

Legislative
Assembly of
Ontario



Assemblée
législative de
l'Ontario

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

FIRST REPORT 2016

1st Session, 41st Parliament
65 Elizabeth II

ISSN 0835-037X (Print)
ISSN 2369-419X [English] (PDF and HTML)
ISSN 2369-4203 [French] (PDF and HTML)

ISBN 978-1-4606-7613-4 (Print)
ISBN 978-1-4606-7615-8 [English] (PDF)
ISBN 978-1-4606-7617-2 [French] (PDF)
ISBN 978-1-4606-7614-1 [English] (HTML)
ISBN 978-1-4606-7616-5 [French] (HTML)

Legislative
Assembly of
Ontario



Assemblée
législative de
l'Ontario

The Honourable Dave Levac, MPP
Speaker of the Legislative Assembly

Sir,

Your Standing Committee on Regulations and Private Bills has the honour to present its Report and commends it to the House.

Indira Naidoo-Harris, MPP
Chair of the Committee

Queen's Park
March 2016

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

MEMBERSHIP LIST

1st Session, 41st Parliament

INDIRA NAIDOO-HARRIS
Chair

KATHRYN MCGARRY
Vice-Chair

LORENZO BERARDINETTI

MONTE KWINTER

DAIENE VERNILE

JEFF YUREK

JENNIFER FRENCH

AMRIT MANGAT

BILL WALKER

CHRISTOPHER TYRELL
Clerk of the Committee

TAMARA HAUERSTOCK
Research Officer

ANDREW MCNAUGHT
Research Officer

CONTENTS

ACKNOWLEDGEMENTS	ii
INTRODUCTION	1
STATISTICS: 1995 – 2014	1
Number of Regulations Made	1
New, Revoking and Amending Regulations	2
REGULATIONS REPORTED	4
Ministry of the Attorney General	5
O. Reg. 199/14 amending O. Reg. 107/99 (General) made under the Legal Aid Services Act, 1998	5
Ministry of Education	6
O. Reg. 75/14 (Calculation of Average Daily Enrolment for the 2014-2015 School Board Fiscal Year) made under the Education Act	6
Ministry of Energy	7
O. Reg. 126/14 amending O. Reg. 429/04 (Adjustments under Section 25.33 of the Act) made under the Electricity Act, 1998	7
Ministry of Government and Consumer Services	7
O. Reg. 309/14 amending Regulation 74 (General) made under the Collection Agencies Act (now the Collection and Debt Settlement Services Act)	7
Ministry of Municipal Affairs and Housing	10
O. Reg. 127/14 (Forms) made under the Line Fences Act	10
UPDATE ON RESPONSES TO REGULATIONS PREVIOUSLY REPORTED BY THE STANDING COMMITTEE	11
First Report 2015 (Regulations Filed in 2013)	11
First Report 2014 (Regulations Filed in 2012)	12
APPENDIX A	16
Section 33 of the Legislation Act, 2006	16
APPENDIX B	17
Standing Order 108(i)	17
APPENDIX C	18
Committee's Process for the Review of Regulations	18
APPENDIX D	19
Acts Under Whose Authority Ten or More Regulations Were Filed in 2014	19
APPENDIX E	20
Ministries and Offices and the Number of Regulations Filed in 2014 for Which Each Was Responsible	20

ACKNOWLEDGEMENTS

The Committee wishes to express its appreciation to all of the legislative staff who assisted us in our work. In particular, we wish to thank

- Valerie Quioc Lim and Christopher Tyrell, the Committee's Clerks, who performed the procedural and administrative duties necessary for the carrying out of our regulations mandate; and
- Erin Fowler, Tamara Hauerstock, Michael Huynh, Andrew McNaught and Heather Webb of the Legislative Research Service who acted as Counsel to the Committee and who performed the examination of the 312 regulations covered in this report. Ms. Hauerstock prepared a draft report for the Committee's consideration; Mr. McNaught oversaw the regulations review.

INTRODUCTION

The Committee presents this report on regulations filed under Ontario statutes during the period January to December 2014, in accordance with its terms of reference, as set out in the *Legislation Act, 2006* and the Standing Orders of the Legislative Assembly.

Section 33 of the Act (reproduced in Appendix A) requires the Committee to examine the regulations made under Ontario statutes, and provides that all regulations stand permanently referred to the Committee. In conducting its examination, the Committee is directed to consider “the scope and method of the exercise of delegated legislative power,” but not “the merits of the policy or objectives to be effected by the regulations or enabling Acts.” The Committee is required, from time to time, to report its observations, opinions and recommendations to the Assembly.

