



Special Committee on Regulations

Hansard Verbatim Report

No. 8 – April 10, 2003



Legislative Assembly of Saskatchewan

Twenty-fourth Legislature

**SPECIAL COMMITTEE ON REGULATIONS
2003**

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The committee met at 09:00.

The Chair: — Well we're going to call this meeting to order then. We'll get right at it.

As you're aware, we have the motion that's been put before the Assembly regarding committee change. This committee is going to change, along with a number of other committees.

And our purpose here this morning is to discuss a final presentation to the Assembly regarding the Regulations Committee, our work, what we've been doing. However in talking with Ken, we haven't . . . we won't be able to finalize everything today. What we would like to do is we'll go through a format for presentation to the House, be brought up to date on the regulations that have been completed, and there'll be some letters going out shortly.

So I think I'll just turn it right over to Ken, and we'll just have some discussion.

Mr. Ring: — Thank you, Mr. Chair. With respect to the outstanding regulations, I can make the following report. And there's some other documents coming down shortly with respect to the 2002 regulations.

The '97 regulations, all files are resolved and closed. That's the same for 1998, 1999.

With respect to the 2000 regulations, there's one file that remains open, a letter's being written; all of the other files have been resolved and closed. With respect to the 2000 regulations, they have been reviewed, correspondence will be sent out . . . or is being sent out with respect to those regulations.

At our last meeting the list of regulations on which I didn't have any concerns was distributed and was in the committee report that went forward.

With respect to the 2002 regulations, they have been reviewed. That is the list that's coming down. The list with no concerns is coming down — there's 154 I believe, 145. And there are potentially 15 regulations that I would like to further review prior to writing a letter to, with respect to 2002.

With respect to 2003 regulations, the current year we're in, I have not yet begun reviewing those regulations.

With respect to the bylaws, we had a grouping of the bylaws done so that I would not have to review bylaws that might have been repealed in previous years and then I'm reviewing something that has already been superseded.

And with respect to bylaws, we have 1997 bylaws were not reviewed. The '98 bylaws were reviewed. Some concerns were detected and some files have been opened.

With respect to the 1999 bylaws, 2000, 2001, 2002 bylaws, I've not been able to review those bylaws to date.

Initially when I started with the committee my focus was bringing the regulations part of the Regulations Committee up

to date, and as a result the bylaws have not been reviewed.

The Chair: — So have you got any recommendations then? Ken, we were discussing this yesterday and you mentioned about the fact that for the 2002 you'd like to get some letters sent off.

Mr. Ring: — Yes.

The Chair: — And then in two weeks time get together, discuss it, and discuss the final report. And the bylaws, basically agree that say a period from 1999 past, we won't even worry about those, a lot of them. So if you want to just clarify how you see this moving on as we move into the new committee stage.

Mr. Ring: — Yes. On that point, with respect to the regulations side of the equation, there are some . . . The files that are outstanding, the letters that need to be written, I can follow up, send those letters out.

If I receive a sufficient or adequate response from the departments involved I can close the file.

If I do not receive a satisfactory, or what I feel is a satisfactory response, then I will have my initial letter to the department, I'll have the department's response, and I will take those letters to the new policy field committee that will be charged with reviewing regulations in that area.

And so with respect to the regulations, I think it will be fairly easy to move forward. It's my hope that the policy committees will meet on a more regular basis. And so that when I have two or three issues with respect to regulations, I can write the Chair of the particular committee, ask for some time to review those regulations, and do them in a more timely manner rather than having to wait to get a particular committee together just for regulations and have enough business to transact, or have too much business to transact when a committee gets together and we're here for an entire day. And it just gets to be a bit long, given the process.

With respect to the bylaws, in discussing the matter with Mr. Toth yesterday, my suggestion, my recommendation would be to not worry about the bylaws '99 and previous. I started at the Assembly in an acting capacity as a Law Clerk in November 1999, very close to the end of that year.

And so in looking at the bylaw situation, I would be prepared to review the bylaws for 2000, 2001, 2002, and move forward on that basis. If there are issues that are raised in those bylaws, I would then write letters and take them forward to the appropriate policy field committee for review by a legislative committee that would be responsible for that professional organization.

