

FIRST REPORT

of the

Special Committee on Regulations

Mr. Toth, Chair of the Special Committee on Regulations, presents the Committee's first report of the Twenty-Third Legislature.

I. INTRODUCTION

Since the opening of the Twenty-Third Legislature, your Committee has held six meetings. At its first meeting, an orientation seminar was presented and briefings were given on the role and operation of the Committee and of the Legislative Counsel and Law Clerk, and on the purpose and use of regulations and bylaws.

The Committee expresses its appreciation to Mr. Buckley Belanger, who served as Chair from February 1997 until June 1998, to Mr. Don Toth, who presently serves in that capacity, and to Mr. Larry Ward who has served as Vice-Chair throughout this Legislature.

The Committee would also like to acknowledge the important legal advisory role played by the Office of the Legislative Counsel and Law Clerk. Mr. Robert Cosman fulfilled this role from June 1995 until September 1998. Legal assistance is currently provided by Mr. Garnet Holtzmann, Q.C. The Committee would especially like to thank Mr. Holtzmann for his excellent leadership and direction he provided to Members during his tenure as legal advisor.

II. REGULATIONS

A. Terms of Reference

Your Committee examined a number of regulations to determine whether they should be brought to the attention of the Assembly on any of the following grounds:

- a) that it imposes a charge on the public revenues or prescribes a payment to be made to any public authority not specifically provided for by statute;
- b) that it is excluded from challenge in the courts;
- c) that it makes unusual or unexpected use of powers conferred by statute;
- d) that it purports to have retrospective effect where the parent statute confers no express authority to do so;
- e) that it has been insufficiently promulgated;
- f) that it is not clear in meaning.

In addition, your Committee continued its follow-up on a number of outstanding items since its last Report.

B. Regulations in which Issues have been Resolved

Your Committee is pleased to note that the outstanding issues and concerns pertaining to the following regulations have been resolved to your Committee's satisfaction.

1986 Regulations

The Mental Health Services Regulations
(gazetted April 4, 1986)

1988 Regulations

The Real Estate Brokers' Regulations, 1988
(gazetted December 9, 1988)

1991 Regulations

The Association of Dental Technicians of Saskatchewan
(gazetted December 4, 1991)

1994 Regulations

The Bacterial Ring Rot Control Regulations, 1988
(gazetted July 8, 1994)
The Correctional Services Administration, Discipline and Security Regulations
(gazetted July 8, 1994)
The Child Care Expense and Moving Expense Remission Regulations
(gazetted January 7, 1994)

1995 Regulations

The Personal Injury Benefits Regulations
(gazetted January 13, 1995)
The Land Bank Temporary Provisions Amendment Regulations, 1995
(gazetted January 27, 1995)
The Regulations Act Repeal (Part III) Regulations, 1995
(gazetted April 7, 1995)
The Rural Municipal Road Relief Assistance Program Regulations
(gazetted June 2, 1995)
The Mental Health Services Amendment Regulations, 1995
(gazetted June 9, 1995)
The Mineral Disposition Amendment Regulations, 1995
(gazetted October 20, 1995)

1998 Regulations

The Emergency Services Telecommunications Program Regulations
(gazetted January 2, 1998)
The Enforcement of Maintenance Orders Regulations, 1998
(gazetted March 6, 1998)
The Public Libraries Amendment Regulations, 1998
(gazetted April 3, 1998)

The Department of Intergovernmental and Aboriginal Affairs Amendment Regulations,
1997 (No. 2)
(gazetted April 3, 1998)

C. Regulations in which Issues Remain Unresolved

Your Committee is continuing to seek satisfactory resolution to its concerns with respect to issues relating to the following regulations.

1988 Regulations

The Water Power Amendment Regulations, 1988
(gazetted January 22, 1988)

1994 Regulations

The Helium and Associated Gases Amendment Regulations, 1994
(gazetted December 2, 1994)
The Petroleum and Natural Gas Amendment Regulations, 1994
(gazetted December 2, 1994)
The Victims of Domestic Violence Regulations
(gazetted December 2, 1994)

1995 Regulations

The Dairy producers Regulations, 1995
(gazetted January 27, 1995)
The Land Bank Temporary Provision Amendment Regulations, 1995
(gazetted January 27, 1995)
The Canadian Electrical Code (Saskatchewan Amendments) Regulations, 1995
(gazetted September 22, 1995)

1996 Regulations

The Livestock Dealers Regulations, 1995
(gazetted January 5, 1996)
The Private Vocational Schools Regulations, 1995
(gazetted January 5, 1996)
The Saskatchewan Gaming Corporation Casino Regulations
(gazetted February 2, 1996)
The Use of Electricity in Mines Regulations, 1996
(gazetted March 8, 1996)
The Komis Project Surface Lease Agreement Regulations
(gazetted March 22, 1996)
The Alcohol and Gaming Amendment Regulations
(gazetted May 3, 1996)
The Outfitter and Guide Regulations, 1996
(gazetted May 17, 1996)
The Securities Amendment Regulations, 1996
(gazetted May 17, 1996)

