



# **Special Committee on Regulations**

## **Hansard Verbatim Report**

**No. 7 – June 26, 2002**



**Legislative Assembly of Saskatchewan**

**Twenty-fourth Legislature**

**SPECIAL COMMITTEE ON REGULATIONS  
2002**

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Moosomin

Kevin Yates, Vice-Chair  
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Graham Addley  
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Saskatoon Sutherland

The committee met at 09:00.

**The Chair:** — I'll call this meeting to order. I understand some members have pressing matters around 10 o'clock. But I think a lot of our discussion this morning is fairly straightforward. And a little later on we'll discuss a report to the Assembly so that we're a little bit behind, just a little behind as to the last report this committee has made to the Assembly.

So we'll just move right ahead. There was a bit of an orientation that Mr. Ring would like to do for a couple of new members. And that will be very, very short — just a bit of an outline as to what the committee does, and then we'll move right into consideration of the regulations for '97, '98, '99, 2000, and 2001. So I'll turn it over to Mr. Ring.

**Mr. Ring:** — With respect to the orientation, I refer the new members to the minutes of the meeting where both myself and Meta Woods, Clerk to the committee, made an orientation and we could provide that to the new members. As well, I have a handout that I'll provide to you.

Essentially the committee meets and this is the opportunity for the Assembly to scrutinize the authority that has been given by the Assembly to other entities to make delegated legislation or rules pursuant to the authority of an Act that's passed by the Legislative Assembly. And this is the opportunity for a scrutiny, a checking, or a debate on the various regulations.

And so I think with that and the chart, that would be the extent of the orientation I was prepared to present this morning. So unless you have any questions we could move . . .

**The Chair:** — Thank you, Mr. Ring. I think that . . . as Mr. Ring has indicated if there's further questions from new members . . . Most of us have been here before so we're already quite familiar. And Mr. Addley, we welcome you aboard and glad for helping us make quorum.

At this time we're going to just move right ahead then. As Mr. Yates has indicated there's much . . . (inaudible) . . . they need to deal with, and so I think from what I've gone through the packet that has been forwarded to us, it seems to be fairly straightforward and we should be able to cover that fairly quickly and efficiently.

And so let's move to the '97 regulations. I'm just going to turn everything over to Mr. Ring and where there's questions we'll get into some questions; where otherwise we'll just move forward here. So I'll turn it over to Mr. Ring. Take it away, Mr. Ring.

**The Livestock and Horticultural Facilities  
(Education and Health Tax) Remission Regulations  
(R.R.S. Chapter F-13.4 Reg 15 - O/C 374/97,  
dated June 18, 1997)  
The Financial Administration Act, 1993  
Section 71  
Saskatchewan Gazette June 27, 1997**

**Mr. Ring:** — Yes, first item from the 1997 regulations — that's the green package of information that'll be in the bottom of the

pile that you've got — are The Livestock and Horticultural Facilities (Education and Health Tax) Remission Regulations. These were brought forward to the committee at the last meeting with respect to the deadline.

And since the last meeting the government extended the deadline for these regulations to 2004 and so in that regard the issue that was raised is no longer a concern. The committee could consider these regulations resolved.

**The Chair:** — I'm wondering if we can do this as one resolution. We'll go through all of the '97s . . . Ken, is that possible? It seems to me they're fairly straightforward — rather than individually? There's what — three special regulations here and I think they all are straightforward.

Okay. Then if there aren't any questions, do we have a motion to consider this resolved? Is that the committee's wish?

**Mr. Harper:** — Mr. Chair, I do.

**The Chair:** — And we're agreed to that? Agreed. It's agreed? Carried.

**The Municipal Levy (Saskatchewan Assistance Act)  
Exemption Regulations  
(R.R.S. Chapter F-13.4 Reg 16 - O/C 375/97,  
dated June 18, 1997)  
The Financial Administration Act, 1993  
Sections 71  
Saskatchewan Gazette June 27, 1997**

**Mr. Ring:** — With respect to the second set of regulations, The Municipal Levy (Saskatchewan Assistance Act) Exemption Regulations, the department indicated in the correspondence that you have that's attached by an e-mail that the regulations could be repealed as being obsolete. That has not yet occurred, the government may be waiting to do an omnibus repeal regulation, and perhaps those regulations should be done on an annual basis in order to clean out . . . clean up outstanding obsolete regulations in a more timely manner.

With respect to this committee's issue with the regulations, I was wondering whether we leave this as continuing follow-up or we have it noted the Department of Finance has indicated it's on their list. We could . . . the committee could consider it resolved.

**The Chair:** — Any questions regarding this issue?

**Ms. Jones:** — Well it . . . (inaudible) . . . won't appear on the list, I don't see why we keep looking at it. I think we can consider it resolved.

**Mr. Yates:** — We can in effect write a letter to the Department of Finance asking them to include this. I don't know that it's on the list.

**The Chair:** — I think that's certainly appropriate, because if we don't we might find ourselves in the same situation two years down the road where, while it was indicated was they observed it, but nothing has really been done yet.

