the health consequences of that action specifically as it relates to school policies denying youth the ability to use their "chosen names and pronouns in the absence of parental or guardian consent."

That affidavit of Dr. Salway in paragraph 9 that the Justice is quoting from.

Mr. Deputy Speaker, this is the point were I'll start to review some of the evidence that was supplied in court for those members who are curious enough to know what evidence exists to prove that this will cause irreparable harm. I often hear members opposite dismissing that as though it's a ludicrous claim. I think it's a very reasonable claim, and I think I'm on solid ground here because the judge agreed that this is a very

reasonable claim.

So let's look at the evidence:

> Studies conducted together with the research in this area, according to the opinion expressed by Dr. Salway, establish that identity invalidation causes psychological harm to the individual affected:
>
> > Rigorous studies from public health and psychology research further clarity the mechanism through which identity invalidation causes psychological harm. We have empirically tested this mechanism under a theory know as "minority stress." What we have learned is that, as identity invalidation and other forms of stigma accumulate, 2S/LGBTQ young people begin to develop negative opinions of themselves, often internalizing doubt, ruminating on invalidating messages, and eventually losing hope for their own futures. As negative self-schemas, rumination, doubt, and hopelessness grow, these psychological injuries can eventually lead to prolonged experiences of depression, anxiety, and in some cases, suicide; some will turn to drugs and alcohol to try to cope with the effects of minority stress, while others socially withdraw.

Mr. Deputy Speaker, we in this Assembly don't need to look at this warning and this evidence as theoretical. We were here last week and we saw a mother quietly weeping in the Speaker's gallery while the story of Bee was shared with this Assembly. This is exactly, exactly what this expert testimony is speaking to. There's no doubt. There's no doubt about this. And the members opposite would be wise to read this evidence and to pair it with that mother, Sarah, who sat up there and wept as the story of her child's death was shared here in the Assembly.

Continuing on page 29:

> Dr. Salway further opines that identity invalidating messages are given when a teacher misgenders a student when they do not use the chosen name or pronoun of the student. According to the opinion expressed, the results of such identity invalidation are:
>
> > In this context, it is not surprising that 2S/LGBTQ youth who experience identity invalidation suffer an elevated burden of suicide-related outcomes. This is why the American Psychological Association supports the validation of adolescents' self-determined gender identities, in school and other social environments. On this basis, school-based policies that deviate from the practice of affirming trans students' gender identities — including personal names and pronouns — risk further contributing to the unjust and avoidable psychological distress caused by invalidating environments. Social epidemiological research from recent decades — particularly in the United States — has demonstrated greater levels of anxiety, suicidality, mood disorders, and substance use disorders in jurisdictions that have enacted sexual and gender minority-invalidating and marginalizing policies.

Justice Megaw continues:

> The expert opinion affidavit of Dr. Travers was filed by UR Pride. Dr. Travers is a professor of sociology at Simon Fraser University. Their opinion relates:
>
> > I have been asked to provide an expert opinion on the likely consequences for gender-diverse students of a policy that: (i) requires school personnel to seek parental/guardian consent when a student under the age of 16 requests that their "preferred" name, gender identity, and/or gender expression be used; or (ii) requires school personnel to deadname and misgender students under the age of 16 in the absence of parental/guardian consent.

Mr. Deputy Speaker, Justice Megaw continues:

> They opine that the well-developed research, as set forth in the affidavit, illustrates the following:
>
> > Ultimately, both those who are visible and those who are invisible are vulnerable to high-risk behaviour, self-harm, and suicide. It is important to emphasize that it is not being transgender, *per se*, that increases the likelihood of self-harm and suicide but rather cultural and social prejudice that does the damage.

Justice Megaw continues at the bottom of page 30:

> Specifically related to the effect of this policy, Dr. Travers states:
>
> > Trans youth with unsupportive parents and families are already exposed to high risk. Trans youth face an increased risk of depression, anxiety, and suicide when belonging to families who reject their gender identities. Expressions of violence, abuse, and pressure in the home can threaten mental health and belonging.

Now I want to pause there for a minute. And I'm sure members on both sides will agree that this is what the Justice later goes on to call a minority of minorities. This is a very small number. It should not distract from our shared belief that parents play an absolutely crucial role in their children's education. There is no one in this Assembly interested in getting between a parent and their child. I knew that as a parent, I knew that as a teacher, and I know that as a legislator.

Justice Megaw goes on to examine the evidence related to deadnaming. Quoting evidence from Dr. Travers, says:

> Deadnaming and misgendering by teachers harms already vulnerable kids. Public health literature outlines multiple significant psychological and other health-related harms that may occur if a trans student is unable to use their chosen name or pronouns . . . in multiple environments including schools.
>
> Deadnaming and misgendering may also have the impact of "outing" a student (who, for example, presents as one gender) as transgender to their peers and/or reinforcing the social exclusion and harassment to which gender diverse students are frequently subject.

[20:45]

I'll pause there, Mr. Speaker. This is what we're talking about when we talk about causing harm to already vulnerable kids. We know that children who identify, and teens and youth who identify as nonbinary, gender diverse, or trans are already at risk. We know that they're already at risk of exclusion, of bullying — we've been through the list here already this evening — self-harm, suicidal ideation. The list goes on and on. What the evidence presented in court shows is that this policy that will require misgendering in schools will put those already vulnerable kids at greater risk. So that's what we're talking about when we use that line, forcing already vulnerable kids to experience irreparable harm. This is the evidence that we're talking about.

I'll continue with the ruling on page 31:

> Several trans kids that I interviewed, or whose parents I interviewed, in the course of my work experienced verbal abuse, threats of violence, and physical violence at school that made it impossible for them to continue attending, either temporarily or indefinitely. Such interruptions to school attendance have negative mental health consequences and significantly lessen the likelihood of academic success and therefore increase the likelihood of future precarity. These interruptions become more likely when teachers are barred from recognizing and affirming gender-diverse students' identities.

I'll pause there again to provide my own interpretation of this evidence. Mr. Deputy Speaker, what we're talking about here is supporting gender-diverse students, nonbinary students, supporting them so that they have the best chance of learning when they arrive at school.

I know well, as a public schoolteacher, some of those ingredients that are necessary for true engagement to take place in the classroom. When you talk to teachers, teachers are often trying to solve this puzzle. How do we engage students in their learning? There's a few prerequisites for engagement. Feeling safe at school is a prerequisite to engaging in learning. Having meaningful relationships with peers, teachers, and caring adults, that is a prerequisite to engagement. Feeling affirmed and able to be who you are when you arrive at school, that's a prerequisite. Those are the ingredients, some of the ingredients to true engagement, and engagement needs to be there for students to truly learn.

Students can sit in a classroom much like some folks sitting here this evening, not listening to anything that's being said and maybe not doing their homework before they arrive. That happens. Wish it didn't. Of course it does. But if real learning is going to happen, students need engagement. For engagement to happen, they need to be affirmed. They need to feel safe. They need to feel included. They need genuine, authentic relationships most importantly with their peers, second most importantly at school with their teachers and caring adults in the school.

This policy, according to the evidence presented in court, will make the likelihood of academic success less likely for those students. In essence this policy is creating a barrier for teaching and learning in Saskatchewan schools. We should all find it shocking that the Education minister took to his feet about an hour ago, presented a new bill that will make it harder for Saskatchewan children to learn.

I'll continue on page 31, paragraph 82, referring to the affidavit of Dr. Travers:

> They go on to opine that the ability to use a chosen name and pronoun in a school setting improves a youth's mental health situation.

So here's the solve, Mr. Deputy Speaker. What is best practice in a school? I should mention that this best practice is already supported by the ministry's own documents, their own publications, *Deepening the Discussion*, the provincial educational plan. They already know that this is best practice. This is not news to the members opposite. Well it might be news to the new Education minister because he's never spent a day in a Saskatchewan school, but most of us know that this is already part of that government's publications.

Again under paragraph 82 on page 31:

> Notably, use of chosen name in school settings is associated with improved depressive symptoms and self-esteem. The use of a student's "preferred" name and pronouns in any context is associated with lower depression, less suicidal ideation, and reduced suicidal behaviour. A supportive school environment and use of chosen name can help improve the psychological well-being of trans kids, as being out about gender identity in a school environment has been found to contribute positively to self-esteem, feelings of belonging, and overall well-being.

This is what is happening in schools today. Thankfully this is what's happening in schools today: affirming young people for who they are to increase the likelihood that authentic teaching and learning will take place. That's what schools are about: teaching and learning. Any policy brought forward from this government should support that. Today is not that day.

I'll move on to page 32, Mr. Deputy Speaker, paragraph 83. We're moving on to a new expert witness provided by UR Pride:

> The third expert to provide opinion evidence in support of UR Pride is Dr. Saewyc. She is a professor in the school of nursing at the University of British Columbia. She has been intimately involved in research concerning adolescent health in the province of British Columbia. She has an international recognition for her research concerning "the health of marginalized youth."
>
> Dr. Saewyc opines on the positive effect of a gender diverse youth to have strong positive family support. Such supports significantly reduces these youths' mental health difficulties including suicidal ideation. However, where that parental support is either not present or is not strong, gender-diverse youth suffer significantly more emotionally and mentally than do non-gender diverse youth:

I think that's an important finding. Again, I think this is the third witness that UR Pride brought forward. And I think it's important just to note the difference between gender diverse and non-gender diverse when it comes to those mental health outcomes that are such an important part of this conversation.

Some of the evidence presented by Dr. Saewyc goes as follows:

> These lower levels of family understanding and acceptance, and troublingly high levels of family violence experienced by gender diverse youth, including youth as young as 12 in BC and as young as 14 in the data from Saskatchewan, unfortunately contradict the assumption that all parents are safe and must give consent for gender diverse young people to have their identity supported at school.

Now again that's the evidence brought forward in the court. I think that again to bring us back to the debate in this Assembly, we're absolutely supportive of parents being involved and by no means would anybody on either side of this Assembly or from the one independent member indicate that this is the norm. This is such a small minority within a minority, but it needs to be considered in how this policy is developed.

And I'll bring back to the early words of Justice Megaw who said that this government didn't consider any of those outcomes. They didn't consult with parents. They didn't consult with education stakeholders. And they didn't consult with teachers or divisions. They didn't consult with educational counsellors or psychologists. They didn't do any of that. So they've ignored this very small sliver of children who could be harmed by this policy. In fact . . . Well I'll pause there.

