



Special Committee on Regulations

Hansard Verbatim Report

No. 9 – May 6, 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: — Thank you each one for being here so promptly. I appreciate that. We are missing one member. He'll be here shortly, I am certain.

The meeting today, as we had indicated last time, would be to kind of put the final dressings on our final report. However, in chatting with Mr. Ring yesterday afternoon just to get an idea of where we may be this morning, I understand that since our last meeting and the motion to have Mr. Ring contact the different departments about some of the things he's been seeing in either regulations or legislation, there's been a number of responses have been flowing in fairly, fairly quickly over the last two weeks. And in fact, I think, as we will hear from Mr. Ring, a number of issues possibly have already been addressed.

And so what we will do this morning, and I'm going to turn the floor over to Mr. Ring shortly, and he will take us through some of the regulations and the responses that have been received to date, the issues, where there's a few concerns that he would like some input from committee members. And then we'll have some discussion at that time regarding those questions.

After, following Mr. Ring's report, Margaret will give us an update on a final report, and what I anticipate will happen this morning, we will then . . . While we won't have a final report in front of us because there's been some significant changes and will be some changes as a result of responses, we will . . . What I would suggest is Mr. Yates and I will sit down with Margaret, and Margaret will put forward a proposed final report. Mr. Yates and I will discuss it over with Margaret and Mr. Ring. And it will go out to committee members and at a date down the road, which in talking with Mr. Ring we're suggesting possibly by May 22, we could have a meeting to finalize the report.

So having said that, I'm going to turn the floor over to Mr. Ring.

Mr. Ring: — Good morning, committee members. You have a package before you for the 2001 regulations. And you're getting this material now so at some point I'll give you some opportunity to . . . Some of them you can read both the letters. Other ones that I think we've received a satisfactory response on, you may read the letters if you wish but we'll be able to deal with them, I believe, fairly quickly. There's only about four or five that I think the committee actually needs to discuss. The vast majority of them I think we'll be able to deal with fairly, fairly quickly. So unless we have any questions I can get started.

**The Canada-Saskatchewan Assistance Program (CSAP II)
Regulations
(Order in Council 400/2001, dated May 29, 2001)
The Farm Financial Stability Act
Sections 22, 24, 26, 33 and 84
Saskatchewan Gazette June 8, 2001**

Mr. Ring: — The first item on the package here, the Canada-Saskatchewan Assistance Program regulations, that's from 2001. This is a regulation that came before the committee . . . It was brought forward to the committee once before and

this time I've written a letter to the minister with respect to provision in the regulations that appeared to indicate that there would be . . . The appeal would only be on paper and there would be no right to actually hear an appeal, an oral hearing when your application was denied.

I wrote the minister and the minister responded and did indicate that in fact an oral hearing does take place via telephone conference so that both the person sitting on the appeal and the person who's appealing it make sure that they're going to be discussing the same issues and that everything is considered.

So with respect to this issue I would indicate to the committee that I believe this is an issue where the Legislative Assembly, through its committees, ought to maintain vigilance because it's an important area.

The provision, the way it's worded, may put people off a little bit but there's an appeal process built into the regulations. The minister outlines how that has been working — the number of applications received, the small number of appeals that were received and were handled. So my recommendation to the committee would be to consider the issue resolved and that the Assembly, through its committees, maintain vigilance in this area.

The Chair: — Is the committee agreed? Agreed.

**The District Health Boards Election Amendment
Regulations, 2001
(S.R. 51/2001 — Order in Council 496/2001,
dated July 4, 2001)
The Health District Act
Section 40
Saskatchewan Gazette July 20, 2001**

Mr. Ring: — The second set of regulations are The District Health Boards Election Amendment Regulations, 2001. These regulations were made in order to deal with the health district elections. And because of the introduction of the regional health authorities Bill, the elections for health board districts were not required. And a regulation was passed that cancelled the elections for the district health boards because of the regional health authorities legislation.

And that regulation came to my attention because it was . . . Although it's a moot point now because the legislation has been passed and we have the new authorities in place and elections have occurred, it was an interesting point in the use of . . . The authority was to set, to hold, to regulate, etc., elections. The parent Act didn't contemplate cancelling the elections. Now it probably would have been unusual to have something like that in the parent Act, saying, we're going to regulate them and also the authority to cancel regulations. So it was something, I think, that was required at the time, given the circumstances.

And I also point out for the committee's attention, in the regional health authorities Act there is a provision there which would have allowed the government to pass this type of a regulation in order to bring the new regime into place. And it talks about if any other law conflicts with this, regulations can be used to make the process that's required to be done because

you're stuck with an old scheme and a new scheme that's being imposed.

And until the new Act is actually adopted you don't have that legislative authority to cancel the elections. The election dates were coming up and the government had to do something. So this is another file — because it's moot now; we have the new legislation in place — it's also an area where the Assembly, through its committees, should remain vigilant in the exercise of delegated authority.

The Chair: — Any questions from committee members? Is the committee then prepared to agree with the recommendation Mr. Ring brings forward? Is that agreed? Agreed. Carried.