Standing Order 108(i) (reproduced in Appendix B) sets out nine guidelines the Committee is to apply when conducting its review. Guideline 2, for example, provides that there should be statutory authority to make a regulation. The Standing Order also stipulates that the Committee may not report a regulation to the Assembly without first affording the ministry or agency concerned “an opportunity to furnish orally or in writing to the Committee such explanation as the ministry or agency sees fit.”

The Committee’s process for reviewing regulations and preparing its Report is set out in Appendix C.

STATISTICS: 1995 – 2014

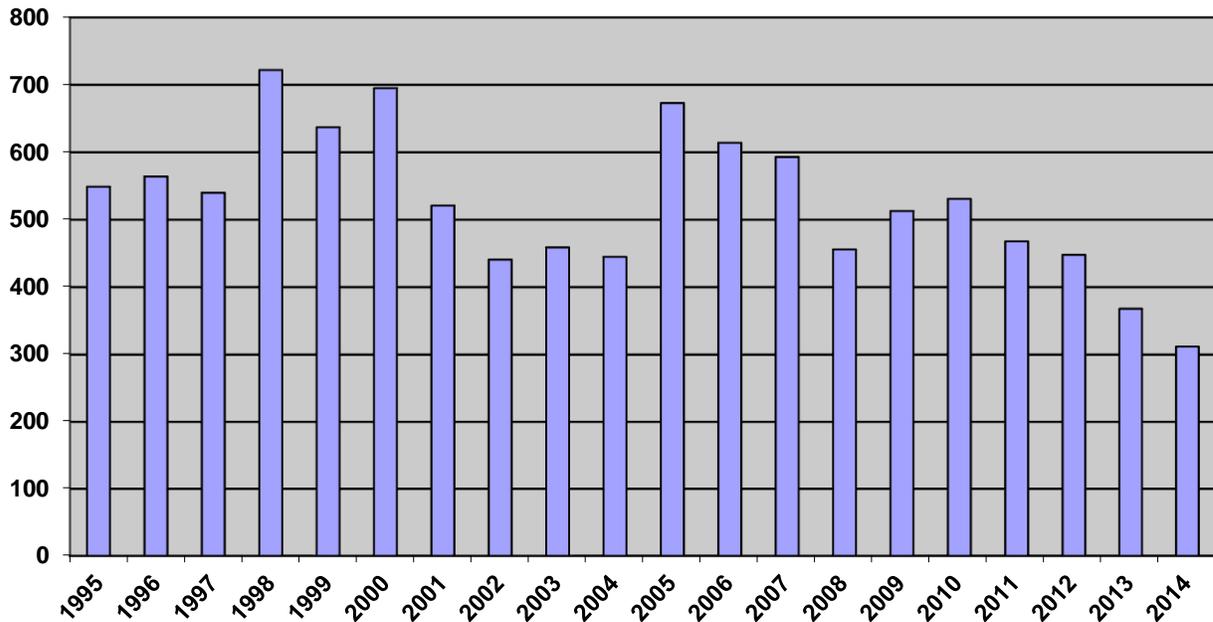
Number of Regulations Made

The graph on the following page indicates the number of regulations filed with the Registrar of Regulations from 1995 to 2014.¹ Over this 20-year period, the average number filed each year was 527.²

¹ The actual number of regulations filed in each year was as follows: **1995** (549); **1996** (564); **1997** (540); **1998** (722); **1999** (637); **2000** (695); **2001** (521); **2002** (441); **2003** (459); **2004** (446); **2005** (673); **2006** (614); **2007** (593); **2008** (456); **2009** (513); **2010** (531); **2011** (468); **2012** (448); **2013** (368); and **2014** (312).

² The Office of Legislative Counsel has observed that “the ‘number’ of regulations applying to a given business sector (sector X) may not be indicative of how regulated the sector is. One could argue that a single 100-page regulation governing ‘sector X’ regulates sector X much more than 20 two-page regulations relating to sector X in which each of the 20 regulations regulates a separate topic. . . . The decision as to whether to draft one long regulation or several shorter ones is made by legislative counsel working together with the relevant ministry, taking into account various factors including the best way to give the public easy access to the laws of Ontario. Consequently, if you are attempting to determine how regulated sector X is, you must analyze the substance of the regulations that apply to sector X rather than counting the numbers of regulations that apply to sector X.” (Source: Email communication from Office of Legislative Counsel to Committee counsel, March 6, 2008.)

Total Regulations Filed: 1995 – 2014



The 312 regulations filed in 2014 were made under the authority of 101 Acts under the administration of 20 ministries and offices.³ Five Acts generated at least 10 regulations each; these represented 29% of all regulations filed in 2014.

Appendix D lists the Acts under which at least 10 regulations were made in 2014. Appendix E sets out the ministries responsible for regulations made in 2014 and the number falling under each ministry.

