



LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

STANDING AND SPECIAL COMMITTEES

OVERVIEW
APRIL 2016

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Introduction

The Legislative Assembly of Saskatchewan created its first committees in 1906. Historically committees have had a number of significant functions, but their main purpose was to scrutinize and review the programs and initiatives of the government to make it more responsible to the people. Public input was limited.

In 2000, the Legislative Assembly began a major review of its rules and procedures in order to enhance the role of private members, create more effective ways of dealing with public policy issues, and increase public participation in the parliamentary process. It concluded that these goals could be best achieved through a revitalized committee system. Strong committee systems in other jurisdictions were also seen to promote co-operation between members and caucuses. A model was devised based on past experience and the best features of committee systems used by other parliaments.

The committee structure adopted in 2003 is designed to give individual members more input on public policy decisions, enhance their awareness of community issues and problems, and allow the public to play a more active role in the development of public policy. This structure retains the traditional scrutiny role of committees while providing more opportunity for the public to express views on a variety of issues. Committees examine the legislative proposals and budgetary estimates of the Assembly, but they also have the ability to promote awareness of public policy issues and independently seek and request public participation in the legislative process. Occasionally special committees are created to study a specific issue.

Standing Committees

A standing committee is a committee permanently established according to the rules of the Legislative Assembly. These rules form the order of reference for the committee, which is a directive from the Assembly that defines the scope of a committee's deliberations or asks a committee to consider a certain matter. There are three categories of standing committee: policy field, House, and scrutiny committees. Each category has a different function and composition.

Committees exist for the life of the legislature. Upon dissolution, all orders of reference lapse, and all committee work ceases.

Policy Field Committees

Each policy field committee is mandated to oversee a portfolio of ministries and agencies. This oversight is accomplished through the examination of legislative proposals, budgetary estimates, agency reports, regulations and bylaws, and by conducting inquiries.

The administration of government is divided into four broad sectors of public policy, and each policy field committee is responsible for one of these sectors. The Assembly refers legislative business to the appropriate committee based on its portfolio, and a committee may initiate a review or inquiry of public policies within its sector.

The portfolio of the Standing Committee on Crown and Central Agencies relates to the Crown Investments Corporation of Saskatchewan and its subsidiaries, supply and services, central government agencies, liquor, gaming, and all other revenue-related agencies and entities. They also review chapters of the Provincial Auditor's reports relating to this portfolio.

The portfolio of the Standing Committee on the Economy relates to economic development, agriculture, the environment, natural resources, rural issues, transportation, and infrastructure.

The portfolio of the Standing Committee on Human Services relates to health, social services, education, and labour.

The portfolio of the Standing Committee on Intergovernmental Affairs and Justice relates to justice, corrections, and policing; municipal, intergovernmental, interprovincial, First Nations, Métis, and northern affairs; and tourism, parks, culture, and sport.

Any changes to the structure of government are monitored by the Standing Committee on House Services which prepares a detailed allocation schedule. This schedule lists the ministries, agencies, and Acts assigned to each committee.

Functions of Policy Field Committees

Examination of Legislation

A principal duty of policy field committees is to examine and report on legislation. Before legislation can be passed, the Assembly must refer it to a standing committee or a committee of the whole Assembly for a clause-by-clause review. This occurs immediately following second reading.

During clause-by-clause review of a bill, the minister or member responsible for the bill and any assisting officials appear before the committee and answer questions on the content of the legislation. Clauses are called by the Chair and discussed in numeric sequence. By practice, the

committee normally holds a general debate during consideration of clause 1, short title. This debate can range over all the clauses, covering the principles and detail of the bill.

After the general debate has concluded, the remaining clauses of the bill are called in successive order. Debate now must be strictly relevant to the clause under consideration. It is at this point that amendments may be moved to the individual clauses.

Each clause is a distinct matter that must be voted on. After each clause the Chair will ask, “Is this clause agreed?”

