

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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Immigration Regulations, 1978, amendment (Investor Program)

The proposed amendment establishes a redesigned Investor Program to begin operating on July 1, 1997. The new program would replace the existing Immigrant Investor Program, which closes for new investment by immigrant investors in all provinces except Quebec on June 30, 1997.

Among the changes are an increase of \$100,000 in the investment required under the program.

The regulations apply to investors and investment destined for provinces other than Quebec. Only minor amendments have been made to sections referring to investors intending to invest in Quebec.

Changes proposed by these regulations include:

- a simpler framework for the Program with reliance on fewer federal rules
- an increased provincial responsibility in approval, monitoring and enforcement and a greater opportunity to refine the Program according to provincial economic development objectives
- a higher minimum investment amount for investors
- prescribed minimum qualifications for funds, administering investor money

Immigration Act, paragraphs 114(1)(a), (a.4) to (a.6), (ii.1) and (jj) and subsections 114(4) to (6)

CIC/95-3-M

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- the requirement for an investment agreement between funds and investors to define rights and obligations
- the use of existing regulatory organizations to minimize potential abuse.

For investors the proposed changes include:

- an increase of \$100,000 in the investment required by an investor, to \$350,000 in Tier I and to \$450,000 in Tier II.
- funds are not permitted to deduct fees or other expenses from the minimum investment. This is designed to ensure that the full economic benefit of the minimum investment is realized.
- removal of the prohibitions on third party guarantees and pledging property of fixed value as security for the return of an investor's investment. Consequently, Tier III (where such guarantees are permitted) is eliminated.
- a requirement for investors to sign an investment agreement with a fund and deposit the full amount of the investment with the fund prior to visa issuance. The investment agreement includes an irrevocable direction to the fund to invest in an eligible business selected by the investor not later than 12 months of the immigrant investor's landing in Canada. The fund selects the eligible business if the investor fails to make the selection. This gives investors an opportunity to be more actively involved in the investment decision while ensuring that investments are made within a reasonable period.
- minor amendments to the definition of an investor; the essential qualifications are unchanged.

For management of funds, the proposed changes include:

- investors must invest in a fund. Unlike the present Program, the fund is not itself a pool of investment capital but acts as an intermediary, investing on behalf of the investor in eligible businesses selected by the investor. A fund manages investment, similar to a stock or investment broker.
- a fund must be a corporation that is either a member of the Investment Dealers Association of Canada, a trust company incorporated under the laws of Canada or in the province of approval, or controlled by a provincial government. These restrictions make use of established standards and regulatory organizations to ensure the integrity of the Program.
- a fund and each investor must sign an investment agreement with the information required by Schedule X. This agreement must first be approved by a province and then by CIC.
- Provinces must confirm to Citizenship and Immigration Canada (CIC) that:
 - (i) the fund has been approved by the province,
 - (ii) the fund is either a member of the Investment Dealers Association of Canada, a trust company incorporated under the laws of Canada or in the province of approval, or a corporation controlled by the provincial government,
 - (iii) each fund approved by the province, that has not been suspended by the province, is complying with the terms of conditions of its approval,
 - (iv) the fund has deposited an investment agreement with the province that is in accordance with Schedule X and the province has deposited a copy with CIC.
- CIC may then approve the fund if it is satisfied that:
 - (i) all funds approved by the province and not suspended are complying with the terms and conditions of their approval

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- (ii) the investment agreement is in accordance with Schedule X
- (iii) the province has filed the quarterly reports required by Schedule XII with the federal government.
- funds are subject to the terms and conditions set out in Section 6.13 of the proposed regulations.
- not later than 12 months after the investor's landing in Canada, the fund must invest at least 60% (active investment) of the investor's investment in an eligible business selected by the investor.
 - An eligible business must be a Canadian controlled corporation, operated for profit in Canada.
- the maximum size of an eligible business has been increased from \$35 million to \$50 million.
- the active investment must be maintained in an eligible business for five years.
- up to 40% of the investment may be invested solely according to provincial investment criteria and is not subject to federal rules, however, it must be invested in the province.
- funds are required to file the information listed in Schedule XI "Reporting Requirements for Approved Funds" which includes among other things, investor details, annual financial statements for eligible businesses, and annual statements of account for each investor. This information will form the basis for a province's reports to CIC.