The Irrigation Amendment Regulations, 2001
(S.R. 7/2001 — Order in Council 109/2001,
dated February 20, 2001)
The Irrigation Act, 1996
Section 79
Saskatchewan Gazette March 2, 2001

Mr. Ring: — The next set of regulations are The Irrigation Amendment Regulations, 2001. These regulations established or set up a scheme to establish a fee for people who required irrigation assistance or were applying to Sask Water to have a water survey or scientific tests done to see if it was appropriate for irrigation, or if there should be irrigation.

I received a call from one of the departmental officials with respect to the letter because of the short response time. For the committee's purposes, we discussed the setting of fees because the fees really are established by the fees done on an estimate of the scientific work and the scientific studies and surveys that need to be done, and then those estimates become the fee. The fee is paid up front and you pay for the fee whether you have the right to get the water or not.

And so it was a peculiar provision in that even if you were correct and got your water permit, you still had to pay for the fee the same as someone else who was applying, just on the off chance that perhaps maybe they may get a permit. However the case is that all the scientific studies and all the tests are required to be done and must be done. And so really it's not a question of, if you happen to be correct you're being penalized. You'd have to pay for those anyway.

Sask Water indicated that the estimates they make are by and . . . They stand by the estimates. So if the test or the survey costs more money, that's something that's absorbed. They don't pass that on to the person.

And the reason they make the fee being paid up front is they're trying to discourage fishing expeditions from people who are just — well let's apply to Sask Water and see if we can get an irrigation permit. And really there's not much basis for it. So that was the reason they enacted the regulation.

So I thought that was still an interesting one to note for the committee. But between the telephone conversation and the correspondence that I received, I would suggest the committee consider this issue resolved as well.

The Chair: — If there are no questions, is the committee agreed to this recommendation? It's agreed. Carried.

The Prisoner Escort and Prisoner Security
Regulations, 2001
(c.U-11 Reg. 20 - Order in Council 226/2001,
dated March 22, 2001)
The Urban Municipality Act
Section 333
Saskatchewan Gazette April 6, 2001

Mr. Ring: — With respect to the next one, The Prisoner Escort and Prisoner Security Regulations, 2001, this regulation has since been repealed.

It's a moot point, but in reading the regulation it was very difficult to ascertain what exactly was going on. You have my letter to the minister. You have the minister's response with respect to that. And I'll leave that for the committee to review.

The minister does note in the letter that the regulations will now be made pursuant to The Cities Act as opposed to The Urban Municipality Act and The Rural Municipality Act. And I think in structuring it that way and with the new Cities Act in place, it will be easier to bring these regulations into force.

And so I would consider that . . . or suggest to the committee they consider that resolved. The regulation has been repealed.

The Chair: — If there are no questions from committee members, would committee members agree this is . . . agree with the recommendation? Agreed. It's carried.

Actually I expected a comment or two from Mr. Yates, but . . .

The Saskatchewan Assistance Amendment
Regulations, 2001
(S.R. 67/2001 - Order in Council 682/2001,
dated August 29, 2001)
The Saskatchewan Assistance Act
Section 14
Saskatchewan Gazette September 7, 2001

Mr. Ring: — The next set of regulations are The Saskatchewan Assistance Amendment Regulations, 2001.

We received a response to the letter yesterday afternoon. In the correspondence it explains . . . Or in the regulation it appears as though a right to an appeal is being denied to individuals. However the minister, in his correspondence, indicates that it's their department's position that the Department of Community Resources will not sit on appeal of decisions made in other departments. There's still the appeal procedure for Community Resources but if another department — as he indicates for example the Department of Health — makes a decision with respect to a benefit, Community Resources will not sit as an appeal body to the decision that was made by the Department of Health. They'll only deal with appeals by the Department of Community Resources. So I think that issue is resolved.

And with respect to the wording of the original regulation, when you read through it in the second part when they talk about a department then perhaps when they mention the

department, agency, Crown entity, it should perhaps be that department, agency, Crown entity, so that the reader knows we're talking about other government departments and not the Department of Community Resources.

It's a small wording thing. It's something they could deal with the next time the regulations are up for amendment. So the recommendation would be to consider the matter resolved. I could undertake to write the minister with respect to the wording change for the regulation and I'd leave that to the committee's decision.

The Chair: — Any comments from the committee members? The committee consider the issue resolved? Agreed. Carried.

**The Vehicle Inspection Regulations, 2001
(Order in Council 25/2001, dated January 16, 2001)
The Vehicle Administration Act
Section 97
Saskatchewan Gazette January 26, 2001**

Mr. Ring: — The next set of regulations are The Vehicle Inspection Regulations, 2001. This involves the wording of a delegation of the administrator's powers under the Act. Not that long ago, The Interpretation Act was amended to allow the delegation of ministerial powers to various people within government departments; that was done a year or two ago.

And as part of that legislation, all references to the delegation of ministerial powers in other Acts and other regulations were removed because there was now a central provision in The Interpretation Act, 1995. With respect to other public officers such as the administrator with Saskatchewan Government Insurance, I don't believe that provision covers those situations. I did receive a call from Saskatchewan Government Insurance with respect to this. I had anticipated receiving the correspondence with respect to this regulation, although we haven't received one to date.

This would be an area where my recommendation to the committee would be that there be continued vigilance in this area so that there is a consistent approach by government with respect to the parcelling out of delegated powers to public officials, as they've done in The Interpretation Act, and to consider the issue resolved.

The Chair: — Any questions from committee members? Is the committee prepared to consider this resolved? Agreed? Agreed.