Perhaps I'll just add one other point. The difference between . . . Although bylaws and regulations are both delegated legislation, with respect to the regulations, we're dealing with government departments. And for the most part, since I've been here they have . . . I've noticed an increasing willingness to make changes to regulations and a willingness to make changes

to some of the parent Acts to allow for the proper authority to make the regulations that are being made.

When we had officials attend in 2000 at one of our first meetings, that certainly sent a clear message to departments that the committee was there, the Assembly was reviewing the regulations, and the committee was certainly vigilant on certain areas of regulations and delegated legislation. And I have seen some movement, some improvement in that area.

With respect to the bylaws of professional associations, we're not dealing with government departments and so we're really dealing with autonomous professional organizations. There have been a few court cases going through the courts with respect to bylaws and so there is another method of the membership dealing with bylaws that they feel are not . . . If they have a difficulty with bylaws, members in the association will go forward to the association and so there is some type of review, some type of scrutiny there by members of the particular associations concerned.

The Chair: — Any questions, members?

Mr. Yates: — Just on the issue of bylaws. We are now moving to a much more standardized format for bylaws of professional associations so maybe at some point it would be of value to review the format that's used. So if there's an issue that's reappearing, it may be in the format of how they're prepared. And so just — I didn't know if you were aware of the fact they're using more or less a blueprint or format in how they're being developed now — so if it becomes a reappearing theme, it may be changed in sort of the blueprint used to put them together.

Mr. Ring: — Yes, I think in response to Mr. Yates's comment, certainly with respect to the Acts that establish professional corporations there is now a standard or a blueprint that's being used. And you can quickly go through the professional Acts to see how long a leash the Assembly is willing to give any particular professional association.

I did not realize that that's the case with respect to association bylaws, but that does not surprise me and I would indicate that that's probably a positive improvement and that's an improvement or something that's continuing as a result of the blueprint for the basic professional association Act. They now say if you're going to go with this Act you have to have these minimum bylaws in place. And if we have that standardization it certainly makes it easier to review the bylaws if they come in a more standard format.

I just thought I would bring the stack of . . . This is a stack of the bylaws that I'm proposing to go through. They've been compiled by years so that it will avoid some of the duplication, but that's the volume of information that we're talking about to read through and review to see if there's any concerns.

The Chair: — I was just going to ask if there are any members who would like to volunteer some time?

Any further questions from members regarding . . . Yes, Mr. Addley.

Mr. Addley: — My concern or my observation is, given that we're going to a new structure, I just . . . I'll throw the question out. Would it be better to begin the process and then try to hand it off if a policy committee's in the middle of it or would it be better to not begin the process and then Ken goes to the policy committee and say this is what the Regulations Committee was doing, this would be the next step, should I take this next step.

I'm just wondering for ease of transition. Because the policy . . . What we want to do if we were going to continue, is what was recommended. But it assumes that that's what the policy committees are going to want to do, so. And it's just a question.

The Chair: — That's a good question. I think in reality we're, as a committee, we'll have basically brought everything up to date. Even for 2002, we're just a matter of follow-up, I think, on about 15 pieces of regulations, regulatory procedure. So if we can complete that before we submit our final report, then we have everything up to date as far as this committee. And the new policy committees then are starting anew without trying to catch up and bring things up to date that we've been dealing with.

So it would be my sense, if we can achieve that, that would be the route to follow and then when it comes to bylaws, then we'd let the committees work from there; if Mr. Ring finds things that should be addressed, that haven't been addressed, bringing it to their attention. I don't know if this committee will have enough longevity to deal with the amount of bylaws that are still . . . the backlog we've got in regards to the bylaws, but certainly look for direction from other committee members.

Mr. Addley: — I agree with your comments and I guess, according to appendix B, that they will . . . the Law Clerk will send out the letters and then what the letter . . . The responses will be taken to the next committee. So we won't actually get it done before we cease to exist.

The Chair: — Well then, I guess that is all relative to how soon we move to the new committee structure.

