



No. 3

VOTES and PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

PROVINCE OF SASKATCHEWAN

THIRD SESSION – TWENTY-FIFTH LEGISLATURE

Monday, October 30, 2006

1:30 p.m.

PRAYERS

PRESENTING PETITIONS

Petitions of citizens of the Province of Saskatchewan were presented and laid upon the Table by the following Members: Toth, Elhard, McMorris, D'Autremont, Draude, Hart, Harpauer, Weekes, Cheveldayoff, Allchurch, Morgan and Duncan.

READING AND RECEIVING PETITIONS

According to Order, the Deputy Clerk having favourably reported on the same pursuant to Rule 15(7), the following Petitions were read and received:

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to upgrade the Bruno access road off Highway 5.

(Sessional Paper No. 5)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to take the necessary steps to ensure that the Dept. of Highways section shop in Watrous remain open so as to ensure the safety of all motorists and Sask. Highways employees.

(Sessional Paper No. 6)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to ensure that the Biggar Hospital, Long-term Care Home and Ambulance services, maintain, at the very least, their current level of services.

(Sessional Paper No. 7)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to take the necessary actions to ensure that Highway 18 from Claydon to Robsart is repaved at the earliest possible time.

(Sessional Paper No. 8)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to review the decision to deny the requested spaces for the Estevan Day Care Cooperative.

(Sessional Paper No. 9)

STATEMENT BY THE SPEAKER

(Question of Privilege – Announcement of Tax Cut outside of Assembly)

On Friday, October 27th, the Opposition House Leader (Rod Gantefer) raised a question of privilege concerning the disclosure by the Minister of Highways and Transportation during a media interview of an impending reduction in the Provincial Sales Tax. I thank the Member for his comments and for the written correspondence he provided to me later that afternoon. I also thank the Government House Leader (Hon. Glenn Hagel) for his intervention.

The circumstance that gave rise to the question of privilege was an interview given by the Minister of Highways and Transportation to a radio station on the morning of October 27th. During the interview, the Minister revealed that the Provincial Sales Tax would be reduced. This interview was broadcast on the 27th prior to the Minister of Finance's announcement of the tax reduction in this Assembly later that same morning.

It is the position of the Opposition House Leader that the disclosure of a tax measure outside of this Assembly violates a parliamentary principle that they be first introduced in the Assembly, and further, that the violation of this principle constituted a contempt against the privileges of this Assembly.

In his rebuttal, the Government House Leader asserted that the interview had been subject to an embargo agreement that would, in the normal course of such arrangements, have prevented the premature disclosure of the tax cut.

In determining whether a contempt against the privileges of the Assembly occurred, one must assess whether the actions of the Minister of Highways and Transportation disregarded, disrespected or clearly challenged the authority and dignity of this House, or whether they improperly interfered or impeded the parliamentary work of Members.

The Opposition House Leader rested his case upon the March 19, 2001 ruling of the House of Commons. In that ruling, Speaker Milliken found that the denial of Members or their staff to an embargoed technical briefing for media on a bill constituted a *prima facie* contempt of Parliament. The House Leader's assertion that the principle outlined in this ruling is not limited to cases involving legislation, but would be equally applicable to technical briefings on budgetary or taxation matters is well taken.

The impact of the Milliken ruling on the practices of this Assembly was considered in a ruling I delivered on April 11, 2005. In that case, a *prima facie* of breach of privilege was found when Opposition Members and their staff were denied access to a technical briefing on a Crown corporation annual report given for the media. Subsequently, when the Standing Committee on Privileges was unable to come to a decision on how to resolve the matter, this Assembly adopted a motion directing that all technical briefings and news conferences that dealt with matters to be considered by the Assembly were to be made available to all

Members and their staff in advance of, or concurrently with, any media briefings. It is the terms of this motion that must now guide consideration of privilege matters in this Assembly.

The challenges that this Order creates in the present circumstances is the stipulation that its terms be directed to government officials and Crown corporations, and that it encompasses technical briefings and news conferences. In the absence of clear direction otherwise, I hesitate to interpret the Order to include Members themselves.

In the second instance, I would not characterize the communication of the Minister of Highways and Transportation as being a “technical briefing or news conference” given that the scope of the interview was not known, that it involved only one media outlet and that it addressed a matter, namely tax measures, outside his portfolio.

A further consideration in my decision is whether Members were impeded from carrying out their duties. On many occasions, I and my predecessors have underscored the importance of ensuring that nothing is done that disadvantages Members from carrying out their parliamentary functions (Ruling of April 11, 2005). The timely provision of information is but one facet of this principle. Indeed, the Minister of Finance adhered to this principle by announcing the tax reduction in this Assembly as soon as the Rules permitted, during “Ministerial Statements”, and by providing a copy of the statement to the Opposition at that time.

On the basis of the current situation, I do not find that the premature disclosure was significant enough to impede Members in their work. I also note that no one could have benefited in this specific instance from the early disclosure.