**Mr. Ring:** — And that would be an appropriate letter to close the file with.

**The Chair:** — Can we have a mover then so that we have this follow-up? Mr. Yates.

Is everyone agreed? Agreed. It's carried. Thank you.

**The Non-profit Corporations Regulations, 1997  
(R.R.S. Chapter N-2 Reg 1 - O/C 75/97,  
dated February 19, 1997  
The Non-profit Corporations Act, 1995  
Sections 283  
Saskatchewan Gazette March 7, 1997**

**Mr. Ring:** — With respect to the third, The Non-profit Corporations Regulations, 1997, you have the correspondence there from my letter to the minister, the minister's response with respect to exemptions. The Department of Justice is relying on clause 283(k) of the Act which provides, quote:

Respecting any matter required for the efficient administration of this Act.

And this is perhaps . . . it's a broad authority-making power and with respect to exemptions that might affect revenue. And although it may be an administrative issue, waiving fees could impact on revenue and so perhaps this is a situation where they should have more specific regulation-making authority in order to grant the exemptions.

An example in the package from The Railway Amendment Act, Bill No. 52 of 2001 indicates they made a specific exemption authority for regulations and I think that's probably the proper procedure to be followed in these situations. That's what I would recommend to the committee.

Alternatively the committee could consider the matter closed but indicate to the department that it will be more vigilant with respect to exemptions and proper regulation-making authority provisions in the Acts that allow for exemptions.

**The Chair:** — Any questions? Mr. Yates.

**Mr. Yates:** — Is there a difference in the size of the fee being waived and the impact, potentially, on operational budgets or revenue? And when they're small fees, is it more of administrative in nature versus one that may have a greater impact on revenue streams?

**Mr. Ring:** — That's possible and it's difficult to know that from the regulations. With respect to this file, I will note that Mr. Garnet Holtzmann, who was the Acting Law Clerk, had flagged this in his review of the regulations. I reviewed those and I'm of the same opinion as Mr. Holtzmann was, that there should be proper regulation-making authority for the granting of exemptions.

If it's a small administrative fee, no. But on the face of the regulations, it's difficult to know whether it's a \$5 fee, a \$10 fee, or whether it's the annual filing fee for corporations which could be several hundreds of dollars.

**The Chair:** — Any further questions? Recommendations from the committee? It would seem to me while we've got . . . consider resolved, maybe a letter indicating that the committee will certainly be perusing this issue and, as you've indicated, more vigilantly in the future, would be appropriate. We got a mover to this? Mr. Hart. Thank you. We are agreed? Carried.

Moving on to the 1998 regulations, or regulation. I think there's just the one.

**The Revenue Collection Administration Amendment  
Regulations, 1998 (No. 2)  
(R.R.S. c. R-22.01 Reg 2 as Amended by S.R. 85/98)  
The Revenue and Financial Services Act  
Saskatchewan Gazette December 4, 1998**

**Mr. Ring:** — Yes, 1998 regulation, that's the buff-coloured sheet. This regulation is The Revenue Collection Administration Amendment Regulations, 1998 (No. 2). In the attached communication, the assistant deputy minister of Finance indicates that it is the intention to more clearly provide the minister with the authority to determine what records are to be kept when the Act is next amended. The communication from the department was encouraging.

The committee could therefore consider this file resolved as the department has acknowledged the committee's concern and has indicated that it will take it into account in future legislative amendments.

**The Chair:** — Any questions of Mr. Ring? If not, may we have a motion?

**Mr. Yates:** — I would move:

That we write the deputy minister of Finance or the Minister of Finance in asking them to ensure that it is included in their next amendment.

**The Chair:** — We're agreed?

**Mr. Yates:** — And forward a copy of that when it's so done.

**The Chair:** — Thank you. Is the committee agreed with that? Agreed. Carried. Thank you.

**The Electronic Meeting Procedures Regulations  
(R.R.S. c.E-0.2 Reg 6)  
The Education Act, 1995  
Section 370  
Saskatchewan Gazette August 13, 1999**

**Mr. Ring:** — That's the bright yellow, for those of you who need it. I believe a number of these are fairly routine. The first one is The Electronic Meeting Procedures Regulations. At the last Regulations Committee meeting the Department of Education undertook to amend the above captioned regulations to deal with the committee's concern. The amendment to the regulation was passed June 21, 2001. The regulations were gazetted on July 6. A copy is attached for your information.

And I can provide that to committee members now if they'd like to see the change that was made.

**The Chair:** — I think that would be appropriate. So we'll just pass it around. What I find encouraging is that the letter from Mr. Littlewood is writing to advise you that the necessary amendments have now been processed.

And it's an indication to the committee that indeed the departments and the ministers are taking some of the work we're doing seriously. And that's encouraging, rather than getting the runaround in some of the letters we've received back with some of our responses.

Any questions regarding electronic meeting regulations? Procedures regulations?

**Mr. Yates:** — I think it would be appropriate to write a letter to Mr. Littlewood thanking him for his dealing with the issue . . . or the minister.