I'm going to move forward to the next page here. On page 34:

> Dr. Saewyc refers to the extensive research which has been conducted establishing the concerns for violence, discrimination, and bullying for gender-diverse youth at school. The statistics in this regard are provided by Dr. Saewyc and establish serious and significant concerns for these youth. To combat the significant concern regarding violence or discrimination, Dr. Saewyc opines:
>
> > Schools are not necessarily safe spaces for gender diverse youth who are out, and teachers and other school staff set the tone for supportive school environments to help prevent bullying and violence. When teachers and other school staff recognize and affirm the gender identities of trans, gender diverse, and gender non-conforming students, they make school environments more safe and prevent bullying and violence. When teachers and other school staff do not recognize and affirm the gender identities of these students — including as a matter of policy — they contribute to the physical and psychological dangers that trans, gender diverse, and gender non-conforming students experience in the school environment.

Again I'll pause there, Mr. Deputy Speaker, to offer my own insights into how this applies to Bill 137 before us this evening. I think that what Dr. Saewyc is opining on here is absolutely supported by several publications from this government, but it directly contradicts the policy that they've brought forward in Bill 137. I believe that the deepening discussion publication from the Ministry of Education would agree that when teachers and other school staff recognize and affirm gender identities, they make school environments more safe and prevent bullying and violence.

I cannot understand why this government would bring forward a piece of legislation that contradicts the evidence that we heard in court. Whether or not they read it, doesn't change the fact that it was presented. And it also contradicts their own ministry publications — hard work that's been done by educators and folks in the ministry to make sure that we are improving, getting better. We're not 100 per cent there yet, but improving and making schools more safe and welcoming for all students. We have the evidence from this court decision. We have the support in the ministry documents. We have legislation that stands opposed to those two things.

Now the government did bring forward their own expert witness. And, Mr. Deputy Speaker, I wouldn't be doing my job if I stood here and only presented one side of the court case. They did bring forward an American psychologist, I believe, and I'll read a little bit about what the Justice had to say about her testimony:

> In response to these expert opinion materials, the Government has tendered the expert opinion affidavit of Dr. Anderson. Dr. Anderson is a clinical psychologist practicing in Berkeley, California. She indicates that her professional work focuses on youth dealing with gender-identity issues. She estimates that she has attended on hundreds of youth with respect to gender-identity issues with many, but not all, of those youths ultimately transitioning to a different gender identity from that assigned at birth.

So this is the background of their expert witness. And I guess I'm trying to paint the picture here, Mr. Deputy Speaker, that both sides, obviously, in a court, have a chance to bring forward testimony, expert witnesses that can present their case, make an argument using all the evidence that they have available, all of the powers available to that Minister of Justice were put into this court case. You know, they threw everything at it and they came up with one expert witness.

And again a judge that's already ruled that no parents, no teachers, and no school divisions were consulted. But they got one expert witness. Dr. Anderson provided, I think, an affidavit and I'll have a look here at what the Justice thought about that evidence brought forward by the government's legal team.

On page 37:

> As submitted by counsel for UR Pride, it is noted that Dr. Anderson provides no comment regarding the rather potentially severe mental health and physical abuse which may be suffered by a gender-diverse youth in a home without supportive parents. Dr. Anderson, while providing critical comment on certain of the evidence tendered by UR Pride, does not comment on the extensive, and apparently peer supported, gender-diverse surveys and further extensive Canadian data on the risks faced by gender-diverse youth who are unable to express their gender identity through the use of a chosen name or pronoun.

[21:00]

My analysis of this ruling from a judge, Mr. Deputy Speaker, is that the judge is looking at the sole expert witness brought forward by the government's legal team and saying that that witness did not offer any evidence, any testimony, anything in the sworn affidavit examining what's really at issue here. They brought someone forward who can talk and say words, but not

look at the harm that could be caused by this policy.

Further on page 38 Justice Megaw continues:

> With respect to this opinion expressed, the very issue presented by UR Pride is the detrimental and concerning effects on gender-diverse youth who may not have supportive parents or, due to the wording of the Policy, a single parent who is not supportive. This is the "minority of the minority" referred to by counsel for UR Pride during the submissions advanced.
>
> At this stage of the inquiry, I am not asked to weigh the evidence submitted and determine which is to be accepted and which is to be rejected. It may be the Court is asked to engage in that process when the substantive issues of the *Charter* challenge are considered. Rather, what the court is asked to do here is to determine whether on the whole of the evidence tendered, UR Pride has established a risk of irreparable harm to the individuals affected by this Policy.

Mr. Deputy Speaker, for the members who are still with me but have refused to read along, we're getting to the important part. What he's saying here is, it's not up to him to make a determination on the Charter challenge and all the evidence. He's simply looking at, has UR Pride established a risk of irreparable harm if this policy is to stay in place? That's the question that he's examining. Has UR Pride established that through the evidence presented in court?

This is the important part. I hope members opposite are still listening, especially that brand new Minister of Education. Justice Megaw says:

> On the whole of the evidence, I am satisfied that those individuals affected by this Policy, youth under the age of 16 who are unable to have their name, pronouns, gender diversity, or gender identity, observed in the school will suffer irreparable harm. As indicated, counsel for UR Pride has identified that it is expected that this is a "minority of a minority" of individuals. This identification was not disagreed with by the counsel for the Government. That therefore means that a very limited number of individuals in the school system in Saskatchewan may be irreparably detrimentally affected by this Policy, and a further limitation of that number will be affected by an inability or an unwillingness to obtain parental consent to entertain these issues. The harms identified by the three experts tendered by UR Pride illustrate, quite forcefully, those risks of irreparable harm.

Mr. Deputy Speaker, these are harsh words that should cause concern from the members opposite that what they're doing is dangerous. I believe it's immoral. I believe that they are taking actions to not just prevent students from learning, to create barriers to engagement, but they're taking steps that a Justice who examined all the evidence that this Ministry of Justice could bring forward . . . Everything that they've got, they had a chance to bring it forward. They had their day in court, and the Justice said that this policy will cause irreparable harm to children.

I'll continue at the end of page 38, paragraph 99:

> Counsel for the Government made reference to an assertion that a lack of enforcement of the Policy would enable a 6 year old child beginning elementary school to ask and obtain the right to be identified by a name, pronoun, or identified by a gender other than that assigned at birth. Respectfully, I find this argument lacks persuasiveness and to be without foundation or basis on the materials that are before the court on this application.

Mr. Deputy Speaker, what the judge is saying is that the Justice team from the government brought forward arguments that were completely baseless. They were not . . . not only not persuasive but without foundation. To be without foundation, to be without . . . You can read along.

To the Minister of Advanced Education, I've got a copy for him. He can read along. You're welcome to grab a copy and to read along if you want to know what he said. If you showed up and you didn't do your homework, that's not my fault. You should have read this before you came to work. Try again. Okay.

Mr. Deputy Speaker, I'll continue reading from the Justice's ruling, and if members opposite want to argue with what's there, they are welcome to do their homework and do the reading before they show up at work tomorrow.

On page 39, "There is no indication in the materials that any students as young as 6 years old are looking to engage in this discussion." Again despite the arguments brought forward by the Ministry of Justice and their representative in the court, the judge ruled there's no indication that anyone this young is bringing forward these discussions in schools.

> Furthermore, there is no indication that teachers or any other educational professionals either have been asked, or will be asked, to engage in this discussion. And, there is no indication these teachers and other educational professionals, or other professionals within the school system such as nurses or guidance counsellors, would even consider engaging in the discussion with a child of such tender years. Counsel for UR Pride characterized such assertions as little more than "fear-mongering." I do not adopt that submission, but I do query why it has been raised in an evidentiary vacuum.

So again I'll provide my own analysis of what the judge is ruling here. He's saying that he doesn't accept that it's fearmongering, but why are they bringing forward these concerns about six-year-olds when there's no evidence? He says "an evidentiary vacuum." There's no evidence to back this up. You can't roll into a court and make a claim like this without a shred of evidence to prove that that's really happening. They had their chance. They couldn't prove it and this judge has ruled.

Continuing on page 39, paragraph 101:

> As has been referred to previously in these reasons, I am also mindful that the Government appears to continue to advance a requirement restricting the use of pronouns for students under the age of 16 without parental consent, in the absence of any legislative or other legal authority. Again, the prohibition on the use of pronouns is not part of the actual wording of the Policy regarding these individuals. As

> a result, it would appear the Government is intent on restricting such an action in the absence of any legitimate authority in this regard. This observation will require further argument at the hearing on the substantive constitutional issues. At this stage the pronoun restriction does not appear to have governmental authority.
>
> This observation strengthens the concerns regarding irreparable harm.

I'll read that line again:

> This observation strengthens the concerns regarding irreparable harm. There was no indication given whether the word "pronoun" was either inadvertently missed by the drafters of the Policy, or somehow ought to be read into the wording of the Policy. Simply put, it is not there now. The attempts therefore to restrict or control a student's use of particular pronouns is unsupported, potentially, by any legitimate governmental action.

Mr. Deputy Speaker, these are strong words from a Justice in the Court of King's Bench in Saskatchewan indicating that this government has not produced evidence. They don't have the legal authority to do this and within, really within minutes, within minutes of this ruling coming down, we have the Sask Party government and the Premier indicating that they will move to use the notwithstanding clause.

How could they have possibly read the 39 pages that I've read here this evening? How could they possibly have considered the ramifications of this path in that short timeline? This is not a decision-making process that's driven by evidence. It's not a process designed around consultation. It's not a process designed around listening to parents and their very real concerns in our education system.

I can't stand here and opine on why they are doing this, but I can certainly point out that it's lacking on all of the things that I think make good government in Saskatchewan and really in any democratic jurisdiction.

Mr. Deputy Speaker, I continue looking at the end of this Justice's ruling. We've still got a few pages to go here. Under heading 3:

> **3. Balance of Convenience and Public Interest considerations**
>
> It is at this stage that counsel for the Government directed the bulk of opposition to the granting of an interlocutory injunction in this case. It was fairly, and practically, observed that it is on this issue that injunction applications with respect to the *Charter* issues are ultimately determined. In that regard, it was asserted that UR Pride has misunderstood, and therefore misrepresented, what the Policy does. It was asserted that the existing *status quo* was a hodgepodge of policies and approaches to gender diversity. He further submitted that UR Pride's *Charter* challenge was far from a "slam dunk" as he indicated UR Pride . . . [supports] it to be. Finally, he submitted that the response to be accorded governmental action renders the granting of an interlocutory injunction inappropriate (perhaps unavailable) and the matter must await a final determination on the merits. Then, the Government argues, even if the governmental action is found to have been in breach of the *Charter*, the court can craft a specific and nuanced response to such a breach rather than simply impose the blunt remedy of a complete prohibition on such governmental activity.