New, Revoking and Amending Regulations

Generally speaking, a regulation falls into one of the following three categories:

- *New.*
- *Amending:* An amending regulation adds, removes or substitutes text in a pre-existing or “parent” regulation.
- *Revoking:* A revoking regulation revokes an existing regulation.⁴

³ The list of Ministries used for this calculation is found on the webpage entitled *Ministries*, on the Ontario.ca website, at <http://www.ontario.ca/government/ministries>, accessed May 14, 2015.

⁴ These descriptions are based on information found on the webpage entitled *e-Laws definitions: A collection of terms used on e-Laws and their definitions*, on the Ontario.ca website, at <http://www.ontario.ca/laws/e-laws-definitions>, accessed May 14, 2015.

The tables below show the number of new, revoking and amending regulations made in the years 2005 to 2014, and the proportion they represent of all regulations made in a particular year.⁵

New Regulations: 2005 – 2014

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
New Regulations Filed	88	134	135	60	72	66	91	57	38	37
Total Regulations Filed	673	614	593	456	513	531	468	448	368	312
% of Total	13%	22%	23%	13%	14%	12%	19%	13%	10%	12%

Revoking Regulations: 2005 – 2014

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Revoking Regulations Filed	23	21	26	17	54	64	36	29	15	13
Total Regulations Filed	673	614	593	456	513	531	468	448	368	312
% of Total	3%	3%	4%	4%	10%	12%	8%	6%	4%	4%

Amending Regulations: 2005 – 2014

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Amending Regulations Filed	562	459	432	380	390	401	345	376	322	268
Total Regulations Filed	673	614	593	456	513	531	468	448	368	312
% of Total	83%	75%	73%	83%	76%	76%	74%	84%	88%	86%

⁵ The numbers in these tables have been compiled from the yearly tables entitled *Annual Lists of Regulations Filed*, formerly available on the e-Laws website. In 2014, six regulations were identified as both New and Revoking regulations by the Registrar of Regulations; accordingly, these regulations are identified as both “New” and “Revoking” in the tables. As a result, when the numbers noted in the tables above are combined, there is a total of 318 regulations, representing 102% of the actual number of regulations filed in 2014.

Of the 37 new regulations made in 2014, eight were made under a statute with no previous regulations. One amending regulation (O. Reg. 163/14) amended a 2014 regulation made under a statute with no previous regulations and has been included in the Table below.

New Regulations Made in 2014 Under Statutes with No Previous Regulations

Statute	O. Reg. No.	Title of Regulation
<i>Crown Witnesses Act</i>	255/14	Witness Protection Programs
<i>Estate Administration Tax Act, 1998</i>	310/14	Information Required Under Section 4.1 of the Act
<i>Ontario Underground Infrastructure Notification System Act, 2012</i>	92/14	Governance of the Corporation
<i>School Boards Collective Bargaining Act, 2014</i>	158/14	General
<i>School Boards Collective Bargaining Act, 2014</i>	159/14	The 2014 Round of Collective Bargaining
<i>School Boards Collective Bargaining Act, 2014</i>	163/14	The 2014 Round of Collective Bargaining
<i>Skin Cancer Prevention Act (Tanning Beds), 2013</i>	99/14	General
<i>Wireless Services Agreements Act, 2013</i>	55/14	General
<i>Wireless Services Agreements Act, 2013</i>	58/14	Designated Jurisdictions

REGULATIONS REPORTED

Following our initial review of the 312 regulations filed in 2014, we wrote to nine ministries to inquire about 15 regulations. After considering the responses to our inquiries, we have decided to report five regulations under two Committee guidelines:

- *Guideline 2: Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties.*
- *Guideline 3: Regulations should be expressed in precise and unambiguous language.*

Regulations are reported under the Ministry responsible for the regulation being reported. It should be noted that our comments and recommendations relate to specific provisions of a regulation, rather than to the regulation as a whole.

Ministry of the Attorney General

O. Reg. 199/14 amending O. Reg. 107/99 (General) made under the Legal Aid Services Act, 1998

Issue

The regulation prescribes several documents that are available on the website of Legal Aid Ontario; however, the documents actually posted on the website are different versions from the ones prescribed and, in one case, have a different title from the one prescribed. Also, we did not locate earlier versions of the documents as required by the *Legislation Act, 2006*.

The regulation prescribes “version 1.1” of three documents to be made available on the website of Legal Aid Ontario (LAO). A search for the documents on the LAO website indicates that, for each of the three documents prescribed by the regulation, the version on the website is not Version 1.1, but Version 1.2. Also, the regulation refers to one of the prescribed documents as “Clinic Financial Eligibility Test” while the document posted on the LAO website is “Financial Eligibility for Clinic Law Services.”

