

SPECIAL COMMITTEE ON REGULATIONS

February 20th, 1997

MINUTE NO. 1

9:00 a.m. — Room 10

1. **PRESENT:** Mr. Belanger in the Chair and Members Draude, Heppner, Jess, Sonntag, Ward and Whitmore.

Legislative Counsel and Law Clerk' Office

Robert Cosman, Counsel to the Committee

Edgar Schmidt, former Acting Legislative Counsel and Law Clerk

2. The Clerk to the Committee presided over the election of a Chair. Mr. Whitmore nominated Mr. Belanger for the position. There being no further nominations, it was moved by Mr. Ward:

That nominations for the position of Chair close.

The question being put, the motion was agreed to.

3. It was moved by Mr. Whitmore:

That Mr. Buckley Belanger be elected to preside as Chair of the Special Committee on Regulations.

The question being put, the motion was agreed to and Mr. Belanger took the Chair.

4. The Chair of the Committee presided over the election of a Vice-Chair. Mr. Sonntag nominated Mr. Ward for the position. There being no further nominations, it was moved by Mr. Sonntag:

That nominations for the position of Vice-Chair close.

The question being put, the motion was agreed to.

5. It was moved by Mr. Sonntag:

That Mr. Larry Ward be elected to preside as Vice-Chair of the Special Committee on Regulations.

The question being put, the motion was agreed to.

6. The Committee initiated an orientation seminar.
7. The Committee Clerk made a presentation on the role and operation of the Committee.
8. Mr. Philip Flory, Director of Corporations Branch, Saskatchewan Justice, gave a briefing on by-laws and responded to questions put by Members.
9. Mr. Ian Brown, Chief Legislative Crown Counsel, Saskatchewan Justice, gave a briefing on regulations and responded to questions put by Members.
10. The Legislative Counsel and Law Clerk gave a briefing on his role in the Committee and responded to questions put by Members.

11. 1995 REGULATIONS

The Personal Injury Benefits Regulations - *The Automobile Accident Insurance Act* - January 13, 1995

The Committee first considered this issue on February 20, 1997. The Committee agreed to raise with the Minister the Committee's concern that a power in an Act allowing definition by regulation does not in turn impute that the regulation can further sub-delegate the making of the definition to another person or body. The Committee agreed to urge the Minister to define the terms in the regulations.

The Dairy Producers Regulations, 1995 - *The Animal Products Act* - January 27, 1995

The Committee first considered these four issues on February 20, 1997. The Committee requested Counsel to seek clarification from the Minister on the rationale behind the open referential incorporation of certain standards of the International Association of Milk, Food and Environmental Sanitarians and on the discretionary power accorded the Minister to issue licenses even when all enumerated requirements are met. Counsel was also directed to seek justification from the Department on the power of the Minister to exempt producers from certain prohibitions and to impose a positive duty on a producer to do what the Minister orders, two powers which do not appear to be authorized by the Act.

The Regulations Act Repeal (Part III) Regulations, 1995 - *The Regulations Act, 1989* - April 7, 1995

The Committee first considered this issue on February 20, 1997. The Committee took note of Counsel's report and agreed that no further action was necessary.

The Rural Municipal Road Relief Assistance Program Regulations - *The Department of Highways and Transportation Act* - June 2, 1995

The Committee first considered these two related issues on February 20, 1997. The Committee directed Counsel to correspond with the Minister and seek clarification on the apparent unguided discretion afforded the Minister in the Regulations. Counsel was to also request that the department identify in the regulations the terms and conditions that will determine when relief assistance will be paid.

The Mental Health Services Amendment Regulations, 1995 - *The Mental Health Services Act* - June 9, 1995

The Committee first considered this issue on February 20, 1997. The Committee requested Counsel to draw the Minister's attention to the inconsistencies between the Regulations and the map contained in the Appendix; in particular, the number of mental health regions, the regions as established in the Regulations and the numbered areas shown on the map and thirdly, the absence of sufficient detail to enable the determination of where the boundaries actually fall.

The Canadian Electrical Code (Saskatchewan Amendments) Regulations, 1995 - *The Electrical Inspection Act, 1993* - September 22, 1995

The Committee first considered this issue on February 20, 1997. The Committee directed Counsel to raise with the Minister its concern that the enabling provisions of the Act do not appear to authorize the making of regulations governing who is to pay for electrical installations.

The Mineral Disposition Amendment Regulations, 1995 - *The Crown Minerals Act* - October 20, 1995

The Committee first considered this issue on February 20, 1997. The Committee agreed to have Counsel raise with the Minister its concern regarding the Minister's discretion in the granting of exemptions.

12. 1986 REGULATIONS

The Mental Health Services Regulations - *The Mental Health Services Act* - April 4, 1986

The Committee last considered these two issues on November 29, 1994. The Committee considered the response from the Minister of Health and agreed that the passage of the amending regulation Saskatchewan Regulation 53/95, gazetted in the June 9, 1995 Saskatchewan Gazette, resolved these matters. No further action is required.

13. 1988 REGULATIONS

The Real Estate Brokers' Regulations, 1988 - *The Real Estate Brokers' Act, 1987* - December 9, 1988

The Committee last considered this issue on November 29, 1994. The Committee reviewed regulation 71/94, filed October 5, 1994 and agreed that the matter was resolved.

The Water Power Amendment Regulations, 1988 - *The Water Power Act* - January 22, 1988

The Committee last considered this issue on November 29, 1994. The Committee took note of the report of Counsel and directed him to draw the Minister's attention to this outstanding issue by way of a follow-up letter.