Once all the clauses have been agreed to, the committee agrees to report the bill back to the Assembly, with or without amendment, or to report that a bill not proceed any further.

A bill may be referred to a committee after first or second reading. A public hearing can be undertaken at either stage however, hearings must conclude prior to clause-by-clause consideration.

The scope of public hearings on a bill depends on if the Assembly referred it to committee after first or second reading. If the Assembly refers a bill after first reading, then the committee may conduct hearings on the broad policy issues surrounding the subject area of the proposed law. If the Assembly refers a bill after second reading, the committee is restricted to consideration of the specific content of the bill. The Assembly’s assent to second reading means the Assembly has agreed with the underlying principles of the proposed law, so the rules prevent a committee from making any changes that go beyond the scope of the bill.

The rules require that a bill be automatically referred to a committee of the whole once it is reported back to the Assembly. This step might seem redundant, but it serves an important purpose. It preserves the right of members to propose amendments to the bill even if they do not sit on the committee that reviewed it. This is particularly important when there are members who belong to a party grouping not recognized in the Assembly.

If no member wishes to use this opportunity, Committee of the Whole may be waived by the unanimous consent of the Assembly. If it is not waived, the rules require a two-hour time restriction on questions and comments. No member may have more than 20 minutes to speak to the bill. The exception to this process relates to specified bills that have not passed through all stages of consideration prior to the day before completion day.

Special Procedure for Specified Bills

Specified bills are government bills which are introduced during the fall period, introduced before December 21st in the first session of a new legislature, or which are necessary for the passage of the budgetary estimates. Budget bills are bills connected to the budget and identified as budget bills in the Estimates book. When introduced, budget-related bills become specified bills.

Specified bills are required to be voted on before the last day of session (i.e. completion day). Specified bills must have accumulated 20 hours of debate, and budget bills must have accumulated at least five hours of debate in order to be called at the deadline. Specified bills that do not meet the required number of hours will not be called at the deadline.

If specified bills are voted on prior to the second-last day of session, they do not require a specified number of hours of debate. The process for specified bills on the second-last day of session is used only for those bills that have received second reading and are remaining in committees or the Assembly on the day before completion day and have met the criteria for hours of debate. The process does not apply to bills referred after first reading.

In order to deal with any outstanding business, standing committees will be required to meet in the morning on the day prior to completion day. Normally this day will be the Wednesday before Victoria Day. The committee Chair is required to put the question on any specified bills. The Chair will combine all the clauses of the bill into a single question to expedite the vote, and quorum is not required. The bill is reported back to the Assembly later that day.

Examination of Ministry Estimates

Policy field committees also review the government budget estimates. The rules of the Assembly specify that any estimate, supplementary estimate, or further estimate that is proposed to the Legislative Assembly for the operation of executive government shall be automatically referred to the appropriate policy field committee.

Ministers are questioned closely on the details of their ministry's expenditures. They often have their deputy ministers and top officials assisting to supply detailed information. Each ministry's expenditures are called a vote, and these are divided into subvotes.

The procedure used to consider estimates is similar to the clause-by-clause consideration of bills. When the Chair calls the first subvote, questions and answers can encompass all aspects of the ministry's expenditures. Once all members are finished asking questions, the committee must decide on each subvote individually. At this point if members have additional questions, they must contain their question to the subvote under consideration.

The committee may vote to do one of three things: agree to the amount requested, reduce the amount, or deny the request. The rules of the Assembly do not allow the amounts to be increased. That can only be done if the minister brings forward a further estimate in the Assembly.

At the end of the estimate review process, the committee adopts a report listing the amounts agreed to and tables it in the Assembly. When the report is concurred in, the sums approved are included in the final appropriation bill.

On the day prior to the last day of session, estimates that have not been voted follow a special process. There are two conditions that must be met: estimates for each government ministry must have no less than two hours of debate, and the cumulative total time for debate on all estimates

must be no less than 75 hours. Estimates that do not meet the debate requirements will not be called at the deadline, thus preventing the introduction of the final appropriation bill.