So I read this section here, Mr. Deputy Speaker, because I think it points to a number of the arguments that this government continues to use. They continue to use this language in the Assembly, in the media, that everyone is misunderstanding this policy; it's being misrepresented; that's not what it actually does. And they're trying to create that suspicion that perhaps, oh, it's not that bad after all.

That's why we have courts, to look at it carefully, to examine the evidence, to weigh the competing interests, to look at the foundational documents of our Charter of Rights and Freedoms in Canada, to look at our Constitution, to look at *The Saskatchewan Human Rights Code*. That's why we have the courts, to weigh all of that evidence there.

The government continues to use this line that there was . . . They don't use the word hodgepodge that was here in the legal . . . [inaudible] . . . They say it's a lack of clarity. So they brought forward this legislation to give clarity because there was a lot of different administrative procedures out there and they want to move towards clarity.

Well here's what the judge had to say. On page 41, Justice Megaw rules:

> I find that I am unable to accede to the Government's arguments that UR Pride has either misconstrued or misunderstood the Policy in advancing its arguments. UR Pride has not suggested in its materials or submissions that there cannot be one on one conversations between a teacher and a student regarding names or gender-identity. Rather, UR Pride has simply relied on the wording of the Policy to submit that the teacher is unable to use the name or gender identity sought for by the student without first obtaining parental consent.

Mr. Deputy Speaker, what the judge is saying here, in my opinion, is that the arguments brought forward by the government, that they are misrepresentative of the policy, is not true, saying they've got it correct. They understand the policy, they referred to the policy, they built a case based on the policy, and its finding is that that policy will cause irreparable harm to young people.

In paragraph 106:

> In terms of the argument regarding "outing", I understand UR Pride to be submitting that a young person under the age 16 must engage in the choice of electing between being "outed" to their parents in order to obtain the necessary consent, or remain closeted due to an inability or unwillingness to seek that parental consent. It is the choice the student must make due to the Policy and not to a mandatory "outing" requirement which UR Pride seeks to advance.

> It follows, that when considering the balance of convenience, I am unable to determine that UR Pride has mis-construed the Policy based on the material filed. It advances the constitutional arguments based on the alleged violations of the rights of the youth as a result of the impact, in its entirety, of the Policy.

[21:15]

Mr. Deputy Speaker, again what the Justice is saying there is that UR Pride understood the impacts. Of course they would. They work with these vulnerable youth — Camp fYrefly — around the year. They know exactly what this policy will do. They brought in expert testimony. They brought in the evidence needed to prove this case to get the injunction passed. They brought that forward. I've read 41 pages of that argument here this evening. They have not misconstrued the policy. They haven't blown it out of proportion. They haven't done any of those things despite the government's legal team arguing otherwise. The judge agreed. They've got it right. They understand the policy and they made a solid argument against it.

Moving on a few pages later to page 44, Mr. Deputy Speaker:

> I turn then to a further consideration of the relative strengths of the parties' cases. This is to be considered when governmental action is being challenged to ensure the public interest is validly considered and actions commenced are legitimate for judicial consideration. On this aspect, the Government asserts that while it concedes the branch of inquiry that there is a serious issue to be tried, it does not concede that UR Pride's case will ultimately prevail and submits that the Government will advance a significant and serious defence to the claims being made by UR Pride. What was taken from the oral submissions in this regard is that the Government holds the view that its contrary arguments on the application of . . . [sections 7, 15, and 1] of the *Charter* will carry the day with the court and the application will ultimately be dismissed.

Well here's my response to that: if this is what the government's legal team is so certain of, why not allow the process to continue? Why not allow that process to continue, I mean at the very least? Like don't get me wrong — we stand opposed to this legislation. We stood opposed to the policy. We don't think they're getting it right. But at the very least, with that competent legal team assembled, why not give it a chance to be heard? Why not . . . Again this ruling, it's just an injunction. It's not a full decision on the constitutionality of these policies. It's simply an injunction. Why not allow that to continue?

Instead the government has chosen a path of an emergency recall, first time in a quarter century. We're here not talking about, you know, cost of living where we have more people in Saskatchewan with mortgage arrears, the highest rates in the country. We're not talking about, you know, one in four children going to school hungry — again some of the highest rates in the entire country for childhood poverty. We don't want to talk about barrier to learning, you know. How about showing up to school hungry? There's no plan to solve that. We're not talking about any of these emergency debates.

They've called back the legislature for the first time in a quarter century to have an emergency debate that their own lawyers felt they would confidently win if it continued through the courts, which would have been done within the first semester of the school year. What's the rush? What's the rush? The first semester. This would have been in the courts in November — in November. What's the rush? Let the courts do their job.

Let's examine exactly what this policy will do, what this legislation will do in terms of infringing on Charter rights of already vulnerable kids. If you're not even curious — and that's where I really struggle here — if you're not even curious to find out, then what are we doing? What are we doing here? We don't even want to know if children's rights will be infringed? And we don't even want to listen to the folks warning us that this will cause irreparable harm? We don't even want to listen to the evidence, including evidence from parents who deserve to have a seat at the table when these decisions are made? Not even curiosity to learn the facts? That's what I find truly troubling, Mr. Deputy Speaker.

The judge goes on to say at the bottom of page 44:

> UR Pride has mounted a strong case and I have little doubt the Government will mount a strong case in rebutting the position being advanced in the litigation.

So the judge supports this. It merits further discussion. It merits having another day in court to examine the Charter rights that are at risk here. Why not continue?

It simply baffles me that this government will go down the path that we're on — an emergency sitting, using the notwithstanding clause, invoking that clause for something that they can't produce a single shred of evidence, not a single example of when and where this is happening in the province of Saskatchewan. But here we are, 9:21 on a Monday night in an emergency sitting, debating the rights of vulnerable kids. Here we are.

On page 45 Justice Megaw continues in paragraph 114:

> I refrain from making any further comment on the merits or the ultimate outcome in this regard. The parties will continue to marshal their evidence and their arguments. There may sought to be cross examination on some or all of the affidavits filed. The ultimate determination of the legal issues must await all of those developments, and of course the oral submissions in support of the arguments being advanced.

Again Justice Megaw is saying, this is how our system works. This is how our democracy works. This government is asking us to shred the rules, to agree to their process to shred the rules of this Assembly, to shred the rules of the Charter, to shred the rules of the human rights code of Saskatchewan so they can trample on the rights of already vulnerable kids.

I think Justice Megaw's words are a fair warning to this government. Let it continue. Let those arguments come forward. Let cross-examination continue. Why not? What are they afraid of?

At the bottom of page 45, pardon me, paragraph 116:

> I accept that the Government Policy compels this Court to give it respect. I do not accept that there either is, or continues to be, a presumption of constitutional validity in those actions involving a challenge to the action based on a violation of the *Charter*. It follows that I do not accept the Government is legally entitled to simply and completely insulate its actions until a final judicial determination. In short, it does not simply get a free pass at this stage of the inquiry. To do such would see the Court not fulfilling its constitutional role and not ensuring governmental action is carried out legally and on a defendable basis.

Mr. Deputy Speaker, this is the Justice ruling, saying that the government legal team was asking for essentially credit for being the government, that their argument should be seen as constitutional. And he says again:

> . . . it does not simply get a free pass at this stage of the inquiry. To do such would see the Court not fulfilling its constitutional role and not ensuring governmental action is carried out legally and on a defendable basis."

That's what Justice Megaw is asking for here: for the process to continue, for courts to do what they do to ensure that this government is proposing policies and legislation that are legal and defendable on a legal basis, defendable in a court — have their day to bring forth their evidence that they did not bring forward on this injunction, but that that process should continue. And I just simply say, why not? What is this government afraid of? Why not have that day? Why not bring in the testimony that they refused to share here in this Assembly and the media? Why not bring that evidence forward and let our courts do what our courts are designed to do?

I'm skipping a few pages here. I'm sure that will excite members opposite. We're almost at the end of this one. Page 53, paragraph 129:

> It is noted that the Government does not appear to advance an argument that such treatment of the younger students is in their best interests or will, necessarily, lead to better outcomes for them from a mental health perspective. Nothing in the Policy recognizes the observations of Dr. Anderson or the need for professional assistance for those students with gender dysphoria.

What the Justice is saying here is in response to this claim that help will be there for students. There's nothing in this policy that leads the Justice to believe that that will be realized. On page 54, paragraph 130:

> Furthermore, there is no sufficient basis set forth to allow for a conclusion that allowing the injunction will practically or permanently interfere with such public interest goal(s) of the Government. While Dr. Anderson opines that the effects on backtracking from social transitioning is unknown, there is no sufficient material to suggest the effects will be of the magnitude of irreparable harm set forth quite clearly in the opinions of those experts tendered by UR Pride.

What the judge is saying here, Mr. Deputy Speaker, is that he's looked at the possibility of harm from the government's sole expert witness — the American psychologist, Dr. Anderson — comparing that to the evidence of irreparable harm from UR Pride's expert witnesses, and basically says there's no material evidence to suggest that one will lead to the kind of harm that the other has clearly demonstrated.

I don't understand how a line like this doesn't give this government pause. Like hit the pause button there. This is a judge that weighed two sides of an argument and made a clear ruling that one side gave a fulsome, fulsome argument with evidence of irreparable harm; the other side did not. Where's the pause button on this policy?

Further down on page 54, paragraph 132:

> As a result of all of the foregoing, I determine, at this preliminary stage, the public interest in recognizing the importance of the governmental Policy is outweighed by the public interest of not exposing that minority of students to exposure to the potentially irreparable harm and mental health difficulty of being unable to find expression for their gender identity. The Government's expression of the public interest is reversible. UR Pride's expression of these students' public interest is, potentially, irreversible while possibly attracting irreparable harm.

