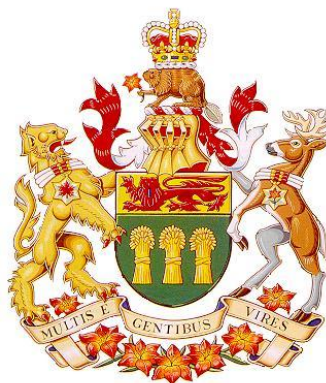


# THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN



## AN OVERVIEW OF STANDING AND SPECIAL COMMITTEES

October 2011

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## INTRODUCTION

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The Legislative Assembly of Saskatchewan created its first committees in 1906.<sup>1</sup> Historically, committees have had a number of significant functions but their principal purpose was to scrutinize and review the programs and initiatives of the government of the day, thereby making it more responsible to the people of Saskatchewan. This scrutiny remains a central responsibility of committees today. On a number of occasions, committees were specifically created to conduct studies relating to particular aspects of public policy. In these instances, committees have been a means for both Members of the Assembly and the public (through submissions and hearings) to play a part in the formulation of public policy.

Beginning in 2000, the Legislative Assembly began a major review of its rules and procedures. There was great interest in creating procedures that would enhance the role of private Members, create more effective ways of dealing with public policy issues, and increase public participation in the parliamentary process.<sup>2</sup> It was concluded that these goals could be best achieved through a revitalized committee system. A model was devised, built on the successes and experience of the past as well as the best features of committee systems used by other parliaments.

A new committee structure was adopted in 2003 that incorporated the traditional scrutiny role and substantially built upon the success committees have had with facilitating public input into the legislative process. The new committee system provides many more opportunities for the public to express their views on a variety of issues. It also gives committees the ability to promote awareness of public policy issues. Standing Committees are now the standard way in which the Assembly examines legislative proposals and budgetary estimates.

The committees' own terms of reference allow for the opportunity for committees, at their own initiative, to review the activities of government in detail by undertaking inquiries or reviews. Public hearings may be held on Bills referred to committees after first or second reading. For example a committee may initiate an inquiry on a aspect of public policy or may conduct public hearings on regulations.

This new approach to committee work also gives Members of the Legislative Assembly the opportunity to enhance their awareness of community issues and problems. It is designed to give individual Members more input on public policy decisions. Finally, it was the observation of the Members who framed the new system that strong committee systems in other jurisdictions helped to promote co-operation between Members and caucuses.<sup>3</sup>

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<sup>1</sup> The original committees established in 1906 were Public Accounts, Privileges and Elections, Private Bills, Library, Education, Agriculture and Municipal Law.

<sup>2</sup> Page 1, *Second Report of the Special Committee on Rules and Procedures, 2<sup>nd</sup> Session, 24<sup>th</sup> Legislature.*

<sup>3</sup> Conclusion, *Second Report of the Special Committee on Rules and Procedures, 2<sup>nd</sup> Session, 24<sup>th</sup> Legislature.*

## STANDING COMMITTEES

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The term “Standing Committee” means that a committee is permanently established according to the permanent Rules of the Legislative Assembly. These Rules provide for three categories of Standing Committees: **Policy Field, House, and Scrutiny**. 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.<sup>4</sup>

### 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, annual reports, regulations and bylaws of professional associations, and by conducting inquiries.

Each committee portfolio is defined in Rule 142. The administration of government is divided into four broad sectors of public policy for which each policy field committee is responsible. These portfolios serve as a guideline for referring legislative business from the Assembly to committees and as a framework for reviews or inquiries initiated by the committees. Policy field committees are established by the Rules as follows<sup>5</sup>:

**Standing Committee on Crown and Central Agencies** – *portfolio to relate to the Crown Investments Corporation of Saskatchewan and its subsidiaries, central government agencies, liquor, gaming, and all other revenue-related agencies and entities.*

**Standing Committee on the Economy** – *portfolio to relate to the areas of economic development, agriculture, environment, natural resources, rural issues, transportation, and infrastructure.*

**Standing Committee on Human Services** – *portfolio to relate to the areas of health, social services, education and labour.*

**Standing Committee on Intergovernmental Affairs and Justice** – *portfolio to relate to the areas of justice, corrections, policing, municipal, intergovernmental, interprovincial, First Nations and 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 and acts assigned to each committee.