**The Chair:** — Then we'll consider it resolved.

**A Member:** — Consider it resolved, yes.

**The Chair:** — Is the committee agreed? It's carried. Thank you.

**Mr. Ring:** — Just to finish up on this regulation, this is the type of regulation that, when the committee's working and the departments realize that they'll be scrutinized in this area, they try to avoid making those type of . . . make the regulation correct the first time and it doesn't come before the committee. So the committee's actually working although there's no . . . they aren't saying that we're adding this because of the Regulations Committee. It's just there in the future and the committee's work is being done.

**The Chair:** — And I might add we appreciate the work of the Law Clerk on our behalf and it . . . certainly at our last meeting we did pass a motion giving Mr. Ring the authority to actually do some follow-up prior to our meetings rather than the process of calling a meeting, giving the authority to Mr. Ring to follow-up, and then another follow-up letter from the minister.

And the process of time, I think this has certainly speeded up the way we respond to the regulations and get confirmation to the minister. So that seems to be working very well.

**The Provincial Court General Regulations  
(R.R.S. Chapter P-30.11 Reg 3)  
The Provincial Court Act, 1998  
Section 65  
Saskatchewan Gazette January 29, 1999**

**Mr. Ring:** — With respect to these regulations, the Minister of Justice responded indicating that they will keep the special committee's suggestion on file in the event that further amendments are made to The Provincial Court Act, 1998.

At this point I would recommend the committee consider the matter resolved. The department has indicated an openness to considering changes to the Act. These changes would be along the same lines as the changes that were made to The Justices of the Peace Regulations in February 2002 following the special committee's recommendation with respect to those regulations.

That just provides a bit more detail to the regulations.

**The Chair:** — Any questions?

**Mr. Yates:** — I would move that we write a letter to the minister thanking him for his consideration and ask him if he would provide us a letter when the Act is so amended, as follow-up.

**The Chair:** — Is the committee in agreement with that motion? That's agreed. Carried.

**The Urban Municipalities Revenue Sharing Amendment  
Regulations, 1999  
(R.R.S. c.M-32.1 Reg 2 as Amended by S.R. 31/1999)  
The Municipal Revenue Sharing Act  
Section 13  
Saskatchewan Gazette May 21, 1999**

**Mr. Ring:** — On March 8, 2001, Mr. John Edwards from the department indicated that the amendments to the regulations were in the works.

The regulations were amended on June 26, 2001. At that time a number of the concerns that were raised were dealt with. There is now a formula in place with respect to calculating the grants. Although no change was made to clause 2(b), with respect to the minister otherwise determining the population, there was a census conducted recently so there should be some new base numbers that the department will be working from. And that's an assumption on my part.

The recommendation with respect to these regulations is that unless the committee wants to pursue the circumstances where the minister might "otherwise determine the population", the committee could consider the matter resolved.

**The Chair:** — Any questions, members, regarding this? Mr. Addley.

**Mr. Addley:** — I move that the committee consider the matter resolved.

**The Chair:** — Okay. Is the committee agreed? Agreed.

**Mr. Ring:** — The next set of regulations are . . . actually two regulations, is the wording with respect to the regulations is very similar. The issue is the same.

**The Crown Oil and Gas Royalty  
Amendment Regulations, 1999 (No. 2)  
(S.R. 85/1999 - Order in Council 668/1999,  
dated November 17, 1999)  
The Crown Minerals Act  
Section 22  
Saskatchewan Gazette November 26, 1999**

and

**The Freehold Oil and Gas Production Tax Amendment  
Regulations, 1999 (No. 2)  
(S.R. 85/1999 - Order in Council 669/1999,  
dated November 17, 1999)**

**The Freehold Oil and Gas Production Tax Act  
Section 32  
Saskatchewan Gazette November 26, 1999**

**Mr. Ring:** — The correspondence that was received back from the deputy minister agreed that, quote:

The coming into force provisions of the two sets of regulations in question were somewhat confusing.

It's encouraging that the correspondence also states, quote:

We appreciate receiving the Committee's comments/suggestions and will ensure they are addressed in future amendments.

Although the Deputy Minister indicated that the circumstances surrounding the amendments were unusual, there was no further explanation or detail provided.

The fact that the Deputy Minister indicated that the department will ensure that the committee's concerns/suggestions will be addressed in future amendments is sufficient to consider the matter closed, resolved, and to close the file, I believe.

The deputy minister also pointed out that due to the Queen's Printer on-line access of Acts and regulations, it is now easier to ascertain the coming into force dates of Acts and regulations. Free access to the Queen's Printer Acts and regulations is a relatively new and welcome initiative. It makes the concern less urgent than it initially was. Therefore the recommendation would be to consider the matter resolved.

**The Chair:** — Can I have a motion to that effect?

**Mr. Hart:** — . . . consider the matter resolved.

**The Chair:** — Thank you, Mr. Hart. Are we agreed? Agreed. Carried.

**The Forest Resources Management Regulations  
(R.R.S. c.F-19.1 Reg 1)  
The Forest Resources Management Act  
Sections 12 and 99  
Saskatchewan Gazette April 9, 1999**

**Mr. Ring:** — The concern that these . . . the concern that were . . . These regulations were before the committee in October 5 of 2000 meeting that we held. And at that time I was instructed to correspond with the Minister of the Environment and Resource Management. Correspondence was sent out on October 20, 2000. At the February 7, 2001 meeting I sent a further letter to the minister and received a response on March 2.

