

SPECIAL COMMITTEE ON REGULATIONS



FIRST REPORT

June 27, 2002

3rd SESSION of the 24th LEGISLATURE

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

Mr. Toth, Chair of the Special Committee on Regulations, presents the Committee's First Report of the Twenty-Fourth Legislature.

I. INTRODUCTION

Business Conducted

This report reflects the work of the committee during the First, Second and Third Sessions of the 24th Legislature. The observations, conclusions and recommendations contained in this report are based upon the committee's examination of testimony heard until the end of its meeting on June 26, 2002.

Membership

The work of your committee would not have been possible without the service of its members. At its first meeting on October 5, 2000, Mr. Don Toth was elected to serve as Chair while Mr. Kevin Yates was elected to the position of Vice-chair. Both continue to serve in those capacities. Your committee expresses its gratitude to Ms. Deb Higgins and Mr. Andrew Thomson who stepped down from the committee on May 28, 2002. Mr. Graham Addley and Ms. Judy Junor joined the committee on the same day. In addition to the Chair and the Vice-chair, five Members - Mr. Denis Allchurch, Ms. Brenda Bakken, Mr. Ron Harper, Mr. Glen Hart and Ms. Carolyn Jones - have served on the committee throughout the period covered by this report.

Acknowledgements

The work of the Special Committee on Regulations depends largely on the reviewing of regulations and bylaws and the advice it receives from the Office of the Legislative Counsel and Law Clerk. The Committee would like to acknowledge this important legal advisory role played by Mr. Ken Ring and his staff.

The committee expresses its appreciation to the Office of the Clerk for the administrative support and procedural advice provided, to the Hansard Branch for the production of the verbatim record and to the other branches of the Assembly that contributed their own expertise that enabled the proceedings to operate smoothly.

During the review of seven regulations, your committee chose to invite departmental officials to appear before the committee to clarify their respective department's positions on the concerns raised by the Law Clerk. Your committee found their assistance to be very insightful in clarifying the intent of the regulations and the approach taken by the departments and thanks them for their assistance. A list of witnesses is attached to this report as an *Appendix*.

II. NEW PROCEDURES ADOPTED FOR THE REVIEW BY THE LAW CLERK

In carrying out its terms of reference, your committee considered 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 from these entities simultaneously.

In furtherance of these aims, your committee adopted the following guidelines in granting the Law Clerk greater discretion in order to streamline the committee's review of regulations. These new guidelines permit the Law Clerk:

- a) To seek written clarification from departments and agencies where questions or concerns exist.
- b) To initiate correspondence on behalf of the committee with departments and agencies that identifies the concern arising in the regulation or bylaw, and to bring the correspondence and reply before the committee at its next meeting.
- c) Where it is not clear what action the committee may want, the Law Clerk is to consult with the Chair and the Vice-chair, who could direct:
 - i) That correspondence be initiated on any matter enumerated, or
 - ii) That the matter be brought to the attention of the whole committee for consideration before further action is taken.
- d) The authority to request that departments and agencies respond to correspondence from the committee within 60 days whenever possible. Where a response has not been received in that time, the Law Clerk is directed to bring the matter to the attention of the Chair and the Vice-chair.

These new procedures have been in place for the past year and your committee is pleased with how they have contributed to improving the efficiency and quality of the deliberations.

III. TRANSFERRING OF MEMBERSHIP

At its meeting of June 26, 2002, your committee considered the transferability of membership. It was the opinion of your committee that permitting Members to authorize another Member to substitute for them at a meeting would greatly facilitate the efficient operation of the committee. Your committee therefore makes the following recommendation:

RECOMMENDATION

That the membership on the Special Committee on Regulations, other than that of the Chair, shall be transferable by written notice signed by the original Member and filed with the Chair of the Committee.

IV. REGULATIONS

A. Terms of Reference

Pursuant to the terms of reference granted by the Assembly on December 14th, 1999, your committee is tasked with examining regulations and bylaws 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 no Concern was Identified

In carrying out his review, the Law Clerk compiled a list of those regulations in which no concern was identified. These regulations were periodically recorded in lists appended to the minutes of the committee. Unless a member of the committee identified an issue that they wished to raise with the whole committee, no further review was undertaken in regards to these regulations.

