

## **SPECIAL COMMITTEE ON REGULATIONS**

**October 5, 2000**

### **MINUTE NO. 1**

**1:30 p.m. - Room 10**

1. **PRESENT:** Mr. Toth in the Chair and Members Allchurch, Bakken, Harper, Hart and Yates.

#### **Staff to the Committee**

Mr. Ken Ring, Legislative Counsel and Law Clerk

Ms. Margaret Woods, Clerk to the Committee

Ms. Allison Gartner, Secretary to the Legislative Counsel and Law Clerk

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

That Mr. Don Toth be elected to preside as Chair of the Special Committee on Regulations.

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

3. The Chair of the Committee presided over the election of a Vice-chair. Mr. Harper nominated Mr. Yates for the position. There being not further nominations, it was moved by Mr. Harper:

That Mr. Kevin Yates be elected to preside as Vice-chair of the Special Committee on Regulations.

The question being put, the motion was agreed to and Mr. Yates was elected as Vice-Chair.

4. The Committee Clerk noted that a paper entitled "History of the Special Committee on Regulations" had been distributed. There being no questions, the Committee moved on to the next item on the agenda.

**REG 1/24 – Special Committee on Regulations:** The Review of Delegated Legislation in Saskatchewan

5. The Legislative Counsel and Law Clerk presented an orientation briefing entitled "The Regulations Process from Start to Finish". The following documents were tabled:

**REG 2/24 – Special Committee on Regulations:** Lieutenant Governor in Council Regulation Process (flowchart)

**REG 3/24 – Special Committee on Regulations:** Excerpt from The Regulations Act, 1995, c. R-16.2, sections 14 – 18.

The Legislative Counsel and Law Clerk then spoke on the roles and responsibilities of the individuals involved with the Committee.

6. A sample regulation was presented. The Legislative Counsel and Law Clerk then outlined how a regulation was typically reviewed by the Special Committee.

**REG 4/24 – Special Committee on Regulations:** Sample regulation - correspondence received in regards to The Mental Health Services Amendment Regulations, 1995

7. The Legislative Counsel and Law Clerk tabled the following report:

**REG 5/24 – Special Committee on Regulations:** Legislative Counsel and Law Clerk's Report - Regulations Gazetted January to August 1999.

## **1999 REGULATIONS**

### **8. The Short-term Hog Loan Regulations**

Concern:

Despite the requirement that the terms and conditions be prescribed in the regulations, no terms or conditions are prescribed.

The Law Clerk summarized the regulations and the concern arising there from. He then responded to questions from Members. It was moved by Mr. Yates:

That the departmental officials be invited to appear before the Committee to discuss the program and how it functions in order to determine what criteria are used in setting the various terms and conditions by the Minister.

The question being put, the motion was agreed to. The Committee further directed the Committee Clerk to arrange the appearance of the officials at the next available date.

### **9. The Employment Program Amendment Regulations, 1999**

Concern:

Delegation of ministerial authority to lesser officials.

The Law Clerk summarized the regulations and the concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the Minister responsible to indicate that what had been a concern has been dealt with through legislative amendment.

### **10. The Skills Training Benefit Regulations The Urban Municipalities Revenue Sharing Amendment Regulations, 1999 (Re: Concern #2) The Skills Training Benefit Amendment Regulations, 1999**

Concern:

Delegation of ministerial authority to lesser officials.

The Law Clerk summarized the regulations and the common concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the Ministers responsible to indicate that what had been a concern has been dealt with through legislative amendment.

### **11. The Provincial Court General Regulations**

Concern #1:

The absence of an objective criteria that the Minister must consider when making his/her decision.

The Law Clerk summarized the regulations and the concern arising there from. He then responded to questions from Members. The Committee agreed to accept the first part of the Law Clerk's

recommendation that he correspond with the Minister to determine what criteria are used when determining whether a leave of absence should be granted.

**12. The Provincial Court General Regulations**

Concern #2:

There is no provision in the Act authorizing regulations to be made with respect to a deferred salary leave plan.

The Law Clerk summarized the regulations and the concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the Minister to inquire as to the manner in which the deferred salary plan operates.

**13. The Justices of the Peace Amendment Regulations, 1999**

Concern #1:

The minimum criteria to obtain a benefit is not set out.

The Law Clerk summarized the regulations and the concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the Minister to determine what the criteria are and ask that either the criteria or the basic requirements be included in the regulations. The basic criteria or minimum threshold to obtain the benefit should be included in the regulations. In the alternative, an amendment to the Act should be considered that would specifically give the minister and the chief judge the authority to establish and alter the criteria in certain circumstances.

**14. The Justices of the Peace Amendment Regulations, 1999**

Concern #2:

The regulations purport to grant employee type rights and benefits to Justices of the Peace who perform judicial and quasi-judicial duties. The regulations (section 14.71) also require Justices of the Peace to participate in government employee benefit plans.