The other concerns that were dealt with in the letters were resolved. However, with respect to the third concern, the question regarding changes of boundaries and using a deeming provision in order to change the boundaries that are in the Act as opposed to passing a number of regulations during the year, was suggested by the minister.

He indicated there are approximately 24 boundary changes per

year, and that would be . . . would require potentially 24 sets of regulations, or perhaps they could group them in series of three or six or what have you. And although it is a large number of regulations perhaps, I do note for the committee's attention that the Milk Control Board regulations pass a number of regulations each year that changes the regulated price of milk and milk products, and it's not a problem for the Milk Control Board.

The recommendation there would be to correspond with the minister to recommend that the boundaries and boundary changes be made either quarterly or semi-annually by regulation. Alternatively, changes could be made by Minister's Order regulations rather than by Lieutenant Governor in Council regulations as is the current practice. This would require an amendment to the Act. Minister's Order regulations allow for a more quick and efficient method of passing regulations which really are . . . it's not as long a process as having to get a regulation through cabinet, and is equally effective. But this would require a change to the Act.

**The Chair:** — Any questions, comments?

**Ms. Jones:** — Perhaps what we could do — and I think all of us as legislators are reluctant to ask anybody to open any Acts . . . It just makes . . . takes a lot longer. But perhaps what we could do is make the suggestion that they, the boundary changes, be made semi-annually — that shouldn't be too onerous — and in the same letter suggest that the next time the Act is amended, that they consider putting the minister order change into the Act.

**The Chair:** — Any further comments? Mr. Yates.

**Mr. Yates:** — I agree with what my colleague has said here, that we should ask them, the next time that the Act is changed, to include it in the Act and encourage them to do so as quickly as possible, the first opportunity.

**The Chair:** — Is the committee in agreement with that? Sounds fair. It's agreed. Carried.

**The Justices of the Peace Amendment Regulations, 1999  
(R.R.S. c. J-5.1 Amended by S.R. 11/1999)  
The Justices of the Peace Act, 1988  
Sections 3 and 15  
Saskatchewan Gazette February 26, 1999**

**Mr. Ring:** — These regulations were discussed by the committee at a previous meeting where a concern was raised with respect to the lack of guidelines regarding the use of pressing necessity for Justices of the Peace. As a result of the letter written to the minister and the committee's consideration of the matter, the attached set of regulations were passed in February of 2002.

As you will see, the new provision sets out in some detail the circumstances under which the chief judge may approve use of cumulative sick leave by a supervising Justice of the Peace. There are now six specific criteria listed in clauses (a) to (f) and a general catch-all provision in clause (g) that also contains some parameters because it's defined by the preceding clauses and the wording of the clause.

With respect to catch . . . with the catch-all phrase, it is, quote:

(g) any other emergency or adverse circumstances over which the supervising Justice of the Peace has little or no advance warning or control.

It is this type of detail and qualification on more general exemption or exception clauses that the committee discussed and was looking for some action in this area.

It's encouraging to see that the committee's observations and recommendations are being noticed and implemented in delegated legislation.

The recommendation would be to consider the matter closed.

**The Chair:** — Any comments from the committee members or, if not, can I have someone move that this be considered resolved? Mr. Harper. And it's agreed. Carried. Thank you.

**The Swimming Pool Regulations, 1999  
(R.R.S. c. P-37.1 Reg 7)  
The Public Health Act, 1994  
Section 46  
Saskatchewan Gazette April 16, 1999**

**Mr. Ring:** — With respect to these regulations, you have the two sets of correspondence attached. The minister's letter is encouraging. I would like to continue to monitor the situation and watch for changes to The Public Health Act.

One further development that I would note is in Bill 25 that's presently before the Assembly, The Cost of Credit Disclosure Act, 2002, is also attached for your information and reference. I encourage you or ask you to note the wording of clause 45(2)(b). It specifically states that a contravention of this Act includes a contravention of the regulations made pursuant to this Act, which was the wording that was discussed with respect to The Public Health Act.

**The Chair:** — Recommendations from committee members?

**Mr. Harper:** — Mr. Chair, I would suggest that we write the minister a letter relating that we're encouraged to see movement but we're going to continue to monitor for any further changes.

**The Chair:** — Committee members agree? Agreed. Carried. Thank you.

Moving on then to the 2000 regulations and I call on Mr. Ring.

**The Dedicated Lands Amendment Regulations, 2000  
(S.R. 29/2000 - Minister's Order, dated March 28, 2000)  
The Planning and Development Act, 1983  
Sections 206  
Saskatchewan Gazette May 5, 2000**

**Mr. Ring:** — The first set of regulations here are The Dedicated Lands Amendment Regulations, 2000. There is a copy of a letter that I had sent out to the minister, and the minister's response. And these, with respect to these regulations, this is a good indication to the committee of the . . . This was the time when I, after I'd been granted the authority

halfway through last committee meetings . . . meeting in order to write in advance to receive some correspondence back, and this is one area where I think it works extremely well. So we have both sides of the issue and we can look at how the committee may want to proceed with these regulations.

