

CITY OF MARTENSVILLE  
COUNCIL PROCEDURES BYLAW  
BYLAW NO. 1-2019

**A BYLAW OF THE CITY OF MARTENSVILLE TO ESTABLISH A COUNCIL PROCEDURES BYLAW;**

**WHEREAS** section 8 of *The Cities Act*, provided, in part, as follows:

**“8(1)** A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the city;

(a) The peace, order and good government of the city,”.

**AND WHEREAS** section 55.1(1) of The Cities Act, provides, in part, as follows:

**“55.1(1)** Subject to the regulations, a council shall, by bylaw, establish general procedures to be followed in conducting business at council meetings,”

**The Council of the City of Martensville in the Province of Saskatchewan enacts as follows:**

**PART I  
INTERPRETATION**

**Short Title**

1. This Bylaw may be cited at the Council Procedure Bylaw.

**Purpose and Scope**

2. (1) The purpose of this Bylaw is to provide for the orderly conduct of the business of City Council and for the proceedings of any committees established by Council for the better administration of the City.
- (2) The Bylaw applies to all proceedings of Council Meetings, Committee of the Whole Meetings, and any board or committee established by Council except where, by Bylaw, Council has established procedures to the contrary for a specific board or committee.

**Definitions**

3. In this Bylaw, in any amending Bylaws, and in any schedules attached hereto:

- (a) **“Act”** means *The Cities Act*;
- (b) **“Adjourn”** means to end the meeting;

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- (c) **“Administration”** means the City Manager or an employee(s) accountable to the City Manager;
- (d) **“Chair”** means a person who has the authority to preside over a meeting;
- (e) **“City”** means the City of Martensville;
- (f) **“City Clerk”** means the person appointed as City Clerk pursuant to *section 85(1) of the Act*;
- (g) **“City Manager”** means the person appointed as City Manager pursuant to *section 84(1) of the Act*;
- (h) **“Committee”** means a committee, board, authority or other body duly appointed by council;
- (i) **“Committee of the Whole”** means members present at a meeting of Council sitting in committee;
- (j) **“Correspondence”** includes, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or newspaper/magazine article;
- (k) **“Council”** means the Mayor and Councillors of the City of Martensville, elected pursuant to the provisions of *The Local Government Election Act, 2015*;
- (l) **“Councillor”** means the council member duly elected in the city as a councillor, in accordance with *The Local Government Election Act 2015*;
- (m) **“Deputy Mayor”** means the Councillor appointed as the Deputy Mayor pursuant to section 7 of this Bylaw;
- (n) **“Mayor”** means the council member duly elected in the city as the mayor, pursuant to the provisions of *The Local Government Election Act, 2015* and section 6 of this Bylaw;
- (o) **“Point of Order”** means the raising of a question by a member, with the view of calling attention to any departure from the Procedure Bylaw or the customary modes or proceedings in debate, or in the conduct of the Council’s business;

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- (p) **“Point of Privilege”** is the raising of a matter by a member which occurs while the council is in session, where:
- i. the rights, privileges, decorum or dignity of the council collectively or the rights and privileges of a member individually have been affected;
  - ii. when a member believes that another member has spoken disrespectfully toward them or the council, or;
  - iii. when a member believes their comments have been misunderstood or misinterpreted by another member or members; or
  - iv. when a member believes that comments made by the member outside the Council Chamber have been misinterpreted or misunderstood by the Community, the public or the news media in order to clarify his or her positions;
- (q) **“Point of Procedure”** means a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand, in order to assist a member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of a motion;
- (r) **“Public Hearing”** means a meeting of council or that portion of a meeting of council which is convened to hear matters pursuant to:
- i. The Cities Act;
  - ii. The Planning and Development Act, 2007;
  - iii. Any other Act; or
  - iv. A resolution or bylaw of council.
- (s) **“Resolution”** means a formal decision by Council based on a motion, duly placed before a regularly scheduled Council Meeting or Special Council Meeting;
- (t) **“Special Meeting”** means a meeting other than a regular scheduled meeting called pursuant to section 97 of the Act;

### Schedules

4. The Following schedule is attached to, and forms part of, this Bylaw:  
Schedule “A” – List of exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

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**PART II  
PROCEEDINGS OF COUNCIL**

**Council**

5. (1) Council is the governing body of the City of Martensville and shall exercise the powers and carry out the duties prescribed by law.
- (2) Council shall consist of the Mayor and six (6) Councillors.
- (3) Subject to any limitations prescribe by law, Council may delegate or assign its powers and duties as it may be deemed advisable and in the public interest.

