

SPECIAL COMMITTEE ON REGULATIONS
May 6, 2003

MINUTE NO. 9
9:00 a.m. - Room 10

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

Staff to the Committee

Mr. Ken Ring, Legislative Counsel and Law Clerk

NEW CONCERNS - 2001

2. **The Canada-Saskatchewan Assistance Program (CSAP II) Regulations (2001)**

Concern:

The regulation appears to contravene the rules of natural justice by removing the right of a producer to an oral hearing before the corporation.

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 to recommend that the Assembly remain vigilant in this area.

3. **The District Health Board Election Amendment Regulations, 2001**

Concern:

The regulation contains an unusual or unexpected use of the authority contained in the Act in permitting the canceling of the District Health Boards Elections.

The Law Clerk summarized the regulation and the concern arising there from. It was noted that the concern was now moot with the new Regional Health Authorities structure. The committee accepted the recommendation of the Law Clerk that there be continued vigilance on the exercise of delegated authority.

4. **The Irrigation Amendment Regulations, 2001**

Concern:

The regulation sets out an unusual procedure for the setting of fees for work done by the Sask Water Corporation.

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.

5. **The Prisoner Escort and Prisoner Security Regulations, 2001**

Concern:

The language used to identify the fiscal year for the payment of costs is unclear.

The Law Clerk summarized the regulation, the concern arising there from and the correspondence received from the Minister. It was noted that the regulation has been repealed. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

6. The Saskatchewan Assistance Amendment Regulations, 2001

Concern:

The regulation contains unusual wording regarding the consideration of appeals of decisions made by other departments and programs.

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.

7. The Vehicle Inspection Regulations, 2001

Concern:

The regulation contains an unusual wording for the delegation of the administrator's powers.

The Law Clerk summarized the regulation, the concern arising there from and the telephone response received from SGI. The committee accepted the recommendation of the Law Clerk that there be continued vigilance in ensuring a consistent approach is used when delegating authority to public officials in Statutes and Regulations.

8. The 2000- 2001 School Grant Regulations (2001)

Concerns:

The regulation contains wording on acceptable expenditures that could be interpreted as arbitrary and a table that could be eliminated.

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.

9. The committee considered its next report to the Assembly. It was agreed to include an overview of the committee's practices and procedures in the report and to recommendation to the Assembly that the Policy Field Committees be directed to adopt these practices and procedures in their review of the regulations and bylaws of professional associations to ensure consistency in approaches amongst the new committees.

NEW CONCERNS - 2002

10. The Assessment Appraisers Regulations (2002)

Concern:

The regulation contains unclear language regarding the end date of applicability of a section.

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 to direct the Law Clerk to correspond with the Minister to recommend that the provisions of section 7 be incorporated into sections 3 and 4 as new subsections 3(2) and 4(2).

11. The Crop Insurance Amendment Regulations, 2002 (No. 2)

Concern:

The regulation contains unclear wording regarding the definition of the year “2002”.

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 to direct the Law Clerk to correspond with the Minister to recommend that the wording of the regulation be revised in accordance with The Interpretation Act’s definitions to avoid the possibility of confusion.

12. The Domestic Game Farm Animal Regulations, 2001

Concern:

The parent Act does not grant the authority for the payment of honoraria through the regulations.

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.

13. The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Regulations

Concern:

The regulation contains ambiguous wording in Form 4 - Summons.

The Law Clerk summarized the regulation and the concern arising there from. The committee directed the Law Clerk to correspond with the Minister and seek clarification of the reference to “order” found in the third last line on Form 4.

14. The Freedom of Information and Protection of Privacy Amendment Regulations, 2002

Concerns:

The regulation does not cite The Prescription Drug Regulations as an authority for the collection of information; and the absence of the word “or” in subclause 16(o).

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.

15. The Minimum Wage Board Amendment Order, 2002

Concern:

The regulation is unclear on when it will come into force.

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. The committee further directed the Law Clerk to correspond with the Minister to recommend that the phrase “... shall name a date ...” be deleted from the Act the next time the Act is amended.

16. The Municipal Hail Insurance Amendment Regulations, 2002

Concern:

The regulation is unclear on when it will come into force.

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.

17. The Municipal Tax Sharing (Potash) Amendment Regulations, 2002

Concern:

The regulation is retroactive in its application but the coming into force section is not.

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.

18. The Pension Benefits Amendment Regulations, 2002

Concern:

The regulation contains circular provisions regarding what is a “prescribed” pension plan.

The Law Clerk summarized the regulation and the concern arising there from. The committee agreed to postpone consideration of this regulation until a response had been received from the Minister.

19. The Personal Care Homes Amendment Regulations, 2002

Concern:

The parent Act does not appear to authorize the regulation to make provisions regarding security advances paid by prospective residents.

The Law Clerk summarized the regulation, the concern arising there from and the correspondence received from the Minister. The committee agreed to recommend that this regulation be referred to the appropriate Policy Field Committee for further consideration.

20. The Public Employees Pension Plan Amendment Regulations, 2002 (No. 2)

Concern:

Table 1 of the Appendix to the regulation is missing two positions in the list of public officers.

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.

21. The Saskatchewan Student Direct Loans Amendment Regulations, 2002

Concern:

The regulation contains unclear language regarding the consolidation of Saskatchewan student loans.

The Law Clerk summarized the regulation and the concern arising there from. The committee agreed to postpone consideration of this regulation until a response had been received from the Minister.

22. The Securities Commission (Local Instruments) Amendment Regulations, 2001 (No. 2) (2002)

Concern:

The anticipated coming into force date was different from the title contained in the regulations.

The Law Clerk summarized the regulation and the concern arising there from. The committee agreed to postpone consideration of this regulation until a response had been received from the Minister.

23. The Wildlife Amendment Regulations, 2002

Concerns:

The regulation contains confusing wording regarding fur animals and may lead to difficulty framing and prosecuting charges.

The Law Clerk summarized the regulation and the concerns arising there from. The committee agreed to postpone consideration of this regulation until a response had been received from the Minister.

24. The Committee adjourned at 10:09 a.m. until 9:00 a.m. on Thursday, May 29, 2003.

Margaret A. Woods
Committee Clerk

Don Toth
Committee Chair