Under the new program, the role of provinces is changed, so that they assume a greater responsibility in Program administration and have a corresponding greater opportunity to control the Program according to their economic development objectives.

The proposed program continues the notion of a tier system designed to encourage investment in all provinces, but with a new formula based on immigrant investor intended destination and actual investment in a province. The percentage of immigrant investors who indicate a province as their intended destination is added to the percentage of investor money actually invested in that province. If the sum of these two numbers is less than 17, the province is eligible for Tier I investment.

Provinces assume primary responsibility for ensuring that funds operate according to provincial rules and the minimum common standards. Funds must report directly to provinces, not the federal government. Based on reports provided by the funds, provinces must report on a consolidated basis to CIC. Provinces are required to file quarterly reports with the information prescribed in Schedule XII and confirm to CIC that funds approved by the province are in compliance with the terms and conditions of their approval.

The Quebec investor program will continue to operate under the authority of the Canada-Quebec Accord and provincial legislation. Quebec intends to amend its regulations to reflect an investment increase to \$450,000. Also, the size limit of an eligible business will increase to \$50 million. These changes will be implemented by Quebec when the redesigned program comes into force on July 1, 1997.

The previous regulations will continue to apply to businesses and funds approved before July 1, 1997. Some of those businesses and funds will be operating for at least five more years until their investors' holding periods expire. CIC continues to retain the ability to regulate these businesses and funds.

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To simplify the regulations and minimize confusion between the current Program and redesigned program, regulations applicable only to the current Program are repealed. However, the regulations provide that the repealed regulations continue to apply to businesses and funds approved prior to July 1, 1997.

Contact: Don Myatt, Director, Business Immigration Division, Department of Citizenship and Immigration, 7th Floor, Journal Tower North, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel: 613-957-0001; Fax: 613-941-9014.

Food and Drug Regulations, amendment (Schedule No 1049)

The proposed amendment would establish Maximum Residue Limits (MRLs) for propamocarb in potatoes at 0.5 parts per million (ppm). The registration would permit the fungicide propamocarb to be used against late blight in potatoes.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario K1A 0K9. Tel: 613-736-3520; Fax: 613-736-3505.

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

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Exempt from Pre-Publication and Approved

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Special Appointment Regulations, No. 1997-3 (SOR/97-143, OIC 1997-348)

The regulation makes the following appointment and exempts the appointment from the application of the Public Service Employment Act, except sections 32, 33 and 34, while the appointee is in the position:

- Oryssia Lennie, Associate Deputy Minister, Western Economic Diversification.

Contact: Senior Personnel Management, Privy Council Office, Postal Station B Building, Ottawa, Ontario K1A 0A3. Tel: 613-957-5288

Public Service Employment Act, subsection 37(1)

Not included in Federal Regulatory Plan

To be published in Canada Gazette April 2, 1997

Miscellaneous Amendments Regulations (Department of Agriculture and Agri-Food) 1996 - I.D. 96013 (SOR/97-151, OIC 1997-381)

All of these amendments are of a technical nature or were requested by the Standing Joint Committee for the Scrutiny of Regulations (SJCSR). In general, they correct errors in translation, minor inconsistencies, and miscellaneous typographical errors, or provide technical clarifications.

They come into effect March 19, 1997.

Contact: Kristine Stolarik, Acting Director, Regulatory Affairs Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Court, Nepean, Ontario, K1A 0Y9. Tel: 613-952-8000.

Canada Agricultural Products Act, section 32; *Feeds Act*, section 5; *Food and Drugs Act*, subsection 30(1); *Health of Animals Act*, subsection 64(1); and *Plant Protection Act*, section 47

Not included in Regulatory Plan

To be published in Canada Gazette April 2, 1997

Softwood Lumber Products Export Permits Fees Regulations, amendment (SOR/97-152, OIC 1997-382)

These regulations set out the terms and conditions applicable to remissions of fees paid by exporters for softwood lumber products, under the Canada-United States Softwood Lumber Agreement.