**Mayor**

6. (1) In addition to performing the duties of a Councillor, a Mayor has the following duties:
  - (a) to preside when in attendance, at all meetings of Council unless another member of Council is required or permitted to preside pursuant to The Cities Act or other applicable law or the terms of this Bylaw;
  - (b) to perform any other duty imposed on a Mayor by this or any other Act or bylaw or resolution.
- (2) The Mayor is a member of all boards and committees established by Council, unless Council provides otherwise.

**Deputy Mayor**

7. (1) Council shall, at its first meeting or as soon as possible thereafter and whenever the office becomes vacant, appoint a Councillor to be Deputy Mayor.
- (2) The Deputy Mayor is to act as the mayor if:
  - (a) the Mayor is unable to perform the duties of the mayor; or
  - (b) the office of Mayor is vacant.

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**Persons allowed at the Table**

8. No person, except Council members, City Manager, City Clerk and other members of administration as authorized by the City Manager and such persons as are permitted by the Mayor shall be allowed to be seated at the council table during the sittings of the council.

**Conduct of Public**

9. All persons in the public gallery at a council meeting shall:
- (a) Refrain from addressing council or a member unless permitted to do so;
  - (b) Maintain quiet and order;
  - (c) Refrain from disturbing the proceedings by words, gestures or acting including applauding, displaying flags or similar material;
  - (d) Refrain from talking on cellular telephones;
  - (e) Refrain from making audio or video recordings of council proceedings; and
  - (f) Ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view proceedings.

**First Meeting**

10. (1) The first meeting of Council shall be held on the first Tuesday immediately following a general election.
- (2) At the first meeting of Council: every Council member shall take an oath of office pursuant to the Act.

**Regular meetings of Council**

11. (1) Subject to subsection (2), an annual schedule of all regular meetings of Council shall be approved by resolution of Council no later than the last regular meeting in December of the proceeding year. Regular meetings of Council are to be held in the Council Chambers at City Hall, commencing at 5:00 pm.

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- (2) Council may by resolution:
  - (a) alter the date, hour and/or place of any regular meeting of Council;
  - (b) cancel any regular meeting of Council.

**Special meetings of Council**

- 12. (1) Subject to subsection (2), the Mayor may direct the City Clerk to call a special meeting of Council whenever:
  - (a) the Mayor deems it expedient and in the public interest to do so; or
  - (b) the Mayor is requested to do so in writing by a majority of Councillors.
- (2) Subject to subsection (3), where a special meeting of Council is called:
  - (a) all members of Council shall receive at least twenty-four (24) hours-notice in writing of the time and place of the meeting and, in general terms, the business to be transacted at the meeting;
  - (b) the City Clerk shall post notice of the time and place of meeting at City Hall at least twenty-four (24) hours prior to the meeting and shall describe, in general terms, the business being transacted.
- (3) The Mayor may direct the City Clerk to call a special meeting of Council on less than twenty-four (24) hours-notice and without posting notice at City Hall provided that, immediately prior to the beginning of the special meeting, all members of Council unanimously agree to do so.
- (4) In case of the absence of the Mayor and the Deputy Mayor, a special meeting shall be called at any time by the City Clerk upon a requisition to him/her signed by a majority of the members of Council.
- (5) No business, other than that stated in the notice, shall be transacted at any special meeting of Council unless:
  - (a) all members of Council are present at the meeting; and
  - (b) all members of Council unanimously resolve to do so.

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**Meetings of Council to be in public, exceptions**

13. (1) Subject to the specific provisions of this Bylaw, all meetings of Council shall be open to the public and every member of the public shall have the right to be present during all Regular Council meetings unless that person has been expelled for improper conduct. Any member of the public who conducts himself/herself improperly while in the Council Chambers, and therein disturbs the proceedings of Council by words or actions and who, when so requested by the presiding Chair, refuses to end such improper conduct or to leave the Council Chamber if so requested, shall be guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw No. 22-2013 of the City of Martensville.
- (2) No act or proceeding of Council is effective unless it is authorized or adopted at a meeting of Council, which is open to the public.
- (3) Council may, by resolution, close part of a meeting to the public by going In-Camera to discuss a matter which is listed in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- (4) Where Council resolves to go In-Camera, all persons shall be excluded from the meeting except:
- (a) the members of Council;
  - (b) the City Manager, City Clerk and such other members of City Administration as the members of Council may deem appropriate;
  - (c) such members of the public as may be allowed to attend as per the Chair.
- (5) Where Council resolves to go In-Camera, in addition to the resolution to do so, the City Clerk shall record in the minutes the following:
- (a) the time the In-Camera portion of the meeting commenced and concluded;
  - (b) the names of the parties present;

**Long range or strategic planning meetings**

14. (1) Council may, at the request of the Mayor, meet for the purposes of long-range or strategic planning and such meetings shall be closed to the public.
- (2) No business may be transacted at a meeting referred to in subsection (1).