We also observed a possible violation of s. 62(4)(b) of the *Legislation Act, 2006*, which requires that earlier versions of incorporated documents that were previously incorporated into the regulation remain readily available to the public. Our search on the LAO website did not locate the documents that were prescribed by O. Reg. 107/99 prior to the amendments made by O. Reg. 199/14.

In its response to our letter, the Ministry indicated that they contacted LAO about the issues we raised. LAO advised that when the documents were posted, they were modified to meet accessibility standards. During this change, the version number and the title of one of the documents were inadvertently changed. The Ministry indicated that the correct versions are now available on the LAO website. The Ministry further noted that the earlier versions of incorporated documents are now available on the LAO website as well.

Given the steps the Ministry has taken to rectify this matter, the Committee is not making a recommendation with respect to O. Reg. 199/14.

Ministry of Education

O. Reg. 75/14 (Calculation of Average Daily Enrolment for the 2014-2015 School Board Fiscal Year) made under the Education Act

Issue

The regulation's reference to "a number" appears to contemplate an uncertain figure, when the formula calls for the calculation of a specific number. Should the reference instead be to "the number"?

This regulation prescribes the formula for calculating a school board's Average Daily Enrolment (ADE) for the 2014-2015 fiscal year. Section 15 of the regulation prescribes the formula for calculating a board's continuing education ADE. The first component of the formula is set out in paragraph 1 of s. 15(2) as follows:

The 2014-2015 continuing education average daily enrolment of pupils of a board is the sum of the following:

1. **A number** in respect of each pupil who is enrolled in a continuing education class or course established by the board, other than a continuing education course delivered primarily through means other than classroom instruction, calculated as follows . . . [emphasis added]

We asked the Ministry why the regulation refers to "a number" instead of "the number" when the number in question is the result of a prescribed formula. The regulation also contains other references to "a number" that are in fact references to specific calculations.

In its response to our letter, the Ministry indicated that as the regulation to govern the calculation of average daily enrolment is done annually, the reference can be changed to "the number" in future average daily enrolment regulations.

Given the Ministry's commitment to make this change in future regulations, the Committee is not making a recommendation with respect to O. Reg. 75/14.

Ministry of Energy

O. Reg. 126/14 amending O. Reg. 429/04 (Adjustments under Section 25.33 of the Act) made under the Electricity Act, 1998

Issue

The regulation incorporates by reference the “North American Industry Classification System” as amended or revised from time to time; however, the *Electricity Act, 1998* does not specifically authorize rolling incorporation of documents for regulations made under Part II.2 of the Act. Is the regulation in compliance with the requirements of s. 62(3) of the *Legislation Act, 2006*?

O. Reg. 126/14 added the following definition to its parent regulation, O. Reg. 429/04:

“NAICS” means the North American Industry Classification System maintained for Canada by Statistics Canada, as amended or revised from time to time.

Subsection 62(3) of the *Legislation Act, 2006* generally requires static incorporation of documents by reference (i.e., incorporating a specific version of a document at a defined date) unless a contrary intention appears in the governing Act. We did not locate authority in the *Electricity Act, 1998* for rolling incorporation of documents for regulations made under Part II.2 of the Act (though the Act does provide for it elsewhere). We asked the Ministry whether the new definition is in compliance with s. 62(3) of the *Legislation Act, 2006*.

In its response to our letter, the Ministry stated that it would like to take this opportunity to further review both the amending and the parent regulation, “in order to determine what approach would best suit this situation.”

Given the Ministry’s commitment to review this matter, the Committee is not making a recommendation with respect to O. Reg. 126/14.

Ministry of Government and Consumer Services

O. Reg. 309/14 amending Regulation 74 (General) made under the Collection Agencies Act (now the Collection and Debt Settlement Services Act)

Issue No. 1

O. Reg. 309/14 adds a requirement that collectors keep certain records on their premises, and provide them to the Registrar upon request. Is there statutory authority for imposing these requirements on collectors?

O. Reg. 309/14 amended Regulation 74 by adding a requirement that collection agencies and collectors that provide debt settlement services keep certain records on their premises and provide them to the Registrar upon request. A collector is defined in the *Collection and Debt Settlement Services Act* as “an individual employed, appointed or authorized by a collection agency.”

We noted to the Ministry that the Act grants authority for regulations requiring collection agencies to keep records and provide information to the Registrar; however, we did not locate statutory authority for imposing this type of requirement on collectors.

In its response to our letter, the Ministry indicated that the regulation requires, as a term and condition of registration, that “the Registrar may require further information or material be submitted by any . . . registered person within a specific time limit.”