Because the regulations were not pre-published, comments on the regulations can be submitted up to May 1, 1997. Amendments resulting from the comments would be made during 1997.

Financial Administration Act, paragraph 19(1)(a) and 19.1(a), subsection 23(2.1)

Not included in Regulatory Plan

To be published in Canada Gazette April 2, 1997

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One of the implications of the changes under the regulations is that year-end remittances will now be possible for exporters whether or not they have obtained export levels.

In certain circumstances, fees paid by exporters with benefit of an export level shall be eligible for quarter-end and year-end remissions; this includes exports made with benefit of a transferred export level or export level draw-down with authorization of an export level holder.

Fees paid by exporters without benefit of an export level may be eligible for year-end remissions once all possible remittances have been made to exporters with benefit of an export level.

With respect to end-of-quarter remittances, remittances of lower (U.S. \$50 per thousand board feet) and upper (U.S. \$100 per thousand board feet) fee base fees are to be paid at the end of each quarter if the total of individual established (fee-free) base shipments during that quarter does not exceed 28.75% of the total fee-free established base of 14.7 billion board feet. These remittances are to be paid only to exporters with benefit of an export level, subject to the constraint that the total of all fee-free exports and exports for which remission is made cannot exceed 28.75% of 14.7 billion board feet plus any allocated bonus.

The individual exporter's upper fee base fees will be remitted before his lower fee base fees, effectively rolling the exported fee-based quantities back into his fee-free established base. If the exporter's available fee-free base becomes zero before all upper fee base and lower fee base quantities are remitted, the remaining upper fee base and lower fee base quantities will be held over for end-of-year remittances.

With respect to end-of-year remittances, remittances of lower and upper fee base fees are to be paid at the end of each allocation year if the total of individual established (fee-free) base shipments made by all exporters during that year does not exceed the total fee-free established base of 14.7 billion board feet. The Canada-U.S. Agreement provides partial end-of-year remittance for one-half of the fees collected if exports of softwood lumber products to the United States did not exceed 28.75% of the fee-free established base in any calendar quarter of that year and one-third of the fees collected if exports of softwood lumber products to the U.S. exceeded 28.75% of the fee-free established base in any calendar quarter of that year.

As is the case for quarterly remittances, upper fee base fees (U.S. \$100 per thousand board feet) will be remitted before lower fee base fees (U.S. \$50 per thousand board feet) up to the level of the individual exporter's residual fee-free established base. Upper base fees paid by exporters without benefit of an export level are to be remitted to them once all possible remittances have been received by exporters with benefit of an export level, subject to the constraint that the total of all fee-free exports and exports for which remission is made cannot exceed 14.7 billion board feet plus any allocated bonus.

Where full end-of-quarter and end-of-year remissions of upper or lower fee base fees is not possible because the total of all fee-free exports and exports for which remission is made may not exceed the total of the established base (fee-free) and any allocated bonus, remission is to be made in proportion to the export quantities for which full remission might otherwise have been made.

Contact: Michel R. Bélanger, Deputy Director, Trade Controls Policy Division (EPM), Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, P.O. Box 481, Station "A", Ottawa, Ontario, K1N 9K6. Tel: 613-995-2744.

Exempt from Pre-Publication and Approved

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Canned Chopped Ham Remission (SOR/97-153, OIC 1997-383)

The Order remits countervailing duties of \$53,703.91 paid by Midlon Foods Inc. on five importations of canned chopped ham imported from Denmark between November 1992 and April 1993. The duties related to a Canadian International Trade Tribunal (CITT) finding of material injury respecting subsidized canned ham from Denmark and the Netherlands and subsidized canned pork-based luncheon meat from the European Economic Community.

Midlon had appealed the finding to Revenue Canada and then to the CITT. The CITT subsequently ruled that chopped cooked ham was not subject to an injury finding. While refunds were paid for the two shipments brought before the CITT, the deadline for appealing the remaining five shipments had already passed. This remission order relates to the latter five shipments.

Contact: Sandy MacLaren, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-995-1966.