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<sup>4</sup> See Rules 118 and 119(3), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>5</sup> Rule 142, *Rules and Procedures of the Legislative Assembly of Saskatchewan*

## Functions of Policy Field Committees:

**The Examination of Legislation:** A principal duty of the policy field committees is to examine and report on legislation. As part of the legislative process, the Rules require that after second reading a Bill must be referred to either a Standing Committee or a Committee of the Whole Assembly.<sup>6</sup> Once a Bill has been referred to a committee, the committee may choose to review the Bill with the Minister responsible and policy specialists (clause-by-clause consideration) or to have a broader public hearing regarding the Bill prior to undertaking the clause-by-clause review.

The nature of public hearings on a Bill is dependent on the stage that the Bill was at in the Assembly upon its referral to committee.<sup>7</sup> If the Assembly refers a Bill after first reading, then the committee may conduct hearings on the broader 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 reason is that when a Bill is read a second time, the Assembly has agreed with the underlying principles of the proposed law. The Rules prevent a committee from making any changes that go beyond the scope of the Bill.

The clause-by-clause review of a Bill is exactly that. The Minister or Member responsible for the Bill, together with any officials required to assist the Minister, appear before the committee to provide answers to questions on the content of the Bill. As part of the clause-by-clause process, each clause of a Bill is a distinct question and is discussed in numeric sequence.<sup>8</sup>

Debate is to be strictly relevant to the clause under consideration.<sup>9</sup> By practice, the committee normally holds a general debate during consideration of clause 1 (usually the short title). This debate can range over all the clauses, covering the principles and detail of the Bill. After the general debate is concluded, the clauses of the Bill are called in successive order in the form of the question “is this clause agreed?” Debate or questioning may ensue and amendments to individual clauses may be moved. Once all the clauses comprising the Bill have been agreed to, the committee then agrees to report the Bill back to the Assembly with or without amendment. Another possible option is to report that a Bill not be proceeded with any further.

Upon a Bill being reported back to the Assembly, the Rules require that it be automatically referred to a Committee of the Whole.<sup>10</sup> This step might seem redundant, but it serves an important purpose. It preserves the right of Members who do not sit on

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<sup>6</sup> Rule 81, *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>7</sup> See page 8, “Legislation,” *The Second Report of the Special Committee on Rules and Procedures*<sup>2<sup>nd</sup></sup> Session, 24<sup>th</sup> Legislature

<sup>8</sup> Rule 82(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>9</sup> Rule 114(2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>10</sup> Rule 85, *Rules and Procedures of the Legislative Assembly of Saskatchewan*

that particular Standing Committee (particularly Members who belong to a party grouping not recognized in the Assembly) to have access to the Bills and to propose amendments. If no Member wishes to use this opportunity, the Committee of the Whole may be waived by the unanimous consent of the Assembly.<sup>11</sup> 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.<sup>12</sup> 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 (deadline for voting).

**Special procedure for passage of Specified Bills:** Specified Bills<sup>13</sup> are either government Bills introduced during the fall period, introduced before December 21<sup>st</sup> in the first session of a new Legislature or are those Bills which are necessary for the passage of the budgetary estimates ("Budget Bills"). Specified Bills that have not been voted upon prior to the last day of session, i.e. the "Completion Day", must have 20 hours of debate while Budget Bills must have at least five hours of debate. The requisite number of hours is cumulative over the course of debate and the Specified Bills that do not meet the required number of hours will not be called at the deadline.

