

SPECIAL COMMITTEE ON REGULATIONS

June 26, 2002

MINUTE NO. 7

9:00 a.m. - Room 10

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

Staff to the Committee

Mr. Ken Ring, Legislative Counsel and Law Clerk

2. The Law Clerk gave a brief orientation for the newly appointed Members of the Committee. Members were directed to the verbatim and materials of the first meeting of the committee for a more in-depth description of the mandate and procedures.

FOLLOW-UP REPORTS

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

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 concern arising there from. The Committee accepted the recommendation of the Law Clerk to consider the matter resolved as the deadline for the regulations have been extended to 2004.

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

Concern #2:

The application of this regulation has now expired.

The Law Clerk summarized the regulation, the concern arising there from and the correspondence received from the Department. The Committee accepted the recommendation of the Law Clerk to consider the matter resolved. However, it was agreed that the Law Clerk should correspond with the Minister of Finance to confirm that this regulation would be repealed when an omnibus repeal regulation is promulgated.

5. **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, the concern arising there from and the correspondence received from the Minister. The Committee accepted the recommendation of the Law Clerk to consider the matter resolved. However it was agreed that the Law Clerk should correspond with the Minister of Justice to advise him of the Committee's intention to be more vigilant in the future with respect to exemptions.

6. 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, the concern arising there from and the correspondence received from the Minister. The Committee directed the Law Clerk to correspond again with the Minister of Finance to request that an amendment is made to the Act at the earliest opportunity and that the Committee be advised of such an amendment when it has been made. Upon receipt of this confirmation, the Committee would consider the matter resolved.

7. 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 regulation, the concern arising there from and the correspondence received from the departmental official. The Law Clerk was advised to correspond with the department to advise that the file would be closed now that confirmation had been received that the regulation had been amended to address the Committee's concern.

8. 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 correspondence received from the Minister. The Committee accepted the recommendation of the Law Clerk to consider the matter resolved. However it was agreed that the Law Clerk should correspond with the Minister of Justice to thank him and to request that the committee be advised by the minister once future amendments are made to the regulation.

9. 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 concerns arising there from and the correspondence received from the Minister. The Committee accepted the recommendation of the Law Clerk to consider the matter resolved.

10. The Crown Oil and Gas Royalty Amendment Regulations, 1999 (No. 2)

Concern #1:

The coming into force clause is oddly drafted.

Concern #2:

The future difficulty in determining the day the regulations come into force.

The Law Clerk summarized the regulation, the concerns arising there from and noted that the committee had previously agreed to consider these matters resolved pending an indication from the department that certain actions would be taken in the future. The correspondence received from the Deputy Minister indicated that the committee's suggestions would be addressed when amendments are next made to the regulations.

11. The Freehold Oil and Gas Production Tax Amendment Regulations, 1999 (No. 2)

Concern #1:

The coming into force clause is oddly drafted.

Concern #2:

The future difficulty in determining the day the regulations come into force.

The Law Clerk summarized the regulation, the concerns arising there from and noted that the committee had previously agreed to consider these matters resolved pending an indication from the department that certain actions would be taken in the future. The correspondence received from the Deputy Minister indicated that the committee's suggestions would be addressed when amendments are next made to the regulations.

12. 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 regulation, the concern arising there from and the correspondence received from the Minister. The committee directed the Law Clerk to correspond again with the minister to suggest that the boundaries and boundary changes be made quarterly or semi-annually, and further that when the Act is opened up, that these changes be included in the amendments to the Act.

13. The Justices 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 and the concerns arising there from. It was noted that the committee had agreed to consider the matter resolved pending confirmation that amendments

were made to the regulations. Amendments to the regulations were passed in February 2002, bringing the matter to a close.

14. 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 correspondence received from the Minister. The committee directed the Law Clerk to correspond again with the minister to thank him for his willingness to consider the suggested changes to *The Public Health Act, 1994* and to advise him that the committee would continue to monitor this matter.

NEW CONCERNS - 2000

15. The Dedicated Lands Amendment Regulations, 2000

Concern:

Lack of authority to provide for exemptions in the regulations.

The Law Clerk summarized the regulation, the concern arising there from and the correspondence received from the department. The Committee accepted the recommendation of the Law Clerk to consider the matter resolved. However it was agreed that the Law Clerk should correspond with the Minister to advise him of the importance that the committee placed upon this issue and that it would continue to be monitored.