Standing committees will be required to meet in the morning on the day prior to completion day if any estimates remain to be voted. Quorum is not required for the vote to be taken. Similar to the process for specified bills, the Chair will combine all the subvotes into a single question on a vote. The committee approves a report listing the amounts agreed to, which is tabled in the Assembly later that day.

Examination of Annual Reports of Ministries and Agencies

Annual reports of ministries and government agencies are permanently referred to the appropriate policy field committee for review. The committee may choose to examine these to determine if the content of the report is satisfactory.

The committee may recommend that an entity prepare and table a report in the Assembly, or it may investigate why an annual report was tabled late. The committee may consider annual reports in conjunction with the examination of estimates if it chooses.

Examination of Crown Investments Corporation Reports

Saskatchewan was the first parliament in the Commonwealth to establish a committee to specifically review the activities of Crown corporations. Review of the annual reports and financial statements of Crown corporations had been the domain of the Standing Committee on Crown Corporations since 1946. The Standing Committee on Crown and Central Agencies has inherited the responsibility of reviewing the reports of the Crown Investments Corporation and its subsidiaries from the former Crown Corporations Committee.

All reports and financial statements of Crown corporations and their subsidiaries are permanently referred to the Standing Committee on Crown and Central Agencies as soon as they are tabled in the Assembly or filed with the Clerk. The committee may select the reports it wishes to review.

The Crown Investments Corporation (CIC) also reports any significant transactions to the Standing Committee on Crown and Central Agencies. A letter of notification regarding significant transactions made by CIC or its subsidiaries is provided to the committee within 90 days of the transaction's occurrence. The notification outlines the objectives of the transaction, the financial implications, a statement of any changed liabilities, and the authority under which the transaction was made.

Any reports of the Provincial Auditor that relate to Crown Investments Corporation and its subsidiaries are permanently referred to the Standing Committee on Crown and Central Agencies.

Examination of Regulations

The Assembly delegates the power to make and apply subordinate legislation to ministers and their ministries. Regulations are the statutory instrument used by the government to exercise this authority. The regulations are required by law to be filed with the Legislative Assembly, where they are then referred to the appropriate policy field committee for review.

The Saskatchewan Legislative Assembly was one of the first parliaments in the Commonwealth to review regulations. A special committee for this purpose was created in 1963, and three years later, the review of professional association bylaws was added to its mandate. In 2003 these duties were transferred to the four policy field committees. Each of the policy field committees conducts reviews of the regulations associated with its particular portfolio.

An important purpose of the regulation review process is to ensure that regulations do not exceed the power granted in the parent Act. The policy field committees, in examining the policy behind the regulations, also determine whether the regulations are in any way prejudicial to the public interest. In total, the review process takes nine criteria into account to determine if special attention of the Assembly should be directed to the bill.

Regulations are initially reviewed by the Law Clerk and Parliamentary Counsel who prepares a report for the committee, highlighting any concerns. The committee may then consider, reject, or accept the Law Clerk's recommendations; correspond further with the ministry; or hold a public hearing.

Examination of Bylaws

Policy field committees also have the authority to review the bylaws of professional associations. Professional associations are created by legislation which allows them to regulate their organization, professional conduct, and professional activities through bylaws.

The policy field committees have a mandate to review the bylaws to determine whether they are properly drafted or are in any way prejudicial to the public interest. The committee may hold a public hearing on any bylaw referred to it for review. The committee may also refuse to ratify a bylaw, which would result in the bylaw becoming null and void.

Conducting Inquiries

Through hearings, committees involve members and the public in the formulation of public policy. When conducting an inquiry, committees are authorized to conduct broad public consultations and may travel to communities outside of Regina to hear testimony.