I'll pause there. Irreversible. One side presented a pathway that is reversible. It can be changed. The other presented evidence of irreversible, irreparable harm. Upon hearing this, if they did indeed read this ruling, this government chose that path of irreversible, irreparable harm as fast as they possibly could. It's mind-boggling to call this an emergency, to move down a path that a judge has said is irreversible, cannot be returned from for those minority of minority kids who will be harmed by this.

I will continue quoting from the report, Mr. Deputy Speaker:

> In summary, I determine the protection of these youth surpasses that interest expressed by the Government, pending a full and complete hearing into the constitutionality of this Policy. I find this to be one of those clear cases where injunctive relief is necessary to attempt to prevent the irreparable harm referred to pending a full hearing of this matter on its merits.

[21:30]

Mr. Deputy Speaker, the judge in this matter could not be more clear. Again he says, "I find this to be one of those clear cases where injunctive relief is necessary." This is not grey to the judge; this is black and white. It's incredibly clear in his ruling that he's looked at the evidence, the lack of consultation with parents, the lack of consultation with psychologists, the lack of consultation with teachers and school divisions. He's weighed all of the evidence.

This government had a chance to bring it forward. They were found wanting. There was nothing there to present. And this judge has determined it is a clear case where imposing an injunction can prevent irreparable harm to young people. And so that's what he ruled.

On page 55, Justice Megaw says:

> Furthermore, dates for hearing on all matters have been provided on a priority basis to allow this challenge to be heard and determined as expeditiously as possible.
>
> Due to all of these efforts, this matter will be heard quickly and well before the first semester at school is completed. This necessarily means that the injunction should have a limited duration and will not ultimately determine the action by default.
>
> As a result of all of the foregoing, I determine to grant the interlocutory injunction sought and enjoin the Government from implementing and enforcing the Policy pending this Court's adjudication of the constitutional challenge to the Policy. I decline to put in place injunctive relief until a complete and final resolution. The decision of whether to impose injunctive relief beyond this Court should be left to the Court of Appeal should it be requested to review this Court's determinations.

Now as I've been heckled from members opposite, I am not a lawyer. I am a proud public schoolteacher. But we do have some lawyers in the building. I don't know if they've read this. Maybe we can chat it over at some point, and they can help me to understand it more deeply because I've got room to grow and learn. I'll never pretend that I've got it all figured out.

But when I read this ruling from Justice Megaw, he's very clear. He's very clear that this is being done quickly. This injunction is not permanent. This case will be heard in November if it still comes forward, pending, you know, the actions of members opposite and how they decide to vote. We know that they want to do this quickly, and I can't make sense of that when the Justice says that the process is working the way that it should, the way that it's designed to in our democracy.

I'm on the last page here, Mr. Deputy Speaker. And it's the conclusion:

> **CONCLUSION**
>
> [I'm quoting here from page 56, paragraph 141] There will be an order as follows:
>
> (a) UR Pride is granted public interest standing in this proceeding;
>
> (b) The application for an interlocutory injunction is not premature;
>
> (c) An interlocutory injunction shall issue enjoining the Government from implementing and enforcing the Policy pending the final adjudication of this matter by this court; and
>
> (d) There will be no order as to costs.

Mr. Deputy Speaker, I want to thank Justice Megaw, the legal representation from both sides, all of the expert witnesses who offered affidavits or testimony, oral contributions. That's such an important, important piece in our society. I had a look at some school curriculum where this is covered. This is covered in social studies curriculum in many grade levels. I looked at the law 30 curriculum. Students, I think, in Saskatchewan will be discussing this case. They'll be discussing what's happening here. They'll be discussing the role of courts in our province.

And so I want to thank everyone that engaged in that process of providing evidence in front of an impartial judge, allowing that judge to do his job, to review that evidence, to both hear and listen to what was presented and make notes on what wasn't presented. We had expert witnesses from the UR Pride side, one from the government side, and yet the Justice determined no parents were consulted.

We had an affidavit from an assistant deputy minister — an esteemed educator — of the Ministry of Education who determined that they received seven emails from parents of school-aged children, that they drafted this legislation in a matter of days, in a matter of days in what sounds like maybe a little bit of panic as we had some by-elections going on that weren't going very well for that side.

And they moved at lightning speed at the end of the day to create a policy to invoke the notwithstanding clause on the bill we have before us this evening, Bill 137, that they should know, now that we've read this — and none of them had before they got here today — that they should know will cause irreparable, irreversible harm to children. What a shame.

Now we did hear from the Premier on this Justice's ruling fairly quick, calling it judicial overreach. Judicial overreach. I'll happily put on the record that on this side, we believe in the independence of our courts in our democracy. We believe in the value that they have. We will never refer to that as judicial overreach when an impartial, independent Justice on the Court of King's Bench reviews evidence, reviews what was said, what was not said, who brought forth testimony that was credible and believable, and who did not. And they offer a ruling. Justice Megaw came to work, did his job. And to hear a premier, a premier of our province, use his position as leader of our province to talk down to that independent judge is an absolute shame. It's an absolute shame, Mr. Deputy Speaker.

I'd like to read now a little opinion column from earlier today. It should be familiar to folks here — I'm trying to follow . . . see if I can find it here — that kind of addresses this language that we're hearing around which judges we want to listen to and which we don't. So I don't imagine members opposite are going to want to hear what I have to read, not that they've enjoyed anything from this evening. I'm not saying it's that they'll enjoy it, just to be clear.

This was published, I think, earlier today. Murray Mandryk . . . Oh yeah, here we go. They're going to start letting the media know what they really think. Yeah, let's discredit everybody that disagrees with you. But you know, I think Murray's got a pretty good take on this one. And I'll read some sections and comment as they pertain to this bill and Justice Megaw's decision.

The title is "Moe can't pick, choose notwithstanding clause outcomes." And I'll be quoting here until I stop, just for Hansard folks who are doing their best to keep along:

> Premier Scott Moe gleefully and immediately tweeted out the news Friday morning that the Supreme Court of Canada

> had deemed the federal *Impact Assessment Act* unconstitutional because the federal government had "overstepped its constitutional competence."
>
> Evidently "judicial overreach" is sometimes a good thing.
>
> "This should cause the federal government to rethink the many other areas where it is overstepping its constitutional competence," Moe tweeted Friday, shortly before irony was pronounced dead in Saskatchewan.

That's supposed to be funny.

> In fairness to Moe, he's dead right that Ottawa was overreaching by ramming through this law without fully contemplating the unintended consequences.
>
> In their zeal to sway voters with popular and easily digestible policies like the carbon tax, the federal Liberals didn't properly consider whether their federal *Impact Assessment Act* was helpful or even constitutional. Fortunately this is why we have courts. They are there to safeguard against the laws that unfairly and disproportionately infringe on specific regions, groups, or minorities.
>
> And one can appreciate Moe's eagerness to grab an easy win after the deserved hammering he and his Saskatchewan Party government have taken from judges, lawyers, teachers, child psychologists, and others after last week's introduction of the parental rights Act.
>
> But if anything, Friday's Supreme Court decision should be a further warning to Moe that it is dangerous to denigrate the courts for "judicial overreach," and especially why it's dangerous to override both the Charter of Rights and Freedoms and the Saskatchewan human rights Act as he is now doing with his built-in use of the notwithstanding clause for Bill 137. We are only starting to understand how ill-conceived this law is.
>
> Because it overrides both the Charter and the provincial human rights Act, lawyers here are beginning to raise the alarm about how all this might affect present and future court rulings in family law cases. What now happens with court decisions stripping a parent of all or some parental decision-making rights because they are bad parents? Do their rights now supersede everything because of this law? Will this new law be in conflict with court decisions pronouncing joint authority? What happens to court orders made because parents can't agree on matters, if parental rights is now the precedent? Or what happens to mature minors permitted to make occasional decisions related to serious health considerations? Will a child's wish be ignored in favour of their parents?
>
> Of course the answers will not be forthcoming from a Sask Party government that naively thinks already overtaxed mental health supports in schools will magically solve whatever problems may be flowing out of this legislation. But family law lawyers and likely others envision problems reaching much, much further.
>
> All of this begs the question: why was Scott Moe so eager to use the blunt instrument that is the notwithstanding clause? Well it's likely he didn't ask or listen to his own legal advisors who would better understand such ramifications.
>
> Also unhelpful is his ever-weakening Sask Party government cabinet that should have been providing better advice. Few likely noticed that former Justice minister Don Morgan was not there for the vote on introducing the parental rights bill. However most everyone has noticed new Education minister Jeremy Cockrill's inability to provide thoughtful, sincere answers that went beyond the political talking points he's been given.
>
> Or perhaps Moe and his government haven't really noticed these problems either, given that politics surely seems the predominant reason for using the notwithstanding clause. Virtually every time Moe has been asked about the dangers of the notwithstanding clause he has cited Quebec, not Ontario or anywhere else, but Quebec.
>
> Why? Because it plays well to his base. Similar to the way economic sovereignty, marshal services, provincial income tax collection, and now parental rights all play well to his base. What's so similar in these increasingly frequent politically driven decisions we now see from the Moe government is they were made without enough consideration of economic or legal consequences. And legal consequences aren't something you can pick and choose.

Mr. Deputy Speaker, I think that there is a number of well-reasoned points, and again I started off tonight saying that we want to have a discussion that's reasonable, that's reasonable. Sometimes on this side we can be accused of lighting our hair on fire. Mr. Deputy Speaker, you and I have the same hairdo. There's nothing to light on fire here tonight. I think I hear some barbs on the other side. Just noting the realities. This is a reasonable conversation, and I think that Murray Mandryk brings in some reasonable points to consider here.

[21:45]

You don't get to pick and choose what you consider judicial overreach or not. We either respect the independence of our courts, the vital role that they play as a pillar in our division of powers and authority in our province, in our democracy as they do in democracies all around the globe. We either accept that or we don't. And if this Premier and this government wants to stand up tomorrow and say that they don't respect the independence of courts, that's their prerogative. But I know on this side, we'll continue to respect that independence. We'll continue to respect rulings, whether we agree or disagree because those courts, those are professionals, those are folks with integrity, integrity that is so important to maintaining our democracy.

I heard a presentation several years ago. We had a presenter come and speak to Saskatoon teachers at our annual gathering, and he said something that stuck with me for years. In his presentation he said, "Democracies are fragile." Sometimes we forget that. I think sometimes even in here we forget that. When we look at some of the things that have happened south of the border and other democracies around the world, we can sometimes think,

well yeah, but that's over there. We're different. We wouldn't go down that path.

