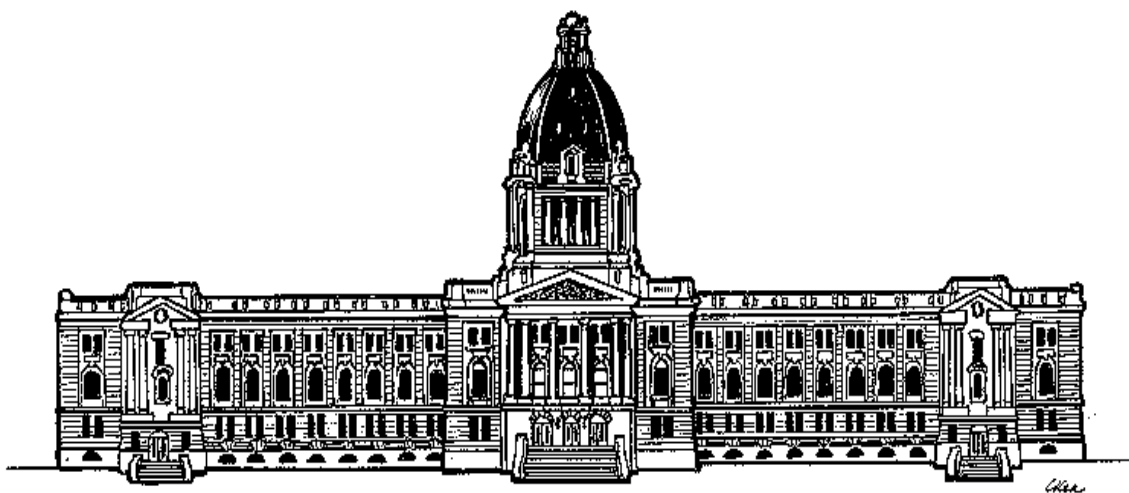




# **Special Committee on Regulations**

## **Hansard Verbatim Report**

**No. 10 – May 29, 2003**



**Legislative Assembly of Saskatchewan**

**Twenty-fourth Legislature**

**SPECIAL COMMITTEE ON REGULATIONS  
2003**

Don Toth, Chair  
Moosomin

Kevin Yates, Vice-Chair  
Regina Dewdney

Graham Addley  
Saskatoon Sutherland

Denis Allchurch  
Shellbrook-Spiritwood

Ron Harper  
Regina Northeast

Glen Hart  
Last Mountain-Touchwood

Ben Heppner  
Rosthern

Carolyn Jones  
Saskatoon Meewasin

Judy Junor  
Saskatoon Eastview

The committee met at 09:00.

**The Chair:** — We'll call the committee to order. Welcome, each and every one this morning. This may be the last time we meet together as this specific Committee on Regulations. We'll see how . . . We'll see where we proceed to from here. However if things proceed forward, we'll consider we've done a . . . the fact that we've done a fairly effective and good job through the years, thanks to our legal adviser, Mr. Ring.

This morning we have a few things that Mr. Ring wants just to bring us up to date on. You've got a package that you were handed. What I'm going to suggest is rather than voting on each individually . . . You'll notice that the first two items, Mr. Ring's going to suggest we'll close the file. We'll vote on them in blocks rather than . . . I think that might be appropriate.

We will however open up the floor for any questions you may have as Mr. Ring leads us from one regulation to the next. He'll take a moment if there's a question to be asked. I think there might be a couple where questions will come forward.

However at this time I'll turn the floor over to Mr. Ring to consider a number of regulations that he's received responses to and as you note, the first two where he's considering the fact that we recommend we close the files. So, Mr. Ring, could you lead us through this, please.

**The Water Power Amendment Regulations, 1988**  
**Saskatchewan Gazette January 22, 1988**

**Mr. Ring:** — Thank you, Mr. Chair, committee members. The first item is The Water Power Amendment Regulations from 1988. In 1998 the committee meeting directed counsel to monitor the legislative program of Sask Water. The file was opened in 1991. The office has been monitoring the file since that time. Nothing new to report.

So my recommendation would be to close the file at this point in time.

**The Helium and Associated Gases**  
**Amendment Regulations, 1994**  
**and**  
**The Petroleum and Natural Gas**  
**Amendment Regulations, 1994**  
**The Crown Minerals Act**  
**Section 22**  
**Saskatchewan Gazette December 2, 1994**

**Mr. Ring:** — The other two sets of regulations that fall into the same category are The Helium and Associated Gases Amendment Regulations, 1994 and The Petroleum and Gas Amendment Regulations, 1994 .

The files were opened in 1994 and have been monitored since that time and periodically reported to the committee. There have been amendments to the both sets of regulations but there has been no overall revision of either regulation. They're very technical, they're very complex. Given the stage we're at with the Regulations Committee and committee reform, I would also recommend that those files be closed.