An inquiry undertaken by a policy field committee may be initiated in three ways. A policy field committee is able to independently seek and request public participation in the legislative process on any matter concerned with the structure, organization, operation, efficiency, and service delivery of any sector of public policy within its portfolio. If a committee wants to undertake an

inquiry through its own initiative, a majority of the committee membership must agree to the inquiry.

A minister may request that a committee undertake an inquiry. By majority decision, the committee may agree to or refuse a ministerial request.

A committee may be ordered by the Assembly to conduct an inquiry. This order takes precedence over any other inquiry a committee may conduct. Policy field committees may not conduct an inquiry into any matter the Assembly has ordered a special committee to study.

Regardless of how an inquiry is established, the rules specify it must be completed within six months. At that time, a substantive report is to be presented to the Assembly or filed with the Clerk.

Priority of Business

The Assembly has stipulated some priorities for policy field committees to ensure that business gets done in accordance with sessional timetables. Consideration of bills and estimates is a priority when the Assembly is in session because these processes are integrated with those of the Assembly. Consideration of regulations and annual reports may also take place during session. The rules prohibit holding inquiries during session unless the Assembly specifically orders it.

House Committees

The Legislative Assembly of Saskatchewan operates two House committees: the Standing Committee on House Services and the Standing Committee on Privileges.

Standing Committee on House Services

The Standing Committee on House Services has a general oversight role for all of the standing and special committees with respect to membership; the allocation of ministries, agencies, and Crown corporations to the various policy field committees; and in certain circumstances, with respect to extending the limits for inquiries conducted by policy field committees. The Standing Committee on House Services may also order the creation of a special committee to study a specific matter.

The Standing Committee on House Services also reviews the estimates and annual reports of the Legislative Assembly Service and all its statutory officers except the Provincial Auditor.

Finally, the House Services Committee is authorized to examine any matter it deems necessary with respect to the rules, procedures, practices, and powers of the Legislative Assembly; its

operation and organization; and the facilities and services provided to the Assembly, its committees, and members.

Standing Committee on Privileges

The Standing Committee on Privileges examines and reports on serious issues of privilege referred to it by the Assembly. This committee rarely meets but is available in the event it is needed.

Scrutiny Committees

The Legislative Assembly of Saskatchewan operates two scrutiny committees: the Standing Committee on Private Bills and the Standing Committee on Public Accounts.

Standing Committee on Private Bills

The Standing Committee on Private Bills has a mandate to consider and report on petitions for private bills and to undertake the clause-by-clause consideration of this type of bill. In its consideration, the committee may hear representations from the public. The parties requesting the legislation, along with their legal counsel, appear as witnesses. The Private Bills Committee reviews a proposed private bill to ensure private or local interests are served without affecting the wider public.

Standing Committee on Public Accounts

The Standing Committee on Public Accounts is one of the province's oldest committees. Its history can be traced back to 1888 when the Assembly of the North-West Territories created a public accounts committee. After Saskatchewan became a province, the territorial public accounts committee was recreated in 1906 at the first sitting of the provincial legislature.

The principal function of the Standing Committee on Public Accounts is to scrutinize the past year's government expenditures through a detailed review of the public accounts and Provincial Auditor reports.

Provincial Auditor reports are permanently referred to the committee as soon as they are tabled in the Assembly or filed with the Clerk. The committee reviews each chapter except those related to Crown Investments Corporation of Saskatchewan, Crown corporations, and their related entities. These agencies are under the purview of the Standing Committee on Crown and Central Agencies.

Each chapter in the report includes the auditor's observations, opinions, and recommendations regarding a particular ministry or agency. A representative from the Provincial Auditor's office briefs the committee on the recommendations, and an official from the ministry or agency under review may respond. The committee may then question officials on any aspect of their agency

before determining whether it agrees or disagrees with the recommendation of the Provincial Auditor or whether it wishes to adopt a recommendation proposed by a committee member. The committee also decides whether the ministry or agency has complied with or is making progress towards complying with the recommendation. The decisions of the committee are included in a report to the Assembly, to which the government is routinely asked to respond.

