

The Standing Committee on Statutory Instruments has the honour to present its

NINTH REPORT

on Regulations and Regulation Making Powers.

The Regulation Ordinance and its one regulation thereunder setting fees are the sole references to the content and production of regulations and statutory instruments in the legislation of the Yukon Territory. Since our own legislation and procedures are so limited, your Committee has further examined:

- (1) Chapter 26 of the 1968 Report of the Royal Commission on Civil Rights from Ontario, (generally referred to as the McRuer Report), which deals with the review of subordinate legislation;
- (2) the Second Report of the Joint Standing Committee on Regulations and other Statutory Instruments of the Federal Parliament made in February 1977; and
- (3) the recent Report of the Select Committee of the Alberta Legislature on Regulations.

Our present legislation is nothing more than an outline of the procedure to be followed in filing and publishing Regulations in Yukon. Your Committee has compared our legislation with the legislation of other provinces and territories and found it to be seriously deficient in substance.

This House took a major step forward in accepting its responsibility for subordinate legislation by establishing this Standing Committee of the House in March of 1977. The reports of the Committee have indicated most clearly that there are some very serious deficiencies in both our Ordinances and regulations at the present time. These deficiencies are of such a serious nature that it will be a number of years before even a portion of them can be corrected. This Committee is making this report in order to lay the problems experienced clearly before this House and to seek the support of this House and of the Executive in establishing some policy and procedural changes that will enable this House through its Committee to accept its full responsibility for regulations and statutory instruments in Yukon. This Committee strongly recommends that the necessary preparatory work be done so that the Regulations Ordinance can be amended ultimately to

enshrine the policy guidelines and role of the Committee in Legislation. At this time the Committee believes the immediate priority to be a commitment to the concepts outlined herein.

On page 370 of the McRuer Report, the Ontario Royal Commission has this to say:

"It is imperative that some effective form of review by or on behalf of the Legislature should be established. The volume of subordinate legislation is very great; it is frequently of more practical importance to the individual than the general framework of statutes under which regulations are passed. It is a primary function of the Legislature to make the laws, and it is responsible for all laws it makes or authorizes to be made. A failure by the Legislature to find some specific place in the legislative calendar for supervision of subordinate legislation is, in our view, a dereliction of duty on its part and a failure to protect the fundamental civil rights of the individual."

The first step of establishing this Committee and receiving its reports has been taken. However in order to make the supervision of subordinate legislation practical and more immediate your Committee has a number of recommendations to make.

The McRuer Report has almost become the "Bible" of Standing Committees on Regulations and the basis on which guidelines for such Committees are set.

After reviewing in detail the Federal Report, the McRuer Report and the Alberta Report your Committee considers the recommendations of the Alberta Report to be particularly applicable to the Yukon. The recommendations of the Alberta Report are appended to this Report as Appendix I however the sections which are of particular interest are discussed individually.

Section 3 outlines the drafting guidelines of the McRuer Report and recommends their adoption as does this Committee.

Paragraph (a) in particular operates as the exception rather than the rule in this jurisdiction as our reports particularly on the Public Service Commission Regulations and Motor Vehicle Regulations indicate. In

both reports your Committee commented that much of what was contained in Regulations was new policy or substantive law and that it found this unacceptable.

Paragraph (b) requires regulations to be kept in strict accord with the parent legislation. The Report on the Labour Standards Ordinance indicates how frequently this concept has been ignored as ^{does} the Report on the Public Service Commission Regulations.

Paragraph (c) requires regulations to be precise and unambiguous. All 8 previous reports of this Committee have complained of lack of clarity and ambiguity in Regulations.

Paragraph (i) requires no unusual or unexpected use of a delegated power should be made. Again this concept is not presently accepted by those drafting regulations in the Yukon.

Section 4 recommending detailed subjective listings of regulation powers in enabling Ordinances has been recommended by this Committee with respect to every report presented.

Section 5 providing for the automatic lapsing of regulations made under a general power is an excellent way of permitting general regulation making clauses to exist but curbing and controlling their use.

Section 6 providing for the scrutiny of every regulation made under a general power would enable the House to keep much closer track of how legislation passed is in fact applied. This House has a Committee able to do the scrutinizing and report.

Sections 7 and 8 set out clearly the precise limits to be placed in regulation making authority including particularly "7(f) There should be no authority to amend statutes by regulation." Your Committee refers to its 8th report on Labour Standards Orders where several attempts were made to amend the Ordinance by use of the general regulation making power.

Section 32 calling for a complete review and consolidation of all existing regulations is of the greatest urgency in Yukon.

Section 35 is of extreme importance, if your Committee is to function in a rational fashion. Your Committee agrees that it is not the function of this Committee to review legislation per se, however it must have sufficient freedom of expression to enable it to comment fully on Regulations by making references to both the enabling sections and the parent legislation generally. Your Committee refers to its eighth report on the Public Service Commission Regulations.

Section 34 is designed to permit a committee to keep on top of all regulations as they are produced as well as to conduct thorough reviews of pre-existing regulations.

Regulation review will be a major job for a Committee of this House for a number of years until such time as all regulations have been scrutinized and amended to conform to present policies. At the same time this House through its committee must keep abreast of amendments to regulations which can be just as bad or worse than existing regulations since amendments are often produced hurriedly to meet a "crisis" situation.

Sections 35 and 36 enabling the Committee to consider the substance as well as the form is vital, particularly in view of the fact that nearly all of our legislation contains broad general regulation making power.

Section 38 clearly indicates that this Committee should have the power to review and comment on all enabling sections permitting regulations or orders to be made. Your Committee has found this to be a very important and necessary function particularly in Yukon since so many of our Ordinances contain very broad general regulation making sections. Further as has been mentioned particularly in the reports on the Motor Vehicle Regulations and Public Service Commission Regulations much of what was contained in the regulations was in fact substantive law and should have been in legislation, not regulations.

Section 40 outlines precisely what the function of this Committee should be. In view of its experience your Committee recommends this House adopt this section in total.

Your Committee has also considered the comments of the Honourable Graham L. Harle, Minister of Consumer & Corporate Affairs of Alberta on the report of the Alberta Select Committee discussed above.

Alberta has adopted most of the recommendations in the Report. Mr. Harle comments on some which he considers to be the highlights.

It must be remembered that when this report was written Alberta already enjoyed responsible government with a cabinet fully responsible to the House and a legislature which was experienced in handling party politics, standing committees and the concept of "government" and "opposition" parties. The legislature has had a more developed independent support staff for years. In Yukon we have only recently created standing committees, we may be on the doorstep of party politics but our unique constitutional position under the Yukon Act, lacking responsible government makes the role of "government" and "opposition" parties and the operation of our legislature and quasi-cabinet much different from the situation in Alberta.