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- (3) No minutes or record of proceedings shall be kept with respect to a meeting referred to in subsection (1).

**Meeting through Electronic Means**

15. (1) One or more members of Council may participate in a council meeting by means of a telephonic, electronic or other communication facility if:
- (a) the members of Council provide the City Clerk with at least two (2) business days' notice of their intent to participate in this manner;
  - (b) notice of the meeting is given to the public, including the way in which the meeting is to be conducted;
  - (c) the facilities enable the public to at least listen to the meeting at a place specified in that notice and the City Clerk attends that place; and
  - (d) the facilities permit all participants to communicate adequately with each other during the Council meeting.
- (2) Members participating in a Council meeting held by means of a communication facility are deemed to be present at the Council meeting.

**Order of Business & Agendas**

16. (1) The order of business for every regular meeting of Council shall be as follows:
- 1) Call to order/Adoption of Agenda;
  - 2) Adoption of minutes;
  - 3) Public Hearings/Delegations;
  - 4) Correspondence;
  - 5) Committee Reports;
    - a) Committee of the Whole
    - b) City Manager's Report
  - 6) Finance;
    - a) Expenditure
    - b) Bank Reconciliation
  - 7) Motions;
  - 8) Bylaws;
  - 9) Discussion Items;
  - 10) In-Camera Items;
  - 11) Adjournment.

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- (2) The business of Council shall be taken up in the order in which it stands on the agenda unless otherwise determined by the Mayor and consensus from Council.
- (3) The City Clerk shall prepare the agenda for every regular meeting of Council in accordance with the order of business set forth in sub-section (1).
- (4) The City Clerk shall ensure copies of the agenda, plus Council Package, are distributed to each member of Council and City Administration at least forty-eight hours preceding the meeting of Council for which it was prepared.
- (5) The City Clerk shall ensure that the agenda is made available to the public and posted on the City website.

**Submission to Council**

17. (1) Subject to other provisions of this Bylaw, all communication, petition, reports or other written applications shall be received by the City Clerk at or before 12:00 noon on Friday in the week preceding the meeting of Council in order to be included in the Council Package.
- (2) The Mayor or City Manager are empowered to accept items of an emergency nature after the closing time for accepting such submissions and to include them on an original or revised agenda, if they are of the opinion that such items require the immediate attention of Council.
- (3) No communications or petition shall be placed on the agenda of Council or considered by Committee of the Whole where:
  - (a) the communication does not identify or provide any means of contacting the author;
  - (b) with respect to communication, the purpose of which is to request an opportunity for a delegation be heard, does not contain a description of the issue or issues to be addressed by the delegation, together with a summary of the action or actions to be requested of Council by the delegation;
  - (c) the communication or petition contains offensive or disparaging remarks respecting the City of Martensville, Council, any member of Council, any civic official, or any other person;
  - (d) the communication or petition is merely for the purpose of providing information without seeking action of Council, in which case, such communication shall be provided by the City Clerk to members of Council for their information.

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- (4) Subject to the requirements of The Cities Act or any other applicable law, the City Clerk may delay placing a petition on the agenda of Council for the purpose of determining the sufficiency of that petition.

**Delegations**

18. (1) Delegations wishing to appear before Council shall make application to the City Clerk no later than 12:00 noon on Friday in the week preceding the meeting of Council at which such delegation wishes to appear. The applicant must fill out a Presentation to Council form outlining what the delegation wishes to discuss.
- (2) Spokesperson for any one delegation shall be limited to one, except where Council otherwise permits, and the total time allowed for any one delegation to make its presentation shall be not more than five minutes, except where Council otherwise permits. The delegation shall be permitted a reasonable time to reply to any questions or concerns raised following the presentation.
- (3) The City Clerk may refuse to place any request to speak on the agenda of Council if subsection (1) is not followed.

**Call to Order**

19. (1) All meetings of Council shall be called to Order when a majority of the members of Council are present at the hour appointed for that meeting by:
- (a) The Mayor; or
- (b) Presiding Chair.

**Quorum**

20. (1) Except as required by The Cities Act or other applicable law, the quorum of Council or Committee of the Whole shall be a majority of the members of Council.
- (2) No act or proceeding of Council or Committee of the Whole is valid if it is adopted at any meeting at which a quorum is not present.