If Mr. Ring has the letters and gets responses back in let's say within the next two or three weeks at the most, and we do our final report, then we possibly . . . we're in a position of basically having a lot of those issues maybe dealt with. And we may find that some of the legislation that's coming down right now may actually be picking up on some of these things. I'm not sure.

We've seen that over the last, as Mr. Ring indicated, the last few years we've seen a move to make sure that the changes and the updates have been brought forward. I did indicate to Mr. Ring that I could in the final report indicate that we didn't get very good co-operation from '91 to about '98, but it's changed now.

Mr. Addley: — Thank you.

The Chair: — However I think Mr. Yates had, I think, had a comment as well, but I think it would be achievable with what we have today.

Mr. Yates: — Yes, I have to agree that I think the more work

that we actually facilitate accomplishing prior to turning it over . . . It took us a long time to get an approach that . . . (inaudible) . . . worked well for us. And now we're going to have several policy committees, all of which may have debates about how they want to go about doing some of this. And as much as possible, the more that it's done in a standardized form before we turn it over, I think it's in all our best interests. And we do have some time before we have to have a final report in. So it means one more meeting of our committee, that's all. I think it makes sense.

The Chair: — Any further comments from committee members?

I take it then that as a committee we're in agreement with the fact that we . . . that Mr. Ring would get these letters off and the follow-ups on the regulations for 2002.

Should we set a date today or can we set a date today to get together again? And I'm thinking, Mr. Ring, what would you say — two, three weeks down the road? Do you think you'd get a response back? And by doing that would it be possible in your letter to indicate that with the changes that are coming down and the fact that this committee needs to finalize a report, just putting that in and basically indicating the urgency of a response, might be the way of having it addressed much more quickly.

Mr. Ring: — I believe that's a possibility, Mr. Chair, and certainly I don't know . . . I don't see why that would not occur.

With respect to . . . On the point of the one committee's work now being done by four committees — the four policy field committees — the work will still be coordinated through the Law Clerk's office and so it will still be . . . it'll be my position that when I go forward with regulations to the various committees, I'll be indicating to the various committees how it's been dealt with in another committee so that we don't get . . . Some of my fear is that there's a bit of you don't get ad hoc decisions being made at various committees depending on who's sitting on the committees.

So I'll certainly be vigilant to make sure that the various committees are coming to the same conclusion, or indicating to each of the committees that this issue came up in committee A and this was the . . . how they resolved it, and then leave it to that committee to decide whether that was an appropriate response or not.

Because certainly with these, they're very standardized but each one is a unique set of circumstances with a particular program, particular sensibilities, and so there is reason for certain deviations.

The Chair: — Any further questions, comments?

Mr. Yates: — One thing I think should be included in our final report is the process that we use. And we could recommend that that process be carried over to the new policy committees at least in the interim so that there is some standardization of how they're dealt with as far as from committee to committee, at least at the onset. So during that transition period there may be committees that haven't had any experience dealing with the

issue of regulations, so that in our final report we recommend at least in the interim that that standardized process be used.

The Chair: — Yes, and I think that with the new committee format too . . . One of the things — and Mr. Ring and I, and Mr. Yates and I mentioned this, talked about it as well — unfortunately this committee, while I think we've seen some changes where departments have begun to realize that there was a purpose for this committee, we were dealing with regulations usually two or three or four years sometimes after the fact. The new format should probably bring that a lot more up to date and that should encourage the debate and addressing issues in a much more timely manner.

Ms. Jones: — Yes, thanks. I just had a question about appendix B for Mr. Ring. Of the ones that are listed here, I'm wondering like are there significant concerns with them? Are they things that should be able to be addressed readily? And if a member of the committee wanted to know what the concerns were, do you have them kind of listed out in any easily . . .

Mr. Ring: — Yes, I do.

Ms. Jones: — . . . obtainable form?

Mr. Ring: — Yes, I do, of the list. And these were compiled when I would read the *Gazettes* when they would come in. If I saw something that seemed odd or struck me as something that may be a concern, I would make a notation of it, insert it in the *Gazette*, and these were the ones that I found in 2002. So certainly if any one of the committee members wanted to know what the concern was with respect to any one of these regulations, I certainly have that information available for you in my office.