If there are any Bills remaining in Standing Committees on the day prior to the Completion Day, Standing Committees will be required to meet. Completion Day is the day designated as the last day of session, normally the Thursday before Victoria Day. This procedure will apply only to Bills that had been agreed to in principle at Second Reading, and not to Bills referred to a Standing Committee after First Reading. The Committee Chair is required to put the question on any outstanding matters. The Chair will combine questions to expedite the vote, i.e., all the clauses of the Bill are combined into a single question and quorum is not required. The Bill is reported back to the Assembly during "Reports from Standing and Select Committees" later that day.

**Ministry Estimates:** Another major responsibility of the policy field committees is the annual review of 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.<sup>14</sup>

The process used in the policy field committee for estimate review parallels the procedure in Committee of Finance. All estimates and supplementary estimates for expenditures are considered Vote-by-Vote. Ministers are questioned closely on the details of their ministries' expenditures, and they often have their deputies and top officials standing by to supply the requested information. Through this process, the committee may vote to do one of three things:

- (1) agree to the amount requested,
- (2) reduce the amount,

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<sup>11</sup> Rule 85(a), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>12</sup> Rule 86(b), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>13</sup> See Rules 33 to 35, *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>14</sup> Rule 30(10), Rule 146(1) *Rules and Procedures of the Legislative Assembly of Saskatchewan*

(3) or deny the request.<sup>15</sup>

The Rules of the Assembly do not allow the amounts to be increased; that can only be done by the Minister bringing forward a further estimate in the Assembly. At the end of the process, the committee adopts a report containing the amounts agreed to and tables the report in the Assembly. When the report is concurred in, the sums approved are included in the final Appropriation Bill.<sup>16</sup>

Estimates for each ministry must be subject to no less than two hours of debate, unless voted on prior to the deadline for voting. The cumulative total time for debate on the main estimates is no less than 75 hours. Estimates that do not meet the debate requirements will not be called at the deadline, which will prevent the introduction of the final Appropriation Bill.

If there are any estimates before a Standing Committee on the morning on the day prior to Completion Day, the Standing Committees will be required to meet. Quorum is not required for the vote to be taken. Similar to the process for Specified Bills, the Chair will combine questions to expedite the vote. All the subvotes are combined into a single question on a Vote. The Committee then approves a report, which is tabled in the Assembly under Reports from Standing and Select Committees later that day.

**Annual Reports of Ministries and Agencies:** The annual reports of the various ministries and agencies are permanently referred to the appropriate policy field committee.<sup>17</sup> The Rules provide a framework for the consideration of the annual reports.<sup>18</sup> The committee decides which reports it will review. If a review does take place, the committee's purpose is to determine whether the content of the report is satisfactory.

The committee may also investigate any lateness in the tabling of an annual report, or make recommendations that a particular entity prepare and table a report in the Assembly. Finally, the committee is at liberty to consider the annual reports in conjunction with the examination of estimates.

**Annual Reports of the Crown Investments Corporation:** 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, from the former Crown Corporations Committee, the responsibility of reviewing the reports of the Crown Investments Corporation and its subsidiaries.

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<sup>15</sup> Rule 146(3), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>16</sup> Rule 146(5), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>17</sup> Rule 143(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>18</sup> Rule 143(2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

All reports and financial statements of the Crowns are permanently referred to the Crown and Central Agencies committee as soon as they are tabled in the Assembly or filed with the Clerk when the Assembly is adjourned or prorogued.<sup>19</sup> It is the practice of the committee to select specific reports for review.

The Crown Investments Corporation (CIC) also provides a report to the Crown and Central Agencies Committee on any "significant transaction." Significant transaction reports have been provided to the Assembly (through the Crown Corporations Committee) since 1994.<sup>20</sup> A letter of notification regarding significant transactions made by CIC or its subsidiaries must be provided to the committee within 90 days of the transaction having occurred. The notification shall outline the objectives of the transaction, the financial implications, a statement of any changed liabilities and the authority under which the transaction was made.<sup>21</sup>

The Standing Committee on Crown and Central Agencies, as per Rule 144(3), has any reports of the Provincial Auditor that relate to Crown Investments Corporation and its subsidiaries permanently referred to it.