The Ministry also stated:

In crafting the requirement . . . it is noted the program area needs the records in order to ensure compliance with the Act. In addition the [Act] has been amended to clarify that it applies to, and requires registration, regardless of whether either of those classes of registrant is within Ontario if the debtor is in Ontario. . . . In addition the Act does not prohibit a collector engaging in collection activities outside of the collection agency’s workplace.

Consequently, the Ministry is of the view that [the] requirement [to] provide records on the request of the Registrar, is authorized under ss. 30(1)(a) [of the Act] . . . and that the requirement to keep and provide records is a term and condition of registration under the Act.

The Committee notes that the requirement to retain and provide records appears in s. 30 of the regulation; however the terms and conditions of registration are found separately, in ss. 13-16 of the regulation.

In our view, the placement of these provisions within the regulation suggests that the record-keeping requirement is not linked to the ability of the Registrar to require further information or material as a term and condition of registration.

We also note that s. 30(1)(f) of the Act, which authorizes regulations “requiring and governing the books, accounts and records that shall be kept by collection agencies,” makes no reference to collectors.

Recommendation 1

The Committee recommends that the Ministry of Government and Consumer Services take steps to amend the *Collection and Debt Settlement Services Act* to authorize regulations requiring collectors to keep records and provide them to the Registrar upon request.

Issue No. 2

O. Reg. 309/14 amended the provision in the parent regulation relating to trust accounts that must be maintained by collection agencies. The Act contains similar, but not identical requirements. Does this duplication create ambiguity?

O. Reg. 309/14 revoked and replaced s. 17(2) of Regulation 74. Subsection 17(2) now provides:

Every collection agency or branch thereof shall maintain in respect of all trust funds that come into its hands a separate trust account in any Ontario branch of a bank, a corporation registered under the *Loan and Trust Corporations Act* or a credit union as defined in the *Credit Unions and Caisses Populaires Act, 1994* authorized by law to accept deposits, and such account shall be designated as the “*Collection and Debt Settlement Services Act* Trust Account” in English and “compte en fiducie prévu par la *Loi sur les services de recouvrement et de règlement de dette*” in French.

The Act contains a similar, though not identical, requirement ins. 30(2):

A trust account that a collection agency is required to hold shall be held in a separate account in Ontario designated as a trust account at a bank listed in Schedule I or II to the *Bank Act* (Canada), a trust corporation, a loan corporation or a credit union.

We asked the Ministry whether s. 17(2) of Regulation 74 is confusing when read alongside s. 30(2) of the Act.

The Ministry replied that, in its view, there is no conflict between the requirement of s. 30(2) of the Act and s. 17(2) of the regulation. The Ministry noted:

The requirement in subsection 17(2) of the regulation amplifies the requirement in subsection 30(2), by creating a positive obligation on the collection agency to maintain in respect of all trust funds that come into its hands a separate trust account, and requires that the trust account be designated as the “Collection and Debt Settlement Services Act Trust Account.” The reason for the requirement that the account be named with the name of the CDSSA is to facilitate inspection under the Act. The requirement that the trust account be in Ontario, as required by ss. 30(2) of the Act is a necessary precondition for an inspection, as provincial authorities do not have jurisdiction to conduct inspections in other Provinces or Territories.

The Committee remains concerned that s. 30(2) of the Act and s. 17(2) of the regulation are confusing to the reader. They contain partial overlap, and either one of them, read in isolation, gives an incomplete picture of the requirements relating to trust accounts.

Recommendation 2

The Committee recommends that the Ministry of Government and Consumer Services amend s. 30(2) of the *Collection and Debt Settlement Services Act* or s. 17(2) Regulation 74, or both, to establish one set of requirements with regard to trust accounts.

Ministry of Municipal Affairs and Housing

O. Reg. 127/14 (Forms) made under the Line Fences Act

Issue

The regulation prescribes several forms “dated May, 2014” that are available on the website of the Government of Ontario Central Forms Repository; however, the forms actually posted to the website indicate an edition date of January 2015. Are the forms posted on the website the versions prescribed by O. Reg. 127/14?

Section 1(1) of O. Reg. 127/14 prescribes Forms 1-15. Subsection 1(2) provides that the prescribed forms are “forms dated May, 2014 that are available on the website of the Government of Ontario Central Forms Repository under the listing for the Ministry of Municipal Affairs and Housing.”

The versions of Forms 1-15 posted on the website of the Government of Ontario Central Forms Repository indicate an edition date of January 2015. We asked the Ministry whether the forms posted on the Repository website are the versions prescribed by O. Reg. 127/14.

In its response to our letter, the Ministry indicated that it will be taking steps to amend O. Reg. 127/14 to update the reference of “May, 2014” to “January, 2015.”