The Bacterial Ring Rot Control Regulations - *The Pest Control Act* - July 8, 1994

The Committee last considered this issue on November 29, 1994. The Committee received the report of Counsel and agreed that the matter was resolved to the Committee's satisfaction.

14. The Committee recessed at 11:45 a.m. until 1:15 p.m.

15. 1988 REGULATIONS (continued)

The Correctional Services Administration, Discipline and Security Regulations - *The Correctional Services Act* - July 8, 1994

The Committee last considered this issue on November 29, 1994. The Committee reviewed the response of the Minister of Justice and agreed that the matter was resolved to the Committee's satisfaction.

The Child Care Expense and Moving Expense Remission Regulations - *The Financial Administration Act, 1993* - January 7, 1994

The Committee last considered this issue on November 29, 1994. The Committee considered the response of the Deputy Minister of Finance regarding the late announcement of the provincial income tax remission and agreed that the matter was resolved to the satisfaction of the Committee.

The Helium and Associated Gases Amendment Regulations, 1994 - *The Crown Minerals Act* - Gazetted December 2, 1994

The Committee last considered this issue on May 16, 1995. The Committee considered the response from the Minister of Energy and Mines and agreed that Counsel should monitor the revised and consolidated regulations if and when they are promulgated.

The Petroleum and Natural Gas Amendment Regulations, 1994 - *The Crown Minerals Act* - December 2, 1994

The Committee last considered this issue on May 16, 1995. The Committee considered the response from the Minister of Energy and Mines and agreed that Counsel should monitor the revised and consolidated regulations if and when they are promulgated.

The Victims of Domestic Violence Regulations - *The Victims of Domestic Violence Act* - December 2, 1994

The Committee last considered this issue on May 16, 1995. The Committee considered the response of the Deputy Minister of Justice. The Committee agreed to request Counsel to determine whether a new revised form has been printed and in use since the receipt of the letter from the Deputy Minister in July 1995 and if so, to request a copy of it. If a new form is not yet in use, the Committee further directed Counsel to request, in the interval before a new form is issued, that the respondent's right to apply to court be highlighted or underlined in some fashion on the current form to ensure that attention is drawn to it.

16. 1991 PROFESSIONAL BY-LAWS

The Association of Dental Technicians of Saskatchewan - *The Dental Technicians Act* - Sessional Paper #4 - Tabled December 4, 1991 (1st Session - 22nd Legislature)

The Committee last considered this issue on November 29, 1994. The Committee reviewed the response from the Department of Health stating that either an amending or a completely new Act is being considered and requested Counsel to monitor the enactment of the new legislation.

17. 1992 PROFESSIONAL BY-LAWS

The Saskatchewan Association of Speech-Language Pathologists and Audiologists - *The Speech-Language Pathologists and Audiologists Act* - Sessional Paper #16 - Tabled June 8, 1992 (2nd Session - 22nd Legislature)

The Committee last considered this issue on November 29, 1994. The Committee considered the response from the Association and agreed to consider the issue resolved.

18. 1994 PROFESSIONAL BY-LAWS

The Saskatchewan Society of Occupational Therapists - *The Registered Occupational Therapists Act* - Sessional Paper #73 - Tabled February 18, 1994 (4th Session - 22nd Legislature)

The Committee last considered these issues on May 16, 1995. The Committee agreed to have Counsel raise the remaining two issues respecting this by-law with the Society.

The Rural Municipal Administrators' Association of Saskatchewan - *The Rural Municipal Administrators' Act* - Addendum to Sessional Paper #73 - Tabled June 2, 1994 (4th Session - 22nd Legislature)

The Committee last considered these issues on November 29, 1994. The Committee reviewed the response from the Association and agreed to consider the matter resolved.

19. 1995 PROFESSIONAL BY-LAWS

The Association of Dental Technicians of Saskatchewan - *The Dental Technicians Act* - Sessional Paper #105 - Tabled February 23, 1995 (5th Session - 22nd Legislature)

The Committee last considered this issue on May 16, 1995. The Committee reviewed the response from the Department of Health stating that either an amending Act or a completely new Act is being considered and requested Counsel to monitor the enactment of the new legislation.

The Registered Psychiatric Nurses Association of Saskatchewan - *The Registered Psychiatric Nurses Act* - Sessional Paper #105 - Tabled February 23, 1995 (5th Session - 22nd Legislature)

The Committee last considered this issue on May 16, 1995. The Committee considered the response of the Executive Director of the Registered Psychiatric Nurses Association of Saskatchewan and agreed to consider the matter resolved to the satisfaction of the Committee.

20. The Committee Clerk advised the Committee of the proposed visit to Regina by the Scrutiny of Acts and Regulations Committee of the Parliament of Victoria, Australia in May or June 1997.
21. The Legislative Counsel and Law Clerk gave a report on his attendance at the 1995 Canadian Institute for the Administration of Justice *Conference on Legal Drafting*, November 27 & 28, 1995, in Ottawa.

22. The Legislative Counsel and Law Clerk and Mr. Schmidt advised the Committee of an alternative manner in which correspondences with departments and professional associations could be pursued at an earlier stage in order to improve the efficiency of the review process.
23. The Committee adjourned at 2:20 p.m. to the call of the Chair.

Margaret A. Woods
Committee Clerk

Buckley Belanger
Committee Chair