Customs Tariff, section 101

FIN/97-17

To be published in Canada Gazette April 2, 1997

BPT Direct Shipment Exemption Order (Hong Kong Special Administrative Region of the People's Republic of China) (SOR/97-155, OIC 1997-385)

This Order provides that Hong Kong will remain an eligible transshipment point for goods otherwise entitled to British Preferential Tariff (BPT) treatment after the colony's return to Chinese sovereignty on July 1, 1997.

The BPT treatment provides customs duty rate preferences to select goods originating in most Commonwealth countries (other than the United Kingdom and Ireland) provided that they are directly shipped to Canada. A previous Order-in-Council (P.C. 1987-2742) exempts BPT goods from this condition provided that they are transhipped through a BPT beneficiary or a British country or colony, including Hong Kong.

Contact: Ian Currie, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-3567.

Customs Tariff, section 31

FIN/97-11

To be published in Canada Gazette April 2, 1997

Most-Favoured-Nation Tariff Extension of Benefit Order (the Republic of Croatia) (SOR/97-156, OIC 1997-386); General Preferential Tariff Extension of Benefit Order (the Republic of Croatia) (SOR/97-157, OIC 1997-387)

These Orders, effective March 19, 1997, extend Most-Favoured-Nation (MFN) and General Preferential Tariff (GPT) treatment to the Republic of Croatia, a country that is one of the successor states to the former Yugoslavia. Canada extends GPT benefits to newly emerging countries with economies in transition in order to help them expand exports and increase their foreign exchange earnings.

The extension of GPT treatment to eligible goods originating in Croatia will support its economic development prospects. Croatia exported \$14.5 million worth of merchandise to Canada in 1995, including organic chemicals (\$1.4 million) and ferro-alloys (\$3.4 million). The extension of GPT benefits to Croatia is estimated to result in revenue foregone of approximately \$200,000 annually, based on GPT eligible imports of \$6 million.

Contact: Ian Currie, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-3567.

Customs Tariff, section 23; section 36

FIN/97-9; FIN/97-5

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Exempt from Pre-Publication and Approved

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Customs Duties Reduction or Removal Order, 1988, amendment (SOR/97-158, OIC 1997-388)

This Order amends the Order by introducing 14 new temporary codes and amending three existing codes.

The Customs Duties Reduction or Removal Order, 1988 introduces temporary tariff codes, which are designed to rectify structural problems in the Customs Tariff and/or to assist Canadian manufacturers in competing more effectively with imports by providing Free or reduced rates of duty on inputs.

The estimate of revenue foregone to the Government as a result of this Order is \$3,838,453.

Contact: Deborah E.M. Hoeg, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-7099.

Customs Tariff, paragraph 68(1)(a)

FIN/97-1

To be published in Canada Gazette April 2, 1997

Canadian Cultural Property Export Control List, amendment (SOR/97-159, OIC 1997-389)

This amendment removes unnecessary control of certain types of cultural material and adds new types of cultural material to the Control List.

One of the changes will require export permits for heritage vehicles and musical instruments in cases of permanent export. In order to minimize unnecessary obstacles to temporary export of this material, however, revisions to the Control List will necessitate issuance of an Open General Permit for temporary export of vehicles and musical instruments for personal use.

Other changes relate to controls for mineral specimens, vertebrate and invertebrate fossil specimens, and aboriginal artifacts and ethnographic materials.

Contact: Kathryn Zedde, Program Officer, Movable Cultural Property Program, Department of Canadian Heritage, 15 Eddy Street, Hull, Quebec, K1A 0M5. Tel: 819-997-7760.

Cultural Property Export and Import Act, subsection 4(1)

HER/96-5-L

To be published in Canada Gazette April 2, 1997

Application of Provincial Laws Regulations, amendment (SOR/97-160, OIC 1997-390); Contraventions Regulations, amendment (SOR/97-161, OIC 1997-391)

This amendment to the *Application of Provincial Laws Regulations* will enable enforcement authorities to use the respective provincial offence schemes of New Brunswick, Nova Scotia, Prince-Edward Island, Manitoba and Newfoundland to prosecute contraventions committed in these provinces.

The amendment identifies for a province the provincial laws that will apply to the processing in that province of contraventions designated under the *Contraventions Regulations*.