The Standing Committee on Public Accounts also plays a role in recommending a Provincial Auditor, reviewing budgetary estimates for the Office of the Provincial Auditor, and recommends the appointment of members of the audit committee. These functions are prescribed by statute pursuant to *The Provincial Auditor Act*.

Size and Composition of Standing Committees

All standing committees have seven members except for the Standing Committee on House Services, which has eight members. The membership of standing committees, so far as reasonably practicable, reflects the ratio of party seats in the Assembly in most cases.

At the beginning of a new legislature, the Standing Committee on House Services sets the ratio of membership and assigns individual members to each committee. The decision as to which members will be on each committee is recommended by caucus. The House Services Committee will formally report the membership back to the Assembly. Once the Assembly adopts the report, the committees are established and free to meet.

The Standing Committee on House Services has a fixed number of members from each side of the Assembly, regardless of party standings. Its membership consists of four government members and three opposition members, one of which is from a third party, if one exists.

The Speaker is designated the permanent Chair of both the Standing Committee on House Services and the Standing Committee on Privileges. When the Standing Committee on House Services considers the estimates for the Legislative Assembly Service and its statutory officers, the Speaker does not preside as Chair. In that instance, the Speaker is the official who answers the committee's questions. For other committees, the rules do not allow the Speaker to be appointed to a committee without consent.

From time to time, membership on committees may be changed by an order of the Assembly or, during periods when the Assembly is adjourned or prorogued, by the Standing Committee on House Services. Temporary substitutions are permitted in all standing committees for a specific time period or for consideration of a specific issue.

Under certain circumstances, a policy field committee may expand its size to allow interested members to participate in an inquiry. The duration of membership is limited by the rules and must be specified in a motion. Additional members are not permitted to move motions, count for

quorum, or vote. That being said, it should be noted that all committees may permit members of the Legislative Assembly who do not sit on that committee to participate in its proceedings for the purpose of listening to testimony and asking questions.

At the committee's first meeting, the first item of business is the election of a Chair and Deputy Chair. Members of the committee are nominated for these positions and are elected by majority vote. The Committee Clerk presides over the election of Chair. This is the only instance in which the Committee Clerk participates directly in the committee's proceedings.

A government member serves as Chair and an opposition member as Deputy Chair on all standing committees except the Standing Committee on Public Accounts and the committees where the Speaker is Chair. The rules state that the Chair of the Standing Committee on Public Accounts is a member of the opposition.

Whenever there is a vacancy in the position of Chair or Deputy Chair, the first item of business at the committee's next meeting is the election of a member to fill that vacant position.

Special Committees

Occasionally special committees are created to study a particular issue. In creating a special committee, the Assembly adopts a motion outlining the terms of reference for a special committee. These terms of reference direct the committee to consider a particular matter and define its scope. The House Services Committee is also authorized to establish and set the terms of reference of a special committee.

The size and composition of special committees follow the general provisions set out in the rules for standing committees. The terms of reference for a special committee may include the names of members to serve on the committee. During periods when the Assembly is adjourned, the House Services Committee is authorized to set the terms of reference and membership of a special committee.

A special committee ceases to exist after making its final report and can exist no longer than the term of the legislature in which it was appointed. The committee's terms of reference may stipulate a specific date by which the final report of the committee must be presented. The powers and general provisions outlined in the rules of the Assembly for standing committees also apply to special committees.

Steering Committees

Every committee establishes a steering committee composed of the Chair and Deputy Chair at its organization meeting. The steering committee determines how the committee will plan and organize its business and makes recommendations related to the committee's meeting agenda, the calling of witnesses, times of sittings, etc. Meetings of a steering committee are always conducted in camera and, unless otherwise authorized, decisions made by the steering committee must be ratified by the full committee.

