

SPECIAL COMMITTEE ON REGULATIONS
May 29, 2001

MINUTE NO. 5
9:30 a.m. - Room 10

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

Staff to the Committee

Mr. Ken Ring, Legislative Counsel and Law Clerk

NEW CONCERNS - Previous Years

2. **The Farm Foreclosure Income Tax Remission Regulations (1997)**

Concern:

Regulation making authority of the Act is not cited.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that the concern was resolved with the new drafting approach in which both sections 24 and 71 of *The Financial Administration Act, 1993* are now cited in the order.

3. **The Vow of Perpetual Poverty Income Tax Remission Regulations (1997)**

Concern:

Regulation making authority of the Act is not cited.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that the concern was resolved with the new drafting approach in which both sections 24 and 71 of *The Financial Administration Act, 1993* are now cited in the order.

4. **The Livestock and Horticultural Facilities (Education & Health Tax) Remission Regulations (1997)**

Concern #1:

Delegation of authority to lesser officials not authorized.

Concern #2:

Regulation making authority of the Act is not cited.

Concern #3:

Section 5 of the regulations state that an applicant must purchase the eligible materials or equipment between March 20, 1997 and January 1, 2001. The deadline is now passed.

The Law Clerk summarized the regulation and the concerns arising there from. The Committee accepted the recommendation of counsel that the first concern has been addressed through legislative amendment while the second concern was resolved with the new drafting approach in which both sections 24 and 71 of *The Financial Administration Act, 1993* are now cited in the order. In regards to the third concern, the Committee directed the Law Clerk to correspond with the Minister responsible to suggest that the regulation be repealed once the program is wound-up.

5. The Municipal Levy (Saskatchewan Assistance Act) Exemption Regulations (1997)

Concern #1:

The regulation making authority of the Act is not cited.

Concern #2:

The application of this regulation has now expired.

The Law Clerk summarized the regulation and the concerns arising there from. The Committee accepted the recommendation of counsel that the first concern was resolved with the new drafting approach in which both sections 24 and 71 of *The Financial Administration Act, 1993* are now cited in the order. In regards to the second concern, the Committee directed the Law Clerk to correspond with the Minister to indicate that these regulations could now be repealed as they only deal with amounts outstanding in the 1995 and 1996 calendar years.

6. The Municipal Police Discipline Amendment Regulations, 1997

Concern:

Sub-delegation of authority.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that he correspond with the Minister of Justice to raise the Committee's concerns and to seek a response from the department.

7. The Municipal Restructuring Assistance Program Regulations (1997)

Concern:

Ministerial delegation of authority not authorized by Act.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that he correspond with the Minister responsible to indicate that what had been a concern had been dealt with through legislative amendment. It was agreed to consider the matter resolved.

8. The Non-profit Corporations Regulations, 1997

Concern:

Lack of authorization to waive the fees – to do so is *ultra vires* the Act.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that he correspond with the Minister responsible to raise the Committee's concerns and to seek a response from the department.

9. The Revenue Collection Administration Amendment Regulations, 1998 (No. 2)

Concern:

The regulation grants the minister the power to determine the contents of the returns in contravention of the Act, which grants this power to the Lieutenant Governor in Council.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that he corresponds with the Minister responsible to raise the Committee's concerns and to suggest that either the regulations or the Act be amended.

10. The Canada-Saskatchewan Adjustment Program Regulations (2000)

Concern #1:

Section 12(3) limits a person's right to be heard.

Concern #2:

The one year deadline for an application to be reconsidered may be pre-empted by the regulation's cut-off date of December 31, 2001.

The Law Clerk summarized the regulation and the concerns arising there from. The Committee accepted the recommendation of counsel that he correspond with the Minister responsible to first seek clarification regarding section 12(3) and the right to a hearing and secondly, to seek clarification with respect to a payment made or refused.

11. The Conseil scolaire fransaskois Election Amendment Regulations, 2000

Concern:

There is a difference between the English and the French versions of the regulation.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that he correspond with the Minister responsible to ask that the English version of the regulations be amended to match the French version.

12. The Crown Mineral Lands Transfer Regulations, 2000

Concern:

The coming into force and expiry date provisions are uniquely drafted.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that he correspond with the Minister responsible to suggest that the expiry date, when known, should be published in the Gazette with a "Reader's Note" similar to *The Provincial Court Pension Plan Amendment Regulations, 2000* that were republished on March 10, 2000.

13. The Dedicated Lands Amendment Regulations, 2000

Concern:

Lack of authority to provide for exemptions in the regulations.

The Law Clerk summarized the regulation and the concern arising there from. The Committee accepted the recommendation of counsel that he correspond with the Minister responsible to raise the issue of lack of authority for granting an exemption to the regulations and to seek clarification as to the intent of *The Dedicated Lands Amendment Regulations, 2000*.

14. The Committee discussed how it might streamline its procedures by authorizing the Law Clerk to initiate correspondence with departments, agencies and professional associations so that the Committee might consider both his concerns and the responses received simultaneously. The Clerk and Law Clerk were directed to draft motions to give effect to these intentions for consideration at the next meeting of the Committee.
15. The Committee adjourned at 10:55 a.m. until 9:30 a.m. on Tuesday, June 5, 2001.

Margaret A. Woods
Committee Clerk

Don Toth
Committee Chair