**The 2000-2001 School Grant Regulations
(Chapter E-0.2 Reg 9 — Order in Council 27/2001,
dated January 16, 2001)
The Education Act, 1995
Section 370
Saskatchewan Gazette January 26, 2001**

Mr. Ring: — The last regulation in your package, which is unfortunately not the last regulation on the agenda for this morning, this is from 2001 so we could have a short break after this regulation perhaps.

It's The 2000-2001 School Grant Regulations. The response that was received from the minister was positive. They are

going to look at doing away with table 3 which now — table 3 of the regulations — which now has only one entry so they could include that in the regulations and make the regulation easier to read as you go through it and not have to refer back to the tables at the end of the regulation.

They also are going to look at trying to qualify the wording of the minister recognizing other expenditures and perhaps indicate other necessary expenditures, so that it's not such a broad grant of power. The minister could recognize really any expenditure at all. If it's necessary expenditures or required expenditures at least there would be, in the regulation, there would be some indication that the expenditure would have to fall within a certain gamut of power and not be any . . . a certain framework and not be any expenditure.

The Chair: — Any questions from the committee members? Can we consider this resolved? Agreed. It's agreed. Very agreeable committee we have this morning.

Thank you, Mr. Ring. While we wait for the other package to come down, I'll invite Margaret to share a little bit about the draft proposal we have regarding a final report.

Ms. Woods: — We have started a draft of a final report. It's not quite completed because we figured there'd be a number of additions or changes as a result of the meeting today so we decided not to provide a copy to you at this point.

There are a couple of areas where we were looking for some guidance from the committee as to what they wanted to include in it. And those generally are areas that might want a recommendation or some direction from this committee as to what will happen with the regulations once they go on to the new system and they're reviewed by the policy field committees.

One area where we were wondering whether the committee wanted to make some comment was whether this committee wanted to recommend that the policy field committees adopt the procedures and approaches that this committee has taken with regard to the review of the regulations and bylaws. And that would include the procedure whereby the Law Clerk is now taken to review the regulations of bylaws, corresponds directly with the appropriate authority, and then brings both back to the committee at that point, rather than coming to the committee first with an issue that he has identified and then carry on with correspondence.

Mr. Yates: — Yes, I think in the early stages of the policy review committees taking over the responsibilities for regulations, that we should be making such a recommendation so that there is consistency in approach as to how regulations are dealt with across the various committees. So I think we should recommend a framework, including the directions which we currently use as a committee to ensure that we have some consistent application of regulation review across various departments and it then allows for us to move forward on these issues without perhaps long backlogs.

The Chair: — Any further comments from committee members?

Mr. Hart: — Yes, I think I'd have to agree with Mr. Yates. We need to have some consistency here in the manner which we review these regulations. And if we can provide some guidance to the new committees, I think we should be doing that.

The Chair: — Thank you, Mr. Hart. Any further comments? I'll turn it back to Margaret then.

Ms. Woods: — Another area where we wondered whether the committee wanted to include a statement was with regard to this committee's views on the impact of the committee in general on the drafting of regulations and bylaws. Did you want to include a statement indicating your thoughts, whether they've had a profound influence on the drafting or a positive influence or anything of that nature, or do you just want to be silent on that matter?

The Chair: — Comments from the committee members?

Mr. Addley: — Sounds like silence.

The Chair: — I guess, I guess we'll accept that.

Ms. Woods: — And just a final point. At the previous meeting the committee did agree on a recommendation with regard to how the bylaws, the backlog of bylaws should be dealt with. So that will be included in the report. But we don't need to have a further discussion today on that unless there's some difference of view. But if not I'll turn it back over to Ken and I think we've got our next report to deal with.

The Chair: — Thank you very much, Margaret. And as we finalize this final draft, as I indicated earlier, it will be forwarded to myself, and Mr. Yates will give a quick perusal, touch base with Margaret and Mr. Ring, and then the final draft report will come out to the members. If there's any questions, we'll invite you for responses and then we'll put a final draft report together. But we'll discuss it at the end.

We'll move on to the second group of issues that Mr. Ring wants to deal with us, and I guess it looks like the first one is The Assessment Appraisers Regulations.

The Assessment Appraisers Regulations
(Chapter A-28.01 Reg 1 — Order in Council 793/2002,
dated November 12, 2002)
The Assessment Appraisers Act
Section 18
Saskatchewan Gazette November 22, 2002

Mr. Ring: — Thank you, Mr. Chair. With respect to The Assessment Appraisers Regulations, the issue there was the wording of the grandfathering provision for certain requirements to be an assessment appraiser that would no longer apply after a certain date.

When you look at the front end of the regulations you see that assessment appraiser needs a certain set of qualifications. It's only until just before the end of the regulation that you realize that two of those clauses will no longer appear, or no longer apply after a certain date. And the clauses aren't repealed. They just say they no longer apply after a particular date.

And so although it makes, it makes sense when you look at the regulation and read it over a number of times, when I read through it I thought that instead of saying that they no longer applied, that that provision for the requirements perhaps should be repealed at that date and not continue to appear in the regulation.