Some of the concerns relate to drafting and are not a serious concern. Other concerns, they just seem to be . . . are something that perhaps should be followed up and are more serious.

So you get everything from soup to nuts in the list. One of them, you know, it could be as simple as an incorrect cross-reference or an odd expression, something like that. Just something that may be more serious, potential subdelegation of authority, that is something the committee has taken seriously and should be followed up with a lawyer.

Ms. Jones: — Thank you.

The Chair: — I wonder, Mr. Ring, would it be possible just to send committee members the issues that you've raised in regards to the 15 regulations so that we're aware of it prior to when you send your letter out, just bringing us up to date on some of the concerns you've raised. Would that be a major problem?

Mr. Ring: — No, I think I could do that fairly expeditiously. But the list would be . . . the listing would be quite cryptic. So if, once you receive it, if you have any questions as to what it is that I'm getting at, certainly give me a call and we could discuss it in more detail.

The Chair: — Yes.

Mr. Addley: — I wonder if it would be more . . . less cryptic if we shared the copies of the letters as opposed to the report. So if you're sending a letter to the Minister of Health on a specific issue, then we would just get a copy of that letter as opposed to the cryptic report. Is that doable or would that make it more understandable?

Mr. Ring: — Certainly that's doable. What I would suggest though is perhaps do it both ways because I have the sort of cryptic response that I'm going to use to write the letter. If the letter's there, it's very straightforward. I can also send that to the committee members.

If it's a minor problem that's really something I've just noticed that ought to be corrected the next time the regulations are changed for some substantive reason, then I could indicate that saying, this is not a serious issue; we'll follow it up; we're just going to make the department aware of the fact that we feel there should be a change made to the regulations the next time the regulation comes forward.

The Chair: — And then that's what we'll probably find. And that's the response that I'd expect the departments would be sending to Mr. Ring, mentioning that we're dealing with them. As we've seen in the past couple of years.

I would think then if basically, Mr. Ring, you could just send us even to start with just the cryptic response and the issues that have been raised, and when we have our next meeting we can be brought up to date. But if we can in your letter just indicate that we need a fairly timely response to our concerns as a result of the changes, it would be appropriate.

Could I ask if it'd be possible for us to meet three weeks down the road? And, Mr. Addley, I'm going to have to ask you what date that is. I don't have a calendar.

Mr. Addley: — It's May 1 but I know that in the Chamber that morning we have the . . .

A Member: — How about the eighth, which is the next Thursday? Or is that too late?

A Member: — Two weeks from now?

Ms. Jones: — May 3.

A Member: — It'd be two weeks from now.

A Member: — Two weeks from today would be the 24th.

Mr. Yates: — I think you could put fairly strong language in your letter that the Assembly made these changes and put a 30-day time frame on you. And that I think encourages those officials to be a little more expeditious in return of their letters.

Mr. Ring: — Sure.

The Chair: — Is that agreed?

Mr. Addley: — No.

A Member: — What's wrong with . . .

Mr. Addley: — I disagree, because between now . . . I mean I don't . . . I suspect the letter won't be written till Friday or Monday at the earliest and then that only leaves one, two, three, four working days between now and then with Easter in the middle.

The Chair: — And I agree with you there. I think maybe . . .

Mr. Addley: — Unless we could have Kevin stay here Monday, Tuesday to monitor the replies.

A Member: — What's wrong with Thursday, May 3?

A Member: — Thursday, May 3.

The Chair: — What about the following Tuesday after the 1st? What does that work out to?

Mr. Addley: — That would be the 29th?

The Chair: — No, May, May the . . .

Mr. Addley: — Oh May 6. I have nothing on.

The Chair: — That's well within the timelines. And the timelines of the legislation was 30 days after implementation of the . . . So let's . . .

A Member: — That actually hasn't occurred yet.

The Chair: — Yes, right. So let's aim for the Thursday . . . No, Tuesday, pardon me, May 6. Is that . . .

A Member: — May 6.

The Chair: — May 6. Everyone's agreed.

A Member: — 9 a.m.?

The Chair: — 9 a.m. Any further questions?

Then I would just say that we've completed the discussions for the date and the meeting's adjourned till May 6.

The committee adjourned at 09:30.