This amendment to the *Application of Provincial Laws Regulations* will come into force on April 1, 1997 for Newfoundland and Nova Scotia; May 1 for Manitoba; and, June 1 for Prince Edward Island and New Brunswick.

The amendment to the *Contraventions Regulations* identifies additional federal offences, such as parking offences at airports, that will be treated as contraventions. The *Contraventions Regulations* identify as contraventions various federal offences, set out a short-form description, and set out a fine for each listed contravention.

Contact: Richard Clair, Director, Contraventions Project, Department of Justice, 344 Wellington Street, Ottawa (Ontario) K1A 0H8. Tel: 613-998-5669; Fax: 613-998-1175.

Contraventions Act, section 65.1; section 8

JUS/97-2-I

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Retirement Compensation Arrangement Regulations, No. 2, amendment (SOR/97-162, OIC 1997-392)

The first amendment to the Regulations adds Canadian Food Inspection Agency to the schedule of these Regulations and allows employees of this organization who meet the conditions to participate in the Early Retirement Incentive program.

The second amendment specifies September 30, 1998 as the last date by which an eligible surplus employee seeking access to the Early Retirement Incentive will have to leave the Public Service.

Contact: Pierrette Boyer, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, Ottawa, Ontario, K1A 0R5. Tel: 613-952-3241; Fax: 613-952-3240.

Special Retirement Arrangements Act, sections 10 and 13, subsection 28(1)

TBS/96-2-I

To be published in Canada Gazette April 2, 1997

Federal Elections Fees Tariff, amendment (SOR/97-163, OIC 1997-393)

The amendments will modify the Tariff with respect to the remuneration of returning officers, their assistants and other election officers who perform tasks related to the establishment of the National Register of Electors and for subsequent federal elections.

The amendments also change wording recommended by the Standing Joint Committee for the Scrutiny of Regulations and make minor administrative changes.

The amendments are primarily a result of the recent adoption of Bill C-63, *An Act to Amend the Canada Elections Act, the Parliament of Canada Act and the Referendum Act*, having as an effect the elimination of the current process of door-to-door enumeration at each federal event, the reduction of the electoral calendar and the introduction of a system of staggered voting hours across Canada.

Contact: Janice Vézina, Director, Election Financing Directorate, Elections Canada, 1595 Telesat Court, Ottawa, Ontario, K1A 0M6. Tel: 613-990-3747; Fax: 613-990-2530.

Canada Elections Act, subsections 198(1) and (2) and 202(1)

OCEO/97-R-1-M

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Immigration Regulations, 1978, amendments (International Adoptions and Conformity with the Hague Convention) (SOR/97-145, OIC 1997-351)

The amendments bring Canada into compliance with the terms of *The Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption* (the Convention) signed in the Hague in April 1994.

They require child welfare authorities in the province of destination in Canada and the child's country of origin, if signatory to the Convention, to mutually agree to the child's placement before a visa officer may issue an immigrant visa.

With these amendments, a visa officer must determine if a child qualifies as an immigrant and that there is agreement (as required by the Convention) between the originating and destination countries before an immigrant visa may be issued. This allows Canada to assure that the child will be given permanent residence based on evidence that all parties to the adoption are satisfied that the adoption is in the child's best interests.

Immigration Act, section 114

Not included in the Regulatory Plan

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The amendments also limit access to the jurisdiction of the Immigration Appeal Division of the Immigration and Refugee Board to hear an appeal under Section 77 of the *Immigration Act* where there is no agreement between the child welfare authorities of the sending state and the provincial child welfare authorities. This will ensure that a domestic tribunal does not supplant the provisions of an international agreement which Canada is committed to uphold.

The Convention brings uniform international standards and practices to intercountry adoption resulting in better protection for children required to relocate between states that are party to the Convention.

The Convention requires child welfare authorities of both the child's country of destination and the child's home country to agree to each proposed match of adoptive parents and child.

The Convention also requires that the child's country of destination decide if the child will be allowed to live in that country permanently, before the adoption can be completed and the child is entrusted to the adoptive parents.