The Public Accommodation Regulations
(gazetted July 26, 1996)
The Milk Pasteurization Regulations
(gazetted August 2, 1996)

1998 Regulations

The 1997 School Grant Regulations
(gazetted January 2, 1998)
The Provincial Lands Amendment Regulations, 1997
(gazetted January 2, 1998)
The Condominium Property Regulations, 1997
(gazetted January 2, 1998)
The Provincial Court Amendment Regulations, 1998
(gazetted May 1, 1998)

III. BY-LAWS

A. Terms of Reference

Your Committee has reviewed the by-laws and amendments of by-laws of professional associations tabled in the Assembly to ensure that each has proper legislative authority and that they are not in any way prejudicial to the public interest.

B. By-laws in which Issues have been Resolved

Your Committee is pleased to advise that the issues and concerns pertaining to the following by-laws have been resolved to your Committee's satisfaction.

From Sessional Paper No. 16 – 2nd Session 22nd Legislature

The Saskatchewan Association of Speech-Language Pathologists and Audiologists

From Sessional Paper No. 73 – 4th Session 22nd Legislature

The Rural Municipal Administrators' Association of Saskatchewan

From Sessional Paper No. 105 – 5th Session 22nd Legislature

The Registered Psychiatric Nurses Association of Saskatchewan

C. By-laws in which Issues Remain Unresolved

Your Committee is continuing to seek satisfactory resolution of matters of concern with respect to the following by-laws.

From Sessional Paper No. 4 – 1st Session 22nd Legislature

The Association of Dental Technicians of Saskatchewan

From Sessional Paper No. 73 – 4th Session 22nd Legislature

The Saskatchewan Society of Occupational Therapists

From Sessional Paper No. 105 – 5th Session 22nd Legislature
The Association of Dental Technicians of Saskatchewan

D. By-Laws not Requiring Further Review

Your Committee is pleased to note that the following by-laws, rules and regulations of the following professional associations, and amendments thereto, have been enacted to the satisfaction of the Committee and are hereby ratified and confirmed:

From Sessional Paper No. 112 – 1st Session 23rd Legislature (1995)

Association of Dental Technicians of Saskatchewan
Association of Professional Engineers of Saskatchewan
Certified General Accountants Association of Saskatchewan
Chiropractors' Association of Saskatchewan
College of Physicians and Surgeons of Saskatchewan
Denturist Society of Saskatchewan
Institute of Chartered Accountants of Saskatchewan
Law Society of Saskatchewan
Registered Psychiatric Nurses Association of Saskatchewan
Rural Municipal Administrators' Association of Saskatchewan
Saskatchewan Association of Architects
Saskatchewan Association of School Business Officials
Saskatchewan Association of Social Workers
Saskatchewan Association of Speech-Language Pathologists and Audiologists
Saskatchewan Funeral Service Association
Saskatchewan Land Surveyors' Association
Saskatchewan League of Educational Administrators, Directors and Superintendents
Saskatchewan Pharmaceutical Association
Saskatchewan Psychological Association
Saskatchewan Registered Nurses' Association
Saskatchewan Society of Medical Laboratory Technologists
Saskatchewan Teachers' Federation
Saskatchewan Veterinary Medical Association

IV. OUTSTANDING BUSINESS

Your Committee still has the following items on its agenda for review at subsequent meetings:

- The Regulations filed during the 1997 calendar year;
- The Regulations filed during the months of June to December of the 1998 calendar year;
- The Regulations filed during the 1999 calendar year;
- The Bylaws of Professional Associations as tabled during the 2nd, 3rd and 4th sessions of the 23rd Legislature.

V. VISIT BY AUSTRALIAN DELEGATION

Your Committee hosted a delegation from the Scrutiny of Acts and Regulations Committee of the Parliament of Victoria from June 13th to 16th, 1998. The delegation consisted of Members from both the Legislative Council and the Legislative Assembly and their legal officer.

The delegation received briefings from government officials on the regulation making process in the province of Saskatchewan, the regulatory reform process and the by-laws of professional associations. The origins and operations of the Saskatchewan Special Committee on Regulations was summarized by the committee clerk while the Legislative Counsel and Law Clerk outlined his role and the review process he undertakes on behalf of the Committee. Following these two briefings, the delegation was able to observe a regular meeting of the Committee. Finally, the delegation from the Victorian Scrutiny of Acts and Regulations Committee delivered a presentation on their committee and the regulatory review process followed by it.

VI. CONCLUSION

In carrying out its review, your Committee recommends that no regulations or bylaws merit the special attention of the Assembly.

Respectfully submitted,

Don Toth, Chair
Special Committee on Regulations