**Regulations and Bylaws:** Many laws passed by the Assembly delegate to Ministers and their ministries the power to make and apply "subordinate legislation." Regulations are the statutory instrument used by the government to exercise this delegated authority.

The Saskatchewan Assembly was one of the first parliaments in the Commonwealth to review regulations.<sup>22</sup> 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.<sup>23</sup> The examination of regulations and bylaws was continued in each successive Legislature until 2003, when these duties were transferred to the four policy field committees. Each of the policy field committees conducts a review of the regulations and bylaws associated with its particular portfolio.

Historically, the main purpose of the regulations review process was to ensure that the regulations did not exceed the power granted in the parent Act. The criteria of the review were contained in an Order of Reference issued to the Special Committee on

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<sup>19</sup> RSS c.C-50.101, s.35, *The Crown Corporations Act, 1993*. Because the Standing Committee on Crown and Central Agencies has taken over from the Standing Committee on Crown Corporations, reports are permanently referred to that committee despite wording of the Act. It has been the practice of the Assembly to carry over statutory referrals to the committees that have replaced those specifically named in a statute. An example is referrals specified under *The Archives Act*, RSS c.A-26 s11(3) to the Select Standing Committee on the Library, which has not existed since 1982.

<sup>20</sup> Significant Transaction Reports were recommended to the Assembly by the Standing Committee on Crown Corporation in its 4<sup>th</sup> Report of the 23<sup>rd</sup> Legislature, dated May 5<sup>th</sup>, 1994.

<sup>21</sup> Rule 143(4), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>22</sup> A history of the Special Committee on Regulations is contained in the committee's final report to the Assembly, dated June 4, 2003. See p.2, *Final Report of the Special Committee on Regulations*.

<sup>23</sup> From 1946 until 1966, the Law Amendments and Delegated Powers Committee reviewed professional bylaws. See *Final Report of the Special Committee on Regulations*, p.2

Regulations at the beginning of each Legislature. All seven criteria are now part of the permanent orders of reference of the policy field committees.<sup>24</sup>

The regulations passed by the government are required by law to be filed with the Legislative Assembly. Likewise, the bylaws of professional associations must be tabled in the Assembly. The Rules require that these regulations and bylaws are then referred to the appropriate policy field committee for review.<sup>25</sup>

The policy field committees may examine the policy or merits of a regulation to determine whether it is in any way prejudicial to the public interest.<sup>26</sup> Regulations, after being enacted, are initially reviewed by the Law Clerk and Parliamentary Counsel. The Law Clerk then prepares a report for the committee drawing any concerns regarding a particular regulation or aspect thereof to its attention. The committee may then consider, reject, or accept the Law Clerk's recommendation; correspond further with the Ministry; or hold a public hearing.

Policy field committees also have the authority to review the bylaws of professional associations (such as doctors, nurses, teachers, engineers, etc.). Professional associations are created by legislation. Such legislation provides for these associations to regulate their own 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.

**Inquiries:** The ability of policy field committees to investigate and report on important public policy issues is at the core of the Assembly's reforms of 2003. Through hearings, committee studies involve both Members and the public in the formulation of public policy. Inquiries allow public access and the ability to participate in public policy discussions. Policy committees are authorized as part of their inquiries to conduct broad public consultations and to travel to communities outside of Regina in order to hear testimony.<sup>27</sup> The experience of the Special and Select committees of the past demonstrated that citizens appreciated the opportunity to participate in policy studies.

The Rules provide three ways to initiate a policy field committee inquiry. A policy field committee may on its own initiative, at the request of a Minister, or by order of the Assembly, inquire into any matter concerned with the structure, organization, operation, efficiency and service delivery of any sector of public policy within its portfolio.<sup>28</sup> The policy field committees determine their own inquiries through a majority decision of the committee membership.