With respect to these regulations, a careful reading of the minister's response indicates that, quote, there "may be some question in the matter".

The regulations were made pursuant to section 206 of the Act which sets out two standards for all encompassing regulation making clauses generally added at the end of a long list of regulation making authority clauses.

It's interesting to note that section 206 allows regulations to be made, quote:

Respecting any matter or thing that is required or authorized to be prescribed in the regulations pursuant to this Part;

and

Respecting any other matter or thing that the Minister considers necessary or appropriate to carry out the intent of this Part.

In the correspondence, the minister states that the amendment regulations "do not give the Minister the ability to exempt any type of use or agreement but only those specified types of situations that are described in the exemption provision and meet the criteria of that provision" and the exemption "cannot be used to nullify the legislative provisions or the regulations in general".

Although I agree with those statements because they tend to mitigate against the abuse of legislative authority, generally speaking exemptions, revocations, or similar matters usually require express legislative authority. While it is true that "the party making the determination of whether an exemption will be granted is the same party (the minister) who makes the regulations", it's also very interesting that the way in which the legislative authority is exercised fits the process that was set down by the Assembly in the Act in order to exercise that authority.

In other words, if the minister may grant an exemption, the minister should grant the exemption. However, if the minister is required to make regulations in order to enact a rule, the rule should be enacted by way of regulations.

With respect to these regulations, the committee could consider that the point has been made and consider the matter resolved as the Department of Justice did realize that there "may be some question in the matter". In the alternative, the committee could consider the matter resolved, but also instruct the Law Clerk to write a letter indicating that this is an issue that the committee takes very seriously and is an area in which the committee will be particularly vigilant.

**The Chair:** — Any questions from committee members? Do you have a motion, Mr. Yates?

**Mr. Yates:** — I would move:

That the committee consider the matter resolved but instructs the Law Clerk to write a letter indicating that this is an issue that the committee takes very seriously and that we will be extremely vigilant in the future.

**The Chair:** — Any further comments? If not, are we agreed to the motion? It's agreed. Carried. Thank you.

**The Hospital Standards Amendment Regulations, 2000  
(S.R. 40/2000 — Order in Council 358/2000,  
dated June 20, 2000)  
The Hospital Standards Act  
Sections 5  
Saskatchewan Gazette June 30, 2000**

**Mr. Ring:** — With respect to these regulations, the points . . . With respect to the points that were raised in the letter that was received, my comment would be that the short title of an Act, particularly in Saskatchewan, is indicated as, "This Act may be cited as . . .", indicating that that's the title to be given to the Act when citing it. And generally speaking, it's the long title of an Act that defines the scope and purpose of an Act. In this instance the long title of the Act is "An Act respecting The Inspection and Standardization of Hospitals."

When you look through the Act, in the various sections, the Act is not very long. And it appears to be more about the bricks and mortar than about personnel and people working in the hospitals.

And with respect to the immunization of employees or employee health, there's currently a case before the courts in Ontario where an ambulance worker is refusing to be immunized as a result of regulations passed in Ontario requiring that . . . because it's an invasive procedure and he's challenging the, he's challenging the . . . Ontario's regulation. At this point they're still in . . . the matter is still before the courts in Ontario. It hasn't been resolved. And although the . . . Pending the outcome of that case, the employee in question has been suspended.

The second comment I'd have with respect to the correspondence is that I do not believe that just because a regulation has not been questioned in the past means that a regulation will not be considered by this committee in the future. The law and the requirements of the law and lawful authority change over time and all statutes, rules, and regulations must keep up with those changes and requirements. This is particularly true with respect to the exercise of delegated legislative authority.

There's been a further development since the exchange of the letters. The Act is being changed and it will eventually be repealed, and I refer committee members to Bill 61 of 2002, section 99, that's currently before the House. Bill 61 was considered by the Assembly on May 29 and June 5, and I believe that's first reading and perhaps debate.

The recommendation then would be: although the committee may wish to consider the matter resolved, with respect to this particular letter, I'd like the committee to allow me to respond

to the points made in the letter.

**The Chair:** — Any questions?

**Mr. Yates:** — I would move that our committee consider this issue resolved, but that the Law Clerk respond to the issues raised in the letter, in particular the issue that — although it has not been raised as an issue in the past — that it is not an issue and other concerns.

**The Chair:** — Any further comments? If not, committee agreed? Agreed. And that's carried.

**The Pipelines Regulations, 2000  
(Chapter P-12.1 Reg 1 - Order in Council 156/2000,  
dated March 22, 2000)  
The Pipelines Act, 1998  
Section 25  
Saskatchewan Gazette April 7, 2000**

**Mr. Ring:** — With respect to section 6, the emergency . . . or the extension of licences for pipelines, although it may be difficult to list all the factors that may be considered with respect to an extension, a detailed list was set out in the letter that was received. This list could be supplemented by a general statement that contains some parameters with respect to exemptions.