Accordingly, I find that the actions of the Minister of Highways and Transportation do not technically meet the threshold required to establish a *prima facie* breach of privilege.

However, I feel strongly that the granting of an embargoed interview could violate the spirit of the Assembly’s 2005 motion. The motion was intended to protect Parliament’s pre-eminent role in the conduct of legislative matters by ensuring that it was informed first of significant initiatives. It is now apparent these provisions do not sufficiently clarify the practice governing the advance release of information.

For this reason, I strongly recommend this Assembly address this issue either by motion or by referral to the Standing Committee on Privileges to review and make recommendations on the advance release of information, the means by which it may take place, and the sources from which it may come.

SPECIAL PROVISION MOTION

On motion of the Hon. Mr. Hagel, seconded by Mr. Gantefer, by leave of the Assembly:

Ordered, That the modifications and amendments to the Rules and practices of the Legislative Assembly, as specified by *The Seventh Report of the Standing Committee on House Services*, be adopted and brought into force effective immediately, notwithstanding;

That the Rules and Procedures for the parliamentary calendar shall be varied on an interim basis for the duration of the Third Session of the Twenty-fifth Legislature as follows:

1. The Government House Leader may designate, on or before the sitting of the Assembly on March 22, 2007, of the Spring period of the parliamentary calendar, as many as three additional government bills to be considered as “Specified Bills”;

2. The additional "Specified Bills" shall be designated orally in the Assembly by the Government House Leader, or the Minister of the Crown responsible for the bill, immediately upon the introduction and first reading of the said bill;
3. If additional "Specified Bills" are introduced on or before March 22, 2007, the "Completion Day" of the Spring Period of the parliamentary calendar may be postponed up to seven additional sitting days by order of either the Government House Leader or the Opposition House Leader;
4. An order to postpone the "Completion Day" shall be made orally on Orders of the Day on or before the sitting of the Assembly on May 3, 2007;
5. If there are two orders to postpone the "Completion Day," the order with the greatest number of sitting days shall be observed;
6. The deadline for the passage of business under the Rules for the parliamentary calendar shall be applied in accordance with the revised Completion Day;
7. The procedures outlined in this sessional order shall expire upon the adjournment of the Assembly on the "Completion Day" of the Third Session of the Twenty-fifth Legislature;"

And further,

That upon adoption of this motion, the Clerk of the Legislative Assembly shall ensure *The Rules and Procedures of the Legislative Assembly of Saskatchewan* are revised, printed and re-published in English and French as expeditiously as possible.

ADDRESS IN REPLY

The Assembly resumed the adjourned debate on the proposed motion of Mr. Trew, seconded by Ms. Hamilton:

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

TO HIS HONOUR THE HONOURABLE GORDON L. BARNHART

Lieutenant Governor of the Province of Saskatchewan

MAY IT PLEASE YOUR HONOUR:

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

and the proposed amendment thereto moved by Mr. Duncan, seconded by Mr. D'Autremont:

That the following words be added after the word "Session":

and that this government no longer enjoys the confidence of this Assembly because of its lack of vision and initiative in finding solutions to the growing labour shortage, the out-migration of our youth and families, forcing Saskatchewan people to go out of province for health care, failing to deal with the agricultural crisis and its impact on rural Saskatchewan, failing to protect children who are at risk, and for being too focused on its internal partisan political problems.

The debate continuing on the motion and the amendment, the Assembly recessed from 5:00 p.m. until 7:00 p.m.

The debate being resumed on the motion and the amendment, it was on motion of the Hon. Ms. Atkinson, adjourned.

On motion of the Hon. Mr. Hagel:

Ordered, That this Assembly do now adjourn.

The Assembly adjourned at 9:03 p.m. until Tuesday at 1:30 p.m.

Hon. P. Myron Kowalsky
Speaker

RETURNS, REPORTS AND PAPERS TABLED

The following papers were laid upon the Table:

By the Hon. Ms. Higgins:

Annual Report and Financial Statements of the Saskatchewan Indian Gaming Authority for the year ended March 31, 2006.

(Sessional Paper No. 28)

By the Hon. Mr. Quennell:

Amendments to the Bylaws of the following Professional Associations:

- Saskatchewan Institute of Agrologists
- The Institute of Chartered Accountants of Saskatchewan
- Saskatchewan Dental Assistants Association
- Association of Professional Engineers and Geoscientists of Saskatchewan
- Association of Saskatchewan Forestry Professionals
- Funeral and Cremation Services Council
- Saskatchewan Land Surveyors Association
- Saskatchewan League of Educational Administrators, Directors and Superintendents
- Law Society of Saskatchewan
- Saskatchewan Association of Licensed Practical Nurses
- The Society of Management Accountants of Saskatchewan
- College of Physicians and Surgeons of the Province of Saskatchewan
- Saskatchewan Society of Occupational Therapists
- Saskatchewan College of Pharmacists
- Saskatchewan College of Psychologists
- The Saskatchewan Registered Nurses' Association
- Registered Psychiatric Nurses Association of Saskatchewan
- Saskatchewan Applied Science Technologists and Technicians
- Saskatchewan Association of School Business Officials
- Saskatchewan Teachers' Federation
- Saskatchewan Veterinary Medical Association