16. The Hospital Standards Amendment Regulations, 2000

Concern:

Lack of authority to enact provision in the regulations.

The Law Clerk summarized the regulation, the concern arising there from and the correspondence received from the department. The committee accepted the recommendation of the Law Clerk to consider the matter resolved. However it was agreed that the Law Clerk should correspond with the Minister of Health to respond to the points made in the department's letter, particularly the assertion that a regulation could not be reviewed by the Committee only because it had not been questioned previously.

17. The Pipelines Regulations, 2000

Concern #1:

Section 6 of the regulation does not set out the criteria for the granting of extensions to construction licenses.

Concern #2:

Section 17(1) of the regulation grants the minister a discretionary power to establish a method for pressure testing that differs from nationally recognized standards, while the Act is silent on this matter.

Concern #3:

The "emergency procedures manual" referred to in Section 20(2) is not adequately identified.

The Law Clerk summarized the regulation, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

18. The Canada-Saskatchewan Adjustment Regulations

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, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

19. 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, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

20. 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, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

21. The Milk Control Amendment Regulations, 2000 (No. 3)

Concern:

The Act does not authorize the making of retroactive regulations.

The Law Clerk summarized the regulation, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

22. The Mineral Disposition Amendment Regulations, 1999

Concern:

Provisions that are retroactive for periods greater than one year from the date of the making of the regulation.

The Law Clerk summarized the regulation, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

23. The Oil and Gas Disposition Credit Regulations, 2000

Concern #1:

The regulations contain an unusual time frame and compress the time frame between the use of a lease sale credit and its expiry.

Concern #2:

The regulations contain a unique provision by which the minister may refuse the assignment of a credit.

The Law Clerk summarized the regulation, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

24. The Oil and Gas Disposition Credit Regulations, 2000 (No. 3)

Concern #1:

The regulations contain an unusual time frame and compress the time frame between the use of a lease sale credit and its expiry.

Concern #2:

The regulations contain a unique provision by which the minister may refuse the assignment of a credit.

The Law Clerk summarized the regulation, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

25. The Open Seasons Game Amendment Regulations, 2000

Concern:

Provisions dealing with the enforcement of wildlife offences contain overlapping sets of dates for 2002 but no reference to the calendar year 2001.

The Law Clerk summarized the regulation, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

26. The 2000 Transitional School Grant Regulations

Concern:

Lack of authority

The Law Clerk summarized the regulation, the concerns arising there from and the correspondence received from the Minister. The committee accepted the recommendation of the Law Clerk to consider the matter resolved as a new format for the School Grant Regulations has been adopted.

27. The committee next reviewed how the new procedures designed to streamline its procedures were operating.

It was agreed that the Law Clerk would compile a list of those regulations where concerns had been resolved as a result of his correspondence with the ministers and departments. These regulations would then be considered together to further streamline the review procedures.

The Law Clerk was further directed to advise the ministers and/or departmental officials in writing when the committee had concluded its review of a regulation and to extend the committee's appreciation for their assistance.

28. A list identifying all regulations filed between July 1, 2000 and December 31, 2000 that were reviewed by the Law Clerk but not reported to the Special Committee is attached as Appendix A to these Minutes.

29. A list identifying all regulations filed between January 1, 2001 and December 31, 2001 that were reviewed by the Law Clerk but not reported to the Special Committee is attached as Appendix B to these Minutes.

30. The committee next considered a draft First Report. The following document was tabled:

REG 9/24 – Special Committee on Regulations: Draft First Report, dated June 26, 2002

A discussion ensued and Mr. Yates then moved:

That the First Report of the 24th Legislature of the Special Committee on Regulations be adopted and presented to the Assembly.

The question being put, the motion was agreed to.

31. It was agreed that the Chair, Vice-chair, Law Clerk and Committee Clerk would meet later this fall to consider a course of action to address the review of outstanding bylaws. A report would then be made to the full committee at its next meeting.

It was further agreed that where newer bylaws had been promulgated, only the most recent bylaws would be reviewed by the Law Clerk.

32. The Committee adjourned at 10:00 a.m. to the call of the Chair.

Margaret A. Woods
Committee Clerk

Don Toth
Committee Chair