Our administration is much smaller, and many of our officials are required to handle a multiplicity of functions and responsibilities. Many are not fully experienced in all aspects of their jobs.

The administrative support services in government generally and particularly services to the House have improved vastly in recent years however there are still many gaps, particularly at the technical and professional levels. The small population of the Territory makes it very difficult to justify a fully developed bureaucracy and support service in economic terms.

For all these reasons a far greater level of responsibility rests on our elected members. The responsibility of our elected members for all subordinate legislation is real and well recognized throughout Canada. Your Committee has recommended adoption of the recommendations of the Alberta Select Committee report because your Committee believes that those recommendations together with the criteria of the Joint Standing Committee of Parliament on Regulations and other Statutory Instruments recommended for adoption hereinafter and our own additional recommendations will create a comprehensive program which will enable the House through its Committee to assume its full responsibility for subordinate legislation by tackling every new regulation as it is promulgated, carrying on its systematic review of existing regulations and by enabling the Committee to examine the content of enabling sections so that we can gradually move away from the practice of having much of our substantive law in Regulations.

The comments of Mr. Harle are included in full as Appendix III to this report. Your Committee offers the following comments on Appendix III.

The procedure for handling regulations which have already been established by the Alberta government are not considered completely viable in Yukon due to our lack of a responsible cabinet and lack of an adequate Legislative Counsel office capable of considering all regulations in depth.

On pages 4 and 5 Mr. Harle indicates a number of sections of the Report were rejected and gives reasons. Your Committee wishes to offer the following comments on these sections which although rejected in Alberta are considered necessary and appropriate in Yukon.

Comment on No. 5 - This is a matter for political decision - no government wants to be timed, framed and surveilled - that doesn't mean it would not be appropriate in some cases. Your Committee would like to see this alternative applied in appropriate cases.

Your Committee also has suggested Regulations be approved by resolution of the House as was done years ago with the Workman's Compensation Accident and Safety Regulations which was mentioned in our Fifth Report.

Another alternative would be for the administration to report back to the Standing Committee on the operation of certain Regulations. All of these alternatives would gain the same object, that of enabling the House to fulfill its responsibility for subordinate legislation.

Comment on No. 6 - In a system of responsible government perusal by a Cabinet committee could provide the necessary input from the House and enable the House to fulfill its responsibility. Since we do not have responsible government in Yukon a by-partisan Standing Committee is considered necessary at this time.

Comment on No. 7(d) - Again a responsible cabinet can take responsibility for independent authorities. Here with our lack of responsible government, the small size of the legislature, and the fact we are just developing a Committee system this section is important in Yukon.

Comment on No. 10 - At one time it was expected in Yukon that when a Bill was introduced regulations would accompany it.

If regulations are kept to their proper role described later the suggested practice of developing regulations from legislation is good however as the reports of this Committee on the Workers Compensation Ordinance, Motor Vehicle Ordinance and Public Service Commission Ordinance indicate, the amount of substantive law that finds its way into regulations rather than Ordinances in Yukon is considerable. This Committee stands behind this recommendation until our legislative and governmental structure matures to the point where adequate qualified personnel are available for all necessary tasks and until regulation making practices are refined to the point that we are no longer governing by regulation .

Comments on No's. 33 - 41 - Again our lack of responsible government and a truly responsible cabinet make these recommendations vital in Yukon. Further a bi-partisan Committee should be able to have greater input into the surveillance of subordinate legislation than a cabinet committee which must not only direct the administration but defend its actions in the House as well.

Also it should be noted that in Alberta any member of the legislature can move a resolution to have a regulation referred to a Standing Committee on Law, Law Amendment and Regulations.

Comments on No's 11, 12, 15, 16 - These sections could have been incorporated in one section. Your Committee recommends this House consider the role this Committee vis-a-vis the regulations and orders of independent bodies.

Comments on No. 17 - The lapsing of a regulation properly handled need not cause any great amount of uncertainty. Certainly no more than presently exists in Yukon where regulations containing substantive law affecting the rights and duties of Yukon citizens are changed frequently, are often

ambiguous and when the changes that are made are too often responses to crisis situations.

The pressure created on government officials by the possibility of regulations lapsing will ensure that regulations are carefully considered and turned into legislation at first opportunity. This will be worth any "uncertainty". This Standing Committee, as well as others across the country strongly disapprove of the practice which is all too prevalent in this country generally and in Yukon particularly of governing through regulations other than ordinances.

Comments on No. 28 - This is a matter for decision by the House after input from the Registrar of Regulations and the Office of the Clerk of Assembly.

Comments on No. 31 - With the limited administrative staff of two-thirds of our Yukon Municipalities (Dawson and Faro) and the embryonic stage of development of many of our Local Improvement Districts this recommendation is of considerable importance in Yukon and this Committee recommends it be adopted. Such a central registry would be a great convenience to government officials to say nothing of the convenience of the general public.

Your Committee has also studied the Report of the Joint Standing Committee on Regulations and other Statutory Instruments of the Canadian Parliament. That report states the criteria it uses for scrutinizing Statutory Instruments and includes as the requirement that the instrument clearly state its precise authority therein.

That Committee also considers, at section 9, the exercise of substantive legislative power without precise enabling legislation to be unwarranted and unacceptable.

That Committee further asks that its criteria be written into the Statutory Instruments Act of Canada. The full criteria are appended as Appendix II to this report.

Your Committee has further studied the Regulations Act of various parts of Canada and wishes to advise the House that four of the twelve legislative jurisdictions in Canada have passed Acts or Ordinances which are more advanced than our own. The British Columbia Act is similar to ours, as is ^{the} ^{Act} Alberta at present, however, we refer this House to the Alberta Report discussed above, and hereinafter.

Saskatchewan has the usual procedural sections but section 17 of their act enables the Assembly to revoke any unsatisfactory regulation by resolution.

The Northwest Territories Ordinance provides by legislation for an internal examination of regulations 1) for compliance with the parent Ordinance, 2) to ensure no unusual or unexpected use of a general power is made, 3) to ensure the regulations do not trespass on existing freedoms or the Bill of Rights, and 4) to ensure that the form, content and draftsmanship is of an acceptable standard.

Manitoba has the broadest Regulation Act in the country at present.

Apart from the usual procedural sections it makes provision for 1) filing all regulations upon implementation with a Standing Committee of the Legislature, 2) requires all regulations to be tabled in the House, and 3) enables the house to disapprove of regulations and require their revocation. A parallel Act enables the Registrar of Regulations to reject

questionable regulations as well.

