



FOURTH SESSION — TWENTY-NINTH LEGISLATURE

of the

Legislative Assembly of Saskatchewan

VOTES AND PROCEEDINGS

No. 16

Wednesday, November 22, 2023

1:30 p.m.

PRAYERS

STATEMENT BY THE SPEAKER Ruling on Points of Order

Yesterday, November 21, 2023, two points of order were raised in this Assembly following question period. I committed to reviewing the record for each and am now prepared to rule.

The Deputy Government House Leader (Hon. Ms. Carr) rose on a point of order alleging that the Member for Saskatoon University (Ms. Bowes) made a lewd gesture during question period. At approximately 2:13:02 on the video, the member can be seen making such a gesture. I would ask the member to apologize for her action.

Thereupon, the Member for Saskatoon University withdrew and apologized.

The Opposition House Leader (Ms. Sarauer) rose on a point of order alleging that the Government House Leader (Hon. Mr. Harrison (Meadow Lake)) made a personal charge and accusation against the Member for Regina Elphinstone-Centre (Ms. Conway). On *Hansard* p. 4733, the Government House Leader stated, “What we saw here yesterday was an attack on democracy orchestrated by that member and at least one more member on that side, Mr. Speaker, who organized, who colluded with, and who participated, and who high-fived at the end of it.” Members know that it is unparliamentary to make inflammatory statements that

impute motives of other honourable members. I would ask the Government House Leader to withdraw and apologize.

Thereupon, the Government House Leader withdrew his remarks and apologized.

PRESENTING PETITIONS

Petitions of citizens of the province of Saskatchewan were presented and laid upon the Table by the following members: Goudy, Mowat, Love, Young (Regina University), Clarke, Sarauer, and Ritchie.

READING AND RECEIVING PETITIONS

According to order, the Clerk informed the Assembly that on November 21, 2023, a certain petition regarding the provision of improved mental health services for northern and rural Saskatchewan was presented. Pursuant to rule 16(7), the petition was found to be irregular and therefore was not read and received.

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

To pass legislation to improve conditions for Saskatchewan workers.

(Addendum to sessional paper no. 17)

To call upon the Government of Canada to immediately remove the federal carbon tax from all home heating costs across Canada.

(Addendum to sessional paper no. 27)

To meaningfully address the affordability crisis in Saskatchewan.

(Addendum to sessional paper no. 30)

STATEMENT BY THE SPEAKER Ruling on a Question of Privilege

On November 21, 2023, I received a letter from the Government House Leader (Hon. Mr. Harrison (Meadow Lake)) in regard to an alleged breach of privilege that occurred on November 20, 2023 in this Chamber. During Question Period, a group of protesters in the galleries disrupted proceedings by yelling and chanting. I recessed the proceedings pursuant to rule 58, which states:

In the case of grave disorder, the Speaker may recess the Assembly, without question put, for a time to be determined by the Speaker.

The Government House Leader states that the grave disorder resulted in a breach of privilege by disrupting proceedings for 40 minutes and, further, that members' rights were violated when their mobility through the Assembly was limited by security while the galleries were vacated.

The Government House Leader maintains that the protesters attended proceedings with an intent to interfere with members' ability to carry out their duties. He further maintains that opposition members are ". . . complicit in the breach of privilege . . ." because they invited the protesters to the Assembly via social

media, escorted them through the building, introduced a number of them during proceedings, and allegedly stood in support of the disruption.

The evidence presented by the Government House Leader that “. . . the Opposition Caucus was involved in planning, orchestrating, and supporting the occupation . . .” include a social media post by the Member for Saskatoon University (Ms. Bowes) inviting concerned individuals to the Legislative Building; examples illustrating that the opposition caucus greeted the group, hosted individuals of the group in their caucus office, and escorted members of the group through the building; media articles, published after the incident, that allege the premeditation of the protesters and the Member for Saskatoon University’s support for the disruption; and an introduction, during proceedings, of several members of the group by the Member for Regina Coronation Park (Mr. Burki).

Further, the Government House Leader notes the Member for Saskatoon University’s apparent head nodding, rising to her feet, and delay in leaving the Chamber during the disruption as further evidence to his case.

In her response, the Opposition House Leader (Ms. Sarauer) states that opposition members did in fact greet the group and help it obtain passes to the galleries, but opposition members had no advance knowledge of any plans to disrupt proceedings. She further notes that no reasonable person would construe the social media invitation as a call for disruption. Finally, she maintains that the disruption during question period was to the detriment of the opposition, as it resulted in lost time for opposition members to ask questions of the government.

