

## **SPECIAL COMMITTEE ON REGULATIONS**

**February 7, 2001**

### **MINUTE NO. 4**

**10:00 a.m. - Room 10**

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

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

Mr. Ken Ring, Legislative Counsel and Law Clerk

Ms. Margaret Woods, Clerk to the Committee

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

### **REGULATIONS FOLLOW-UP REPORTS – OFFICIALS INVITED**

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

##### **Concern:**

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

The following officials appeared before the Committee:

Ernie Spencer, Assistant Deputy Minister, Department of Agriculture and Food

Greg Haase, Director, Lands Branch, Department of Agriculture and Food

Doug Winsor, Research Economist, Livestock, Department of Agriculture and Food

Heather Sinclair, Crown Counsel, Civil Law Branch, Department of Justice

The Law Clerk summarized the regulation, the concern arising there from and the Committee's actions to date. Mr. Spencer and Mr. Winsor provided an overview of the Department of Agriculture's position. The officials then responded to questions from Committee Members.

The Committee considered the testimony it had heard. It was then moved by Mr. Yates:

That the Law Clerk correspond with the Minister to advise that the Committee had reviewed the regulation, that it was satisfied with the explanation of the department and that it now considered the issue resolved, but that the Committee continued to hold reservations about the discretionary clauses in the regulation.

The question being put, the motion was agreed to.

#### **3. The Domestic Game Farm Animal Regulations**

##### **Concern:**

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

The following officials appeared before the Committee:

Ernie Spencer, Assistant Deputy Minister, Department of Agriculture and Food

Greg Haase, Director, Lands Branch, Department of Agriculture and Food

Doug Winsor, Research Economist, Livestock, Department of Agriculture and Food

Heather Sinclair, Crown Counsel, Civil Law Branch, Department of Justice

The Law Clerk summarized the regulation, the concern arising there from and the Committee's actions to date. Ms. Sinclair provided an overview of the Department of Justice's position. The officials then responded to questions from Committee Members.

The Committee considered the testimony it had heard. It was then moved by Mr. Yates:

That the Law Clerk correspond with the Minister to advise that the Committee had reviewed the regulation, that it was satisfied with the explanation of the departments and that it now considered the issue resolved.

The question being put, the motion was agreed to.

#### **4. The Provincial Lands Amendment Regulations, 1997**

Concern:

The calculation and recalculation of annual rental rates on agricultural Crown land-terms of lease.

The following officials appeared before the Committee:

Ernie Spencer, Assistant Deputy Minister, Department of Agriculture and Food

Greg Haase, Director, Lands Branch, Department of Agriculture and Food

Doug Winsor, Research Economist, Livestock, Department of Agriculture and Food

Heather Sinclair, Crown Counsel, Civil Law Branch, Department of Justice

The Law Clerk summarized the regulation, the concern arising there from and the Committee's actions to date. Mr. Haase provided an overview of the Department of Agriculture's position. The officials then responded to questions from Committee Members.

Mr. Allchurch declared that he had a personal interest in this issue as his family holds land leases and that therefore, he would not be participating in the Committee's vote on this regulation.

The Committee considered the testimony it had heard. It was then moved by Mr. Yates:

That the Law Clerk correspond with the Minister to advise that the Committee had reviewed the regulation, that it was satisfied with the explanation of the department and that it now considered the issue resolved

The question being put, the motion was agreed to.

#### **5. 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 following officials appeared before the Committee:

Ernie Spencer, Assistant Deputy Minister, Department of Agriculture and Food  
Greg Haase, Director, Lands Branch, Department of Agriculture and Food  
Doug Winsor, Research Economist, Livestock, Department of Agriculture and Food  
Heather Sinclair, Crown Counsel, Civil Law Branch, Department of Justice

The Law Clerk summarized the regulation, the concern arising there from and the Committee's actions to date. Mr. Spencer provided an overview of the Department of Agriculture's position. The officials then responded to questions from Committee Members.

Mr. Allchurch declared that he had a personal interest in this issue as his family holds land leases and that therefore, he would not be participating in the Committee's vote on this regulation.

The Committee considered the testimony it had heard. It was then moved by Mr. Yates:

That the Law Clerk correspond with the Minister to advise that the Committee had reviewed the regulation, that it was satisfied with the explanation of the department and that it now considered the issue resolved.

The question being put, the motion was agreed to.

## **REGULATIONS FOLLOW-UP REPORTS**

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

Concern #1:

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

Concern #2:

There is no clear authority in the Act allowing regulations to be made with respect to a deferred salary leave plan.

The Law Clerk summarized the regulation, the concerns arising there from and the response received from the Minister. In regards to the first concern, the Committee accepted the Law Clerk's recommendation to consider the matter resolved. In regards to the second concern, the Committee accepted the Law Clerk's recommendation that he correspond again with the Minister to suggest that special leave should be either in a subclause by itself or linked with the subclause that deals with leave of absence.