Although Canada has signed the Convention, it has yet to ratify and implement it, pending the regulatory amendments necessary to fulfill its Convention obligations.

The current regulations require a provincial assessment and statement of no objection to the placement as a prerequisite for issuing an immigrant visa. This does not reflect the Convention's stricter safeguards which require that, before the adoption can go ahead, both the sending and receiving state agree to the adoption proposal.

Contact: Nick Oosterveen, Director, Social Policy and Programs Division, Selection Branch, Department of Citizenship and Immigration, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel: 613-954-1147.

Immigration Regulations, 1978, amendments (Family Class Sponsorship) (SOR/97-146, OIC 1997-376)

These amendments impose new requirements on both sponsors and the family members they sponsor in connection with family reunification. The purpose is to ensure that sponsorship is respected as a serious commitment and that sponsors are willing and capable of meeting their obligations. These measures are part of a coordinated strategy to help protect immigrants from being abandoned by their sponsors and to protect communities from being financially responsible for supporting immigrants who cannot support themselves.

The amendments come into effect April 1, 1997.

The definition of "sponsor" is amended to make it clear that a sponsor must be living in Canada for sponsorship. An exception is made for sponsors who are Canadian citizens and living abroad, in which case they may be allowed to sponsor their spouse and children if they are returning to Canada with their family to live. The intent of the exception is to allow Canadians who have been residing abroad, typically for work or educational purposes, and who have married during their time abroad, to sponsor their family without first having to return to Canada to re-establish themselves and to submit a sponsorship

The definition of "undertaking" will be amended so that undertakings will be for a mandatory 10-year period. Sponsors and the immigrants they sponsor will be required to sign a separate agreement that outlines the nature and extent of their respective obligations.

Immigration Act, section
114

CIC/95-9-O-M

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The amendments introduce additional sponsorship criteria which will prevent a Canadian citizen or permanent resident from sponsoring, or co-signing a sponsorship, under certain circumstances.

Henceforth, no person will be able to sponsor, or to co-sign, if they are confined in penitentiary or jail, if they are bankrupt, or if, on the date of the undertaking, they are in default of any obligations assumed by them under any other undertaking or for which they are responsible under any transportation or right of landing fee loans under the Regulations. In addition, permanent residents will not be able to sponsor an application for permanent residence if: criminal charges have been laid against them and a final determination concerning the charges has not been made by the courts; they are the subject of a report under the Immigration Act that could lead to their removal from Canada; or they are the subject of a removal order.

The regulations continue to distinguish between sponsorship arrangements that are subject to evidence of the sponsor's financial ability and those that are not. Where sponsorship is subject to financial requirements, as is the case for parents, grandparents, fiance(e)s and children to be adopted, sponsors will now undergo a more detailed, non-discretionary financial calculation to determine that they possess the amount of income that is required in order to look after the needs of the sponsored immigrants. Low Income Cut-Off (LICO) figures published and updated periodically by Statistics Canada will continue to be used as financial benchmarks. They will not be increased at this time.

Sponsors' (and any spouses who wish to co-sign) Canadian income, minus financial obligations for the twelve-month period preceding submission of the sponsorship application, will be compared to the LICO amount for their family size and population area. Family size is determined by creating a notional family unit consisting of their own immediate family, their family members in Canada from existing sponsorship undertakings, and family members named on the sponsorship application under consideration.

Sponsors of spouses and dependent children will continue to be exempt from the financial test; however, the regulations clarify the circumstances under which sponsorships are exempt. Sponsors of spouses with children or sponsors of children alone will be exempt from the financial calculation only if the children are all under age 19 and unmarried, or do not have children of their own.

The amendments allow a spouse to co-sign the undertaking. When a spouse does so, the income of the spouse is added to that of the sponsor for the purpose of the financial test. The spouse becomes equally liable to fulfil the obligations contained in the undertaking to the Minister and in the agreement with the immigrant.

For the purposes of the co-signing provisions only, a spouse includes a common-law spouse who is defined as a person of the opposite sex who has cohabited with the sponsor in a conjugal relationship for at least one year. This provision has been included to conform to the equality provisions of the *Canadian Charter of Rights and Freedoms*.