Given the Ministry’s commitment to amend the regulation, the Committee is not making a recommendation with respect to O. Reg. 127/14.

UPDATE ON RESPONSES TO REGULATIONS PREVIOUSLY REPORTED BY THE STANDING COMMITTEE

First Report 2015 (Regulations Filed in 2013)

O. Reg. 288/13 amending O. Reg. 221/11 (Extended Day and Third Party Programs) made under the *Education Act*

Ministry of Education

Standing Order Considered:	(ii) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties.
Recommendation made by Committee:	The Committee recommended that the Ministry of Education make every effort going forward to adhere to the procedural requirements when establishing regulations. The Committee also recommended that the Ministry remake s. 1 of O. Reg. 288/13, which, by oversight, was made by the Minister instead of the Lieutenant Governor in Council.
Current status:	As of May 15, 2015, no relevant amendment had been made to O. Reg. 221/11.

First Report 2014 (Regulations Filed in 2012)

O. Reg. 69/12 amending O. Reg. 260/97 (General) made under the *Grains Act*

Ministry of Agriculture, Food and Rural Affairs

Standing Order Considered:	(ii) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties.
Recommendation made by Committee:	The Committee was of the view that the <i>Grains Act</i> does not authorize the making of a regulation deeming payment to have been made for the purposes of the definition of “stored” in the Act. The Committee recommended that the Ministry take steps to ensure that s. 6(6)(b) of O. Reg. 260/97 is revoked or amended to conform with the regulation-making authority in the <i>Grains Act</i> .
Follow-up by Committee:	The Committee sent a letter dated December 9, 2014 requesting a response to the recommendations made in the First Report 2014.
Current status:	As of May 15, 2015, no relevant amendment had been made to O. Reg. 260/97.

O. Reg. 278/12 (Compensation) made under the *Animal Health Act, 2009*

Ministry of Agriculture, Food and Rural Affairs

Standing Order Considered:	(ii) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties.
Recommendation made by Committee:	The Committee was of the view that matters prescribed for the purposes of clause 26(4)(e) of the <i>Animal Health Act, 2009</i> should not include matters relating to the process of making a claim for compensation or the manner in which a claim is made. The Committee recommended that the Ministry take steps to ensure that s. 8 of O. Reg. 278/12 be amended to remove the reference to s. 26(4)(e) of the Act.
Follow-up by Committee:	The Committee sent a letter dated December 9, 2014 requesting a response to the recommendations made in the First Report 2014.
Current status:	As of May 15, 2015, O. Reg. 278/12 had not been amended.

O. Reg. 47/12 amending Regulation 823 of R.R.O. 1990 (General) made under the *Municipal Freedom of Information and Protection of Privacy Act*

Ministry of Government and Consumer Services

Standing Order Considered:	(ii) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties.
Recommendation made by Committee:	The Committee recommended that the Ministry amend s. 11 of Regulation 823 to remove: (1) the requirement that a request for access to a record specify that it is a request made under the Act and (2) the requirement that a request for correction of personal information be in writing and specify that it is a request made under the Act.
Follow-up by Committee:	The Committee sent a letter dated December 9, 2014 requesting a response to the recommendations made in the First Report 2014.
Current status:	The Ministry responded by letter dated February 3, 2015 indicating that the program area that supports the Minister responsible for the <i>Municipal Freedom of Information and Protection of Privacy Act</i> is currently reviewing the findings of the Committee and developing a response.

O. Reg. 149/12 amending Regulation 833 of R.R.O. 1990 (Control of Exposure to Biological or Chemical Agents) made under the *Occupational Health and Safety Act*

Ministry of Labour

Standing Order Considered:	(ii) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties.
Recommendation made by Committee:	The Committee was concerned that a third-party document incorporated by reference into Regulation 833 was not readily available to the public as required by the <i>Legislation Act, 2006</i> . The Committee recommended that the Ministry of Labour take steps to ensure that Regulation 833 complies with the requirements of the <i>Legislation Act, 2006</i> .
Follow-up by Committee:	The Committee sent a letter dated December 9, 2014 requesting a response to the recommendations made in the First Report 2014.
Current status:	As of May 15, 2015, no relevant amendment had been made to Regulation 833.