**The Chair:** — Any questions regarding the first two items on the agenda this morning? If not, we could have a motion to close the file. Mr. Addley. Seconder? Mr. Yates. Thank you. Carried. Agreed. I got there just a little quicker than the committee did.

Thank you very much, Mr. Ring.

**The Canadian Electrical Code (Saskatchewan**  
**Amendments) Regulations, 1995**  
**The Electrical Inspection Act, 1993**  
**Saskatchewan Gazette September 22, 1995**

**Mr. Ring:** — The provisions at issue in the regulations have been repealed and on that basis, I would recommend that the matter be considered resolved.

**The Chair:** — Okay. We'll just continue to move through unless there's . . . If there's a question you might have regarding a recommendation prior to, we'll just stop and answer that question. And we'll have one motion at the end of this group of regulations.

**The Dairy Producers Regulations, 1995**  
**The Animal Products Act**  
**Saskatchewan Gazette January 27, 1995**

**Mr. Ring:** — In 1998 the Regulations Committee decided to accept the minister's response and agreed that incorporation by reference in this particular circumstance was acceptable. On that basis, I would recommend that the file be closed.

However, it is important for the Assembly to remain vigilant in this area. Where incorporation by reference in regulations is a possibility, proper legislative authority should be provided for in the parent Act.

An example of the legislative authority required for incorporation by reference was contained in The Environmental Management and Protection Act, 2002, clause 81(2)(aaa). That's attached for the committee's reference. And my recommendation here would be to consider the matter closed.

**The Chair:** — Any questions from committee members? If not, we'll then proceed to The Hospital Standards Amendment Regulations, 2000.

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

**Mr. Ring:** — With respect to The Hospital Standards Amendment Regulations, 2000, at the June 26 meeting, 2002, the committee directed the Legislative Counsel to correspond with the Minister of Health. The letter from the Minister of Health was received on May 14 of this year. And the response from the minister was very encouraging.

And on that basis, I'd indicate to the committee the

recommendation would be to consider this matter resolved as the minister from the response . . . the response from the minister is very encouraging.

And we can only hope that the departmental officials will approach the issue with an open mind and a willingness to change or at least consider the possibility of change or innovation with respect to the drafting format of legislation.

Communicating the law to people is an important duty that should be approached with innovation and imagination.

**The Chair:** — Any questions from committee members? If not, we'll move on to Emergency Protection for Victims of Child Sexual Abuse and Exploitation Regulations.

**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:** — With respect to these regulations, a letter was written to Minister of Community Resources and Employment. The office received a response on May 8. The department will clarify the wording on the form and make the necessary changes to the form. And on that basis, I would recommend the committee consider this matter closed or resolved.

**The Chair:** — Any questions? It's clear? Thank you.

We'll move on to The Pension Benefits Amendment Regulations.

**The Pension Benefits Amendment Regulations, 2002  
(S.R. 32/2002 — Order in Council 245/2002,  
dated March 28, 2002)**

**The Pension Benefits Act, 1992  
Section 69**

**Saskatchewan Gazette April 5, 2002**

**Mr. Ring:** — A letter was written to the Minister of Justice, April 17. A response was received on May 6, the date of the last committee meeting. On the basis of the minister's letter, I would recommend the committee consider this matter resolved.

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

If not, we'll move on to 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:** — A response to this issue was received in the office on May 6. You'll see from the minister's response that she will

take the suggestion under consideration for inclusion in future amendments to the regulations. And on that basis, the committee could consider this matter resolved.

**The Chair:** — Any further questions?

If not we'll move on to 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:** — A response to the letter that was sent out on April 15 was received on May 12. On the basis of the letter, I believe the committee should consider this matter resolved. The issue was not one of retroactivity; rather, the year used in the title of regulations. But I believe the matter can be resolved.

**The Chair:** — Thank you, Mr. Ring. Any questions? No questions.

Can I have a motion then to just consider the recommendation . . . accept the recommendation of Mr. Ring to consider these last number of regulations being resolved. Mr. Hart. A seconder? Ms. Jones. Thank you.

Then we'll move on to The Wildlife Amendment Regulations. There's different recommendations here.

**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:** — With respect to these regulations, a letter was written. No response to date has been received by the office. And on that basis I would recommend to the committee that these be referred to the appropriate policy committee.

If no letter is received that resolves the issue, I would be able to take it forward to the appropriate policy field committee. If I receive a letter that does resolve the issue, I could either close the file at that point or take it forward to the appropriate policy field committee to indicate that the file be closed or the matter be resolved.

