

SPECIAL COMMITTEE ON REGULATIONS
May 29, 2003

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

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

Staff to the Committee

Mr. Ken Ring, Legislative Counsel and Law Clerk

FOLLOW-UP REPORTS

2. **The Water Power Amendment Regulations, 1988**

Concern:

The regulation provided for the calculation of water rental that was retroactive despite no authority for retroactivity being granted in the Act.

The Law Clerk summarized the regulation and the concern arising there from. The committee accepted the recommendation of the Law Clerk to close the file.

3. **The Helium and Associated Gases Amendment Regulations, 1994**

Concern:

The revision and consolidation of the regulation agreed to by the Minister were to be monitored by the Law Clerk to ensure that they were carried out.

The Law Clerk summarized the regulation and the concern arising there from. The committee accepted the recommendation of the Law Clerk to close the file.

4. **The Petroleum and Natural Gas Amendment Regulations, 1994**

Concern:

The revision and consolidation of the regulation agreed to by the Minister were to be monitored by the Law Clerk to ensure that they were carried out.

The Law Clerk summarized the regulation and the concern arising there from. The committee accepted the recommendation of the Law Clerk to close the file.

5. **The Canadian Electrical Code (Saskatchewan Amendments) Regulations, 1995**

Concern:

The issue concerns whether the enabling provisions of the Act authorize the making of regulations governing who was to pay for the electrical installations required by the regulation.

The Law Clerk summarized the regulation and the concern arising there from. It was noted that the provisions at issue in the regulation have been repealed. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

6. The Dairy Producers Regulations, 1995

Concern:

The regulation provides for the incorporation by reference of international standards. The concern is whether this amounts to an invalid sub-delegation of powers by the Lieutenant Governor in Council adopting standards from outside the jurisdiction.

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, noting that the committee previously accepted the incorporation by reference in this particular circumstance. However the committee agreed on the importance of remaining vigilant in ensuring that there is proper legislative authority in the parent Act wherever incorporation by reference in regulations is a possibility.

7. The Hospital Standards Amendment Regulations, 2000

Concern #1:

The Act does not authorize the regulation to enact the provision.

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.

8. 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, 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.

9. 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, 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.

10. 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, 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.

11. 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, 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.

12. The Wildlife Amendment Regulations, 2002

Concern:

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 recommend that this regulation be referred to the appropriate Policy Field Committee for further consideration.

BYLAWS FOLLOW-UP REPORTS

13. The Saskatchewan Society of Occupational Therapists

Concern #1:

The bylaw permits the removal of a member of the council without granting the member an opportunity to state their case, in contravention of the rules of “natural justice”.

Concern #2:

The bylaw contains contradictory provisions regarding the entitlement of a member to be heard at a hearing or whether the council has the discretion to waive the hearing.

The Law Clerk summarized the bylaw and the concerns arising there from. The committee accepted the recommendation of the Law Clerk to consider the matter resolved.

14. The Saskatchewan Veterinary Medical Association

Concern:

The bylaw is *ultra vires* the Association’s jurisdiction.

The Law Clerk summarized the bylaw and the concerns arising there from. The committee directed the Law Clerk to correspond with the Association and if the matter remained unresolved, further agreed to recommend that this bylaw be referred to the appropriate Policy Field Committee for further consideration.

15. The committee next considered a draft Second Report. The following document was tabled:

REG 10/24 – Special Committee on Regulations: Draft Second Report, dated May 29, 2003

A discussion ensued and Mr. Yates then moved:

That the Second 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.

16. The committee adjourned at 9:20 a.m. to the call of the chair.

Margaret A. Woods
Committee Clerk

Don Toth
Committee Chair