Manitoba provides for both an internal surveillance of regulations and enables the House through a Committee to fulfill its responsibility for subordinate legislation.

The Federal Act provides for an internal review and requires all regulations to be tabled before Parliament.

Your Committee strongly recommends that this House instruct this Committee to conduct an in depth study of our present Regulation Ordinance and with the assistance of the office of the Clerk of Assembly, prepare a new Ordinance similar in content to Manitoba.

Your Committee wishes to advise this House that in its view, very serious problems with respect to the form, substance and draftsmanship of existing regulations exist in Yukon.

Your Committee requests this House to adopt the criteria for regulations and regulation making sections outlined in the Alberta Report, along with the specific items mentioned from the criteria of the Joint Standing Committee on Regulations and other Statutory Instruments of Parliament.

Your Committee further requests this House to:

1. direct the administration to table all new regulations with this Committee immediately upon their implementation
2. that this Committee be instructed to study said regulations and report to this House on its findings
3. expand your Committee's power to enable the Committee to report on the enabling sections of Ordinances as well as the regulations since it is only by studying the enabling sections that the effect of regulations can be even understood
4. that the enabling sections of all new legislation and all legislation opened for amendment be referred to this Committee for comment

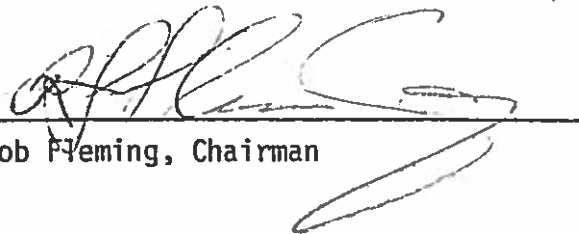
5. that the existing handbook on the preparation of Regulations be amended to reflect the above and that the administration enforce its use
6. that this House adopt criteria to govern the content of regulation making sections, including the subjective listing of all regulation making powers and the cross referencing of any powers which for reasons of clarity are stated other than in the regulation making section
7. that this House instruct the administration that in future all sections of substance are to be included in the Ordinances so that they may receive full consideration and debate in this House and that regulations are to be used only for amplifying Ordinances, setting fees, outlining standards too cumbersome for Legislation and outlining procedures
8. that this House instruct the administration that where, because of the experimental nature of legislation it is considered necessary to place some matters of substance in regulation that such regulations will be closely monitored and that the House will expect what commences as regulations to be turned into legislation as soon as the practical problems of implementation are worked out and that any such regulations will be strictly time framed or alternately that such regulations will not come into force until approved by resolution of the House as was discussed in this Committee Report on the Workers Compensation Regulations.
9. that where any police type powers are given to government officials and where criminal or civil penalties are provided for in regulations at present that the administration be instructed by this House to commence a comprehensive review of all such regulations and that legislative priority be given to setting out such powers in legislation and that wherever possible criminal or civil penalties be specified by legislation, not regulations. Your Committee refers specifically to its reports on Workmen's Compensation Regulations and Motor Vehicle Regulations.
10. that the administration advise this Committee of major legislative amendments as they are planned to enable this Committee to study the existing regulations in advance and

be able to report to this House before or when such major legislative amendments are tabled. This procedure will help to prevent the type of situation which arose with respect to the Motor Vehicle Ordinance and Regulation amendments that arose last session.

11. that this House instruct the Administration that wherever major regulations are being revised that when possible those responsible for such revisions liaise with this Committee. This will enable the Committee to ensure its guidelines are followed and possibly save embarrassment for administrative officials as the Committee will be able to point out items which are unsatisfactory before they are promulgated thus eliminating the necessitating of a formal critical report from this Committee.

Your Committee further recommends that a copy of the Report be transmitted to Executive Committee for consideration and action, to Legislative Counsel and the Registrar of Regulations.

Respectfully yours,

A handwritten signature in dark ink, appearing to read 'Bob Fleming', is written over a horizontal line.

Bob Fleming, Chairman

June 29th, 1978

APPENDIX I

RECOMMENDATIONS

1. THAT THE ALBERTA REGULATIONS ACT BE AMENDED TO PROVIDE FOR A MORE COMPLETE AND ALL-ENCOMPASSING DEFINITION OF "REGULATION". (Page 27 - 29)
2. THAT THERE BE AN EXAMINATION BY THE REGISTRAR OF REGULATIONS OF ALL MINISTERIAL ORDERS, ORDERS-IN-COUNCIL AND DEPARTMENTAL GUIDELINES AND THAT THE REGISTRAR OF REGULATIONS REPORT ON WHETHER OR NOT THESE OR ANY OTHER MATTERS REQUIRE FILING AS REGULATIONS OR STATUTORY IMPLEMENTATION. (Pages 28 - 29)
3. THAT ALL REGULATION-MAKING AUTHORITIES BE FAMILIAR WITH THE BASIC GUIDELINES AS SET OUT IN THE McRUER REPORT FOR DRAFTING OF REGULATIONS: (Pages 28 - 29)
 - (a) "They should not contain provisions initiating new policy, but should be confined to details to give effect to the policy established by the statute.
 - (b) They should be in strict accord with the statute conferring power, particularly concerning personal liberties.
 - (c) They should be expressed in precise and unambiguous language.
 - (d) They should not have retrospective effect unless clearly authorized by statute.
 - (e) They should not exclude the jurisdiction of the courts.
 - (f) They should not impose a fine, imprisonment or other penalty.
 - (g) They should not shift the onus of proof of innocence onto a person accused of an offence.
 - (h) They should not impose anything in the way of a tax (as distinct from fixing the amount of a licence fee, or the like).
 - (i) They should not make any unusual or unexpected use of delegated power.
 - (j) General powers should not be exercised to establish a judicial tribunal or administrative tribunal."
4. THAT, WHEREVER POSSIBLE, ALL MATTERS INTENDED TO BE DEALT WITH BY REGULATIONS UNDER AN ENABLING STATUTE SHOULD BE SUBJECTIVELY LISTED IN THE REGULATION-MAKING EMPOWERING CLAUSE. (Pages 30 - 31)
5. THAT REGULATION-MAKING EMPOWERING CLAUSES PROVIDING FOR A GENERAL POWER TO MAKE REGULATIONS SHOULD ALSO PROVIDE FOR THE LAPSE OF REGULATIONS MADE THEREUNDER WITHIN A SPECIFIED PERIOD OF TIME. (Page 32)
6. THAT WHERE A MATTER IS NOT SPECIFICALLY LISTED UNDER THE SUBJECTIVE HEADINGS OF A REGULATION-MAKING EMPOWERING CLAUSE IT SHOULD BE SUBJECT TO SCRUTINY AND REVIEW BOTH AT THE TIME OF ITS PROPOSAL AND THE TIME OF ITS LAPSE. (Pages 30 - 31)
7. THAT ALL WHO DRAFT OR HAVE CAUSE TO INTERPRET REGULATION-MAKING EMPOWERING CLAUSES SHOULD BE ACQUAINTED WITH THE FOLLOWING PRINCIPLES:
 - (a) "The precise limits of the law-making power which Parliament intends to confer should be defined in clear language.
 - (b) There should be no power to make regulations having a retrospective effect.
 - (c) Statutes should not exempt regulations from judicial review.
 - (d) Regulations made by independent bodies, which do not require governmental approval before they become effective, should be subject to disallowance by the Lieutenant Governor-in-Council or a Minister.
 - (e) Only the Lieutenant Governor-in-Council be given authority to make regulations having substantial policy implications.
 - (f) There should be no authority to amend statutes by regulation.
 - (g) There should be no authority to impose by regulation anything in the nature of a tax (as distinct from the fixing of the amount of a license fee or the like). Where the power to charge fees to be fixed by regulations is conferred, the purpose for which the fees are to be charged should be clearly expressed.
 - (h) The penalty for breach of a prohibitory regulation should be fixed, or at least limited by the statute authorizing the regulation.
 - (i) The authority to make regulations should not be granted in subjective terms.
 - (j) Judicial or administrative tribunals with powers of decision on policy grounds should not be established by regulations". (Pages 30 - 31)
8. THAT DRAFTSMEN SHOULD BE MINDFUL OF THE FOLLOWING PRINCIPLES:
 - (1) "Wherever possible a statute should list exhaustively the matters for which regulations may be made;
 - (2) These matters should be itemized in the empowering section of the statute;
 - (3) The use of a general empowering regulation-making clause should be avoided; where this is not possible, the regulations made under such a clause should be the subject of constant review and consideration in terms of a possible amendment to the Act to add such a matter to the itemized list of subjects under the empowering section of the statute;