(Sessional Paper No. 29)

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

On Wednesday / mercredi:

Hon. Mr. Forbes to move First Reading of Bill No. 1 – The Labour Standards Amendment Act, 2006

Hon. Mr. Thomson to move First Reading of Bill No. 2 – The Provincial Sales Tax Amendment Act, 2006

Hon. Mr. Thomson to move First Reading of Bill No. 3 – The Fuel Tax Accountability Act

Hon. Ms. Higgins to move First Reading of Bill No. 4 – The Education Amendment Act, 2006 (No. 2)
L'hon. Mme Higgins proposera la première lecture du projet de loi n° 4 – Loi de 2006 modifiant la Loi de 1995 sur l'éducation (n° 2)

Hon. Mr. Cline to move First Reading of Bill No. 5 – The Oil and Gas Conservation Amendment Act, 2006

Hon. Mr. Addley to move First Reading of Bill No. 6 – The Youth Drug Detoxification and Stabilization Amendment Act, 2006

Hon. Mr. Taylor to move First Reading of Bill No. 7 – The Public Health Amendment Act, 2006

NOTICE OF WRITTEN QUESTIONS

The following Questions were given notice on day no. 2 and are to be answered by day no. 7:

Mr. Weekes, to ask the Government the following Question No. 1:

To the Minister Responsible for Immigration: (1) Has the Minister or any staff attended immigration trade fairs, conferences, or other events? (2) If so, who attended from the government? (3) How much did it cost taxpayers? (4) Were there any non-government immigration representatives attending since September 2005?

Mr. Weekes, to ask the Government the following Question No. 2:

To the Minister Responsible for Immigration: For 2005/06 fiscal year, what are the reasons for rejecting any applications through the Saskatchewan Immigrant Nominee Program?

Mr. Weekes, to ask the Government the following Question No. 3:

To the Minister Responsible for Immigration: To date, with a breakdown for 2006, how many applications did the Saskatchewan Immigrant Nominee Program reject?

Mr. Weekes, to ask the Government the following Question No. 4:

To the Minister Responsible for Immigration: To date, with a breakdown for 2006, how many applications did the Saskatchewan Immigrant Nominee Program approve?

Mr. Weekes, to ask the Government the following Question No. 5:

To the Minister Responsible for Immigration: To date, with a breakdown for 2006, how many applications did the Saskatchewan Immigrant Nominee Program receive for each category?

Mr. Weekes, to ask the Government the following Question No. 6:

To the Minister Responsible for Immigration: To date, with a breakdown for 2006, how many applications did the Saskatchewan Immigrant Nominee Program receive?

Mr. Weekes, to ask the Government the following Question No. 7:

To the Minister Responsible for Immigration: To date, with a breakdown for 2006, how many people are employed to administer the Saskatchewan Immigrant Nominee Program?

Mr. Dearborn, to ask the Government the following Question No. 8:

To the Minister Responsible for Saskatchewan Liquor and Gaming Authority: (1) What are SLGA's standard auditing procedures for VLTs? (2) Who performs the audit? (3) When were the procedures last updated?

Mr. Dearborn, to ask the Government the following Question No. 9:

To the Minister Responsible for Saskatchewan Liquor and Gaming Authority: Has SLGA audited any winnings of its VLTs purchased or leased from WMS Gaming?

Mr. Dearborn, to ask the Government the following Question No. 10:

To the Minister Responsible for Saskatchewan Liquor and Gaming Authority: (1) Does SLGA have any VLTs purchased or leased from WMS Gaming? (2) If so, has SLGA had any contact with WMS Gaming regarding the VLT programming error?

The following Questions were given notice on day no. 3 and are to be answered by day no. 8:

Mr. Dearborn, to ask the Government the following Question No. 11:

To the Minister of Corrections and Public Safety: Did the department spend any money to provide offenders released from a provincial correctional facility with a pass to a recreational facility in any municipality in the province in the year 2005/06?

Mr. Dearborn, to ask the Government the following Question No. 12:

To the Minister of Justice: Did the department spend any money to provide offenders released from a provincial correctional facility with a pass to a recreational facility in any municipality in the province in the year 2005/06?

NOTICE REGARDING PETITIONS FOR PRIVATE BILLS

Notice is hereby given, in accordance with Rules 88 and 91 of the Legislative Assembly of Saskatchewan, that the time for filing Petitions for Private Bills with the Clerk of the Legislative Assembly will expire on the twentieth sitting day, and that the time for presenting Petitions for Private Bills to the Legislative Assembly at its present Session will expire on the twenty-fifth sitting day of the said Session.

GWENN RONYK
Clerk of the Legislative Assembly