**O. Reg. 308/12 (Exploration Plans and Exploration Permits) made under the
*Mining Act***

Ministry of Northern Development and Mines

Potential Violation of Standing Order:	(ii) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties.
Recommendation made by Committee:	<p>Issue 1: The Committee was concerned that the regulation improperly grants the Director discretion to decide whether to require an exploration permit in certain circumstances. The Committee recommended that the Ministry amend O. Reg. 308/12 to make s. 18(1) conform to the requirements of s. 78.2(3) of the <i>Mining Act</i>.</p> <p>Issue 2: The Committee was concerned that the regulation inappropriately provides that a Director may waive any of the standard terms and conditions. The Committee recommended that the Ministry take steps to ensure that the prescription of standard terms and conditions in s. 17 of O. Reg. 308/12 comply with Committee Guideline 2.</p>
Follow-up by Committee:	The Committee sent a letter dated December 9, 2014 requesting a response to the recommendations made in the First Report 2014.
Current status:	The Ministry responded by letter dated February 23, 2015 indicating that it proposes to amend the <i>Mining Act</i> to address the concerns raised in the Report.

**O. Reg. 321/12 (Classes of Members and Registration) made under the
Ontario College of Trades and Apprenticeship Act, 2009**

Ministry of Training, Colleges and Universities

Standing Order Considered:	(ii) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties. (iii) Regulations should be expressed in precise and unambiguous language.
Recommendation made by Committee:	Issue 1: The Committee was concerned that O. Reg. 321/12 deems journeyman candidates to be apprentices for the purpose of the journeyman to apprenticeship ratio without apparent statutory authority. The Committee recommended that the Ministry take steps to ensure that the deeming provision is authorized by the <i>Ontario College of Trades and Apprenticeship Act, 2009</i> . Issue 2: The Committee was concerned that O. Reg. 321/12 inappropriately provides that an applicant need not meet certain registration requirements where he or she provides “proof that is satisfactory to the Registrar” that he or she has qualifications and experience in the trade that are equivalent to the requirements. The Committee recommended that the Ministry take steps to ensure that the provisions of O. Reg. 321/12 dealing with the determination of equivalent qualifications and experience are made pursuant to statutory authority.
Follow-up by Committee:	The Committee sent a letter dated December 9, 2014 requesting a response to the recommendations made in the First Report 2014.
Current status:	As of May 15, 2015, no relevant amendment had been made to O. Reg. 321/12.

APPENDIX A

Section 33 of the Legislation Act, 2006

- 33. (1)** At the commencement of each session of the Legislature, a standing committee of the Assembly shall be appointed under this section with authority to sit during the session.
- (2)** Every regulation stands permanently referred to the standing committee for the purposes of subsection (3).
- (3)** The standing committee shall examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power but without reference to the merits of the policy or objectives to be effected by the regulations or enabling Acts, and shall deal with such other matters as are referred to it by the Assembly.
- (4)** The standing committee may examine any member of the Executive Council or any public servant designated by the member respecting any regulation made under an Act that is under his or her administration.
- (5)** The standing committee shall, from time to time, report to the Assembly its observations, opinions and recommendations.

APPENDIX B

Standing Order 108(i)