- (4) Exceptions to the above should only be permitted in new areas of legislative administration and only then until such practices have been determined in these areas at which time consideration should again be given to the previously mentioned principles". (Page 30)
9. THAT BEFORE FINAL DRAFTING OF ANY REGULATION ALL REGULATION-MAKING AUTHORITIES SHOULD MAKE EFFORTS TO ENGAGE IN THE WIDEST FEASIBLE CONSULTATION, NOT ONLY WITH THOSE DIRECTLY AFFECTED, BUT ALSO WITH THE PUBLIC AT LARGE. (Page 32)
 10. THAT, WHEREVER POSSIBLE, A SET OF PROPOSED REGULATIONS SHOULD ACCOMPANY NEW BILLS AS THEY ARE PRESENTED TO THE LEGISLATURE FOR CONSIDERATION. (Page 32)
 11. THAT THERE SHOULD BE AMPLE OPPORTUNITY AFFORDED FOR COMMENT AND CONSULTATION BY THE GOVERNMENT, OPPOSITION, THE CIVIL SERVICE, AND THE GENERAL PUBLIC BEFORE THE FINAL DRAFTING OF NEW REGULATIONS. (Page 32)
 12. THAT THERE BE UNIVERSAL ADOPTION OF THE INFORMAL PRACTICE OF MANY GOVERNMENT DEPARTMENTS AND AGENCIES TO SEEK PUBLIC OPINION AND COMMENT ON PROPOSED REGULATIONS. (Page 32)
 13. THAT THERE BE A COMPILING OF A FORM AND DRAFTSMANSHIP MANUAL FOR CIRCULATION TO ALL REGULATION-MAKING AUTHORITIES. (Page 32)
 14. THAT REGULATIONS CONTINUE TO COME INTO FORCE AND EFFECT ON THE DATE OF THEIR FILING. (Page 32)
 15. THAT ALL REGULATIONS OF AN NON-EMERGENCY NATURE BE SUBJECT TO PROCEDURES FOR ADVANCE CONSULTATION PRIOR TO FILING. (Page 32)
 16. THAT ALL REGULATIONS OF AN EMERGENCY NATURE BE SUBJECT TO PROCEDURES FOR ADVANCE CONSULTATION AS SOON AS FEASIBLE. (Page 32)
 17. THAT ANY REGULATION NOT PUBLISHED WITHIN THIRTY DAYS OF ITS FILING AND WITHOUT THE SANCTIONED EXEMPTIONS OF AVAILABILITY OR LENGTH SHOULD BECOME VOID AND OF NO EFFECT. (Page 32)
 18. THAT THE QUEEN'S PRINTER SHOULD BECOME THE CENTRAL AGENCY FOR THE DISTRIBUTION OF ALL LEGISLATION PRIMARY AND SUBORDINATE. (Pages 33 - 34)
 19. THAT THE QUEEN'S PRINTER MAINTAIN A REASONABLE SUPPLY OF BACK COPIES OF THE ALBERTA GAZETTE. (Pages 33 - 34)
 20. THAT COMPLETE SETS OF THE ALBERTA GAZETTE BE DISTRIBUTED TO ALL PUBLIC LIBRARIES EXPRESSING A DESIRE TO RECEIVE SAME. (Pages 33 - 34)
 21. THAT THE DISTRIBUTION OF THE BI-MONTHLY PUBLICATION OF THE ALBERTA GAZETTE BE INCREASED TO ALL LIBRARIES, MUNICIPAL CORPORATIONS AND EVERY BRANCH OF THE VARIOUS GOVERNMENT DEPARTMENTS EXPRESSING A DESIRE TO RECEIVE SAME WITHOUT CHARGE. (Pages 33 - 34)
 22. THAT THE PRESENT INDEXING SYSTEM TO THE ALBERTA GAZETTE IS INADEQUATE AND THAT A SUBJECT MATTER OR TOPICAL INDEX SYSTEM TOGETHER WITH A STATUTE TITLE INDEX SYSTEM AND A GOLDEN ROD INDEX SYSTEM SHOULD BE PREPARED FOR ALL ALBERTA REGULATIONS. (Pages 33 - 34)
 23. THAT A SUBJECT MATTER OR A TOPICAL INDEX AND A STATUTE TITLE INDEX AND A GOLDEN ROD INDEX SYSTEM SHOULD BE PREPARED FOR ALL ALBERTA LEGISLATION. (Pages 33 - 34)
 24. THAT CONSIDERATION SHOULD BE GIVEN TO PUTTING THE AFORE-DESCRIBED INDEXING SYSTEMS ON COMPUTER. (Pages 33 - 34)
 25. THAT GOVERNMENT DEPARTMENTS AND BRANCHES THEREOF PROVIDE OFFICE CONSOLIDATIONS OF ALL REGULATIONS AFFECTING THEIR RESPONSIBILITIES TO THE PUBLIC ON REQUEST. (Pages 33 - 34)
 26. THAT OFFICE CONSOLIDATIONS OF REGULATIONS BE AFFIXED TO OFFICE CONSOLIDATIONS OF PRIMARY ALBERTA LEGISLATION. (Pages 33 - 34)
 27. THAT OFFICE CONSOLIDATIONS OF REGULATIONS AND STATUTES BE REPRINTED AFTER ANY SUBSTANTIAL NUMBER OF AMENDMENTS HAVE OCCURRED. (Pages 33 - 34)
 28. THAT LEGISLATIVE SANCTION BE GIVEN TO ALL OFFICE CONSOLIDATIONS OF ALBERTA LEGISLATION. (Pages 33 - 34)
 29. THAT CONSIDERATION BE GIVEN TOWARDS THE ADOPTION OF A SYLLABUS-TYPE APPROACH TO ALL PRIMARY AND SUBORDINATE LEGISLATIVE MATERIAL RELATING TO A PARTICULAR SUBJECT MATTER AREA WHERE PUBLIC DEMAND FOR SUCH IS APPARENT. (Pages 33 - 34)
 30. THAT ALL SUBORDINATE LEGISLATIVE MATERIALS, GUIDELINES, POLICY STATEMENTS, ORDERS-IN-COUNCIL AND MINISTERIAL ORDERS BE AVAILABLE TO THE PUBLIC UPON REQUEST AND THAT COPIES BE PROVIDED AT REASONABLE COST. (Pages 33 - 34)