So with respect to the recommendation, the committee could consider it resolved but I would like to write to the minister to suggest that either the . . . in sections 3 and 4 they start with subject to section 7, so there's an indication to the reader that really you need to read section 3 and section 4 in conjunction with section 7 so that you know that something is going to change with respect to 3 and 4, or in section 7 . . . the section 7 provision be included as a 3(2) and a 4(2) so that right in the provision it says 3(2) would then say clause X, for example, no longer applies after this date. And then when you're reading that provision to see if you have the requirements you see it right there and they're all contained in one section rather than being spread out through the regulations.

The Chair: — Any questions from committee members?

Mr. Yates: — I move that we consider the issue resolved but write a letter to the minister asking in the next rewrite of the regulations that they move a provision from section 7 into 3 and 4.

The Chair: — Further comments from committee members? Committee members agreed? Agreed. Carried. Thank you.

Move on to The Crop Insurance Amendment Regulations.

The Crop Insurance Amendment Regulations, 2002 (No. 2)
(S.R. 34/2002 — Order in Council 267/2002,
dated April 11, 2002)
The Crop Insurance Act
Section 22
Saskatchewan Gazette April 19, 2002

Mr. Ring: — With respect to The Crop Insurance Amendment Regulations, 2002 (No. 2) this is another regulation where the reference in the regulation says in 2002 and that's the only indication that you have. When you read the rest of the regulation you realize that you're dealing with crops so that when you see 2002 you don't know whether it's 2002 crop year, whether it's the 2002 fiscal year, or whether it's the 2002 calendar year.

Under the provisions of The Interpretation Act, in 27(1) there's a list of standard definitions for all of the statutes in the province, and there, there is a definition for a calendar . . . or for year, which means the calendar year.

So in this circumstance had there been, in the 2002 year, there would be absolutely no question and no doubt with respect to what 2002 it is because you have to . . . It's for the calendar year, the minister indicates in his letter.

However when you read through the regulation, it could be the crop year because you have to make your election sometime in the month of April. So it really isn't too sure . . . There's a possibility you could try to make an argument that it's a

different year. And there is a way to alleviate this, the possible doubt, through the use of the terms in The Interpretation Act.

So the recommendation would be to consider the regulation . . . or consider the matter resolved, while indicating that the provision should perhaps say 2002 calendar year so that when someone's reading it through, making an application, they realize that right away and there's no possibility for confusion.

The Chair: — Recommendation from the committee: be it resolved that the recommendation from Mr. Ring . . . agreed? Agreed. Carried.

**The Domestic Game Farm Animal Amendment
Regulations, 2001
(S. R. 106/2001 — Order in Council 968/2001,
dated December 19, 2001)
The Animal Products Act
Section 15 and 18
Saskatchewan Gazette January 4, 2002**

Mr. Ring: — With respect to these regulations, I believe it's an important issue. In The Animal Products Act there's no specific authority granted to the minister . . . or granted to the Lieutenant Governor in Council to pay honoraria for certain individuals.

The response that I received back from the department, from the minister was positive, indicating that the department felt there was proper authority for making the regulation in the parent Act when you look at the parent Act in combination with The Interpretation Act, 1995, with the general authority of prescribing any matter of thing the Lieutenant Governor in Council or other person considers necessary and advisable in the public interest and not inconsistent with this Act to make regulations.

And although I can't say I disagree with that, I think with respect to the paying of honoraria, that's an area where perhaps specific authority ought to be included. The minister then indicated in his letter that, notwithstanding his view, that there was adequate authority in the Act, they would consider including a provision for paying a specific — regulation-making authority provision — to pay honoraria when the regulations are next amended by the department.

And so that's a good response and a positive response, and so my recommendation would be to consider the matter resolved and thank the department.

The Chair: — The committee's agreed with that recommendation? Agreed. Carried.

**The Emergency Protection for Victims of Child Sexual
Abuse and Exploitation Regulations
(Chapter E-8.2 Reg 1 - Order in Council 694/2002,
dated September 18, 2002)
The Emergency Protection for Victims of Child Sexual
Abuse and Exploitation Act
Section 23
Saskatchewan Gazette September 27, 2002**

Mr. Ring: — And we're at the halfway point now; we can start seeing the light at the end of the tunnel.

With respect to these regulations, the point that I was trying to make is quite minor but I believe it's an important point. It's with respect to the form that's served upon people. And if you look in your package there's the . . . the form is there.

And it really just says you should not — and the last page of the package that's given to you, form 4 — and it says at the end:

It is an offence under the Criminal Code to disobey this order.

And it wasn't clear whether it's the order that's for the protection of the child, and I believe that really it's this order they're meaning, this summons, which is the court appearance, which is form 4.

And so when you're sending this out to an individual, you make a statement like that, I think it's important that the person be able to read it once, understand exactly what it means, and not have to wonder is it this, is it that. And so if it were to be changed to, change this summons, then I think it would be clearer.

So it's a minor issue but it's the type of thing, with respect to forms that the public and people use all the time, should be clear.

The Chair: — Comment from the committee members?

Mr. Yates: — I would move we write a letter to the minister requesting he change the word from order to summons.

The Chair: — Is the committee agreed?

Mr. Yates: — We wrote a letter and they haven't responded to date. So we're writing a second letter . . . (inaudible interjection) . . . No, asking them to change the word order to summons for clarification purposes.

Mr. Addley: — I think that that was done on April 15, and that the recommendation was referred to the policy committee. So I agree with what Kevin has said but I think that's already been done. I think we've already done . . .