**The Chair:** — Any questions from committee members? Can we have a motion to refer this to the appropriate policy field committee, or what's the wishes of the committee? Okay. Mr. Yates, and Mr. Allchurch seconds. Carried. Agreed. Three different discussions going on at the same.

And finally The Saskatchewan Society of Occupational Therapists. Pardon me, there was one before that.

**The Saskatchewan Society of Occupational Therapists  
The Registered Occupational Therapists Act  
Tabled February 18, 1994**

**Mr. Ring:** — No, that's fine. The next item would be the Saskatchewan Society of Occupational Therapists. This is a bylaw.

The June 29, 1998 committee directed Legislative Counsel to correspond with the association. Correspondence was sent in October 1998. I did receive a telephone call but no correspondence was received. The association was going to check with their legal counsel with respect to this issue.

I note for the committee that this file has been open for a number of years. And in 1997 The Occupational Therapists Act was revised, rewritten, and repassed by the Assembly. There have been amendments since that time, I believe in 2002, to that Act. So on that basis I would recommend to you that you consider this matter closed.

**Ms. Jones:** — Did the amendments deal with the problem that we had with the bylaw?

**Mr. Ring:** — The amendments made the association structure fit into the recommended new structure for professional associations. And I believe the structure that's used in that Act, along with the bylaw-making authority that the association is given in more general terms under the new approach that's being taken for professional legislation, that the issue here is not as pressing an issue as it was when it first came up in 1994.

**Ms. Jones:** — So you're satisfied that we can . . .

**Mr. Ring:** — Yes.

**The Chair:** — Do you have any further questions? Is the committee prepared to accept the recommendations of our . . . the counsel? The motion, Mr. Allchurch, seconder Mr. Yates? Agreed. Carried.

We have one more, the Saskatchewan Veterinary Medical Association.

**The Saskatchewan Veterinary Medical Association  
Sessional Paper No. 69  
Tabled March 25, 1997  
The Veterinarians Act, 1987**

**Mr. Ring:** — With respect to this bylaw the issue was raised by Mr. Holtzman who was acting legislative counsel and law clerk prior to the time I started in the office.

The issue was with respect to whether or not the bylaw had the power to make the bylaw, whether it was beyond the association's powers. I had sent a correspondence to the association on February 19, 2001. I received a phone call back from the registrar of the association and I was anticipating receiving a correspondence with respect to that. I've not received a correspondence to date.

And with respect to this particular issue the recommendation would be to correspond with the association again and refer the

matter to the appropriate policy field committee if necessary.

**The Chair:** — Questions from committee members? Motion to accept the recommendation of legal counsel. Mr. Hart moves, seconder Ms. Jones. Is the committee agreed? Agreed. Carried.

**Mr. Ring:** — That concludes the report with respect to the regulations and bylaws.

**The Chair:** — At this time then the committee has received a copy of the proposed draft final report. And I trust you've had a chance to go through it, peruse it. And if you have any questions before we have a motion to accept the final report . . . Any comments or questions regarding the draft final report?

**Mr. Yates:** — Just that bylaws which remain unresolved. I think we just resolved the occupational therapists, did we not?

**Ms. Woods:** — . . . those files that we dealt with today will be moved to the appropriate category of reports that . . . (inaudible) . . . in regulations as well . . .

**Mr. Yates:** — Yes. All right.

**The Chair:** — So outside of the changes that will take place as a result of the discussion this morning, is there any other discussion or question regarding the draft final report?

Will someone make a motion then we accept the draft final report.

**Mr. Yates:** — I move we accept the draft final report . . .

**The Chair:** — Seconder, Mr. Hart. Any further questions? Is the committee agreed with the motion? Agreed. Carried.

Mr. Addley was wondering yesterday if this might drag on. However, I think there's another committee sitting fairly shortly, so it's . . . I thank the committee members for their indulgence and for their participation, for their work through the years.

**Mr. Ring:** — You're welcome. It's an important . . . Scrutinizing delegated legislation is an important function. The Assembly's parcelled out the authority and I think it's incumbent upon the Assembly to assure that the authority is being used accordingly and properly.

**The Chair:** — A special thank you to Mr. Ring and Margaret and to our staff who record all the proceedings. We certainly want to thank them for making themselves available, and *Hansard* and the hard . . . the work.

**Mr. Ring:** — I'd also like to thank the staff in my office for preparing the materials, particularly Allison Gartner who has been very good in helping to bring things together, get them organized when I'm not always there. She's able to work with very little supervision to bring matters together and I certainly appreciate her efforts over the years.

Thank you.

**Mr. Harper:** — I'll adjourn.

**The Chair:** — Mr. Harper has moved adjournment. Is the committee agreed? Agreed.

Thank you very much and the committee is adjourned.

The committee adjourned at 09:20.