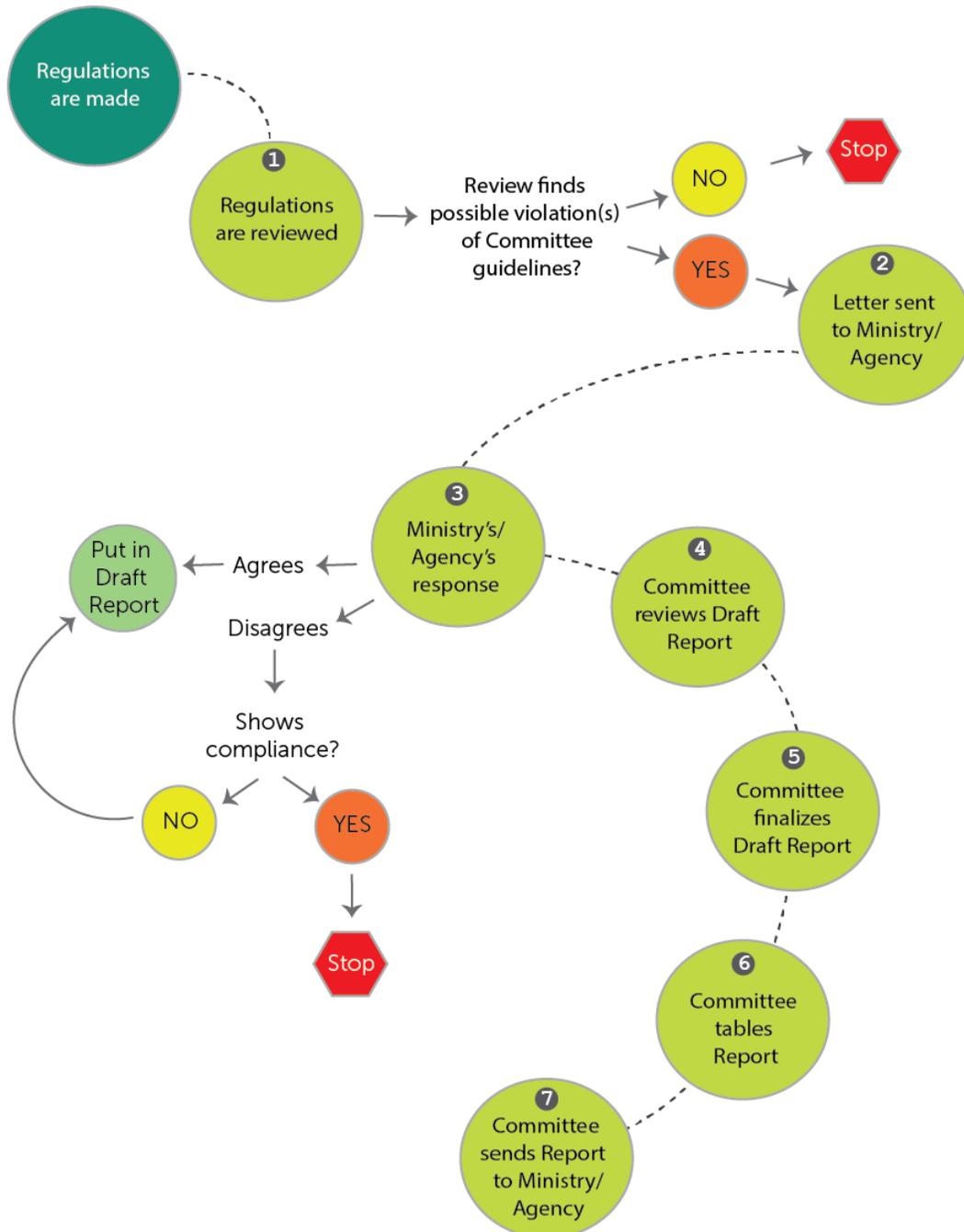
108 Within the first 10 Sessional days following the commencement of a Parliament, the membership of the following Standing Committees shall be appointed, on motion with notice, for the duration of the Parliament:

- i. Standing Committee on Regulations and Private Bills . . . to be the Committee provided for by section 33 of Part III (Regulations) of the *Legislation Act, 2006*, and having the terms of reference as set out in that section, namely: to be the Committee to which all regulations stand permanently referred; and to examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, but in so doing regard shall be had to the following guidelines:
 - (i) Regulations should not contain provisions initiating new policy, but should be confined to details to give effect to the policy established by the statute;
 - (ii) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties;
 - (iii) Regulations should be expressed in precise and unambiguous language;
 - (iv) Regulations should not have retrospective effect unless clearly authorized by statute;
 - (v) Regulations should not exclude the jurisdiction of the courts;
 - (vi) Regulations should not impose a fine, imprisonment or other penalty;
 - (vii) Regulations should not shift the onus of proof of innocence to a person accused of an offence;
 - (viii) Regulations should not impose anything in the way of a tax (as distinct from fixing the amount of a licence fee, or the like); and
 - (ix) General powers should not be used to establish a judicial tribunal or an administrative tribunal,

and, the Committee shall from time to time report to the House its observations, opinions and recommendations as required by section 33 of Part III (Regulations) of the *Legislation Act, 2006*, but before drawing the attention of the House to a regulation or other statutory instrument the Committee shall afford the ministry or agency concerned an opportunity to furnish orally or in writing to the Committee such explanation as the ministry or agency thinks fit.

APPENDIX C

Committee's Process for the Review of Regulations



APPENDIX D
**Acts Under Whose Authority Ten or More Regulations Were
Filed in 2014**

Act	No. of Regulations
<i>Education Act</i>	27
<i>Highway Traffic Act</i>	26
<i>Electricity Act</i>	14
<i>Insurance Act</i>	12
<i>Planning Act</i>	11

APPENDIX E

Ministries and Offices and the Number of Regulations Filed in 2014 for Which Each Was Responsible

Ministry	No. of Regulations
Finance	36
Education	34
Municipal Affairs and Housing	30
Transportation	28
Attorney General	26
Health and Long-Term Care	24
Energy	21
Natural Resources and Forestry	18
Community and Social Services	17
Government and Consumer Services	17
Environment and Climate Change	15
Agriculture, Food and Rural Affairs	14
Labour	11
Training, Colleges and Universities	7
Community Safety and Correctional Services	6
Economic Development, Employment and Infrastructure	2
Treasury Board Secretariat	2
Minister Responsible for Francophone Affairs	2
Northern Development and Mines	1
Tourism, Culture and Sport	1