Democracies are fragile. There's no guarantee that what we've built here, the traditions that we've built here — the foundation of our democracy, our parliamentary system, our democracy in Saskatchewan, any other province, territory, or in Ottawa — there's no guarantee that what we have will be here for our children or will be here in the future. But when we talk down to that pillar, that independence of our courts, the importance of the judiciary to keep powers in check, I think that we threaten that stability of our democracy just a little bit. I'm not saying it's gone. I'm saying that that's a threat. That's a threat to our democracy that I want to be here for my kids and their kids and their kids.

I'm going to pause for a minute from where I had planned to go next, and I'd like to read a couple letters that were sent to me over the last number of days. There's no particular order to these letters, but it's folks who are concerned, Saskatchewan people, Saskatchewan citizens, maybe youth, young adults, parents, educators, counsellors. We're going to hear from all of . . . Oh, we got a lot more than seven, my friend. We've got a lot more than seven. But I'll be doing this intermittently during my remarks, Mr. Deputy Speaker.

I'd like to start with a letter I'd like to read into the record in response to this new legislation. The writer's name is Andrew. Andrew sent this to me a couple days ago, and I know that Andrew also sent this to his MLA and to the Minister for Education. And I'll be quoting directly from the letter for its entirety:

> Dear Minister Cockrill:
>
> I am writing to you to voice my concern about your government's recent proposal for the bill on parental rights. I am concerned about the speed at which the government is adopting this legislation and even more concerned about the impacts it will have on LGBTQ2S youth.
>
> Before I get into my concerns with the bill, I would like to provide some clarification about my own personal circumstances. The first place I felt comfortable coming out as a queer was in my high school. For me it was a safe space where I could be myself without any fear. I'll always be grateful to my classmates and teachers who helped create this space. A few years later I felt comfortable coming out publicly and it was because I had this safe space to try being myself. If I had been scared to come out at school, which is the result your bill will have on LGBTQ2S youth across the province, it would have taken me years to come out, and at this point in my life I still might not be comfortable being me.
>
> This bill will harm the mental and emotional health of students across the province as they come to fear spaces they might previously have felt safe. This bill is called the parental bill of rights. I find it ironic that your government is intent on preserving the rights of parents while simultaneously invoking the notwithstanding clause which has only one purpose in the Constitution — to override human rights. Through this legislation you are creating a policy that will cause irreparable harm on students in classrooms and ignore the rights of children.
>
> If you have read this far, I am begging you to please reconsider supporting this legislation. I know to the Sask Party this is about shoring up votes, but for hundreds of youth across the province, this could have lasting harm on their mental health and well-being. Please reconsider supporting this bill.

That was from Andrew. He lives in the constituency of Humboldt.

I would like to read another letter before I continue, Mr. Deputy Speaker. This one is from somebody who should be known I think to many members in this Assembly if you've done any work in the field of education. It's a very familiar name. This is from Ms. Patricia M. Prowse and it is addressed to the Premier.

> Dear Premier:
>
> The purpose of this letter is to state my dismay with the Saskatchewan Party's plan to introduce legislation and invoke the notwithstanding clause over its pronoun policy in schools.
>
> This policy has been created to prevent youth under the age of 16 from changing their names or pronouns at school without parental consent. I have spent my entire professional career in the education sector — 35 years in pre-K to 12 education and seven years in post-secondary — serving as classroom teacher, vice-principal, principal, superintendent, Student First co-advisor on secondment to the Ministry of Education, and associate director of the Saskatchewan Education Leadership Unit, College of Education, University of Saskatchewan.
>
> I believe it is my professional responsibility to speak out when proposed actions are not in the best interests of students or, more personally, in the best interests of my grandchildren, who are or soon will be attending school in the province. It is my hope that students in Saskatchewan can learn in safe, caring, and inclusive learning communities.
>
> As a superintendent in a large school division in the province, I had the responsibility for safe and caring schools in my portfolio. During that time I became well informed about the physical and emotional needs of children and youth and the negative impact that unsafe learning environments had on student achievements and well-being. Research-informed practices have been used successfully to support children and youth who, when feel safe, can express issues of bullying and find their voice regarding gender identities.
>
> While many parents, caregivers are unfailing allies and advocates for their children as they transition into adulthood, some are not. In these situations, educators may be the only trusted individuals who support and may in fact make the difference between life and death for our youth.
>
> The Ministry of Education introduced the Student First

> approach in July 2013 to unify, reorient, and re-engage the provincial education system on what matters most — the student. In October 2013, the Government of Saskatchewan appointed the Honourable Russ Mirasty and me to serve as independent Student First advisors to lead a province-wide engagement process to gather feedback from students, parents, caregivers, teachers, and the broader education sector on how to improve the education system by putting the student first.
>
> The consultation occurred between December 2013 and June 2014 and included visits to 33 locations — 25 provincial schools and eight First Nations schools. There were 120 in-person sessions with students, adult learners, parents, caregivers, and teachers. Provincial schools, 96 engagements with 784 participants; and First Nations schools, 24 engagements with 210 participants; and 42 engagements with educational and community organizations.
>
> An online Student First survey was also launched. Four major Student First engagement themes emerged from the consultations. The themes were relationships, engaging the student/learner, learning environments, student-teacher supports, and shared responsibility.
>
> On page 10 of the *Student First Engagement Discussion*, it states the following:
>
> > In the Student First online survey, 32 per cent of elementary students and 15 per cent of high school students reported that feeling unsafe at school impaired their ability to learn. Further, 45 per cent of elementary school students and 30 per cent of high school students indicated their education would be improved if the school provided a safe space to receive support around bullying. Teachers and administrators agreed that schools should be providing safe spaces for students to receive support around bullying — 79 per cent.
> >
> > LGBTQ students were at risk for feeling unsafe in their schools due to bullying by other students, a lack of awareness of the challenges they face among teachers, and school systems that are not inclusive. These students suggested safe spaces in schools, such as classrooms led by teachers trained to promote inclusivity, could help them feel safer. LGBTQ students are often targeted for bullying in school washrooms and change rooms, creating unsafe spaces for these students. Gender-neutral, single-stall washrooms and change rooms would increase student safety.

That's the end of the quote from a report.

> In the words of one participant, "You know when you don't fit in a school, it gets to be a hard place to go every day."
>
> Consultations were scheduled to include hearing from youth supporters to the Avenue Community Centre currently named OutSaskatoon, and Camp fYrefly. In those discussions, youth — some having travelled over one hour to attend the engagement sessions — spoke about their safety concerns at school, i.e. gym change rooms and washrooms, and their requests to be called by their preferred name and pronoun.
>
> As I co-facilitated the Student First engagements, I made a verbal commitment at each gathering to do my best to bring participants' voices back to the Ministry of Education in support of putting the student first. Today I am honouring that commitment by stating that I do not support the government's policy on the use of preferred first name and pronouns by students, nor do I think that such actions put the student first. I implore you as Premier, and all members of the Legislative Assembly to abandon this policy and plans to impose legislation that is not in the best interest of the youth of our province.

Mr. Deputy Speaker, that's a powerful letter for me to read. We've got someone with experience as a parent, a grandparent, a classroom teacher, a vice-principal, a principal, a superintendent, and a professor at the university. Somebody who toured this province at a time when real engagement was valued by this government, went to — I can't remember the numbers — 33 different communities, 25 provincially run schools, and eight First Nation schools, with our Lieutenant Governor no less, and sat down with people, talked to people about their hopes, their concerns for our education system. That's what consultation looks like, talking to the folks who matter most in our schools, our students and their families. They did the work. Thirty-three communities around the province for consultation, opening up channels, conducting surveys, bringing forward recommendations, listening to the people of the province.

[22:00]

I'll again remind this Assembly that in Justice Megaw's ruling, none of that happened. None of that happened with this policy, none of that. No parents, no school divisions, no schools, no teachers, no administrators, none of the folks who know what's really happening in our schools — none of that happened.

So we've got a brave individual willing to send in a letter. Thirty-five years of experience, not just as an esteemed, esteemed educator in the city of Saskatoon and all around Saskatchewan, but as a parent and a grandparent who has hopes for the next generation, hopes that are being made more difficult to realize because of this bill that's before us this evening. Bill 137, for this career educator, this champion of public education, is concerned enough to write a letter and put her name behind it to be read here this evening.

Mr. Deputy Speaker, I'll maybe leave some of the other letters that I've brought here this evening for later in my remarks, and I'll look to my colleagues across the aisle again and the question is, have you done your homework? Has anybody had a chance to review the Saskatchewan Advocate for Children and Youth's review of the Ministry of Education policy of preferred first name and pronouns for students? It's 41 pages long.

I see no hands up. I see no indication that any members of the government have read this work . . . [inaudible interjection] . . . I'm making stuff up. You can raise your hand. Has anybody read, has anybody read the work? Has anybody done the homework before you came to work today?

Has anyone read the work, Mr. Deputy Speaker? They can talk to you if they'd like to. They're welcome to join this debate any time. If they haven't read the work before they . . . if they haven't read the text before they came school today, then shame on them. They can heckle all they want. This is important.

We have an independent officer of this legislature who has a mandate given to her office by those who are elected here. She has a mandate by the 61 people who sit in these seats to represent every single person of this province, including our children and our youth. She took her job seriously. She came to work. She did the work. She consulted. She listened to people. And she issued a report that this government would be wise to read before they come to work tomorrow.

I'm going to take the next several minutes to look at that work. I'd like to start by reminding the Assembly of the mandate of the Advocate for Children and Youth. She includes that in her report. It's on page 2. But I think that the reminder bodes us well as we consider what she has to say about the legislation that's before us this evening in Bill 137.

On page 2 of her report, "Mandate of the Advocate for Children and Youth":

> The Saskatchewan Advocate for Children and Youth, known henceforth as the advocate, is an independent office of the Legislative Assembly of Saskatchewan. Under the authority of *The Advocate for Children and Youth Act*, the advocate has a broad mandate to advocate for the interests of children and youth receiving provincial public services; investigate any matter that comes to her attention regarding the interests and well-being of young people within the provision of public services; engage in public education around children's rights and the mandate of our office; conduct or contract for research to improve the rights, interests, and well-being of children and youth in Saskatchewan; and make recommendations or give advice to any minister responsible for services to young people.