### **7. The Justice of the Peace Amendment Regulations, 1999**

Concern #1:

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

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 regulation, the concerns arising there from and the response received from the Minister. In regards to the first concern, the Committee accepted the Law Clerk's recommendation that he correspond again with the Minister to urge him to include the guidelines established by the Chief Judge in the regulations in such a manner that those set out in the regulations would not be limited. In regards to the second concern, the Committee accepted the Law Clerk's recommendation to consider the matter resolved.

**8. 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 regulation, the concern arising there from and the response received from the Minister. The Committee accepted the Law Clerk's recommendation to consider the matter resolved.

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

Concern:

Lack of authority to delegate enforcement to local authority.

The Law Clerk summarized the regulation, the concern arising there from and the response received from the Minister. He then responded to questions. The Committee accepted the Law Clerk's recommendation that he correspond again with the department to urge the Minister to consider an amendment to *The Public Health Act, 1994* at the earliest possible opportunity.

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

Concern #1:

The minister may determine the population.

Concern #2:

Delegation of ministerial authority to lesser officials.

The Law Clerk summarized the regulation, the concern arising there from and the response received from the Minister. In regards to the first concern, the Committee accepted the Law Clerk's recommendation that he correspond again with the Minister to indicate that it looks forward to hearing from the department once the departmental officials have had an opportunity to review the situation in light of the Committee's concerns. The Law Clerk noted that the second concern had been dealt with through legislative amendment in a previous session of the Legislature.

**11. The Condominium Property Regulations, 1997**

Concern:

The regulations constitute an assessment-apportioning program for units in multi use condominiums. *The Condominium Property Act, 1993* authorizes in section 112 (0.1) that regulations may be made to establish a scheme of apportionment of the "assessed value" of condominium property. However, section 30.3(1) of the regulations creates a scheme to apportion the "taxation" of the property. This is in conflict with the taxation of the property

being pursuant to the appropriate municipal statute on assessed values of property once this is established.

The following Department of Justice official appeared before the Committee:  
Madeleine Robertson, Crown Counsel, Legislative Service

The Law Clerk summarized the regulation, the concern arising there from and the Committee's actions to date. Ms. Robertson provided an overview of the Department of Justice's position. The officials then responded to questions from Committee Members.

The Committee considered the testimony it had heard. It was then moved by Mr. Yates:

That the Law Clerk correspond with the Minister to advise that the Committee had reviewed the regulation, that it was satisfied with the explanation of the department and that it now considered the issue resolved.

The question being put, the motion was agreed to.

#### **12. The Forest Resources Management Regulations**

The Law Clerk advised the Committee that in regards to this regulation, the Minister responsible had been contacted but that no response had been received. A discussion arose and it was moved by Mr. Yates:

That the Law Clerk corresponds again with the Minister to raise the Committee's concerns and to seek the Minister's comments.

The question being put and a debate arising, the motion was agreed to.

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

The Law Clerk advised the Committee that in regards to this regulation, the Minister responsible had been contacted but that the Law Clerk was not expecting a response. The Committee accepted the Law Clerk's recommendation to consider the matter resolved.

14. The Chair noted that the Committee had received an invitation from the Chairman of the Regulation Review Committee of the Parliament of New South Wales to attend the *International Conference on Regulation Reform Management and Scrutiny of Legislation – Re-engineering Regulations and Scrutiny of Legislation* later this year. It was moved by Mr. Harper:

That the Special Committee on Regulations authorize the attendance of the Chair, the Vice-chair and the Legislative Counsel and Law Clerk at the *International Conference on Regulation Reform Management and Scrutiny of Legislation* to be held in Sidney, Australia, from July 9<sup>th</sup> to 13<sup>th</sup>, 2001, and further that if the Chair or Vice-chair cannot attend, they be authorized to designate another Committee Member to attend in their place.

The question being put, the motion was agreed to.

15. The Law Clerk sought the guidance of Committee Members in regards to the sufficiency of material provided to them. The Committee discussed whether they wished to request background material from departments prior to seeking the attendance of officials. It was agreed that the availability of explanatory notes, briefing documents and excerpts from regulations and committee Hansard were of use to Committee Members and were to be provided in the Law Clerk's reports where possible.
16. The Committee discussed the form in which the Law Clerk's reports were presented. It was agreed that the Committee staff would be requested to provide the material three-holed punched so that it could be placed in binders.
17. The Committee considered its next meeting date. It was agreed that further meetings would be at the call of the Chair in consultation with Committee Members and that whenever possible, meetings would not be held on Wednesdays. It was further agreed that it would be left to the discretion of the Law Clerk to prepare a package of material for consideration.
18. The Committee adjourned at 12:00 noon to the call of the Chair.

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Margaret A. Woods  
Committee Clerk

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Don Toth  
Committee Chair