The Chair: — The letter on April 15 went from Mr. Ring to the minister.

Mr. Addley: — To the minister saying that it should be changed to summons from . . .

Mr. Yates: — They haven't responded to it yet.

The Chair: — Yes, I think that's the point that's being raised — we still haven't had a response so a follow-up letter just to indicate . . .

Mr. Ring: — That way I believe it would be coming from the committee. And in the letter that I wrote I did say if it's the order, meaning the order for the protection of the child, there's nothing wrong with the form. If it's the order and it's really the summons, then it ought to be the summons and so . . .

The Chair: — Further comments from committee members?

Do the follow-up letter. Is that agreed?

Members: — Agreed.

Mr. Ring: — And this is probably one of the . . . The last one's probably one of the instances with the number of letters that went out in short order for a return. Some ministers received more letters than other ministers received, and so there could be a letter, there could be a letter coming.

The Chair: — Move on to The Freedom of Information and Protection of Privacy Amendment Regulations, 2002.

**The Freedom of Information and Protection of Privacy
Amendment Regulations, 2002**

**(S.R. 6/2002 - Order in Council 37/2002,
dated January 22, 2002)**

**The Freedom of Information and Protection of Privacy Act
Section 69
Saskatchewan Gazette February 8, 2002**

Mr. Ring: — The Freedom of Information and Protection of Privacy Amendment Regulations, 2002 was a peculiar provision. I believe it's worded properly.

Although with respect to the collection of information, they want to make sure . . . I just wanted to be absolutely sure that what was set out in the regulation was indeed exactly the type of information they were trying to get at. And then there was a minor drafting issue with respect to clause (o) later on in the regulations.

This one the committee could consider resolved or carry it forward to the appropriate policy field committee to see that the correct requirements for the information that's being requested are indeed what the department wanted.

The Chair: — Any questions from committee members?

Mr. Yates: — I move we consider this issue resolved.

The Chair: — Is the committee agreed? Agreed. Carried.

The Minimum Wage Board Amendment Order, 2002.

The Minimum Wage Board Amendment Order, 2002

**(S.R. 33/2002 — Order in Council 266/2002,
dated April 9, 2002)**

**The Labour Standards Act
Section 15
Saskatchewan Gazette April 12, 2002**

Mr. Ring: — With respect to these regulations, this is one of the regulations that perhaps committee members may want to take a moment to read the correspondence that I sent and the response that I received back from the minister.

Quickly to orient you to the issue is, in the regulation-making power of The Labour Standards Act, which sets the minimum wage in the province, back in 1976-77 a scheme was established that allows the Minimum Wage Board to make an order to set the minimum wage in the province.

The regulation-making authority indicates that a specific date shall be indicated in the board order. However the board order that's made has to also be approved by cabinet and published in the *Gazette*. The Act also requires that the Minimum Wage Board order be published 14 days after the day the board order comes into . . . It comes into effect 14 days after the board order appears in the *Gazette*.

So you have the Minimum Wage Board making an order, and then that has to be approved by cabinet, and then it has to be published in the *Gazette* which has a publishing deadline and comes out every two weeks. So the issue there is, because the regulation-making authority in the Act is not the same as the usual regulation-making authority, just allowing the Minimum Wage Board to make an order or to make a regulation to bring the minimum wage order into effect, it says they must specify a date.

After the Act was passed in 1976 setting up the scheme, a date was included in the regulations at that time. And it was a month or two down the road, so that there was time for cabinet approval, there was time for publication, and there was the 14 . . . there was time for that 14-day period to elapse so that they fit within the scheme that was set up by the Act.

Early in 1990-1991, the approach used to this changed, and that's when the regulations were drafted saying they come into effect 14 days after the Minimum Wage Board order appears in the *Saskatchewan Gazette*.

So when you're looking at it, if you see that, you have to look at what day it was actually published in the *Gazette* and then calculate 14 days from there, instead of looking at the regulation saying, as a minimum wage earner or an employer paying the minimum wage, the wage for minimum wage employees is going to change February 15. And if the process is started soon enough and everything happens, that scheme works and everything is in place. If the scheme doesn't work, then you have a problem. So as time frames are compressed, then the approach taken now was to just say 14 days after publication as opposed to specifying a date, that the Act indicates a date ought to be specified in the regulation.

The minister responded to indicate that she received a legal opinion from the Saskatchewan Justice with respect to this, and they indicated that there was no inconsistency between the regulation and the Act. And that this is a practical solution to the compressed time frames that they are sometimes facing.

So I'll maybe give committee members a chance to read the two pieces of correspondence. They're only a page each. There's also the . . . with respect to the issue, if you wish.

The Chair: — Any comments from committee members? Questions? I know it's, as Mr. Ring has indicated, it's short notice, the . . . (inaudible) . . . sense of direction.

Mr. Ring: — Perhaps just to follow up on my comments. One approach may be to consider the issue resolved but indicate that if they could, next time they change the Act, they could take out shall name a date in the Act so that there is no apparent requirement to name a date.

Most regulation-making authority does not indicate that those specific words, shall name a date. They just say may make regulations, may make board orders, with respect to the minimum wage.

Mr. Yates: — I move that we consider this issue resolved and that we write a letter to the minister indicating that at the next opportunity when the Act is rewritten that they consider removing, shall name a date.