This would not be unlike the list that was incorporated into The Justices of the Peace Regulations that we considered earlier this morning.

A list was added to those regulations as a result of the committee expressing a concern regarding a similar blanket provision in those regulations. In addition, or alternatively, a maximum number or limit of extensions could be included in the regulations before the matter is referred to a . . . for more serious consideration.

With respect to subsection . . . or section 17.1, although I understand and appreciate the situation described by the deputy minister in his . . . in the letter, it would be helpful if the Act were amended to allow for the exercise of that type of discretion. An example of the provision would be found in The Crown Minerals Act, clause 22(1)(h). A copy of that provision is attached for your information and reference.

With respect to the third concern regarding subsection 20(2), that issue is explained sufficiently in the correspondence and could be considered resolved.

**The Chair:** — Committee members have any questions? May I have a motion to accept the . . . or consider this resolved, before we move on? I think there's a few questions to be asked here.

**Mr. Allchurch:** — I have no questions. I'll wait and let somebody else ask the questions.

**The Chair:** — Okay. No?

**Mr. Allchurch:** — I move that this be resolved.

**The Chair:** — Committee in agreement? Agreed. Carried.



**The Canada-Saskatchewan Adjustment  
Program Regulations  
(Chapter F-8.001 Reg 16 - Order in Council 195/2000,  
dated March 28, 2000)  
The Farm Financial Stability Act  
Sections 22, 24, 26, 33 and 84  
Saskatchewan Gazette April 14, 2000**

**Mr. Ring:** — With respect to these regulations, the correspondence that was received helped to put the provisions at issue in the proper context.

The letter also noted that all of the appeals and decisions were completed on a timely basis, giving the applicant ample opportunity to pursue other options before the December 31 deadline and in order to consider other options if necessary.

On that basis, I would recommend the committee consider the matter resolved.

**The Chair:** — Committee members, get a resolution to this?

**Ms. Jones:** — That we consider . . .

**The Chair:** — Okay. Ms. Jones.

Carried? Agreed? Agreed. Carried.

**The Conseil scolaire fransaskois Election  
Amendment Regulations, 2000  
(S.R. 5/2000 - Order in Council 39/2000,  
dated January 26, 2000)  
The Education Act, 1995  
Section 370  
Saskatchewan Gazette February 11, 2000**

**Mr. Ring:** — This matter is resolved. The changes were made to the English regulation to make the regulation consistent with the French text of the regulations.

**The Chair:** — Simple and straightforward.

**Mr. Addley:** — I move the committee consider this matter resolved, and commend the Chair on his pronunciation of the Act.

**The Chair:** — Thank you very much. Is that agreed? Agreed. Carried.

Mr. Ring has a question.

**Mr. Ring:** — I just have a question for the committee. With respect to this type of concern and resolution, I'm wondering whether I could perhaps have, to help streamline the process, include this as a . . . rather than going through this regulation in a . . . through the meeting, perhaps this could be provided to the committee as a number of indications where a letter was written, the matter was resolved. Because I really don't think . . . I don't think the committee . . . could be considering more important things rather than just doing this type of a regulation.

**Mr. Addley:** — A suggestion could be that when these types of matter come up that it's all being done on one page, that here's

the list of what you consider resolved and we can deal with it in a global sense. At least then we know what the issue is, or flag the issue, and if there's any questions do come up we can then resolve it . . .

**Mr. Yates:** — If you could table perhaps a report, those issues resolved, that we could vote on as a report, it would . . . because if they're resolved, they're no longer a concern, right.

**The Chair:** — Appreciate that. I think that's we've got consensus here.

That was earlier on when I mentioned about considering I think a group as a lump when we've got a number of fairly simple, straightforward be it resolved, rather than going line by line, it might be appropriate. So I think we've got consensus and agreement on that, so it's okay.

**Mr. Ring:** — And if there is some issue where I'm not sure whether it should be in the resolved pile or not — I'll call it the resolved pile or not — I'll undertake to consult with the Chair and the Vice-Chair with respect to where the regulation should fall.

**The Chair:** — Okay. Let's move on to Crown Mineral Lands Transfer Regulations, 2000.

**The Crown Mineral Lands Transfer Regulations, 2000  
(Chapter C-50.2 Reg 20 — Order in Council 155/2000,  
dated March 22, 2000)  
The Crown Minerals Act  
Section 22  
Saskatchewan Gazette April 7, 2000**

**Mr. Ring:** — The recommendation with respect to these regulations would be the committee consider this matter resolved. The department made a decision to reference the Act that's currently in force, and that's their decision. And I take no issue with that.

The department is also willing to "pursue publishing a readers note in the Saskatchewan Gazette to advise interested parties of the filing of the regulations and the regulations expiry date."

This I believe is an important step in making the law more accessible to its users and readers of the *Gazette*, particularly with the Queen's Printer on-line service that's now being offered. It also provides information that members of the public or interested parties require sometime after a regulatory scheme is set up.

It's encouraging to see that the department is pursuing the suggestion put forward by the Special Committee on Regulations.

**The Chair:** — I think that's appropriate after my meeting last night, getting it a little bit in layman's terms so people can pick up on that a lot quicker. And a motion to consider the results?