The Law Clerk summarized the regulations and the concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the Minister responsible to raise the issue and to ask for a response.

**15. The Short Line Railway Financial Assistance Regulations**

Concern:

Despite the requirement that the terms and conditions be prescribed in the regulations, they are not prescribed.

The Law Clerk summarized the regulations and the concern arising there from. He then responded to questions from Members. It was moved by Mr. Yates:

That the departmental officials be invited to appear before the Committee to discuss the program and how it functions in order to determine what criteria are used in setting the various terms and conditions.

The question being put, the motion was agreed to. The Committee further directed the Committee Clerk to arrange the appearance of the officials at the next available date.

**16. The Forest Resources Management Regulations**

Concern:

There is no authority in the Act to allow the minister to withdraw land from a provincial forest.

The Law Clerk summarized the regulations and the concern arising there from. He then responded to questions from Members. The Committee accepted the Law Clerk's recommendation that he correspond with the Minister to raise the issue and to ask for any comments, and to invite any explanation as to why new amending regulations should not be passed in order to amend the areas described in Part III of the regulations.

**17. The Swimming Pool Regulations, 1999**

Concern:

Lack of authority to delegate enforcement to local authority.

The Law Clerk summarized the regulations and the concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the Minister with respect to these regulations and the delegation of their enforcement to local authorities.

**18. The Urban Municipalities Revenue Sharing Amendment Regulations, 1999**

Concern #1:

The minister may determine the population.

The Law Clerk summarized the regulations and the concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the Minister with respect to clause 2(b) and section 14, and to ascertain why and when the minister determines the population, and further, to urge the minister to include some criteria in the regulations.

**19. The Domestic Game Farm Animal Regulations**

Concern:

The regulations deal with an issue that is covered by the Act.

The Law Clerk summarized the regulations and the concern arising there from. He then responded to questions from Members. It was moved by Mr. Yates:

That the departmental officials be invited to appear before the Committee to explain the Act and the regulations.

The question being put, the motion was agreed to. The Committee further directed the Committee Clerk to arrange the appearance of the officials at the next available date.

**20. The Provincial Lands Amendment Regulations, 1999**

Concern #1:

There is no authority in the Act to allow the minister to issue a lease in consultation with another minister.

Concern #2:

There is no authority for the minister to review and adjust rentals.

The Law Clerk summarized the regulations and the concerns arising there from. He then responded to questions from Members. It was moved by Mr. Yates:

That the departmental officials be invited to appear before the Committee to explain the Act and the regulations.

The question being put, the motion was agreed to. The Committee further directed the Committee Clerk to arrange the appearance of the officials at the next available date.

**21. The Trust and Loan Corporations Regulations, 1999**

Concern:

The Act does not provide authority for the superintendent to give directions with respect to defined words.

The Law Clerk summarized the regulations and the concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the minister to determine what, if any, directions have been issued and to urge the minister to amend the legislation to provide the authority in the Act for the superintendent's directions with respect to the definitions in the regulations.

**22. The Municipal Water Treatment Filter Membranes (Education and Health Tax) Exemption Regulations**

Concern:

The regulation making authority in the Act is not cited.

The Law Clerk summarized the regulations and the concern arising there from. The Committee accepted the Law Clerk's recommendation that he correspond with the minister to indicate that section 24 of *The Financial Administration Act, 1993* should have been included in the order as it is the authority for making the regulation, and further, to inquire in the alternative as to why a special order pursuant to section 24 was not used instead of making regulations.

**23. The Electronic Meeting Procedures Regulations**

Concern:

The procedures for electronic meetings should be in the regulations, not in local authority policies.

The Law Clerk summarized the regulations and the concerns arising there from. He then responded to questions from Members. It was moved by Mr. Yates:

That the departmental officials be invited to appear before the Committee to discuss the concern raised by the Law Clerk.

The question being put, the motion was agreed to. The Committee further directed the Committee Clerk to arrange the appearance of the officials at the next available date.

24. A discussion ensued regarding the process by which the regulations and bylaws that come before the Committee are reviewed. It was moved by Mr. Yates:

That where questions or concerns exist about regulations when reviewed by the Legislative Counsel and Law Clerk, the Legislative Counsel and Law Clerk is directed to correspond with the department or agency involved and to seek written clarification when appropriate. The Legislative Counsel and Law Clerk is then directed to bring the responses to the Committee at its next meeting.

The question being put, the motion was agreed to.

25. The agenda for tomorrow's meeting will include the Follow-up Reports, setting a date for the Committee's next meeting and any outstanding business.
26. The Committee adjourned at 3:37 p.m. until Friday, October 6, 2000 at 9:00 a.m.

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Margaret A. Woods  
Committee Clerk

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Don Toth  
Committee Chair