The amendments indicate that a visa officer may issue an immigrant visa providing that the sponsor meets sponsorship requirements and that where information is received that the sponsor is no longer able to fulfil the undertaking the sponsor's financial capacity to sponsor will be recalculated based on the same criteria applied at the time of sponsorship.

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A transitional provision will allow sponsorship applications submitted using undertaking forms that existed prior to April 1, 1997 and received at the Case Processing Centre in Mississauga by close of business on April 18, 1997 to be processed under the regulations that were in effect prior to April 1. This provision is intended to benefit persons who are acting on a sponsorship application form obtained prior to the April 1st coming into force of the new regulations. It is also designed to allow time for the Case Processing Centre to process old sponsorship applications and to convert to new application processing.

Contact: Jim May, A/Director, Social Policy and Programs Division, Selection Branch, Citizenship and Immigration Canada, 300 Slater Street, Journal Tower North, 7th Floor, Ottawa, Ontario, K1A 1L1.

Gasoline Regulations, amendments (SOR/97-147, OIC 1997-377)

The amendment extends for one year the current exemption of certain categories of high-performance competition vehicles from the restriction on the use of leaded gasoline, to December 31, 1997.

This exemption period will give time for the Minister of Environment to meet with key representatives of the racing industry to reach agreement on actions they are prepared to take to reduce and minimize the exposure of spectators and people in surrounding neighbourhoods to lead. This will also give time for the Canadian Government to link Canadian and American studies of the health effects of alternatives to lead and to have the Commission for Environmental Cooperation develop a plan of action for the reduction or elimination of leaded fuel in Canada, the United States and Mexico.

The proposal was republished in the Canada Gazette, Part I, December 28, 1996 (see *Regulatory Affairs*, Vol. 3, No. 1, Jan. 10, 1997, p. 1).

Contact: Lynne Patenaude, Commercial Chemicals Evaluation Branch, Toxics Pollution Prevention Directorate, Environmental Protection Service, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1671; Arthur Sheffield, Chief, Regulatory & Economic Assessment Branch, Regulatory Affairs and Program Integration Directorate, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1172.

Food and Drug Regulations, amendment (Schedule No 940) (SOR/97-148, OIC 1997-378)

The amendments repeal a number of regulations, following a regulatory review.

More specifically repealed are:

- Nutritional requirements for products represented as ready breakfast, instant breakfast or any similar designation (Section B.01.053): The nutritional requirements for these products were considered to be included in Division 24 (Foods for Special Dietary Use).
- Standards for Monoglycerides, Monoglycerides and Diglycerides (Section B.09.012): Section B.01.045 of the Regulations requires that food additives meet the specifications set out in the Food Chemicals Codex, Third Edition, 1981, as amended from time to time and published on behalf of the National Academy of Sciences, Washington, D.C., United States. As the Food Chemicals Codex includes specifications for both monoglycerides, and monoglycerides and diglycerides, Section B.09.012 was considered to be redundant.

Canadian Environmental Protection Act, sections 46 and 47

NRCan/96-94-33-L

To be published in Canada Gazette April 2, 1997

Food and Drugs Act, subsection 30(1)

HC/94-49-I

To be published in Canada Gazette April 2, 1997

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- Heat treatment requirements for Sterilized Milk (Section B.08.007(a) and (b)) and meat, meat by-product or preparations thereof (Sections B.14.013 and B.14.014). Heat requirements for the treatment of these products are now included in Division 27 (Low-Acid Foods Packaged in Hermetically Sealed Containers).
- Microbiological Standards for Edible Bone Meal or Edible Bone Flour (Section B.14.061(b) and (c)), Gelatin or Edible Gelatin (Section B.14.062(d)) and Fish Protein (Section B.21.027(c)(ii) and (iii)). These standards were considered to be unnecessary as these food ingredients are subjected to heat treatment during the preparation or the processing of the finished products which is believed to provide the necessary level of protection for consumers.
- Prohibition on the use in food of more than one of the following Class II preservatives: benzoic acid including salts thereof; methyl-p-hydroxybenzoate and propyl-p-hydroxybenzoate including salts thereof; and sulphurous acid including salts thereof (Section B.16.004). The restriction on use of these preservatives was considered to be scientifically unjustified.