31. THAT CONSIDERATION BE GIVEN TOWARDS THE INSTITUTION OF A CENTRAL AGENCY TO KEEP AN ADEQUATE RECORD OF ALL BYLAWS AND RESOLUTIONS PASSED BY THE GOVERNING BODIES OF ALBERTA MUNICIPALITIES. (Pages 33 - 34)
32. THAT PRIORITY BE GIVEN TO THE WORK OF PREPARING AN ADEQUATE CONSOLIDATION AND REVISION OF ALL ALBERTA REGULATIONS. (Pages 33 - 34)
33. THAT THE STANDING COMMITTEE AS AFOREMENTIONED SHOULD HAVE THE USUAL POWERS OF A STANDING COMMITTEE OF THE LEGISLATURE. (Pages 37 - 38)
34. THAT IT SHOULD BE THE MAIN TASK OF SUCH A COMMITTEE TO SCRUTINIZE REGULATIONS AND OTHER STATUTORY INSTRUMENTS AFTER THEY HAVE BECOME LAW. (Pages 37 - 38)
35. THAT THE TERMS OF REFERENCE OF SUCH A COMMITTEE SHOULD BE BROAD ENOUGH TO ALLOW FOR THE CONSIDERATION OF MERIT OF A PARTICULAR PIECE OF SUBORDINATE LEGISLATION TOGETHER WITH SOME INCIDENTAL CONSIDERATION OF THE EMPOWERING LEGISLATION INVOLVED. (Pages 37 - 38)
36. THAT A STANDING COMMITTEE OF THE LEGISLATURE SHOULD HAVE THE POWER TO CONSIDER THE SUBSTANCE OF SUBORDINATE LEGISLATION AS WELL AS THE FORM AND DRAFTSMANSHIP. (Pages 37 - 38)
37. THAT A STANDING COMMITTEE SHOULD HAVE THE POWER TO CALL WITNESSES FROM THE RANKS OF THE CIVIL SERVICE AND INVITE THE GENERAL PUBLIC. (Pages 37 - 38)
38. THAT ALL REGULATION-MAKING EMPOWERING CLAUSES IN ALBERTA LEGISLATION STAND PERMANENTLY REFERRED TO THIS STANDING COMMITTEE. (Pages 37 - 38)
39. THAT THIS COMMITTEE SHOULD BE CHARGED WITH A GENERAL REVIEW OF ALL GUIDELINES, DEPARTMENTAL POLICY STATEMENTS, MINISTERIAL ORDERS AND ORDERS-IN-COUNCIL WITH A VIEW TOWARDS THE POSSIBLE INCLUSION OF SUCH AS STATUTORY INSTRUMENTS OR AS POSSIBLE CANDIDATES FOR LEGISLATIVE IMPLEMENTATION OR AMENDMENT. (Pages 37 - 38)
40. THAT THE STANDING COMMITTEE OF THE

ALBERTA LEGISLATURE ON REGULATIONS SHOULD HAVE THE FOLLOWING CHARACTERISTICS:

1. It should be a Standing Committee of the Assembly.
2. All regulations should stand permanently referred to it.
3. It should strive to operate in an objective and nonpartisan way.
4. It should have a small membership in order to enable it to operate effectively.
5. It should be empowered to sit while the Legislature is not in session.
6. It should have adequate staff, including permanent legal counsel.
7. It should examine regulations on the basis of six criteria:
 - (a) whether or not regulations are authorized by the terms of the enabling statute;
 - (b) whether regulations make some unusual or unexpected use of powers conferred by statute under which it is passed;
 - (c) whether regulations trespass unduly on personal rights;
 - (d) whether regulations have complied with the divisions of the Regulations Act with respect to transmittal, certification, recording, numbering, publication or laying before the Legislature.
 - (e) whether regulations represent —
 - (i) an abusive power to provide that they shall come into force before regulations are transmitted to the Registrar, or
 - (ii) unjustifiably fail to provide that regulations shall not come into force until published at some later date; and
 - (f) whether for any special reason their form or purport calls for clarification.
8. It should have the usual investigative powers of a Standing Committee.
9. It should report to the House. (Pages 37 - 38)
41. THAT THE ALBERTA REGULATIONS ACT BE AMENDED TO PROVIDE LEGISLATIVE SANCTION FOR A STANDING COMMITTEE OF THE ALBERTA LEGISLATURE ON REGULATIONS AND DEFINING THE JURISDICTION AND DUTIES OF SUCH A COMMITTEE. (Pages 37 - 38)

B.—CRITERIA FOR SCRUTINY OF STATUTORY INSTRUMENTS

9. In order to assess statutory instruments in the exercise of its permanent reference the Committee has adopted fourteen criteria. These were adopted by the Senate on November 14, 1974 (English text) and December 4, 1974 (French text) and were concurred in by the House of Commons in both languages on December 13, 1974.

