



Justice Centre

for Constitutional Freedoms

May 8, 2020

Sent via facsimile to (306) 787-3237

Dr. Saqib Shahab
Chief Medical Health Officer
Saskatchewan Ministry of Health
3475 Albert Street
Regina, SK S4S 6X6

Dear Dr. Shahab:

Re: Overbroad Order Restricting Travel Outside Northern Communities

We write to express concern about the constitutionality of the Public Health Order Respecting the Northern Saskatchewan Administration District, April 30, 2020 (“Order”), which imposes strict travel restrictions in northern Saskatchewan. With some exceptions, the Order prevents residents of northern communities from travelling “outside the community in which their primary residence is located.”

This Order arbitrarily and unnecessarily interferes with northern residents’ right to liberty, protected by the *Canadian Charter of Rights and Freedoms*. It prohibits residents from leaving the boundaries of their community, even if they are simply seeking to go out and enjoy nature.

Northern Saskatchewan is blessed with vast forests and numerous lakes and waterways. These areas can easily be enjoyed by local residents while complying with social distancing protocols and avoiding encounters with others, negating any risk of transmission of COVID-19.

The Order unnecessarily prevents all northern residents from simply utilizing local forests, lakes and waterways to meet their needs for recreation, relaxation or solitude and benefit their mental and physical health. Under the Order, only individuals able to claim an Aboriginal right for doing so are permitted to venture out of their community to enjoy nature.

It is unconstitutional for government to arbitrarily restrict citizens’ liberty of movement. This is especially so where when restricting liberty may cause unnecessary negative effects on citizens’ mental and physical health, without in fact reducing the risk of transmission of COVID-19.

We request that you immediately amend the Order to not arbitrarily limit the liberty of Saskatchewan’s northern residents to enjoy their local forests, lakes and waterways.

Yours truly,

Marty Moore, JD
Justice Centre for Constitutional Freedoms

cc: Scott Moe, Premier of Saskatchewan