I'll pause there for a minute, Mr. Deputy Speaker. That's a big mandate. You know, that's a big mandate to look at all the services provided from this provincial government to children and youth. Our Children's Advocate does exceptional work — exceptional work. She is an esteemed professional. She takes her work and her impartiality in looking at the realities that children face in this province . . . [inaudible] . . . She takes it very, very seriously. I commend her for her work.

Her recommendations that she brings forward in the last number of years, that we'll get to in this report, related to mental health and the supports despite — despite — what that Education minister believes, she knows they're just not there. This Education minister, I support his freedom to believe what he wants to believe. But when he stands in his place in this Assembly, or in the rotunda, and talks about his beliefs that do not line up with the realities of what's available to our young people, his beliefs become dangerous for our young people in Saskatchewan.

I'll continue reading from the mandate for the Advocate for Children and Youth:

> In addition to being mandated by provincial legislation, the advocate's work is grounded in the United Nations Convention on the Rights of the Child. The UNCRC is a legally binding international treaty setting out the civil, political, economic, social, and cultural rights of every child without discrimination of any kind.
>
> The UNCRC is the most widely ratified international human rights treaty in history, having been ratified by all but one UN member state. This makes the UNCRC, and the principles it espouses, universal — spanning diverse countries, religions, languages, and cultures. With the agreement of all provinces, including Saskatchewan, Canada ratified the UNCRC in 1991, thereby becoming legally obligated to respect, protect, and fulfill the rights of children codified within.
>
> Children and youth have the same human rights as all people. These are however additionally guaranteed special protections under the UNCRC because of their age and limited ability to participate in political processes. As a result, decision makers have a legal duty to consider and prioritize the rights, interests, and well-being of children and youth in all matters that affect them.

Mr. Deputy Speaker, I want to pause there and share a short story that I wasn't really prepared to share tonight. In my time in the classroom as an educator I loved getting my students out of the classroom. I loved it. It's such a powerful way to help students learn, to have those real-life experiences that drive up engagement, drive up connections with their peers, help me to build meaningful relationships with my students and with their families. And I was really fortunate, Mr. Deputy Speaker. And I don't want . . . I think there's a lot of incredible teachers out there who do incredible things.

But one of the things that I was able to do was an annual week-long field trip. And for five years, the first five years that I did this field trip I was able to take incredible numbers of students to New York city. My first year I took 32. The next year it was 28. And after that the class I was teaching, it doubled. So I had one class in the morning and one class in the afternoon. The next three years I took both classes at the same time, so it was upwards of roughly 55 students and . . . [inaudible] . . . maybe around like 7 or 8 or 9 chaperones came along.

Incredible experiences. Lifelong memories for me maybe most of all. I cherish those memories, being able to take students. We did New York five times and then we actually went to Toronto two times. We were weeks away from our trip in 2020 when of course COVID hit and that was cancelled.

But I want to tell a story of how meaningful it was to take groups of students from Saskatchewan into the United Nations building. They do a great tour there. They do a great school tour. If you ever get a chance to go, the UN [United Nations], it's a really special building to look at what international co-operation can look like. Not to say that they always get it right. We could talk about varied ability to get it right, you know, at length.

But what made it special was taking youth from Saskatchewan into the United Nations building — I think it was kind of eye opening to them and we did a project ahead of time before we got

there — to see the way that the United Nations considers the rights of children; to see this entity work towards international co-operation in 1991 on the United Nations Convention on the Rights of the Child. That took a lot of work. Our province signed onto that as our country signed onto that. We approved of that. And it's kind of, you know, it's kind of a neat thing to see these Saskatchewan kids, you know, in this like hallowed space, seeing the importance that they place on the considerations of children and the special rights that they have.

I'll get back to the mandate for the advocate here:

> The Government of Saskatchewan made a provincial commitment to the United Nations Convention on the Rights of the Child by adopting the Saskatchewan Children and Youth First Principles in 2009. These principles recognize the UNCRC as a whole with an emphasis on the eight principles most applicable to Saskatchewan, Saskatchewan children and youth, some of which include putting the child at the centre of decision-making, prioritizing their best interests and recognizing their stated views and preferences.
>
> The UNCRC recognizes that children require nurturing and guidance as they grow and develop. It also recognizes that the family is the fundamental natural environment for this support to be provided in accordance with respect for the rights of the child. All levels of government have an overarching responsibility to ensure the rights of children and youth are protected.

I think what that means to me at the end there, Mr. Deputy Speaker, is that we don't need to see these competing . . . There's not a competition. This isn't a bread riot. You know, like we can absolutely protect the rights of children and youth in our schools or in any ministry where services are provided to young people, simultaneously bringing parents, guardians, caregivers, families into that conversation.

The path that this government has gone down is a choice that they've made. They didn't have to go down this path. Later on in my comments I'll get into a number of the other options that were available. We do not need to trample on the rights of children to improve parental engagement, involvement, and voice in our education system. That's a choice that they're making. It doesn't have to be this way.

I'll read just a brief bit of the background and context for the report that follows here from the advocate:

> On August 22nd, 2023 the Ministry of Education introduced a provincial policy entitled the *Use of Preferred First Name and Pronouns by Students*, hereafter referred to as "the policy." All school divisions, the Conseil des écoles fransaskoises, and all registered independent schools receiving public funding were directed to develop administrative procedures for the implementation.

Now the rest of this report connects to the legislation before us today because of course the judge's ruling that I canvassed thoroughly for the last couple of hours put an injunction on that policy, which is how we arrived where we are today. But I believe that the advocate's report that follows here is significant because Bill 137 very much mirrors the policies that she is responding to. And I think that her concerns very much should raise concern for this government and for any members when they consider how they will be voting on this policy when that time comes.

I'll be reading from this report as I did with the judge's ruling and offering my own opinions. As I go through I'll try and stay on track for folks at Hansard that are trying to keep track of everything I'm saying tonight.

[22:15]

On page 4 of the advocate's report:

> Prior to the release of this policy, the Ministry of Education had not provided specific direction to school divisions on processes related to the use of preferred names and pronouns, leaving it to the discretion of the divisions to develop administrative procedures in this regard.

This is the way it was for years. That's the way it was and that's not disputed.

> However the ministry did provide guidance to schools through a voluntary professional learning resource developed in 2015 titled *Deepening the Discussion: Gender and Sexual Diversity* and a corresponding online tool kit. Collectively these resources oppose all forms of prejudice, bullying, and discrimination on the basis of a student's actual or perceived gender identity and describe a gender-inclusive school as one that honours students' preferred names and pronouns as well as respect for student confidentiality whenever professionally appropriate.

Now, Mr. Deputy Speaker, I will be looking at the *Deepening the Discussion* resource later on in my remarks, but it strikes me as incredibly odd that this ministry would publish in 2015 a thorough document that incorporated input, consultation from partners in education, and then eight years later they're going to blame divisions for following what was in that resource.

What changed? The only difference here is who they're listening to. They decided that it's more important to listen to the member from Sask Rivers than to all of the parents and educational stakeholders that were consulted in the creation of *Deepening the Discussion*. That's the only thing that's changed here. It's who they are listening to and whose voice they're prioritizing. But I will note that it's not prioritizing the voice of parents, because they were included in the past in decisions made at the ministry.

Further down on page 4, Mr. Deputy Speaker, the advocate notes . . . I think this is important to note so I've highlighted it:

> Some separate school divisions encouraged the use of the Ministry's *Deepening the Discussion* resource with the broad provision that practices and processes be in accordance with the teachings of the Catholic church.

I think it's important to note here that that freedom was given to the separate Catholic school divisions to make that decision of how it was used. It was not heavily prescriptive. It was respecting their decision to choose what was best in their school division.

And I think that that was the right thing to do at the time.

> Several school divisions had developed administrative procedures specific to the use of preferred names and pronouns of gender-diverse youth. Some of these divisions required parental consent for students under the age of 16 years of age while others did not.

Now, Mr. Deputy Speaker, I'm bringing this up because of course the Children's Advocate report predates Justice Megaw. So Justice Megaw had a look at this same thing. Now we've heard the Education minister stand on his place and say, well we needed clarity. There was I think, and the judge's ruling described, a hodgepodge. And we've heard the Education minister use that as reason.

But I'll remind the Assembly that Justice Megaw looked at this after the Children's Advocate did and said that that alone doesn't necessitate the change in the process that they've undergone. So that's already been ruled on. We have the independent judge who's looked at that and offered his comments on it.

On page 5, the advocate continues:

> However considering that recognition of gender identity is a human rights issue with significant impact on young people, it is notable that children and youth, and specifically transgender and gender-diverse children and youth, were not consulted despite being the rights holders directly impacted. Nor was there consultation with school boards, entities representing teachers and other school staff, experts on gender diversity, or the Saskatchewan Human Rights Commission to the advocate's knowledge.
>
> The advocate was given no indication by the government that a comprehensive assessment of how this policy would impact the rights of children was conducted.

Again we heard this. We heard this from Justice Megaw. We're hearing this from the Children's Advocate. There is no indication that comprehensive assessment of how this policy would impact the rights of children ever took place. Those are the facts of what we are reviewing with Bill 137. There is no indication. Certainly if there were the Premier and the minister are free to stand in their place and tell us exactly what happened, but they have yet to be able to point to a single, a single way that a consultation has happened that satisfies the swift change in this legislation. They have not been able to provide that evidence, and the Children's Advocate states so in her report.

Further down on page 5, I'd like to note that . . . So one of the things that the advocate references thoroughly in this report is the New Brunswick Child & Youth Advocate's findings, and so that's what I'm referring to when I say NBCYA. It's the New Brunswick Child & Youth Advocate. Of course this is important because we saw a policy similar to Bill 137 come out of New Brunswick, which received quite a response from several members of the Conservative cabinet who resigned. They found the courage to stand up for what's right, for the harm that this would cause to children, and they resigned.

And we also saw a report from the New Brunswick Child & Youth Advocate, and our Saskatchewan advocate relies heavily on a lot of that research in her report. So I want to explain why that makes its way in here.

The NBCYA's findings were released one week prior to the introduction of this parallel policy in Saskatchewan and were available to the Ministry of Education for consideration prior to its implementation. These findings will be referenced throughout this report.

So what the advocate is saying here is that if this government was curious to know how this policy would infringe on human rights, if they wanted to know, they could because that review from the children's advocate in New Brunswick had already been out. They should have known. If they wanted to know, they could have. They're willingly choosing to stay in the dark on this.