10. The criteria are as follows:

Whether any Regulation or other Statutory Instrument within its terms of reference that, in the judgement of the Committee:

(1) (a) is not authorized by the terms of the enabling statute, or, if it is made pursuant to the prerogative, its terms are not in conformity with the common law, or

(b) does not clearly state therein the precise authority for the making of the Instrument;

(2) has not complied with the provisions of the Statutory Instruments Act with respect to transmittal, recording, numbering or publication;

(3) (a) has not complied with any tabling provision or other condition set forth in the enabling statute; or

(b) does not clearly state therein the time and manner of compliance with any such condition;

(4) makes some unusual or unexpected use of the powers conferred by the enabling statute or by the prerogative;

(5) (a) tends directly or indirectly to exclude the jurisdiction of the Courts without explicit authorization therefor in the enabling statute; or

(b) makes the rights and liberties of the subject dependent on administrative discretion rather than on the judicial process;

(6) purports to have retroactive effect where the enabling statute confers no express authority so to provide or, where such authority is so provided, the retroactive effect appears to be oppressive, harsh or unnecessary;

(7) appears for any reason to infringe the rule of law or the rules of natural justice;

(8) provides without good and sufficient reason that it shall come into force before registration by the Clerk of the Privy Council;

(9) in the absence of express authority to that effect in the enabling statute or prerogative, appears to amount to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment, and not merely to the formulation of subordinate provisions of a technical or administrative character properly the subject of delegated legislation;

(10) without express provision to the effect having been made in the enabling statute or prerogative, imposes a fine, imprisonment or other penalty, or shifts the onus of proof of innocence to the person accused of an offence;

B.—CRITÈRES DE VÉRIFICATION DES TEXTES RÉGLEMENTAIRES

9. Pour examiner les textes réglementaires conformément à son ordre de renvoi permanent, le Comité a adopté quatorze critères. Le Sénat en a approuvé la version anglaise le 14 novembre 1974 et la version française le 4 décembre 1974; la Chambre des communes en a approuvé les deux versions le 13 décembre 1974.

10. Voici la liste des critères:

Si un règlement ou autre texte réglementaire relevant de sa compétence, de l'avis du Comité:

1) a) n'est pas autorisé par les dispositions de la loi habilitante, ou si, étant établi en vertu de la prerogative, ses termes ne sont pas conformes au droit coutumier; ou

b) n'indique pas clairement en vertu de quelle autorisation précise le texte est établi;

2) ne s'est pas conformé aux dispositions de la *Loi sur les textes réglementaires*, soit sur le plan de la transmission, de l'enregistrement, de la numérotation ou de la publication;

3) a) ne s'est pas conformé à toute disposition concernant le dépôt du texte, ou toute autre condition prescrite dans la loi habilitante; ou

b) n'indique pas clairement la date et la manière dont il s'est conformé à l'une quelconque des conditions;

4) utilise de manière inhabituelle ou inattendue les pouvoirs que lui confère la loi habilitante ou la prerogative;

5) a) tend directement ou indirectement à exclure la juridiction des tribunaux sans autorisation expresse à cet effet dans la loi habilitante; ou

b) assujettit les droits et les libertés du sujet au pouvoir discrétionnaire de l'administration plutôt qu'au processus judiciaire;

6) implique un effet rétroactif sans que la loi habilitante ne lui en confère l'autorisation expresse ou, lorsque cette autorisation est accordée, se donne un effet rétroactif apparemment oppressif, rigoureux ou inutile;

7) paraît pour une raison quelconque enfreindre le principe de la légalité ou les règles de justice naturelle;

8) stipule sans raison bonne et suffisante qu'il entre en vigueur avant d'être enregistré par le greffier du Conseil privé;

9) en l'absence d'autorisation formelle à cet effet dans la loi habilitante ou la prerogative, semble équivaloir à l'exercice d'un pouvoir législatif de fond devant faire l'objet d'un décret parlementaire, et non pas seulement à la formulation de dispositions subordonnées d'une nature technique ou administrative devant être l'objet de législation déléguée;

10) sans qu'une disposition formelle à cet effet fasse partie de la loi habilitante ou de la prerogative, impose une amende, emprisonnement ou autre peine, ou impose à la personne accusée d'une infraction le fardeau de prouver son innocence;

(11) imposes a charge on the public revenues or contains provisions requiring payment to be made to the Crown or to any other authority in consideration of any license or service to be rendered, or prescribes the amount of any such charge or payment, without express authority to that effect having been provided in the enabling statute or prerogative;

(12) is not in conformity with the *Canadian Bill of Rights*;

(13) is unclear in its meaning or otherwise defective in its drafting;

(14) for any other reason requires elucidation as to its form or purport.

The Committee recommends that its criteria for scrutiny be written into the Statutory Instruments Act so that they will not need to be adopted and concurred in anew by the two Houses at the commencement of every Session and Parliament. The Committee believes that an additional criterion should be added, namely, whether a statutory instrument trespasses unduly on the rights and liberties of the subject.

11. The following examples of regulations and other statutory instruments that have been found by the Committee to transgress or to illustrate the above criteria may assist in an understanding of the Committee's work.

Criterion 1 (a)—is not authorized by the terms of the enabling statute, or, if it is made pursuant to the prerogative, its terms are not in conformity with the common law.

1. The Committee draws attention to its remarks upon sub-delegation of rule-making power and the pretended power of dispensing with regulations in sections H, I and J of this Report.

2. SOR/74-49, Kesler Loan Regulations

At the time of the making of these Regulations, section 34.15 (3) of the National Housing Act did not permit of regulations being made to dispense with the existing regulations governing the minimum number of persons to occupy premises in respect of which loans were made. The number was set at not less than two occupants, one an adult and one a dependent child of that adult. (Section 97.3 of the National Housing Loan Regulations—SOR/73-461). Notwithstanding that provision, SOR/74-49 purported to dispense with that requirement and to allow a loan to be made in respect of a housing unit to be occupied by two named adult persons resident in Lethbridge, Alberta. In the course of correspondence with the Legal Division of Central Mortgage and Housing Corporation, it became apparent that the attempt by SOR/73-461 to specify the "composition" of the minimum number of occupants was itself *ultra vires*. Subsequently, section 34.15 (3) of the Act was amended by 23-24 Eliz. II cap. 82, section 3, to give the Governor in Council power both to specify the composition of the minimum number of occupants and to make regulations specifying different numbers of occupants for different family housing units.