The Chair: — Committee agreed? Agreed. Carried.

The Municipal Hail Insurance Regulations, 2002.

**The Municipal Hail Insurance Amendment
Regulations, 2002
(S.R. 31/2002 — Order in Council 244/2002,
dated March 28, 2002)
The Municipal Hail Insurance Act
Section 46
Saskatchewan Gazette April 12, 2002**

Mr. Ring: — With respect to these regulations, this was just a very odd provision I thought I'd bring to the committee's attention.

The regulations come into force on January 1, 2005. And when I was reading that it sort of struck me as there's certainly no . . . There's no problem in the authority to make a regulation come into force at a future date, it's just dealing with government. And you saw a date that was 2005. It just sort of surprised me. And so that was one of the issues I thought I'd bring to the committee's attention for . . . as an odd one.

I'm sure there must be a policy reason for it or whatever. It's not a problem with authority. The regulations-making authority does not indicate that they have to be made . . . they can't be made too far into the future. And perhaps it's correct. I haven't . . . (inaudible interjection) . . . Perhaps it's correct. It may be a typo, I don't know. I sent the letter out. These letters went out very quickly. I have not received a response to date on that issue yet. So I bring it to the committee's attention for those reasons.

Mr. Yates: — Yes, I would move we consider this issue resolved.

The Chair: — Does the committee agree? Disagreement? Comment?

Mr. Hart: — It would be interesting to get an explanation as to why we have a regulation coming into force in the year 2005, or is it as Mr. Ring has suggested, just a typo. I mean, other than that I don't see any problems. It's just that these . . . for information purposes only.

Mr. Yates: — I can provide that explanation. What was . . . When we made changes to The Municipal Hail Insurance Act, and industry wanted it changed, we decided to phase it in over a two incremental change. So what you're seeing there is the change being phased in over two changes and the requirement that one be at a date down the road. And this is what was requested by the municipal hail insurance company. And it was

our method to do it in two steps rather than one so that they knew we were going to do it, but farmers and everybody else understood that it was being done in two phases.

Mr. Hart: — So what you're saying, Mr. Yates, then is that there are increases in costs that are at two different stages? Is that what you're saying? So somewhere else in the regulations we're going from some other figure to 80, and then the next step is going from 80 to 105 as in section 3(1)?

Mr. Yates: — What happened on the date of implementation, we went from a ceiling of \$80 to \$105. And then on January 1, 2005 . . .

Mr. Hart: — Okay, we're going to 105 and then 130. Okay.

Mr. Yates: — . . . 105 and 130 is the ceiling.

Mr. Hart: — Okay. And the full increase will come into effect in 2005?

Mr. Yates: — 2005. Staged in as the expectations of costs are there for farmers.

Mr. Hart: — So it wasn't a typo. It's a real date then?

Mr. Yates: — It's deliberate. It's deliberate, yes.

Mr. Hart: — Okay, okay. That's good.

The Chair: — Any further comments? We're agreed? Okay, agreed. Carried. Thank you.

**The Municipal Tax Sharing (Potash) Amendment
Regulations, 2002
(S.R. 8/2002, O/C 40/2002, dated January 2, 2002)
The Municipal Tax Sharing (Potash) Act
Section 13
Saskatchewan Gazette February 8, 2002**

Mr. Ring: — With respect to these regulations, my recommendation to the committee would be to consider the matter resolved. The correspondence that I've received from the minister clarified the situation with respect to the coming into force date for the regulations.

The Chair: — Is everyone agreed? Agreed. Carried. Thank you.

**The Pension Benefits Amendment Regulations, 2002
(S.R. 32/2002, O/C 245/2002, dated March 28, 2002)
The Pension Benefits Act, 1992
Section 69
Saskatchewan Gazette April 5, 2002**

Mr. Ring: — With respect to this set of regulations, the definition in the regulations and the definition in the Act appear somewhat circular. I've not received a response to date with respect to these. The Act indicates that the pension plans are those that are prescribed in the regulations. The regulations then refer you back to the Act and say it covers pension plans covered by the Act. So you're not exactly . . . On just a reading of the regulation and the Act, you're not exactly sure which

ones are covered. This may be a situation where the committee may wish to wait to see if a response will be forthcoming on this for some type of resolution to it.

The recommendation that you have before you was made on the assumption that this would be the final committee meeting that we'll be having. As of today's date we know that this is not the final meeting, that we'll be having . . . If there is an explanation forthcoming I assume it will be coming within the next few days. And it was as a result of the significant number of letters that were sent to various departments to respond and they haven't had a chance to respond to this one.

The Chair: — Any comments from committee members? Mr. Yates, agreed? That's agreed?

**The Personal Care Homes Amendment Regulations, 2002
(S.R. 69/2002 — Order in Council 588/2002,
dated July 24, 2002)
The Personal Care Homes Act
Section 19
Saskatchewan Gazette August 23, 2002**

Mr. Ring: — With respect to these regulations, committee members will see the letter that I wrote to the minister indicating that under The Personal Care Homes Act, there's regulation-making authority to regulate personal care homes with respect to licensing, protecting the rights and privileges of residents of personal care homes.