**Absence of Quorum**

21. (1) Unless a majority of members of Council are present within thirty (30) minutes of the hour appointed for that meeting, the meeting shall stand adjourned until the next regular meeting of Council, unless a special meeting is called in the interim.

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- (2) In the event of an absence of quorum, the City Clerk shall record the names of the members present and the fact that the meeting stood adjourned for want of quorum.

**Council proceedings and voting**

22. (1) All questions matter and proceedings properly before Council shall be decided by resolution of members of Council then present.
- (2) All members of Council present shall vote on all matters properly before Council, unless the member is required or permitted to abstain from voting pursuant to *The Cities Act* or any other applicable law.
- (3) If a member of Council has a conflict of interest the member shall disclose the conflict of interest and leave the meeting. The City Clerk shall ensure to record in the minutes, the members name, general nature of conflict and time the member exits and returns to the meeting.
- (4) If a member abstains from voting on a matter, for which that member is not required or permitted to abstain from voting, the member shall be deemed to have voted in the negative.
- (5) If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw shall be defeated.

**Member's privilege, re: speaking**

23. (1) Subject only to the limitations set forth in this Bylaw, all members of Council shall have the privilege of speaking to any issue properly before Council.
- (2) No member of council shall speak:
- (a) Except when called upon to do so by the presiding chair, other than for the purpose of raising a point of order or question or privilege;
- (b) Respecting a matter other than the matter or questions properly before council;

**Recorded Vote**

24. (1) Prior to the question being put to Council on a matter, any member of Council may request that the vote on that matter be recorded.

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- (2) In the event a member of Council requests that the matter be recorded:
  - (a) the presiding chair shall, following the question being put, state the name of each member voting for, and each member voting against, the matter; and
  - (b) the City Clerk shall record in the minutes the names of each member present and whether each member voted for or against the matter.

**Preservation of Order**

- 25. (1) The presiding chair shall preserve order and decorum during all meetings of Council and, subject to any appeal to Council, shall decide all questions of Order or points of privilege.
- (2) No member of Council shall:
  - (a) Interrupt another member while speaking, except to raise a point of order or question or privilege;
  - (b) Debate any previous vote of Council, except for purposes of moving that such vote be amended, rescinded or reconsidered in accordance with this Bylaw;
  - (c) Speak disrespectfully to anyone;
  - (d) Resist the rule or disobey the decision of the presiding chair respecting any question or order or procedure of Council.
- (3) In the event a member of Council refuses to leave his/her seat when ordered to do so by the presiding chair pursuant to subsection (2), the meeting shall be temporarily adjourned until:
  - (a) The member apologized to Council for his/her conduct and is permitted to retake his/her seat pursuant to subsection (4);
  - (b) The member voluntarily leaves his/her seat or is removed by an officer and order is restored.
- (4) A member that has been ordered to leave his/her seat by the presiding chair may request permission to retake his/her seat during the remaining part of that meeting and may do so, by resolution of the remaining members of Council.

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**Matters of Order and Privilege**

26. (1) Any member of Council may raise their hand on a point of order or a question or privilege and, when he/she does so, if the debate is in progress, it shall be suspended, and the speaker shall wait until the point of order or question of privilege is settled.
- (2) the person raising their hand on the point of order or question of privilege shall state the point of Order or question of privilege without unnecessary comment.
- (3) The decision of the presiding chair shall stand unless reversed by a vote of a majority of members present.
- (4) Any member of Council may appeal the decision of the presiding chair to a vote of a majority of members present, which decision shall be final and binding.

**Motions**

27. (1) No notice need be given of any motion, unless required by The Cities Act; or the Public Notice Policy Bylaw #12-2016, made before the Council.
- (2) A motion shall express fully and clearly the intent of the decision to be made.
- (3) A motion shall not be considered until it has been moved and has been seconded.
- (4) Any member of Council may, at any point in the debate, request that the motion under debate be read by the presiding chair.
- (5) When a motion is under debate no other motion may be made, except a motion to:
- (a) amend motion;
  - (b) postpone a motion to a fixed date;
  - (c) request that additional information be obtained.

**Motion to Amendments**

28. (1) Any motion may be amended to:
- (a) add words within the motion;
  - (b) delete words within the motion; or

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- (c) change a word or words within the motion.
- (2) The amending motion must be:
  - (a) relevant to the main motion;
  - (b) made while the main motion is under consideration; and
  - (c) consistent with the principle embodied in the main motion.
- (3) An amended motion may also be amended.
- (4) No amendments shall be made to the following motions:
  - (a) a motion to adjourn;
  - (b) a motion to defer to a fixed date, except as to the date; and
  - (c) a motion requesting that a motion be put to a vote.