11) impose des frais au Trésor public ou comprend des dispositions exigeant d'effectuer un paiement à la Couronne ou à toute autre autorité en retour de la délivrance d'un permis ou d'un service, ou prescrit le montant de l'un quelconque de ces frais ou paiements, sans que la loi habilitante ou la prérogative stipule une autorisation formelle à cet effet;

12) n'est pas conforme à la *Déclaration canadienne des droits*;

13) est d'une signification obscure ou est autrement déficiente dans sa rédaction;

14) pour toute autre raison, nécessite des éclaircissements quant à sa forme ou sa teneur.

Le Comité recommande que les critères de vérification du Comité soient inscrits dans la Loi sur les textes réglementaires de façon à ce que les deux Chambres n'aient pas à les adopter à nouveau au début de chaque session. Le Comité croit qu'un critère additionnel devrait être ajouté à savoir si un texte réglementaire transgresse indûment les droits et les libertés du sujet.

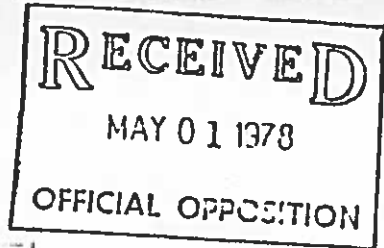
11. Les exemples suivants de règlements et autres textes réglementaires qui, selon le Comité, illustrent ou ne respectent pas les critères susmentionnés aideront peut-être à faire comprendre la nature des travaux du Comité.

Critère n° 1a)—n'est pas autorisé par les dispositions de la loi habilitante, ou si, étant établi en vertu de la prérogative, ses termes ne sont pas conformes au droit coutumier.

1. Le Comité voudrait attirer l'attention sur ses remarques relatives à la sous-délégation du pouvoir de réglementation et au prétendu pouvoir de dispenser des particuliers des règlements, qui se trouvent aux sections 11, I et J du présent rapport.

2. DORS/74-49, Règlement sur le prêt aux Kesler

À l'époque de l'établissement de ce règlement, le paragraphe 34.15 (3) de la Loi nationale sur l'habitation n'autorisait pas que soient établis des règlements dispensant des particuliers des règlements en vigueur qui fixaient le nombre minimal de personnes devant occuper les lieux à l'égard desquels les prêts étaient consentis. Ce nombre minimal était fixé à deux personnes, dont un adulte et un enfant à la charge de celui-ci (article 97.3 des Règlements nationaux visant les prêts pour l'habitation—DORS/73-461). Nonobstant cette disposition, le DORS/74-49 avait pour effet de dispenser de cette exigence, en autorisant un prêt pour un logement familial devant être occupé par deux adultes expressément désignés qui résidaient à Lethbridge (Alberta). Un échange de lettres avec le contentieux de la Société centrale d'hypothèques et de logement a permis de constater que le fait de préciser la «composition» du nombre minimal des occupants, dans le DORS/73-461, était lui-même *ultra vires*. En conséquence, le paragraphe 34.15 (3) de la Loi fut modifié par l'article 3 de 23-24 Eliz. II, c. 82, qui donne au gouverneur en conseil le pouvoir de préciser la composition du nombre minimal des occupants et de faire des règlements pour préciser le nombre d'occupants pertinent pour des logements familiaux différents.



APPENDIX III

MINISTERIAL STATEMENT

May 1, 1978.

By the Honourable Graham L. Harle
Minister of Consumer and Corporate Affairs

ALBERTA REGULATIONS

The Alberta Government has had under review the Report of the Select Committee of the Legislative Assembly on Regulations (Chairman, Mr. Rudolph Zander, M.L.A.) established May 10, 1973, and which reported to the Legislative Assembly in November, 1974.

The Government established some time ago a procedure for handling the preparation of regulations which appears to be working well. That procedure is as follows:

- (a) When a Minister has approved in principle a proposed regulation, a draft must be sent to the Legislative Counsel Office for a legal check and drafting revisions as required.
- (b) That before presenting draft regulations of a substantive nature to Cabinet, the proposed regulations be considered by at least one of the Standing Cabinet Committees.
- (c) That a Cabinet Committee should not consider any proposed regulation unless it has been checked by the Legislative Counsel Office.
- (d) That all Ministerial Orders of a substantive nature must be dealt with by an appropriate Standing Cabinet Committee for approval before they are filed with the Registrar of Regulations.

The Government has accepted most of the recommendations of the Report, and the following accepted recommendations should be highlighted:

1. Whenever possible before final drafting of regulations, all regulation-making authorities should make every effort to engage in the widest feasible consultation with those directly affected.
2. That an adequate indexing system be established for statutes and regulations including a subject matter or topical indexing system.
3. That specific policy directives, which relate to the meaning, intent or operation of regulations, issued in writing by a Minister for the guidance and direction of the Department, be readily available for public inspection and that copies of such directives be provided at reasonable cost on request.
4. That the Government instruct the Legislative Counsel Office to proceed with the work of preparing an adequate consolidation and revision of all Alberta Regulations.

Thank you Mr. Speaker.

ALBERTA REGULATIONS

DETAILED STATEMENT OF POLICY

Appendix to the Ministerial Statement

In detail, the Government accepts the following recommendations of the Select Committee:

- ✓ No. 1 That The Alberta Regulations Act be amended to provide for a more complete and all encompassing definition of a "regulation".
- ✓ No. 2 That upon enactment of a new Alberta Regulations Act, there be an examination of all matters falling within the new definition of a "regulation" to determine whether any or all of those matters require filing as regulation.
(Recommendation #2 is therefore accepted in part.)
- ✓ No. 3 That all regulation-making authorities be familiar with the basic guidelines as set out in the McRuer report for drafting of regulations:
 - (a) "They should not contain provisions initiating new policy, but should be confined to details to give effect to the policy established by the statute.
 - (b) They should be in strict accord with the statute conferring power, particularly concerning personal liberties.
 - (c) They should be expressed in precise and unambiguous language.
 - (d) They should not have retrospective effect unless clearly authorized by statute.
 - (e) They should not exclude the jurisdiction of the courts.
 - (f) They should not impose a fine, imprisonment or other penalty.
 - (g) They should not shift the onus of proof of innocence onto a person accused of an offence.
 - (h) They should not impose anything in the way of a tax (as distinct from fixing the amount of a licence fee, or the like).
 - (i) They should not make any unusual or unexpected use of delegated power.
 - (j) General powers should not be exercised to establish a judicial tribunal or administrative tribunal."
- ✓ No. 4 That, wherever possible, all matters intended to be dealt with by regulations under an enabling statute should be listed by subject matter in the regulation - making empowering clause, and further that the Legislative Review Committee of Cabinet review the reasons for any regulation-making section which does not list subjects to be dealt with by regulations.