One thing that the advocate notes, on page 6, is:

> The Saskatchewan School Boards Association has requested the ministry pause the policy's implementation until a comprehensive review can be conducted in order to provide assurances that it will not violate the human rights of gender-diverse students. The Saskatchewan Teachers' Federation has expressed concern that schools do not have the level of professional resources available that would be required to appropriately support students in navigating consent with families, as is referenced in the policy. Additionally, legal action has been engaged by the UR Pride Centre for Sexuality and Gender Diversity.

So again, this report predates the Justice's decision on the UR challenge in the courts. But I believe that it's important that she notes, right at the start of this report, the request from school divisions is to hit pause, to hit pause while a comprehensive review can take place, where proper consultation will have a chance to continue, and also to hit pause while the constitutionality, while Charter rights can be considered. The fact that this government is not willing to do that — they brought forward 137 here to the Assembly this evening without giving a chance for that due process to continue — is a major concern to our 27 public and separate school divisions.

The Saskatchewan Teachers' Federation noted initially — and I believe they stand by this comment as it continues to be in legislation — that schools do not have the level of professional resources that would be able to appropriately support students, despite what the minister believes. His belief does not magically make those resources, those supports, appear for our students. They're simply not there.

In fact, we'll get into that later on in the advocate's report. Looking a little bit at the advocate's methodology, what did she engage in? What did her office engage in to come to the findings that she eventually lands on? Quote:

> Our office reviewed other relevant provincial legislation and conducted an independent child rights impact assessment on how the rights of children and youth under the UNCRC are or could be affected by this policy. Due to the similar questions recently raised in the province of New Brunswick, the advocate also reviewed the analysis, findings, and recommendations of the New Brunswick Child & Youth Advocate on this issue. The Saskatchewan

> Advocate for Children and Youth acknowledges the extensive research, consultation, and legal analysis of the New Brunswick advocate as referenced throughout this report.
>
> Additionally, the Saskatchewan advocate consulted with members of our office's youth advisory council, whose perspectives are incorporated within our analysis. The advocate acknowledges, with gratitude, this exceptional group of young people for generously sharing their experiences and wisdom on this important matter.

I want to take a minute here to also thank those members of the advocate's youth advisory council, because they did something in the advocate's office that this government failed to do, which is talk to young people, talk to those who will be impacted by the policy, listen to them, take their input. I commend the Saskatchewan Advocate for Children and Youth. Her office does this regularly on issues that are important to young people. We'll get later in the report to their recommendations on what's needed for mental health supports for young people. How important is that, to have that youth voice included in this conversation? A commendable step by the advocate and a remarkable failure by the Sask Party government.

I'm going to keep my pages straight here, Mr. Deputy Speaker. I'd like to move on here to a section that the advocate entitles "The right of a child to parental guidance." And I don't think it would be advisable for me to read every single word here, but I'm doing my best to highlight, I think, the parts that we should consider when we're thinking about Bill 137 and the impacts that it will have and the concerns raised by our independent advocate. Page 7:

> The primary reasons cited by the ministry for the implementation of this policy have been to ensure parental inclusion and involvement in the education of children, including the decision of young people to alter their name or pronouns within the school environment, and to standardize approaches across the province.

This part's important, and I want to make sure that members opposite hear me say this because I fully agree, and there can be no disagreement on this fact. Everyone in this Assembly recognizes the important role of parents in their child's education. That's not up for debate. Parents and guardians are the most important person in a child's life. This is what the advocate says:

> The advocate agrees that parental/guardian inclusion in education and relationships of trust between families and schools is essential to creating an educational environment in which the best interests of children are served.

We should be pounding our desks at that. That's a good one. I agree with the advocate. We all agree.

> The advocate recognizes the right of a child to be cared for and guided by their parents or legal guardians and is acknowledged throughout the United Nations Convention on the Rights of the Child. However it is critical that this be understood from a child's rights perspective. Children are human beings with their own rights and legally recognized ability to make certain personal decisions in accordance with their maturity and their capacity.

Those are main themes that will be woven throughout the advocate's report. Again, a quote here that I think we can all get on board with:

[22:30]

> The care and guidance provided by parents/guardians is of utmost importance to the growth and well-being of children, however must be exercised in accordance with respect for the rights of children and their evolving capacities.
>
> Furthermore, as the duty bearer under the UNCRC, the government has a legal obligation as signatories to the United Nations Convention on the Rights of the Child to ensure the rights of children are respected, protected, and fulfilled with an all-child-serving system.

Mr. Deputy Speaker, I think this is really important that we have that understanding in the Assembly. We can absolutely support the vital role of parents in our education system, in social services, in any area in which this government provides services to students. We do not have to pick and choose as if there's a competition over a scarcity of rights. That's not the situation. That's the divisive path that this government has chosen for our province, but that's not the only option. We absolutely agree with the advocate that the care and guidance provided by parents and guardians is of utmost importance to the growth and well-being of children. Absolutely.

Again I know that as a dad to three amazing kids. I knew that as a schoolteacher and the hundreds and hundreds of students that came through my classroom — those that I got to know as a teacher and as a coach — how important it was to make sure that parents are included, are informed, are valued, that our model for parental engagement has the family at the centre of that, not somewhere off in the perimeter, but that family engagement is at the centre. We can do that. We can do it, members opposite. We can do it without trampling on the rights of children. It's doable.

The advocate goes on to state that they have three objectives in undertaking the review of this policy. I'd like to read those objectives: number one, the exploration of whether the rights of children and youth have been fully considered in the development of the policy; number two, whether requiring consent infringes on the rights held by children under *The Saskatchewan Human Rights Code*, the Canadian Charter of Rights and Freedoms, and the United Nations Convention on the Rights of the Child, and the Saskatchewan Children and Youth First Principles; and number three, whether the government's worthwhile objective of parental inclusion could be achieved in a way that does not infringe or unnecessarily limit the rights of the child under these laws and principles.

There you have it, Mr. Deputy Speaker. Those are great objectives to look at. And I wish, I wish that we could go back in time to those nine days in August that this government would have had the same priorities.

Are we undertaking an exercise that will infringe on the rights of children? And is there anything that we can do? Is there anything

that we can do for that worthwhile objective? It's absolutely worthwhile that we want to enhance, improve, empower parental inclusion, parental engagement in our schools. That's a worthwhile discussion to have. How do we improve that? It's worthwhile, but if this government would have had the approach of the advocate . . . Can we do that without, again . . . or say, can it be achieved in a way that ". . . does not infringe or unnecessarily limit the rights of the child under these laws and principles"?

We can't kid ourselves, to members opposite, that that's doable. It still is. It's not too late. It's not too late. We can back off this policy right now, sit down at the table with parents, sit down at the table with school divisions. We can talk to school community councils. We can talk to folks who want to be engaged, those parents who have valuable things to feed in. We can absolutely go down that path, in a good way, that brings parents into the discussion without infringing on the Charter rights of kids. It's doable. We're going to talk about that more in my comments here. I'll get to more of that.

But it's absolutely doable. We don't need to proceed with this legislation that a judge said will cause irreversible and irreparable harm to kids, the advocate has said breaks *The Saskatchewan Human Rights Code*. We don't need to go down this path. It's not necessary to go down this path, trampling on rights, when we do agree that parental inclusion, parental engagement, parental voice in education, that we can do better with that.

And there's a reason that we can do better with that because this government has not been taking its own advice on what could be done to enhance parental engagement. They've known this for years. Study after study — and I'll read more of them into the record the longer I'm on my feet — there's lots of information they could use if they were really interested in enhancing parental engagement. There's loads of input from school community councils, from the SSBA, from folks who've studied this kind of stuff, made a career out of studying parental engagement. If they wanted to use it, they could. But that's not the path that they've taken us down, Mr. Deputy Speaker. That's not what's before us tonight with this bill.

This bill is division. This bill is cynical politics. This bill is pitting children's rights versus parental rights, and we don't need to pit them against each other. There's not a scarcity here. We can achieve these outcomes with thoughtful consultation. We can achieve these good outcomes by hitting pause, slowing this down, and sitting down with parents, school divisions, teachers, and making a plan forward.

Back to the advocate's report. The advocate offers, on page 9, an analysis of impact on children's rights, and I think that this is a significant quote to read here:

> The Canadian Paediatric Society states that children come to understand societal expectations of gender at a young age. They continue to develop their understanding of their own gender identity as they grow older through personal reflection and with input from their social environment, like peers, family, and friends. "As puberty begins, some youth may realize that their experienced gender is different from their assigned sex at birth."
>
> The word "transgender" is "an umbrella term for people with diverse gender identities and/or expressions that may differ from stereotypical gender norms."
>
> Gender diversity is a part of the human condition, and people have challenged binary understandings of gender throughout history. However, transgender and gender diverse people continue to face stigmatization, prejudice, and fear. "Transgender people challenge our very Western understanding of the world. And we make them pay the cost of our confusion by their suffering."

I think that that's important to know, as it comes from the perspective of the Canadian Paediatric Society — folks who consider the health impacts, including mental health, on young people. They recognize that gender diversity is part of the human condition, and our perspective on that is simply one of our culture, our society. It's different in different places at different times. But one thing that we can't deny is that gender diversity has been part of human history. And different cultures at different times, even here on these treaty lands, on Turtle Island, have seen gender in different ways than our current society does.

I don't think that that's controversial to note that. I think I'm just trying to point out, Mr. Deputy Speaker, that there are many different perspectives. And in a province as diverse as Saskatchewan, I think it's important for us to recognize that we don't have a monoculture perspective in Saskatchewan. We have many perspectives. We have people here in this province from many different cultures, speaking many, you know, dozens of different languages, different faiths, belief systems unlike the one that I ascribe to. Some of my neighbours may have a different perspective.

But the point of stating this is that we need to consider . . . There's a lot to consider in terms of all of those different perspectives in our society, but we need to accept that gender diversity has been part of many different traditions, many different cultures throughout human history.

I'm going to flip the page over to page 10. Again this is under a section where the advocate is looking at the analysis, the impact on children's rights, what impact will this policy have on children. And I'd like to quote from the top of page 10:

> The duress from not having one's gender identity and expression respected is what leads to individuals experiencing adverse mental health problems such as anxiety, depression, and suicidality.
>
> In general, suicide is the leading cause of death among young people aged 15 to 24 years, and Saskatchewan often finds itself at the top of the list in this regard. Transgender and gender-diverse youth, however, are at an even higher risk than the general population, being over seven times more likely to attempt suicide than their peers who identify with their assigned gender. A previous suicide attempt is one of the biggest risk factors for a later death by suicide.