While the Opposition House Leader agrees that the opposition caucus greeted the members of the public attending proceedings, obtained gallery passes for some of them, and provided overflow seating in Room 255, she disputes advance knowledge of the protesters’ plans to disrupt the proceedings. Further, she states that the Member for Saskatoon University disputes the veracity of the allegations made against her and did not hear the Speaker’s order to leave the Chamber over the noise of the protest.

The Government House Leader refers to the recess for grave disorder as unprecedented in this Assembly; however, similar events occurred in 1991. On April 19, 1991, Speaker Tusa recessed the Assembly for a period of time when members on the floor refused to come to order. No case of privilege was brought forward as a result.

On June 6, 1991, a demonstration overflowed into the Legislative Building, and the Chamber and lobby doors were locked to ensure the safety of members. A question of privilege was brought forward with respect to the rights of members to move freely through the building, but the Speaker ruled that no *prima facie* case had been established, as he had properly followed established security protocols.

Questions of privilege alleging member complicity in disruptions from the galleries are well documented in other jurisdictions. For example, on December 6, 2011, House of Commons Speaker Scheer addressed two separate incidents — one involving opposition members and one involving government members — in which demonstrators caused disruptions from the galleries, interrupted proceedings, and were applauded and encouraged by members on the floor. In both cases, members were alleged to have prior knowledge that the disruption was to occur.

In his ruling, Speaker Scheer noted three additional occasions where Speaker Milliken had ruled on similar incidents. He stated:

In all three of those cases, it was alleged that a certain Member had prior knowledge of, and was therefore complicit in, a disturbance in the galleries. Then, as now, the accused Members denied

involvement and Speaker Milliken accepted those explanations. Remembering the time-honoured tradition in this place, the Members are taken at their word, and so in keeping with the precedents just cited, the Chair is prepared to consider this particular aspect of the matter to be closed.

No *prima facie* case was found in any of those cases.

Nor was a *prima facie* case found by House of Commons Speaker Fraser on November 6, 1990 following an interruption in proceedings by demonstrators who threw objects onto the floor of the Chamber. In this case also, the question of privilege alleged that members of the House had prior knowledge that such a protest was to take place but had done nothing to stop it. The accused members denied the allegations. While the Speaker took the members at their word and could find no *prima facie* evidence to implicate them, he did find the disturbance itself to be a *prima facie* contempt of the Assembly and worthy of investigation by the Assembly. Accordingly, he allowed the motion proposed in the question of privilege to be stripped of any reference implicating members before being put to the Assembly for debate.

In this case, both House leaders agree that the disruption in proceedings improperly and directly obstructed members, on both sides, in the fulfillment of their duties. However, they disagree as to whether any members had prior indication that the disruption would occur.

This puts the Speaker in a difficult position. In determining a question of privilege, the Speaker's role is to decide whether a *prima facie* case has been established or, in other words, whether there is sufficient evidence to merit setting aside the regular business of the Assembly to debate the matter. The motion proposed in this particular case requires me to be satisfied from the evidence presented that the opposition caucus and the Member for Saskatoon University had in some way facilitated this protest. An extremely high threshold of proof is required. There must be persuasive and substantiated evidence to prove the intent of members.

In light of this, a precedent does exist as to how the Assembly may be able to address this issue. In the previously stated ruling by Speaker Fraser, the Speaker allowed the member to amend the motion by removing the words relating to the accused member. Similar to the ruling by Speaker Fraser, if the Government House Leader asks for and obtains the Assembly's leave to remove the middle paragraph of his proposed question of privilege motion, which implicates the opposition caucus and the Member for Saskatoon University in the case, I will ask the Government House Leader to move the motion. The proper way to resolve this issue is for the members to decide through debate.

If members require additional time to review the matter, I will entertain a motion to recess.

Before asking the Government House Leader to move his motion, I will remind members of the process. Once the Government House Leader moves his motion, it shall be taken into consideration by this Assembly immediately, pursuant to rule 12(6). In accordance with rule 12(7), the Government House Leader may speak for no more than one hour, and each subsequent member may speak for no more than 45 minutes. Before the question is put, the Government House Leader will be permitted 15 minutes to close the debate. At 4:50 p.m. today, I will interrupt proceedings to put the question on the motion.