**Reconsideration of a Motion**

- 29. (1) No motion once passed by Council, shall be subject to reconsideration except in accordance with this section.
- (2) Any motion may be reconsidered by Council if a change has occurred in any material fact relied upon by Council in deciding or in the event new information is made available to members of Council, which was not available at the time of Council's decision.
- (3) After a motion has been passed, any member in the majority may give notice in writing to the City Clerk within twenty-four (24) hours of his/her desire to bring a motion of reconsideration before Council.
- (4) In the event the City Clerk receives a notice pursuant to subsection (3), the City Clerk shall promptly notify the City Manager and no action shall be taken to carry into effect the main motion until after the motion of reconsideration has been decided by Council.
- (5) At the next regular meeting of Council, the main motion shall be placed before members of Council, together with the member's motion for reconsideration of that motion in question.

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- (6) During debate on a motion for reconsideration, no debate shall be allowed with respect to the main motion unless and until Council resolves to reconsider the matter, except for the purpose of the mover of the motion giving his/her reasons for bringing the motion.

**PART III  
COMMITTEE OF THE WHOLE**

**Proceedings of Committee of the Whole**

30. (1) City Council members will alternate chairing Committee of the Whole meetings with a rotating chair list being established by the Mayor.
- (2) The order of business for every Committee of Whole meeting shall be as follows:
1. Call to Order
  2. Delegations/Public Hearing
  3. Reports from Administration
    - i. City Manager
    - ii. Director of Corporate Services
    - iii. City Clerk
    - iv. Director of Recreation and Community Services
    - v. Director of Infrastructure and Planning
    - vi. Community Economic Development Manager
  4. Council Members Round Table Discussion
  5. In-Camera Items
  6. Adjourn
- (3) The rules of procedure provided for in Part II of this Bylaw respecting the proceeding of Council shall apply to the proceedings of Committee of the Whole, except for the following:
- (a) No motions can be passed or adopted;
  - (b) That a motion for an adjournment is not required.

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**PART IV  
PROCEDURE RESPECTING BYLAWS**

**Introduction of a bylaw**

31. (1) Every proposed bylaw must have three (3) distinct and separate readings.
- (2) A proposed bylaw must not have more than two (2) readings at a Council meeting unless the members present unanimously agree to consider third reading.
- (3) Only the title and bylaw number need to be read at each reading of the bylaw.
- (4) Each member present at the meeting where a bylaw is being considered must have been given or had the opportunity to review the full text and any amendments prior to the vote.
- (5) When a bylaw has been given three (3) readings by council it:
- (a) Becomes a municipal enactment of the municipality; and
  - (b) Is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.
- (6) The City Clerk shall be empowered to correct any typographical error that may not have been corrected at the time of submission to Council and the bylaw shall have the same status as if Council had corrected same.
- (7) After passage, every bylaw shall be signed by the Mayor and City Clerk, pursuant to the Act and marked with the corporate seal of the municipality.

**PART V  
COUNCIL MEMBER BOARDS AND COMMITTEES**

**Council Member Boards and Committee appointments**

32. (1) Council Member Boards and Committees shall be appointed by the Mayor and approved by resolution of Council.
- (2) Subject to any specific powers, duties and authority which may be delegated by bylaw or resolution of Council, no decision, recommendation or resolution of a board or committee established pursuant to subsection (1) shall be effective unless specifically adopted by resolution of Council.

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**PART VI  
MISCELLANEOUS**

**Bylaw Repealed**

33. Bylaw 1-2016 is hereby repealed.

**Coming into Force:**

34. This Bylaw shall come into force upon final passage by City Council.

Read a first time this 19<sup>th</sup> day of February 2019

Read a second time this this 19<sup>th</sup> day of February 2019

Read a third and final time this this 19<sup>th</sup> day of February 2019

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MAYOR

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CITY CLERK

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**SCHEDULE “A”**

**List of Exemptions in Part III of  
*The Local Authority Freedom of Information and Protection of Privacy Act*  
(Section 13 – 22 inclusive)**

The following information is confidential and the proceedings of Council or any committee of Council may be held in-camera for the purpose of obtaining or discussing such information:

1. Records from other governments
2. Law enforcement and investigations
3. Documents of a local authority
4. Advice from officials
5. Economic and other interests
6. Third Party information
7. Testing procedures, tests and audits
8. Danger to health or safety
9. Solicitor-client privilege
10. Confidentiality provisions in other enactments