The proposals were republished in the Canada Gazette on Jan. 13, 1996.

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Canada, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; FAX: 613-941-3537.

National Parks General Regulations, amendment (SOR/97-149, OIC 1997-379); National Parks Aircraft Access Regulations (SOR/97-150, OIC 1997-380)

The amendments revoke the provisions in the *National Parks General Regulations* respecting the landing and take-off of aircraft in the national parks and national park reserves. A new set of regulations, *National Parks Aircraft Access Regulations*, are concurrently being brought into effect to control aircraft access to the parks and reserves.

The provision which authorizes hang gliding in Banff National Park in the Regulations is also being revoked as the activity is no longer permitted in the Park. The activity was initially authorized on a trial basis in 1986 but, because of costs associated with monitoring the activity and potential liability concerns, permits under the Regulations have not been issued for a number of years.

The intent of the new regulations is to provide for visitor access by commercial air carrier and private aircraft to a number of northern national parks and reserves. Those parks include Auyuittuq National Park Reserve, Ellesmere Island National Park Reserve, Northern Yukon National Park, Kluane National Park, Kluane National Park Reserve, Nahanni National Park Reserve and Wood Buffalo National Park. The new regulations are necessary because the only reasonable means of access to remote areas in these parks is by aircraft. The *National Parks Aircraft Access Regulations* also cover access to an airstrip in Wood Buffalo National Park which is used by an Aboriginal community in the Garden Creek area of the Park.

Based on the recommendations of the Banff Bow Valley Study, the airstrip in Banff National Park will be closed and, therefore, the landing or take-off of aircraft at this airstrip will not be authorized under the new regulations. For purposes of consistency, the airstrip in Jasper National Park will also be closed to conform with the recommendations of the 1988 management plan for that plan.

National Parks Act, sub-section 7(1)

Not included in Regulatory Plan

To be published in Canada Gazette April 2, 1997

Pre-Published and Approved With comments or changes

Statutory Authority
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With respect to commercial air-carrier services, a business licence issued under the *National Parks Businesses Regulations* is required before a permit is issued under the *National Parks Aircraft Access Regulations*.

Contact: Gerard Doré, Chief, Legislative and Regulatory Affairs, National Parks, Parks Canada, 4th Floor, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel: 613-953-7831; Fax: 613-994-5140.

Ministerial Orders Approved

Statutory Authority
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Regulatory Plan Listing

Broadcasting Licence Fee Regulations, 1997, amendment (SOR/97-144)

The Regulations set out the fees payable for licences by broadcast licensees; repeal the *Broadcasting Licence Fee Regulations*; and come into force April 1, 1997.

The Regulations do not apply to broadcasting undertakings licensed as a student broadcasting undertaking, a native broadcasting undertaking, a community broadcasting undertaking, or a campus/community broadcasting undertaking; broadcasting undertakings carried on by the Corporation or by an independent corporation which derives none of its revenues from the sale of air time.

Contact: Allan J. Darling, Secretary General, Canadian Radio-television and Telecommunications Commission, 1 Promenade du Portage, Hull, Quebec, K1A 0N2. Tel: 613-997-1027.

Broadcasting Act, subsections 10(3) and 11(5)

Not included in Regulatory Plan

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Regulations Establishing the Period for Royalty Entitlements of Non-Members of Collecting Bodies (SOR/97-164)

This regulation establishes the time period within which an "orphan owner" (a rights owner who does not authorize a collecting body to act on the owner's behalf) can seek payment for the use of a work from a collecting body designated by the Copyright Board for that purpose.

The period begins on the communication of the work and cannot be less than 12 months. Once the period has expired, the collectives will be able to allocate reserves set aside for works of "orphan owners" to members of the collective.

Contact: Claude Majeau, Secretary, Copyright Board, Suite 800, 56 Sparks Street, Ottawa, Ontario, K1A 0C9. Tel: 613-952-8621; Fax: 613-952-8630.

Copyright Act, paragraph 70.66(3)(b)

Not included in Regulatory Plan

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