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/ No. 7

That all who draft or have cause to interpret regulation-making empowering clauses should be acquainted with the following principles:

- (a) "The precise limits of the law-making power that the Legislature intends to confer should be defined in clear language.
- (b) There should be no power to make regulations having a retrospective effect.
- (c) Statutes should not exempt regulations from judicial review.
- (d) Only the Lieutenant Governor in Council be given authority to make regulations having substantial policy implications.
- (e) There should be no authority to amend statutes by regulation.
- (f) There should be no authority to impose by regulation anything in the nature of a tax (as distinct from the fixing of the amount of a licence fee or the like). Where the power to charge fees to be fixed by regulations is conferred, the purpose for which the fees are to be charged should be clearly expressed.
- (g) The penalty for breach of a prohibitory regulation should be fixed, or at least limited by the statute authorizing the regulation.
- (h) The authority to make regulations should not be granted in subjective terms.
- (i) Judicial or administrative tribunals with powers of decision on policy grounds should not be established by regulations."

No. 8

That draftsmen should be mindful of the following principles:

- (a) "Wherever possible a statute should list exhaustively the matters for which regulations may be made;
- (b) These matters should be itemized in the empowering section of the statute;
- (c) The use of a general empowering regulation-making clause should be avoided; where this is not possible, the regulations made under such a clause should be the subject of constant review and consideration in terms of a possible amendment to the Act to add such a matter to the itemized list of subjects under the empowering section of the statute;
- (d) Exceptions to the above should only be permitted in new areas of legislative administration and only then until such practices have been determined in these areas at which time consideration should again be given to the previously mentioned principles".

- No. 9 That before final drafting of any regulation all regulation-making authorities should make efforts to engage in the widest feasible consultation with those directly affected. (This is a slight modification of Recommendation No. 9 of the Select Committee).

- No. 13 That there be a compiling of a form and draftsmanship manual for circulation to all regulation-making authorities.

 This manual was prepared in 1971 by the Legislative Counsel Office and has since been extensively revised and reissued in August, 1977. It is presently in use throughout the public service. The Government recommends that this manual be periodically reviewed and updated by the Legislative Counsel Office.

- No. 14 That regulations continue to come into force and effect on the date of their filing.

- No. 18 That the Queen's Printer should become the central agency for the distribution of all legislation, primary and subordinate.

- No. 19 That the Queen's Printer maintain a reasonable supply of back copies of the Alberta Gazette, Part II.

- No. 20 When the revision of the regulations is completed, that a complete set of the Alberta Gazette, Part II be readily available to anyone expressing a desire to receive them. (This is a modification of recommendation No. 20 of the Select Committee).

- No. 21 That the distribution of the bimonthly publication of the Alberta Gazette be increased to all public libraries, municipal corporations and every branch of the various government departments expressing a desire to receive same. (This is a modification of recommendation No. 21 of the Select Committee.)

- No. 22 That the present indexing system to the Alberta Gazette, Part II is inadequate and that a subject matter or topical index system together with a statute title index system should be prepared for all Alberta regulations.

- No. 23 That a subject matter or a topical index and a statute title index system should be prepared for all Alberta legislation.

- No. 24 That consideration should be given to putting the afore-described indexing systems on computer.

- No. 25 That all office consolidations of regulations be authorized for printing by the Legislative Counsel Office, and that departments facilitate the availability of office consolidations by continuously monitoring the need for office consolidations and by making early requests for printing through the Legislative Counsel Office. (This is in substitution for recommendation No. 25 of the Select Committee.)

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- No. 26 That a notice be printed, stamped or attached to the front page of statutes, or attached to the statute, to the effect that regulations may have been made under the statute which may need to be taken into consideration when reading the statute. (This is in substitution for recommendation No. 26 of the Select Committee.)
- No. 27 That office consolidations of regulations and statutes be reprinted after any substantial number of amendments have occurred.
- No. 29 That wherever possible Departments prepare explanatory pamphlets of topics that span more than one statute, particularly on those topics which are administered by more than one Department. (This is in substitution for recommendation No. 29 of the Select Committee.)
- No. 30 That regulations made by Order in Council or Ministerial Order continue to be readily available to the public through the Queen's Printer or the appropriate Department of Government and that certified copies of the original be available from the Registrar of Regulations; and that specific policy directives, relating to the meaning, intent, or operation of regulations, issued in writing by a Minister for the guidance and direction of the Department, be readily available for public inspection, and that copies of such directives be provided at reasonable cost on request. (This is in substitution for recommendation No. 30 of the Select Committee.)
- No. 32 The Government instructs the Legislative Counsel Office to proceed with the revision and consolidation of all regulations.

In detail, the Government rejects the following recommendations of the Select Committee for the reasons stated:

- No. 5 The Government believes that greater harm could be done and more uncertainty created by providing for lapsing of regulations in the manner proposed.
- No. 6 The Government believes that the scrutiny of proposed regulations by Cabinet Committees and the Legislative Counsel Office meets the intent of this recommendation.
- No. 7(d) The Government does not agree with this recommendation. The Government believes that as such independent bodies are subject to the Legislature, sufficient legislative control already exists.
- No. 10 The Government does not accept the recommendation of the Select Committee that proposed regulations accompany a new Bill introduced in the Legislature, as such has never been historically required because the legislation must come first and the regulations later. However, the Government may outline proposed regulations with a new Bill where appropriate.

- No. 33 The Government believes that the present system of scrutiny
to 41 of proposed regulations by Cabinet Committees and the
Legislative Counsel Office before such regulations receive
approval by Order in Council meets the concern expressed
by the Select Committee.

Further, the Legislative Assembly may refer any regulation
to the Standing Committee of the Assembly on Law, Law
Amendments and Regulations, and such reference may be made
by a resolution moved by any member of the Assembly.

- No. 11 The Government believes that this is a duplication of intent
of Recommendation No. 9.
- No. 12 The Government believes that this is a duplication of intent
of Recommendation No. 9.
- No. 15 The Government believes that this is a duplication of intent
& 16 of Recommendation No. 9.
- No. 17 The Government does not agree with this Recommendation because
of the uncertainty which would be created by a "lapsing".
- No. 28 The Government does not agree that office consolidations
should be sanctioned by legislation.
- No. 31 The Government believes that a municipality should be
responsible for keeping its own record of By-laws and
Resolutions passed by it.

Graham L. Harle
Minister of Consumer
and Corporate Affairs