I'll pause there, Mr. Deputy Speaker. The first part of this statement I believe would be reason to call an emergency debate in this legislature. The leading cause of death for young people in Saskatchewan is suicide. Suicide, Mr. Deputy Speaker. It's

crushing.

I have been now, as of June of this year, to six funerals, six funerals for young men who died by suicide. In June it was a student from the school where I taught. I didn't teach this student. He was a football player. I knew him through the football team. A lot of his friends were connected to the students that I taught. That was number six.

The first one was my best friend when I was 14 and 15. He died by suicide when we were 23 years old. We had been roommates for two years. We had just moved out. I was moving to Saskatchewan; he was living with another friend. And I'll never forget that call.

The next three were in my wife's family, three young men all lost to suicide in about a three-year span. It's crushing. It's crushing. I would not wish on anyone that experience that those parents and families have gone through.

Number five was my student. His name was Ethan. I've talked about him here in the Assembly before. Ethan died in just the most tragic, heartbreaking way imaginable. He was a grade 10 student. His mom, Amanda, is still heartbroken.

As I said, number six was this June. The student's name was Odin. Now as far as I know, none of these suicides were related to these individuals' gender identity, but as the advocate notes, suicide is the leading cause of death for young people in Saskatchewan.

Now I know I've got colleagues who have been advocating for suicide prevention in this province for years, and we haven't seen any movement from this government. I know that those colleagues have been to more funerals than I could bear. I think six was my limit. It was a tough one. I think of my colleague from Cumberland, how many funerals for young people in his communities that he serves he goes to every single year.

Why aren't we here debating the mental health crisis that our young people are in, where suicide is the leading cause of death for 15- to 24-year-olds? I think that that's worthy of all of us sitting here until 11 o'clock at night. But that's not what we're here for, is it.

[22:45]

We're actually talking about something that is proven statistically, proven in courts and highlighted by the Children's Advocate, that will drive those suicide rates up. Shame. Shame on this government for introducing this bill that'll knowingly cause harm to young people. Shame on this government for putting a clause in this bill that makes it nearly impossible to hold them accountable for this decision in the courts. Shame.

Continuing on page 10 from the advocate's report, Mr. Deputy Speaker, the advocate notes that:

> In the Prairie provinces, Saskatchewan and Manitoba, 94 per cent of the transgender and nonbinary youth surveyed reported experiencing an emotional or mental health concern lasting at least 12 months, i.e. chronic mental health condition. The Prairie provinces had the highest rate of youth in Canada who changed schools or started homeschooling due to lack of supports for their gender at school.

Later on:

> Data specific to Saskatchewan shows that, among all students in grades 7-12, 2SLGBTQ+ students felt the least supported and most isolated across the domains of family, friends, community, and school. In particular, the use of preferred names, pronouns, and school connectedness have been shown to be protective factors against these risks.

These are facts that this government should have known before presenting this bill tonight. These are facts that this government should not have to be informed to create a late-night emergency sitting of the legislature.

Transgender and nonbinary students are at greater risk of mental health crisis and suicidal ideation. And one of the things that's proven to work is recognizing preferred names and pronouns at school so that they can be connected to their peers, to their school communities, to themselves. That is not in competition with families. That can be done together in collaboration. That can be done together by building meaningful partnerships between home and school. That can be done when parental engagement in the school community is prioritized, something that this government has taken no action on. Instead, this path of division.

On page 11 of the advocate's report she states:

> The use of a preferred name and pronouns in the context of family, friends, school, and/or work has been shown to predict significantly fewer depressive symptoms and less suicidal ideation and suicidal behaviour. These risks decrease with every additional context in which a young person is supported to express their gender identity, and were at the lowest levels when chosen names and pronouns could be used in all four contexts.

Family, friends, school, and work. It's doable. There's a path forward that doesn't involve putting young people at risk, already vulnerable people. We know, there's no denying that the youth we're talking about are statistically already vulnerable. The path forward doesn't need to be one of putting them at greater risk. There is a way.

Whoops. My apologies. I just, yeah, I just wanted to see if my colleagues on the front benches are still awake there. It's getting late.

I want to continue with the advocate's comments on page 13. I skipped ahead here a little bit. Oh no, wait. I want to go back to page 12. This is referencing some comments from the Ontario Human Rights Commission. And again the Saskatchewan advocate looked at other jurisdictions and what supports they have and what's been put in place to protect human rights in their education system. From page 12:

> The OHRC also advises that misgendering a young person is a form of gender-based harassment, and that educational institutions have a duty to accommodate the needs of gender-diverse students in relation to the use of preferred

> names and pronouns.
>
> Educational institutions should develop policies and procedures to recognize, among other things, that trans students have the right to be addressed by their chosen name and pronoun, and that students have a right to privacy.
>
> On this basis, it is the view of the advocate that a potential refusal to use a preferred name and pronoun of a transgender or a gender-diverse student would likely violate *The Saskatchewan Human Rights Code* of 2018.

Now, Mr. Deputy Speaker, I'm aware that this government, without consulting, without listening to courts, without listening to the advocate, without consulting on the human rights code has proactively put into Bill 137 a notwithstanding clause to ensure that *The Saskatchewan Human Rights Code* can be trampled on in their efforts to put these children at risk. I'm aware that that's in the legislation.

I cannot imagine, I cannot imagine the government of the province of Saskatchewan reading a comment like this from the advocate — the advocate says that the refusal to use preferred names will violate *The Saskatchewan Human Rights Code*, with a reasonable argument put forward of how that will cause increased mental health crises and suicidal ideation in young people — is still moving forward at lightening speed with the blunt instrument of the notwithstanding clause to make sure that can happen as quickly as possible. It's absolutely shameful.

I would like to look at a couple of comments here that the advocate puts on the record in terms of international law and the child rights impact assessment. I mentioned earlier in the methodology of her report that the Children's Advocate undertook an independent child rights impact assessment, which is attached to her report in the appendix if anybody wants to read the full impact assessment. I'll just be pointing out some highlights here or lowlights, I guess, depending on how you think of it.

I'd like to read a quote here:

> All human rights, including all rights of children enshrined in the United Nations Convention on the Rights of the Child, are indivisible and interdependent. This means that one set of rights cannot be enjoyed fully without the other. For instance, if a child is experiencing discrimination or their mental health is suffering, they'll be less able to focus on learning and therefore unable to fully realize their right to education.

This is referencing in the convention that children have a right to education. I think that we all agree on that premise in the Assembly. Children, our children, our neighbours' children, our nieces and nephews, our community members — those children have a right to education.

But what the advocate says here is important, that those rights can't be separated from other rights. And if we're infringing on one set of rights that will reduce a child's ability to engage in school, to engage in learning, we're infringing on the child's right to education. We can't just separate them out and pick and choose which rights we think belong and which rights we're okay doing away with.

The United Nations Convention on the Rights of the Child, article 3, says:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration.

Where did that go in these considerations? Where are the best interests of the child in these deliberations? If the government wanted to know, they could know. All they had to do is open up the doors for some open consultation, talk to parents, talk to teachers, talk to schools, talk to psychologists. It's not hard. They've done it in the past and they developed other policies that affirm schools as safe spaces, but they're not doing it now.

What changed? Why are they refusing to go down the path of inclusion? Why are they refusing to go down the path of working together with parents, parents who they agree with and parents who maybe they don't. Because all of those voices should be included when drafting legislation like this.

Further down on page 14, the advocate says:

> In the view of the advocate, it was incumbent upon the Ministry of Education to advise how this policy directly impacts the rights of children and youth. The ministry has advised that its intent was to balance the rights of students and of parents/guardians to support children, but did not indicate that it had conducted a comprehensive evaluation on how the policy would impact the legal rights of young people in our province. In light of this apparent omission, our office engaged in the impact assessment to fill the gap.

What the advocate is saying here that in the government's refusal to do the work, to consider the impacts on children, her office took that work on and she's sharing the findings with the government. If they care to know, they can know. And by the way, I've got a copy of the report for every member if they'd like one outside the Assembly here in a few minutes. They're free to read it, to do the homework, before they come to work tomorrow. You can do it. You can do the work. You can read the report so you are informed when you stand in your place to vote in the coming days.

So the advocate goes on to say, Mr. Deputy:

> As the impact assessment known as the CRIA details, in addition to the likely violations under provincial and federal law, the policy violates the rights of children under the United Nations Convention on the Rights of the Child ratified by Canada in 1991, and by extension the provinces and territories: (1) not to be discriminated against on the basis of gender identity and expression; (2) to have their best interests given primary consideration in decisions that affect them; (3) to be heard and have their opinions given due consideration; (4) to receive and benefit from an education; and (5) to have an maintain their own identity.

Oh wait, there's more:

(6) their right to privacy; (7) to be free from violence and harm and potentially even; (7) their right to life and survival.

Mr. Deputy Speaker, the Children's Advocate is indicating that this government failed to do their work. They failed to even show curiosity on how children would be impacted. And she concludes by highlighting that it may even come down to a child's right to life and survival.

Again I'll remind this Assembly we had a mother sitting up in that gallery days ago crying, crying as we recounted the story of her child Bee, a child who fits every definition of what we're discussing here today — every definition — and sadly died by suicide. Was not able to access those supports that the minister believes are there. They're not. Was not able to access supports in school, in the health system. Had a supportive family and still couldn't find their way. It is a crying shame. It is heartbreaking that we have parents like Sarah grieving in this province after losing a child in the most heartbreaking way. It's an absolute shame, Mr. Deputy Speaker.

We will continue to speak to this policy with a reasonable, a reasonable argument. A reasonable argument using evidence, not beliefs that are unfounded and unsupported by evidence, but by evidence — evidence of what this policy will do, whether intended or not. Because this government has failed to do their homework. They have failed to listen to Saskatchewan parents. Speeding this whole thing up will resolve the potential for parents to give their voices, to feed their voices into this policy as the only . . .

The Deputy Speaker: — The time now being 11 o'clock, this Assembly stands adjourned until 09:00 tomorrow morning.

[The Assembly adjourned at 23:00.]

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