C. Regulations in which Issues have been Resolved

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

1994 Regulations

The Victims of Domestic Violence Regulations - 1994

1997 Regulations

The 1997 School Grant Regulations

The Condominium Property Regulations, 1997

The Farm Foreclosure Income Tax Remission Regulations – 1997

The Livestock and Horticultural Facilities (Education and Health Tax) Remission Regulations

The Municipal Levy (Saskatchewan Assistance Act) Exemption Regulations - 1997

The Municipal Restructuring Assistance Program Regulations, 1997

The Non-profit Corporations Regulations, 1997

The Provincial Lands Amendment Regulations, 1997

The Vow of Perpetual Poverty Income Tax Remission Regulations – 1997

1998 Regulations

The Employment Supplement Regulations – 1998

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

1999 Regulations

The Crown Oil & Gas Royalty Amendment Regulations, 1999 (No. 2)
The Domestic Game Farm Animal Regulations – 1999
The Electronic Meeting Procedures Regulations – 1999
The Employment Program Amendment Regulations, 1999
The Freehold Oil & Gas Production Tax Amendment Regulations, 1999 (No.2)
The Justices of the Peace Amendment Regulations, 1999
The Municipal Water Treatment Filter Membranes (Education and Health Tax) Exemption Regulations - 1999
The Provincial Court General Regulations – 1999
The Provincial Lands Amendment Regulations, 1999
The Short Line Railway Financial Assistance Regulations – 1999
The Short-term Hog Loan Regulations – 1999
The Skills Training Benefit Amendment Regulations, 1999
The Skills Training Benefit Regulations – 1999
The Trust and Loan Corporations Regulations, 1999
The Urban Municipalities Revenue Sharing Amendment Regulations, 1999

2000 Regulations

The 2000 Transitional School Grant Regulations – 2000
The Canada-Saskatchewan Adjustment Program Regulations – 2000
The Conseil scolaire fransaskois Election Amendment Regulations, 2000
The Crown Mineral Lands Transfer Regulations, 2000
The Dedicated Lands Amendment Regulations, 2000
The Hospital Standards Amendment Regulations, 2000
The Milk Control Amendment Regulations, 2000 (No. 3)
The Mineral Disposition Amendment Regulations, 1999
The Oil and Gas Disposition Credit Regulations, 2000
The Oil and Gas Disposition Credit Regulations, 2000 (No.3)
The Open Seasons Game Amendment Regulations, 2000
The Pipelines Regulations, 2000

D. 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:

1999 Regulations

The Forest Resources Management Regulations – 1999
The Swimming Pool Regulations, 1999

V. REVIEW BY THE LEGISLATIVE ASSEMBLY

In carrying out its review, your Committee has identified no regulations or bylaws that merit being recommended to the special attention of the Assembly.

VI. OUTSTANDING BUSINESS

Your committee has a large amount of business still outstanding. This consists of the unresolved regulations for the periods noted earlier in this report and the bylaws of Professional Associations as tabled during the 1997 - 2002 calendar years.

Your committee intends to review its terms of reference and the business before it during its fall 2002 meetings to identify which matters are priorities to be reviewed and to establish a work plan for completing the outstanding business.

Respectfully submitted,

Don Toth, Chair
Special Committee on Regulations

APPENDIX TO THE FIRST REPORT

List of Witnesses

Department of Agriculture and Food

Ernie Spencer, Assistant Deputy Minister
Greg Haase, Director, Lands Branch
Doug Winsor, Research Economist, Livestock

Department of Education

Michael Littlewood, Executive Director of Education
Diane Gingras, Legislation Policy Analyst

Department of Justice

Ian Brown, Chief Legislative Crown Counsel
John Hobbs, Crown Counsel
Madeleine Robertson, Crown Counsel, Legislative Service
Sandra Schnell, Legislative Crown Counsel
Heather Sinclair, Crown Counsel, Civil Law Branch
Jerome Tholl, Articling Student

Department of Highways and Transportation

Ron Styles, Deputy Minister
Barry Martin, Assistant Deputy Minister - Operations