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<sup>24</sup> Rule 145(2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>25</sup> Rule 145(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>26</sup> Rule 145(3), and (4), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>27</sup> Power and authority of all standing committees is outlined in Rule 119(2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>28</sup> Rule 147(1), and (2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

It is this self-referencing ability that sets the policy field committees apart from the committees of the past. This self-referencing ability is what gives the policy committees a large degree of independence. If it so decided, the committee could also refuse, by majority decision, a ministerial request for an inquiry.<sup>29</sup>

A committee may be ordered by the Assembly to conduct an inquiry. This would be accomplished by the traditional means of issuing an Order of Reference by motion. Orders of Reference from the Assembly take precedence over any other inquiry a committee might conduct. As well, the policy committees may not study any matter the Assembly has set out in an Order of Reference to a Special Committee.<sup>30</sup>

Regardless of how an inquiry is established, the Rules specify it must be completed within six months.<sup>31</sup> At that time, a substantive report is to be presented to the Assembly or filed with the Clerk if the Assembly has adjourned.

**Priority of Business for Policy Field Committees:** The Assembly has made its policy field committees multi-functional, but the Assembly has also stipulated some priorities to ensure that business gets done in accordance with sessional timetables.<sup>32</sup> Generally, during sittings of the Assembly, the consideration of Bills and the Estimates take priority because these processes are integrated with those of the Assembly. Consideration of regulations and annual reports may take place during session, but the Rules prohibit holding inquiries during Assembly sessional sittings.<sup>33</sup> An exception to this rule exists; namely, the Assembly may order an inquiry during a legislative session.

## House Committees

The Rules of the Saskatchewan Legislative Assembly provide for three House committees, each with a specific purpose.

The **Standing Committee on House Services** has a general oversight role for all 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 limits for inquiries conducted by policy field Committees. The House Services Committee may also issue an Order of Reference for a Special Committee (see below).

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<sup>29</sup> See “Recommendation 2 – Work of the Policy Field Committees,” page 9, Second Report of the Special Committee on Rules and Procedures.

<sup>30</sup> Rule 147(3), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>31</sup> Rule 147(4), *Rules and Procedures of the Legislative Assembly of Saskatchewan* sets the deadline but also provides a process for a committee to seek an extension.

<sup>32</sup> “The order of priority for policy field committees should be as follows: estimates; Bills; regulations; annual reports; enquiries.” See “Recommendation 2 – Priority of Business for Policy Field Committees,” page 9, Second Report of the Special Committee on Rules and Procedures.

<sup>33</sup> Rule 147(5) states “Inquiries may be initiated only after a session is adjourned, or prorogued or unless otherwise ordered by the Assembly”, *Rules and Procedures of the Legislative Assembly of Saskatchewan*.

The House Services Committee has other substantial functions including the review of estimates and annual reports of the Legislative Assembly Service and the review of estimates and annual reports of the various independent officers of the Assembly (with the exception of 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.<sup>34</sup>

The sole purpose of the **Standing Committee on Privileges** is to examine and report on serious issues of privilege as referred to it by the Assembly.<sup>35</sup> This committee rarely meets but is available in the event it is needed.

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 category of Bill.<sup>36</sup> Pursuant to Rules for the consideration of private legislation, the committee hears representations for and against the Bills.<sup>37</sup> The parties requesting the legislation, along with their legal counsel, appear as witnesses.

### **Scrutiny Committee**

The Legislative Assembly of Saskatchewan operates a single scrutiny committee, the **Standing Committee on Public Accounts**. Other committees do scrutiny work but they are multi-faceted. The Standing Committee on Public Accounts is single-minded in its purpose and scope of responsibility, which is to monitor the fiscal management and administration of the whole government.

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 this committee is to scrutinize the past year's government expenditures through a detailed review of the Public Accounts and the Provincial Auditor's reports.