**Mr. Harper:** — Mr. Chair, I make a motion that the committee consider this matter resolved.

**The Chair:** — Is that agreed to? Carried. Thank you.

**The Milk Control Amendment Regulations 2000 (No. 3)**  
**(S.R. 21/2000 — Board Order, dated April 4, 2000)**  
**The Milk Control Act, 1992**  
**Sections 10**  
**Saskatchewan Gazette, April 20, 2000**

**Mr. Ring:** — The issue raised with respect to the board order being published after the date on which it was actually signed and becomes effective has been raised and has been resolved.

It should be noted the department has taken action to ensure that in future board orders will be signed before the date on which they are to take effect.

**The Chair:** — Motion?

**Mr. Allchurch:** — Resolved.

**The Chair:** — Is the committee in agreement with that? Carried.

**The Mineral Disposition Amendment Regulations, 1999**  
**(S.R. 96/1999 — Order in Council 752/1999,**  
**dated December 22, 1999)**  
**The Crown Minerals Act**  
**Section 22**  
**Saskatchewan Gazette January 7, 2000**

**Mr. Ring:** — With respect to these regulations, the minister's correspondence is attached. The letter and the instructional directive that accompanied the letter are sufficient to resolve the issue that was raised with the regulations.

**The Chair:** — It appears to be straightforward. We got a motion? Ms. Jones. Agreed? And carried.

**The Oil and Gas Disposition Credit Regulations, 2000**  
**(Chapter C-50.2 Reg 18 — Order in Council 36/2000,**  
**dated January 26, 2000)**  
**The Crown Minerals Act**  
**Section 22**  
**Saskatchewan Gazette February 11, 2000**

and

**The Oil and Gas Disposition Credit**  
**Regulations, 2000 (No. 3)**  
**(Chapter C-50.2 Reg 21 — Order in Council 359/2000,**  
**dated June 20, 2000)**  
**The Crown Minerals Act**  
**Section 22**  
**Saskatchewan Gazette June 30, 2000**

**Mr. Ring:** — With respect to these two sets of regulations, it involved an unusual time frame and a compression of the time frames between the use of the credit and its expiry. Those issues were explained in the correspondence that was provided by the department. These issues could be considered resolved.

With respect to the minister refusing to accept a credit that has been assigned to another party, some criteria could be set out in the regulations. For example, the explanation stated in the letter could be included in the regulations. It should be noted that the

Act does allow the minister this broad authority.

**The Chair:** — Any questions regarding these regulations? A motion?

**Mr. Yates:** — . . . this matter resolved.

**The Chair:** — Is that agreed to? That's carried.

**The Open Seasons Game Amendment Regulations, 2000**  
**(S.R. 68/2000 - Minister's Order, dated August 22, 2000)**  
**The Wildlife Act, 1998**  
**Subsection 87(2)**  
**Saskatchewan Gazette September 1, 2000**

**Mr. Ring:** — These are . . . well this would be another set of regulations that's a straightforward issue for the committee I believe.

The issue was resolved, and it should be noted that the change was made prior to the open season for 2002.

**Mr. Addley:** — . . . resolved.

**The Chair:** — Is that agreed to? It's agreed to and carried. Thank you.

I'd like to just comment on the fact that while we consider it resolved, maybe it wouldn't hurt, Mr. Ring, just to send a letter of appreciation and thanks to these departments acknowledging that the work has been followed up and the committee appreciates the way the departments have responded.

I think that would show a little gratitude on our part as well. Sometimes we tend to just write the letter saying we think you need to address this issue more seriously, and then we get . . . we have in the past got follow-up . . . well we have, but when they really haven't, so it's just a nice gesture on the part of the committee to express our appreciation.

That's if committee members agree with that. I think it's just a good point. Okay. Thank you.

We have a . . . before you, we have, as I indicated earlier . . . I missed one here. I guess I got caught up. Sorry about that.

**The 2000 Transitional School Grant Regulations**  
**(Chapter E-0.2 Reg 8 - Order in Council 163/2000,**  
**dated March 22, 2000)**  
**The Education Act, 1995**  
**Section 370**  
**Saskatchewan Gazette April 7, 2000**

**Mr. Ring:** — This could be considered resolved.

**The Chair:** — Okay. Mr. Hart? Agreed, carried.

And Mr. Ring just informs me he's got a couple of others that he'd like us to discuss with . . .

**Mr. Ring:** — No, they're not walk-ins. I didn't want to include too much information in the package because I find when you get past a certain number of inches or centimetres in a package,

it remains there as a paperweight as opposed to being opened and digested. And really they're not new . . . there are no new concerns here. This is . . . These are two items.

The first item I'll pass out is with respect to the 2000 regulations that were reviewed and no concerns were detected, and I'll provide a list of those to committee members. And if committee members do have any concerns with respect to these regulations, they could be brought forward at a future meeting.

And the second package of regulations . . . And perhaps before I pass the second package out, I'll indicate on the record that it's encouraging to note that the list with respect to no concerns detected is approximately three and a quarter pages long because the committee tends to deal only with the concerns detected and not the regulations in which no concerns were detected. So the list I just handed out are for the 2000 regulations.

