

IN THE PROVINCIAL COURT OF SASKATCHEWAN  
CIRCUIT COURT OF OUTLOOK

between

HER MAJESTY THE QUEEN

Prosecutor

and

CHRISTINE BROWN

Defendant

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NOTICE OF CONSTITUTIONAL QUESTION  
AS REGARDS SASKATCHEWAN OFFENCE TICKET 7837010

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Be advised that the Defendant challenges the validity of

Section 1(d) of the Public Health Order (Provincial Order) issued by Dr. Saqib Shahab, Chief Medical Health Officer for Saskatchewan, issued under subsection 45(2) of the *Public Health Act, 1994* and section 25.2(2) of *The Disease Control Regulations*, issued the 6<sup>th</sup> day of May 2021; or any other Saskatchewan public health order in force on the 10<sup>th</sup> day of May 2021, whose objective is to limit the size of public gatherings outdoors;

Said order breaches her rights, and/or the rights of others, as follows

Section 2(b) of the *Charter of Rights and Freedoms* (freedom of expression)

Section 2(c) of the *Charter of Rights and Freedoms* (freedom of peaceful assembly)

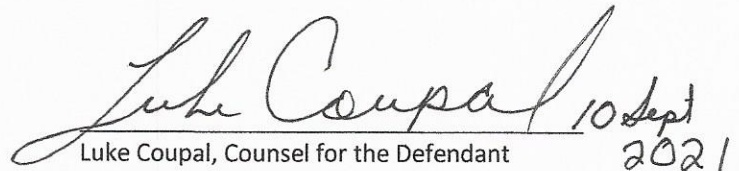
And that

Being a limit upon her rights, and/or the rights of others, this order cannot be demonstrably justified in a free and democratic society. The Defendant and others were gathered outdoors in peaceful protest of government action, and they were expressing to the public their preferences for political office in the upcoming federal election.

This matter is currently scheduled to be spoken to in the Provincial Court of Saskatchewan – Judicial Centre of Outlook, on the 16<sup>th</sup> day of September 2021. Once a hearing date has been scheduled, I will notify the constitutional offices of both crowns of that as well.



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Luke Coupal, Counsel for the Defendant 10 Sept 2021

IN THE PROVINCIAL COURT OF SASKATCHEWAN  
SITTING IN OUTLOOK

between

HER MAJESTY THE QUEEN

Prosecutor

and

CHRISTINE BROWN

Defendant

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NOTICE OF CONSTITUTIONAL QUESTION  
AS REGARDS SASKATCHEWAN OFFENCE TICKET  
7837010 and 90444810

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1. This defendant withdraws their Notice of Constitutional Question signed 04 February 2022 and the Notice of Constitutional Question (clarification) signed 14 Feb 2022. This Notice of Constitutional Question is submitted in place of the withdrawn Notices.

2. BE ADVISED that the Defendant challenges the validity of:

Section 46 of The *Public Health Act 1994* for Saskatchewan;

Section 25.2 of The Disease Control Regulations

And any order issued under s.25.2 of The Disease Control Regulations as relates to this matter.

2. In that:

The Constitutional Act 1867, Canadian democratic tradition, and the Rule of Law require that it be the Legislature that debate and create law within its jurisdiction. The design of s.46 of the *Public Health Act 1994* and/or s.25.2 of the Disease Control Regulations are insufficient to allow for the meaningful debate of broad and significantly intrusive powers and abrogate the Legislature's democratic duties.

The authorities assigned by these provisions are also exorbitant and insufficiently defined to be permitted under recognized, though unwritten, constitutional principles that require executive powers to be clearly defined, with boundaries and limitations sufficiently identified that they can be debated, and which prevent and/or prohibit the arbitrary use of authority.

Just as our inherited and ancient constitution of the United Kingdom recognizes no legitimacy in the arbitrary nature of martial law, so too does the Canadian constitution recognize no legitimacy in arbitrary emergency law.

These sections are also a breach of s.7 of the *Charter* in that the initiation of sweeping emergency powers must be certified by the Legislators, *ex post facto*, within an appropriate time to ensure that the Rule of Law and Canadian Democratic principles are not being unnecessarily sacrificed. This is not unlike the Canadian *Emergencies Act* which requires the executive to lay a motion before the legislators within 7 days of proclaiming an emergency.

6. The remedy sought is: that the provincial court judge not apply any *ultra vires* or invalid laws to this case, a power confirmed by the Supreme Court of Canada in *R v Lloyd*, 2016 SCC 13.
7. This matter is set for Trial 25 April 2022 at the Provincial Court of Saskatchewan sitting in Outlook.
8. I suggest that these matters would best be settled by a concurrent trial and *voir dire*.



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*Luke Coupal* 08 Apr 2022

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