In practice, examination of the reports of the Provincial Auditor is the main focus of the committee's review. These reports are permanently referred to the Public Accounts Committee as soon as they are tabled in the Assembly or filed with the Clerk when the Assembly is adjourned or prorogued.<sup>38</sup> The committee reviews each chapter by

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<sup>34</sup> Rule 138(8), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>35</sup> Rule 139(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>36</sup> Rule 140, *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>37</sup> See Rules 91 through 110, *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>38</sup> Rule 141(2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

receiving a briefing from a representative of the Provincial Auditor's Office and by questioning officials from the ministry or agency under review. The committee then determines 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 will also note whether the ministry or agency has complied or is making progress towards complying with the recommendation. The decisions of the committee are then included in a report to the Assembly, to which the government is routinely asked to respond.

It should be noted there is an exception in that those reports of the Provincial Auditor as they relate to the Crown Investments Corporation of Saskatchewan and its subsidiaries are under the purview of the Standing Committee on Crown and Central Agencies. These reports are permanently referred to the Committee as soon as they are tabled in the Assembly or filed with the Clerk when the Assembly is adjourned or prorogued.<sup>39</sup> The review is undertaken in the same manner as those Provincial Auditor's Reports that are referred to the Standing Committee on Public Accounts.

The Standing Committee on Public Accounts committee has some ancillary roles related to the Provincial Auditor. In 2001, the mandate of the committee was expanded to include a role in the appointment of the Provincial Auditor, the review of budgetary estimates of the Provincial Auditor's Office, and the membership of an Audit Committee. These functions are prescribed by statute, pursuant to *The Provincial Auditor Act*.<sup>40</sup>

## **SPECIAL COMMITTEES**

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Special Committees are established to report on specific subjects. A Special Committee is created either by an Order of the Assembly (i.e., by motion), or by the Standing Committee on House Services during periods when the Assembly is not meeting.<sup>41</sup> The 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 Order of Reference may stipulate a date for the final report of the committee. The powers and general provisions outlined in the Rules of the Assembly for Standing Committees also apply to Special Committees.<sup>42</sup>

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<sup>39</sup> Rule 143(3), *Rules and Procedures of the Legislative Assembly of Saskatchewan*. Also, RSS c.P-30.01, s.14.1(8), *The Provincial Auditor's Act*

<sup>40</sup> Rule 141 (2) and (3), *Rules and Procedures of the Legislative Assembly of Saskatchewan* and *The Provincial Auditor Act*, RSS c.50.101, sections 3.1, 10.1, 10.2 and 20.

<sup>41</sup> Rule 138(4)(b), *Rules and Procedures of the Legislative Assembly of Saskatchewan* authorizes the Standing Committee on House Services. Rule 150(1) specifies that an Order of Reference may be established on notice of motion for the creation of Special Committee.

<sup>42</sup> See Rule 150(2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

## THE SIZE AND COMPOSITION OF COMMITTEES

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### **The Size and Composition of Standing Committees:**

The size and composition of Standing Committees is established by the Rules. All standing committees have seven Members with the exception of the Standing Committee on House Services, which has eight Members. The membership of Standing Committees, so far as reasonably practicable, is to reflect the ratio of party standings in the Assembly.<sup>43</sup>

At the beginning of a new Legislature, the Standing Committee on House Services sets the ratio of membership and assigns individual Members to the various committees. The decision as to which Members will be on each committee is made informally in caucus. The caucus lists are compiled by the House Services Committee into a formal report, which is presented to the Assembly at the first opportunity. Once this is done, the committees are established and free to meet.

The Rules generally do not allow the Speaker to be appointed to a committee without his or her consent.<sup>44</sup> There are two exceptions to this rule: the Speaker is designated the permanent Chair of both the House Services Committee and the Standing Committee on Privileges.<sup>45</sup> However, the Speaker does not preside when the House Services Committee considers estimates<sup>46</sup> because the Speaker acts as Minister for the consideration of the Estimates for the Legislative Assembly Service and other Officers of the Assembly.