The second list that I'd like to circulate will be for the 2001 regulations that were reviewed, and this is for the period from January 31 to December 31, 2001, and it's also the list of regulations in that time period that were reviewed with no concerns detected.

**The Chair:** — I'd like to thank Mr. Ring for his work. The information we've just received is a lot of the work Mr. Ring has done on our behalf that certainly has saved us a lot of time and effort trying to go through the regulations, and that can become fairly tedious at times, if we were to try to follow that form.

So thank you, Mr. Ring, for your work and efforts in just bringing to our attention the many regulations that you have taken the time, in your line of duties, reviewing, to actually let us know that they have followed a lot of the guidelines that the committee in the past has brought forward and recommended. So we thank you for that.

We have a draft report that we would table before the Assembly, and I know we just received it this morning. However, Mr. Yates and myself chatted with Mr. Ring and Margaret earlier on and asked them to put together a draft report for our perusal. And if you've got any questions in regards to the draft report, we could raise them at this time and if there's changes that need to be made then we can make them prior to movement in the Assembly. Mr. Yates.

**Mr. Yates:** — The only question I have with the report is all the issues that we have under D we now have resolved. So they moved to the other section. And with that, I would move that we accept this.

**Ms. Woods:** — There's actually just one issue that isn't included in the report that I wanted to raise with the members today and that is a question of whether they want to include in the report a request to the Assembly to allow this committee to have substitution of members.

You will be aware a number of other committees like Public Accounts, Crown Corporations and, more recently, the Agriculture Committee, did receive that authority from the Assembly. And I'm just wondering, is that something this

committee might want to request just perhaps for the remainder of this legislature, to have that authority so that if there is an occasion when a member of the committee is not available to attend, they could have someone come in their place?

**Mr. Yates:** — I would move that we include that in our report.

**The Chair:** — Is the committee in agreement with that?

I think that certainly this past session, in trying to get the committee together with the changes made in cabinet and committee members have made it difficult, I know, on the government members' side, just to have all their members or have enough to constitute a quorum. So I think that's an excellent addition to follow what other committees are doing regarding substitution. So I thank the members. Mr. Yates.

**Mr. Yates:** — And I would move, with the two amendments made to the report this morning, that we table this report, acceptance of this report.

**The Chair:** — Is that agreed to? Carried.

I was just going to raise one other point. When Mr. Yates and I sat down with Mr. Ring and Margaret, we had talked about the fact that there's a number of bylaws that gets a fairly tedious process as well. And we were going to suggest that, as the Chair and the Co-Chair, we could meet sometime this fall to go through . . . rather than all committee members having to gather and go through it, if it was agreed to by the committee, we would sit down with Mr. Ring and Margaret and go through these bylaws. And if there's anything that we felt should come before the committee, we could bring that up at a later date. But rather than trying to get all committee members together . . . I don't know . . . How many years have we got?

**Mr. Ring:** — There's a few.

**The Chair:** — Bylaws that . . .

**Mr. Ring:** — A few.

**The Chair:** — So if that's in agreement, if the committee members are agreed to that, to allow the Chair and Co-Chair and save trying to get everyone together we'd endeavour to pursue meeting and addressing this issue in this coming fall.

Is that agreed? Thank you very much.

I believe we have come to the end of our deliberations this morning. I think Mr. Ring has a comment to make, but I would like to say that while we have been somewhat time pressed, I think at a later date, certainly as committee members, would like to take a little more detailed time and give more scrutiny of some of the Acts.

I appreciate the time that committee members have given to the regulations that were before the committee this morning. And as well I think it also shows the recommendation that the committee made last meeting of allowing follow-up prior to, through our legal counsel, was certainly a way of helping things proceed along more quickly.

And so I thank Mr. Ring.

**Mr. Yates:** — I would also like to make one motion that would just make it easier for the Law Clerk, and that is:

Where bylaws, a newer more up to date set of bylaws or a newer more up-to-date set of regulations, are in place, that we be concerned with the most up-to-date set of regulations.

Which would allow the Law Clerk, if there are bylaws that are changed four or five times, we only have to be concerned about the set that are now in place. Because to go back and change anything would be very, very difficult. So I guess I spoke to my motion on that.

**The Chair:** — Any comments in regard to Mr. Yates's comments?

**Mr. Hart:** — I would have a question. What Mr. Yates is saying is we would deal with the current bylaws and regulations that are in effect and not concern ourselves with ones that have . . . may be obsolete.

**Mr. Yates:** — Are already obsolete.

**Mr. Hart:** — I would certainly concur with that.

**The Chair:** — Yes, agreed. One other question comes to mind following our meeting with Mr. Ring and dealing with the bylaws. Just so that we can keep things a little more current and that we're not so rushed, we'd certainly seek approval of the committee to work towards a fall meeting of the committee to address any further regulations, if the committee is agreed we endeavour to do that.

Is there agreement? At the call of the Chair. I now call this meeting adjourned.

The committee adjourned at 10:00.