In the amendment regulations, provision was made for the inclusion of a prospective resident to pay a security advance when they were anticipating moving into a personal care home as part of the agreement they entered into with the licensee. However the Act doesn't speak to prospective residents at all. It speaks to . . . mostly to residents of personal care homes once you're there, once you're in.

The odd, the odd part of the requirement was that the prospective resident paid the security advance. If they became a resident of that personal care home, the security advance went towards their rent. If you did not become a resident of the personal care home, you lost your security advance that you paid to the personal care home.

And so that was one . . . That was the issue, that was the reason that prompted the letter to the minister. And I asked in my letter which regulation-making authority the department was relying on to make the regulation. The minister responded that they were using clause 19(m) of The Personal Care Homes Act that deals with allowing regulations to be developed respecting agreements between personal care home licensees and the residents for those agreements. The regulations, however, deal with security advances and prospective residents. It's enlarging a bit on the, perhaps the authority that was granted under the Act, although recognizing that there is some reason for the regulation that was passed in dealing with these, with these situations.

There's presently before the House, Bill 25 with respect to amendments to The Personal Care Homes Act. And I just note that for the committee's information.

The Chair: — Any comments from the committee members?

So what you're basically saying is the Act currently before the Assembly will be addressing some of these concerns.

Mr. Ring: — Well it speaks to security deposits for licensees and . . . but it doesn't deal with the security advances for prospective residents. It's a different issue.

The Chair: — So your recommendation is to refer this to the policy committee.

Mr. Ring: — We could refer it to a policy field committee to see if they'd like to pursue the matter or not to pursue the matter.

Because we're dealing with the security advance that's really not a security deposit. When you look at the regulations in force now, the Act that's before the House, there's quite a bit of detail and with respect to the security deposits, and the . . . who gets the money when things go wrong with respect to the licensees and their bond that they have to provide. There's something for residents but there's really nothing for prospective residents and no specific authority dealing with the security advances.

The Chair: — Comments from the committee members?

Mr. Hart: — I don't think I fully understand the issue here. Are you saying, Mr. Ring, that prospective residents put a security advance or deposit a security advance with the operators of a home? If they do not become a resident, they don't get their advance back. Is that the . . .

Mr. Ring: — If that's the agreement they signed with the personal care home, they would lose that security advance, yes.

Now this may be one, because this isn't the final meeting, the committee may want to deal with it again at a future meeting or deal with it today. I leave it to the committee.

Mr. Hart: — I would suggest we deal with this at a future meeting. Perhaps we could get a better understanding of why this has been structured in such a fashion. And it seems to me that there's a degree of unfairness in this area where a prospective resident puts some money up front basically and then if they don't become a resident, they have no right to recoup that deposit. And I would like an explanation, I guess, as to why it's structured in such a fashion.

Mr. Yates: — Well I can . . . We've had a great deal of debate around this issue over the last few months as amendments have been coming forward on The Personal Care Homes Act. And one of the issues is clear, is that the reason that it's done that way is that people who own these personal care homes then don't take additional . . . that they consider that space that person's space. And they can't promise that to anybody else. And they lose revenue in these homes operated on very thin margins in a lot of cases.

So when you put your deposit down that you want to move into the home, it's non-refundable because if they choose not to move in, you just can't replace somebody and there may have been others waiting that are then out looking for other places to

move. Because when people move into personal care homes it's because they have to. And they have to go somewhere. So they can't wait months in line to go to a particular care home. So if you promise the space to somebody then you're losing that revenue for an entire month in most cases or for a period of time in which that means that, (a) you're then operating perhaps in the negative or the costs go up for other residents in the home.

Mr. Hart: — I think though the reality of the situation is in many cases is that there is a greater demand than there is a supply. At least that's been the experience.

Mr. Yates: — For publicly operated ones, that would be true. For personal care homes that's not always true — depending on the location.

Mr. Addley: — Point of order, Mr. Chair. I think we were talking about what should be in the content of the regulations. And I don't think that's our bailiwick. I think whether or not it's fair or not is irrelevant in this committee and it's not a matter of debate. What is in this committee is whether or not it's clear as what it said.

If we make a case that it's completely clear and unfair, then it's appropriate. If we make a case that it's completely fair but not very clear from this committee's perspective, that's not appropriate. So I think we're getting into a matter of debate which should probably be held at a different committee or different area in the legislature. So I would suggest that we shelve this debate.

The Chair: — Thank you for your comments, Mr. Addley. I understand the issue and the concerns here and I think it's basically as we've heard. It's more clarification and understanding what the regulations and the intent really implies. And I think the debate here has somewhat reflected the fact there's a bit of ambiguity.

While Mr. Yates has indicated it's the reasons for the current guidelines, and I think most members will understand and appreciate that, it just seems that there's some ambiguity in the regulations.

So I take some direction from the committee as to how we approach this — set it aside for further review, or recommendation that another policy committee, as we change ... and do some follow-up to make sure there's some clarification regarding the recommendations.

Mr. Yates: — I move we send it to the policy committee.

The Chair: — Appropriate policy committee. Is that agreed? Agreed. Carried.

The Public Employees Pension Plan Amendment Regulations, 2002.

**The Public Employees Pension Plan Amendment
Regulations, 2002 (No. 2)
S.R. 98/2002 — Order in Council 788/2002,
dated November 12, 2002**

**The Public Employees Pension Plan Act
Section 26
Saskatchewan Gazette November 22, 2002**

Mr. Ring: — Yes. Consider the matter resolved. The response we received from the minister was very positive and this is an indication of how the Regulations Committee can work and have an effect on how the ...