The Rules also specify that the House Services Committee shall have a fixed number of Members from each side of the Assembly, regardless of the party standings. The membership of the House Services Committee consists of four government Members and three opposition Members (one of which is from a Third Party, if one exists).<sup>47</sup>

From time to time, membership on committees may be changed by an Order of the Assembly. The House Services Committee may direct changes to the committee membership during periods when the Assembly is adjourned or prorogued.<sup>48</sup> Temporary substitutions are permitted in all the Standing Committees for a specific time period or for consideration of a specific issue.<sup>49</sup>

Under certain circumstances, a policy field committee may expand its size. The purpose of the "additional Members" rule is to allow interested Members to participate

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<sup>43</sup> Rule 121(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>44</sup> Rule 121(10), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>45</sup> Chair of House Services is specified in Rule 138(1), and Chair of Privileges Committee is specified in Rule 139(2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*.

<sup>46</sup> Rule 138(6), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>47</sup> Rule 138(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>48</sup> Rule 121(4), *and Procedures of the Legislative Assembly of Saskatchewan*

<sup>49</sup> Rule 121(6), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

in an inquiry.<sup>50</sup> The duration of membership is limited by the Rules and must be specified in the 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, with its permission, non-members of that committee to participate in its proceedings for the purpose of listening to testimony and asking questions.<sup>51</sup>

At the committee's first meeting, the "organization meeting", the first item of business is the election of a Chair and Deputy Chair.<sup>52</sup> Members of the Committee are nominated for these positions and are elected on motion by a majority decision of the committee Members. The Clerk of the Committee presides over the election of the Chair and this is the only instance in which the Clerk participates directly in the committee's proceedings. The Rules generally direct that a government Member shall serve as Chair and an opposition Member as Deputy Chair on all Standing Committees, except those committees where the Speaker is the permanent Chair (see above) and the Standing Committee on Public Accounts.<sup>53</sup> By tradition, the Chair of the Public Accounts Committee 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 that committee's next meeting is always the election of a member to fill that vacant position.

**Size and Composition of Special Committees:** The Rules require that the size and composition of Special Committees follow the general provisions set out for Standing Committees.<sup>54</sup> The names of the Members to serve on a Special Committee will be included in the terms of reference motions, and decided by majority decision in the Assembly. During periods when the Assembly is adjourned or prorogued, the House Services Committee is authorized to set the terms of reference and membership of a Special Committee.<sup>55</sup>

**Steering Committees:** Whether it be a Standing or a Special Committee, a Steering Committee composed of the Chair and Deputy Chair will also be established at the organization meeting. The Steering Committee is appointed for the purpose of determining how the committee will plan and organize its business. This is done by the adoption of a motion of reference, which authorizes the Steering Committee to make decisions, or report on such topics related to the committee's meeting agenda, the calling of witnesses, times of sittings, etc.

Unless otherwise authorized, the decisions reached by the Steering Committee are subject to ratification by the full committee. Typically the steering committee report is

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<sup>50</sup> Rule 148(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*. See also, Recommendation 3 – Membership and Size of Committees, page 10, *Second Report of the Special Committee on Rules and Procedures*.

<sup>51</sup> Rule 121(9), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>52</sup> Rule 122(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>53</sup> The applicable rules are: Rule 122(2) specifies government chairs; Rules 138(1) and 139(2) designates Speaker as permanent Chair of House and Privilege committees; Rule 141(1) designates Chair of Public Accounts.

<sup>54</sup> Rule 150(2), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

<sup>55</sup> Rule 138(4), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

tabled with the committee and a concurrence motion is moved. The report from the Steering Committee contains its recommendations on the organization of the committee's work. It is not uncommon to authorize a Steering Committee to plan the agenda for the regular meetings of the Standing Committee. Meetings of a Steering Committee are always conducted *in camera*.