Leave of the Assembly having been granted, pursuant to rule 12(6), it was moved by the Hon. Mr. Harrison (Meadow Lake), as amended:

That the disruption and occupation of the Legislative Assembly of Saskatchewan clearly constitutes a breach of the privileges of the Legislative Assembly of Saskatchewan by preventing all members from exercising their duties and responsibilities as Members of the Legislative Assembly; and further,

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

A debate arising and the question being put, it was agreed to on the following recorded division:

YEAS — 39

Moe	Morgan	McMorris	Hindley	Reiter
Harpauer	Duncan	Merriman	Tell	Makowsky
Marit	Cheveldayoff	Skoropad	Kaeding	Cockrill
Ross (Regina Rochdale)	Eyre	Harrison (Meadow Lake)	Carr	Hargrave
McLeod (Moose Jaw North)	Buckingham	Bradshaw	Ross (Prince Albert Northcote)	Dennis
Kirsch	Lambert	Ottenbreit	Young (Lloydminster)	Steele
Bonk	Nerlien	McLeod (Lumsden-Morse)	Friesen	Goudy
Keisig	Lemaigre	Jenson	Harrison (Cannington)	

NAYS — 14

Beck	Nippi-Albright	Vermette	Mowat	Wotherspoon
Love	Teed	Young (Regina University)	Burki	Clarke
Sarauer	Conway	Bowes	Ritchie	

APPOINTMENT OF MEMBER OF THE PUBLIC AND PRIVATE RIGHTS BOARD

On motion of the Hon. Ms. Eyre:

Ordered, That an Humble Address be presented to His Honour the Lieutenant Governor recommending that Itemobong Umoh be appointed as an interim member of the Public and Private Rights Board, during the absence of the current member, Stacy Muller, for a term not exceeding December 31, 2024, pursuant to section 6 of *The Expropriation Procedure Act* and section 2-33 of *The Legislation Act*.

ADJOURNED DEBATES / DÉBATS AJOURNÉS

Bill No. 138 — The Workers' Compensation (Extending Firefighter Coverage) Amendment Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. McMorris: That Bill No. 138 — The Workers' Compensation (Extending Firefighter Coverage) Amendment Act, 2023 be now read a second time.

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

Bill No. 140 — The Miscellaneous Statutes Repeal Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Eyre: That Bill No. 140 — The Miscellaneous Statutes Repeal Act, 2023 be now read a second time.

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

Bill No. 141 — The Statute Law Amendment Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Eyre: That Bill No. 141 — The Statute Law Amendment Act, 2023 be now read a second time.

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

By designation of the Hon. Mr. Duncan, in accordance with rule 85, Bill No. 141 — The Statute Law Amendment Act, 2023 was committed to the Standing Committee on Intergovernmental Affairs and Justice.

Bill No. 142 — The Miscellaneous Statutes (Utility Line Locates) Amendment Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Duncan: That Bill No. 142 — The Miscellaneous Statutes (Utility Line Locates) Amendment Act, 2023 be now read a second time.

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

Bill No. 143 — The Child Care Amendment Act, 2023

Projet de loi n° 143 — Loi modificative de 2023 sur les garderies d'enfants

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Cockrill: That Bill No. 143 — The Child Care Amendment Act, 2023 be now read a second time.

L'Assemblée reprend le débat ajourné sur la motion de l'hon. M. Cockrill: Que le projet de loi n° 143 — Loi modificative de 2023 sur les garderies d'enfants soit maintenant lu une deuxième fois.

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

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

Bill No. 144 — The Police (Miscellaneous) Amendment Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Merriman: That Bill No. 144 — The Police (Miscellaneous) Amendment Act, 2023 be now read a second time.

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

Bill No. 145 — The Funeral and Cremation Services (Legal Decision-Maker Protection) Amendment Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Eyre: That Bill No. 145 — The Funeral and Cremation Services (Legal Decision-Maker Protection) Amendment Act, 2023 be now read a second time.

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

Bill No. 146 — The King's Bench Consequential Amendments Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Eyre: That Bill No. 146 — The King's Bench Consequential Amendments Act, 2023 be now read a second time.

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

Bill No. 148 — The Film Content Information Act

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Eyre: That Bill No. 148 — The Film Content Information Act be now read a second time.

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

Bill No. 149 — The Franchise Disclosure Act

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Eyre: That Bill No. 149 — The Franchise Disclosure Act be now read a second time.

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

Bill No. 150 — The Securities (Saskatchewan Investors Protection) Amendment Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Ms. Eyre: That Bill No. 150 — The Securities (Saskatchewan Investors Protection) Amendment Act, 2023 be now read a second time.

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

Bill No. 151 — The SaskEnergy (Carbon Tax Fairness for Families) Amendment Act, 2023

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Duncan: That Bill No. 151 — The SaskEnergy (Carbon Tax Fairness for Families) Amendment Act, 2023 be now read a second time.

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

On motion of the Hon. Mr. Harrison (Meadow Lake):

Ordered, That this Assembly do now adjourn.

The Assembly adjourned at 4:06 p.m. until Thursday at 10:00 a.m.

Hon. Randy Weekes
Speaker