The Chair: — Is that agreed? Carried.

The Saskatchewan Student Direct Loans Amendment Regulations, 2002.

**The Saskatchewan Student Direct Loans Amendment
Regulations, 2002
(S.R. 13/2002 — Minister's Order, dated January 23, 2002)
The Student Assistance and Student Aid Fund Act, 1985
Section 10
Saskatchewan Gazette February 15, 2002**

Mr. Ring: — The letter was sent to the Minister of Community Resources and Employment who we felt had responsibility for student loans at that time. However, that letter was forwarded to the Minister of Learning. I have not received a response to date because of the short time frames with the letters going out and coming in. This may be one that we could consider at the next meeting of the Regulations Committee.

The Chair: — Is that agreed? Agreed. Carried.

The Securities Commission (Local Instruments) Amendment Regulations, 2001.

**The Securities Commission (Local Instruments)
Amendment Regulations, 2001 (No. 2)
(S.R. 1/2002 — Commission Order,
dated November 13, 2001)
The Securities Act, 1998
Section 154
Saskatchewan Gazette January 18, 2002**

Mr. Ring: — This is a minor issue. The committee could consider the matter resolved or we could deal with it at the next meeting if a response is received from the minister. It's really a situation with respect to titling of the regulation and when it came into force. There's the two different years there. So I leave that to the ...

The Chair: — Is there agreement that we maybe deal with this at the next meeting as well and follow up? Agreed? Carried.

And the final one is The Wildlife Amendment Regulations, 2002.

**The Wildlife Amendment Regulations, 2002
(S.R. 19/2002 — Order in Council 119/2002,
dated February 27, 2002)
The Wildlife Act, 1998
Section 83
Saskatchewan Gazette March 8, 2002**

Mr. Ring: — Yes, with respect to these regulations, when I

looked at the wording I wasn't sure whether we were talking about a live animal or an animal that had been hunted, because they group a number of different entities together — some of which are clearly the animal has been hunted and is dead which is the reference to the pelt; the other one talks about the fur and so you're not sure if . . . or the animal fur, you're not sure if the animal is alive or if it's dead.

When you read the other provisions of the regulations, no other assistance is offered to help you resolve that difficulty. And at that point, if they're trying to base a prosecution on it, with all of the ands and ors contained in the clauses it would be perhaps difficult to pursue a prosecution with a person saying, I'm not sure if you're saying the animal's alive, dead, or what it was.

The Chair: — Comments from members.

Mr. Ring: — There was one in Saskatoon actually. Not on this particular provision but . . .

Mr. Yates: — Can we refer this to a later date?

The Chair: — To a later date. I agree. Is there any further business, Mr. Ring?

Mr. Ring: — No. That's all regulations that were reviewed and brought forward. This would then put the committee having considered and resolved the regulations with respect to the years 2001 and 2002, which brings us within four months of the regulations that are currently in force.

The Chair: — I thank committee members for their prompt attention to these issues. Actually we thank Mr. Ring for his hard work and dedication. However that was a recommendation from the committee, suggested by Mr. Ring, allowing for him to do some immediate follow-up ahead of time which has, in a lot of cases, taken a lot of the workload from committee members and put it more on Mr. Ring's shoulders. But on the other hand it's sped up the process because as a result of the follow-up we've had a lot of issues and basically dealt with some oversights a lot more quickly rather than sitting around the table discussing how we should pursue it.

So I thank Mr. Ring for his work. Mr. Addley, you had a comment?

Mr. Addley: — Yes, I just wanted to clarify something you had said earlier, that a future meeting may be May 22. The Chair of the Estimates Committee has indicated that Thursday, May 22, 9 a.m. in this room, they're planning on having a committee meeting. So I don't know if that precludes this.

I just coincidentally happen to be the Chair of the Estimates Committee, so that's how I know that. We also have a backup date of the 27th if we don't get our work done but I suspect that we will.

The Chair: — Well I thank you, Mr. Addley. Actually we were just coming to suggestions for a follow-up date at which time we anticipate we'll be dealing with the final report and just getting a bit of follow-up on a few of the regulations that we discussed this morning.

The 22nd was a suggested date, it wasn't a date written in stone. It was just a suggested date, looking ahead down the road. Would it be . . . the 27th you're suggesting, Mr. Addley, might be another date that your committee would be meeting, which is a Thursday, I take it?

Mr. Addley: — The 22nd is a Thursday and the 27th is a Tuesday. What's traditionally . . . The last couple of years we've been able to get through the estimates within an hour and a half or two, so I suspect we can have it all completed on the 22nd. But my first year we actually took two days and so I put down the 27th as a backup date. I highly doubt that we will be utilizing that date. So if we wanted to go with the 27th we could do that or the 29th, which is the following Thursday.

The Chair: — Okay. Thank you, Mr. Addley. I was going to suggest maybe if the 29th was available rather than having to change we might be better . . . more appropriate to suggest the 29th just in case your committee indeed needs to work with the 27th.

It's agreed that we meet on the 29th at 9 a.m. in room 10?

Thank you very much, committee members, and this meeting is adjourned.

The committee adjourned at 10:09.