On occasion, a committee will establish a sub-committee typically known as a study delegation to gather information on its behalf. This mechanism provides the opportunity for the subcommittee to travel and conduct in-depth study of a specific issue. The study delegation reports its observations and recommendations to the main committee, but has no authority to act on behalf of the committee.

## COMMITTEE SERVICES

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### Committee Staff

The Committees Branch is dedicated to the proper functioning of Standing and Special Committees. The overall management of committees is the responsibility of the Principal Clerk. The Branch provides procedural advice, organization of committee records, the day-to-day administration of the committees and research services. Many other staff are "borrowed" from all branches of the Legislative Assembly Service as needed.

The Law Clerk and Parliamentary Counsel fulfills the duty of legal advisor to all committees, and has specific duties with regard to the review of regulations and bylaws and the drafting of amendments to legislation. Financial Services Branch processes Members' committee travel and allowance claims.

All committees are served by Hansard, which produces a verbatim report for each meeting. Committee Hansard is available on the Assembly web site, and committee Members are provided a paper or electronic copy.

Television broadcast of committee meetings is the responsibility of Communication and Technical Services. Committee proceedings are broadcast live on television via the Saskatchewan Legislative Network in approximately 110 locations throughout Saskatchewan through local cable providers. 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 broadcast live on the Internet via the Assembly's web site. Archived broadcasts can be found on the Committees Hansard site.

The Clerk of the Assembly, with the approval of the Speaker, is authorized by the Rules to employ extra staff when the need arises.<sup>56</sup>

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<sup>56</sup> Rule 156, *Rules and Procedures of the Legislative Assembly of Saskatchewan*

## Committee Rooms

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

At present, the Assembly has a single dedicated committee room, Mamawapiwin (Room 8). It is located in the basement of the west wing of the Legislative Building. It is equipped with all the facilities required 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, several adjustments are made to the layout of the Chamber. Members of the committee sit at the desks in the front row on either side of the Chamber, while the Chair, Committee Clerk, and Researcher occupy the centre table. Two tables for up to four witnesses to sit at are placed on the floor of the Chamber beside the Sergeant-at-Arms' desk. Observers are accommodated in the galleries and behind the bar on the floor of the Chamber. The adjustments not only help to facilitate committee meetings, but also assist to distinguish the proceedings from a regular House sitting.

## Committee Meetings and Public Access

Committees may meet at any time when the Assembly is not sitting.<sup>57</sup> That being said, Committee proceedings on Bills and Estimates generally take place during afternoons when the Assembly has either recessed or adjourned. The scrutiny of public accounts typically takes place during morning meetings. Public hearings on Bills, regulations, and committee inquiries involving the public generally take place during the afternoons and evenings.

Meeting notices, with times and agendas, are posted on the Assembly web site under the "What's New" page and on the Committees website. When public input is sought, committees will advertise a 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<sup>58</sup>. *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 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. Visitors

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<sup>57</sup> Rule 125(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*, is the only prohibition on committee sittings. This rule prohibits any committee to meet at the same time as the Assembly.

<sup>58</sup> Rule 132(4), 134(1), *Rules and Procedures of the Legislative Assembly of Saskatchewan*

will be given a security pass and directed to the room in which the committee is meeting.

### **Committee Records and the Legislative Assembly Website**

One of the duties of the Committee Clerk is to prepare minutes of meetings. The Committee Clerk is also responsible for maintaining all the records of the committee. Many other records and documents are also available on the Assembly web site.

Each committee has its own web page within the Assembly's web site, where *Hansard*, committee minutes, reports, meeting notices, membership lists, and other information is posted. The committee minutes and *Hansard* are generally available within two or three days of the committee meeting. Online documents are published in a format so that, when printed, they are identical to the original published versions. Records of past committees are transferred to the Saskatchewan Archives and can be accessed at their Regina location.

The committee web pages can be found by following the links on the Legislative Assembly home page (<http://www.legassembly.sk.ca>).

Please contact the Committees Branch with any questions or concerns:

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