Study Delegations

On occasion, a committee will establish a subcommittee known as a study delegation to gather information on its behalf. This subcommittee may travel to conduct an in-depth study of a specific issue. It reports its observations and recommendations to the main committee, but it has no authority to act on behalf of the committee.

Committee Services

Committee Staff

The Committees branch is dedicated to the proper functioning of standing and special committees. As well as providing for the day-to-day administration of committees, the branch maintains committee records, and provides research services.

Several branches of the Legislative Assembly Service contribute to the committee process and facilitate public access to a committee's proceedings. The Law Clerk and Parliamentary Counsel acts as the legal advisor to all committees and has specific duties in reviewing regulations and bylaws and drafting amendments to legislation. Financial Services branch processes members' committee travel and allowance claims.

Hansard produces a verbatim report for each committee meeting. Committee *Hansard* is available on the Legislative Assembly website.

Communication and Technology Services broadcasts committee proceedings live on television via the Saskatchewan Legislative Network in approximately 110 cable locations throughout the province. SaskTel Max, which is video over the Internet, also broadcasts proceedings. When two committees meet simultaneously, only one can be broadcast live. The other is recorded and broadcast at a later time. All committee meetings are available through live video stream on the

Internet via the Assembly's website, and archived broadcasts can be found on the website through the legislative calendar.

The Clerk of the Assembly, with the approval of the Speaker, is authorized by the rules to employ extra staff when the need arises.

Committee Rooms

Unless a committee is holding hearings outside of Regina, committee meetings take place in the Legislative Building, either in the māmawapiwin náyati room (Room 8) or in the Legislative Chamber.

At present, the Assembly has a single dedicated committee room, the māmawapiwin náyati room (Room 8). It is located in the basement of the west wing of the Legislative Building. It is equipped for hearings and presentations and can accommodate approximately 30 observers. Whenever possible, hearings in the Legislative Building will be held in this location.

The Legislative Chamber serves as a second committee room. To facilitate committee operations, two tables are placed beside the Sergeant-at-Arms's desk on the floor of the Chamber to provide seating for four witnesses. Members of the committee sit at the desks in the front row on either side of the Chamber, while the Chair and Committee Clerk occupy the centre table. Observers are accommodated in the galleries and behind the bar in the Chamber.

Committee Meetings and Public Access

When the House is in session, committees may meet at any time when the Assembly is not sitting. Usually policy field committees will meet in the afternoon or evening once the Assembly has adjourned for the day. Scrutiny of public accounts tends to occur during morning meetings. Public hearings or inquiries usually take place during the afternoons and evenings.

During intersessional periods, committees set their own meeting dates and times, usually during normal business hours, Monday through Friday.

Meeting notices outlining the meeting agenda are posted on the Legislative Assembly webpage at <http://www.legassembly.sk.ca/legislative-business/legislative-committees/NoticeOfMeetings>.

When public input is sought, committees will advertise the dates and times of the public hearing in a newspaper or on the radio.

While the majority of meetings are open to the public, committees will sometimes meet in camera (i.e. in private or closed session). This is most often done for the purpose of hearing sensitive evidence, to organize the business of the committee, or to deliberate on reports. In camera meetings are not broadcast, and *Hansard* is not produced.

Any member of the public wishing to observe the proceedings of a committee meeting in an open session is welcome to do so. Public access to the Legislative Building is through the main entrance, where visitors are asked to report to the front desk and provide photo identification. Visitors will be given a security pass and directed to the room in which the committee is meeting.

Committee Records

Hansard, committee minutes, reports, meeting notices, membership lists, and other information regarding committees is posted on the Legislative Assembly website. Follow the links to the appropriate committee at <http://www.legassembly.sk.ca/legislative-business/legislative-committees>. The committee minutes and *Hansard* are generally available within two or three days of the meeting.

Please contact the Committees branch with any questions or concerns:

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