

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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Proposed Regulations	Statutory Authority
for Pre-Publication in Part I, Canada Gazette	

<p>Order Adding Toxic Substances to Schedule I to the Canadian Environmental Protection Act</p> <p>The proposed Order adds the following toxic substances to Schedule I to the Canadian Environmental Protection Act, after item 27:</p> <ol style="list-style-type: none"> 28. Inorganic arsenic compounds 29. Benzidine 30. Bis(2-ethylhexyl)phthalate 31. Inorganic cadmium compounds 32. Chlorinated wastewater effluents 33. Hexavalent chromium compounds 34. Creosote-impregnated waste materials from creosote-contaminated sites 35. 3,3'-Dichlorobenzidine 36. 1,2-Dichloroethane 37. Dichloromethane 38. Effluents from pulp mills using bleaching 39. Hexachlorobenzene 	<p><i>Canadian Environmental Protection Act</i>, subsection 33(1)</p> <p>Published in Canada Gazette April 4, 1998</p>
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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority

40. Inorganic fluorides
41. Refractory ceramic fibre
42. Oxidic, sulphidic and soluble inorganic nickel compounds
43. Polycyclic aromatic hydrocarbons
44. Tetrachloroethylene
45. Trichloroethylene

This Order is proposed to come into force on March 26, 1998.

Migratory Birds Regulations, amendment

This proposed amendment would raise the cost of the Migratory Game Bird Hunting Permit by \$5.00 (from \$3.50 to \$8.50) beginning in the 1998-99 hunting season. The change was announced in the February 1996 federal budget and is a result of the second federal program review exercise to improve the focus of government spending through alternative service delivery and user fees.

Contact: Stephen Wendt, Chief, Migratory Birds Conservation Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1422. Terry Mueller, Regulatory Analyst, Program Analysis and Coordination Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-997-1272.

Migratory Birds Convention Act, 1994, section 12

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Exempt from Pre-Publication and Approved

Statutory Authority

Federal Court Immigration Rules, 1993, amendment; Federal Court Immigration Rules, repeal (SOR/98-235, OIC 1998-557)

These amendments update the *Federal Court Immigration Rules, 1993* and repeal the *Federal Court Rules (SOR/89-26)*.

The amendments include:

- repealing the definition "Minister" in Rule 2;
- repealing Rule 19 and Subrule 21(1);
- applying Parts 1, 2, 3, 6, 7, 10 and 11 and Rules 383 to 385 of the *Federal Court Rules, 1998* to applications and appeals, subject to subrule (3), except to the extent that they are inconsistent with the Act or these Rules;
- applying Parts 1, 2, 3, 5, 7, 9, 10 and 11 of the *Federal Court Rules, 1998* to applications for judicial review of a decision of a visa officer, except to the extent that they are inconsistent with the Act;
- stipulating, under Subrule (3), that Rule 133 of the *Federal Court Rules, 1998* does not apply to service of an application under Rule 7.

The changes come into effect April 25, 1998.

Immigration Act, subsection 84(1)

To be published in Canada Gazette April 15, 1998

Customs Brokers Licensing Regulations, amendment (SOR/98-236, OIC 1998-558)

The amendments allow licensed customs brokers to conduct business at specified customs offices by transmitting customs information to the Department in an electronic format (Accelerated Commercial Release Operations Support System [ACROSS]).

The changes are deemed to have come into effect June 13, 1996, when the change was announced publicly.

Customs Act, subsection 9(5) and paragraphs 164(1)(j) and 167.1 (b)

To be published in Canada Gazette April 15, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Participating licensed customs brokers will be allowed to complete most commercial import transactions by electronic means at customs offices without a sub-agent.

The amendments will permit licensed customs brokers to retain their records in accordance with standards established by the Canadian General Standards Board.

Repealed is the schedule to the Regulations that lists customs offices where all licensed customs brokers are authorized to transact business and those customs offices not currently served by a locally-licensed customs broker. In its place, the Deputy Minister of National Revenue will specify these customs offices.

Contact: Greg Goatbe, Director, Project Management Division, Major Project Design and Development Directorate, Customs and Trade Administration Branch, Revenue Canada, Sir Richard Scott Building, 17th Floor, Ottawa, Ontario, K1A 0L5. Tel: 613-954-7501.

Order Respecting the Withdrawal of Certain Lands (Bathurst Island National Park in the Northwest Territories) (SI/98-54, OIC 1998-586)

Territorial Lands Act,
paragraph 23(a)

The purpose of this Order is to withdraw certain lands from disposal to establish a proposed National Park on North Bathurst Island in the Northwest Territories.

To be published in Canada Gazette April 29, 1998

The lands are withdrawn from disposal from the date of registration of this Order (April 2, 1998) through October 1, 2001. Included are lands adjacent to Polar Bear Pass National Wildlife Area and all the offshore islands in the Berkeley Group; a Schedule to the Regulation provides a more exact description of the lands.

The withdrawal does not apply in respect of

- existing located or recorded mineral claims or prospecting permits in good standing acquired under the *Canada Mining Regulations*;
- existing rights in good standing created pursuant to section 8 of the *Territorial Lands Act* or under the *Territorial Lands Regulations*;
- rights to obtain surface leases on existing or located or recorded mineral claims acquired pursuant to section 8 of the *Territorial Lands Act* or under the *Territorial Lands Regulations*;
- existing permits, special renewal permits and leases in good standing acquired under the *Canada Oil and Gas Land Regulations*;
- existing permits in good standing acquired under the *Territorial Quarrying Regulations*;
- existing rights, permits and interests granted under the *Canada Petroleum Resources Act*;
- existing rights issued pursuant to the *Territorial Coal Regulations* or the *Territorial Dredging Regulations* or pursuant to the *Forest Management Act* of the Northwest Territories; and
- interests in lands described in Exhibit 2 of the Acquisition Agreement, dated May 5, 1988, among Her Majesty in Right of Canada, the Northern Canada Power Commission, the Government of the Northwest Territories and the Northwest Power Corporation.

The Order also repeals the Withdrawal from Disposal Order, made by Order in Council P.C. 1996-1562 of October 8, 1996.

Contact: Chris Cuddy, Chief, Land & Water Management Division, Department of Indian Affairs and Northern Development, Les Terrasses de la Chaudière, 10 Wellington Street, Ottawa, Ontario, K1A 0H4. Tel: 819-994-7483; Fax: 819-953-2590.

Exempt from Pre-Publication and Approved

Statutory Authority

Canadian Orders, Decorations and Medals Directive, 1998 (SI/98-55, OIC 1998-591)

The directive establishes the sequence for wearing the insignia of Canadian orders, decorations and medals, along with the post-nominal letters associated with the orders, medals and decorations.

Prerogative

To be published in Canada Gazette April 29, 1998

Canadian Payments Association By-Law No. 6 Respecting Compliance (SOR/98-238, OIC 1998-567)

The Compliance By-law sets out a complaint resolution process and provides sanctions for failure to comply with the rules or by-laws, including a maximum fine of \$250,000, which could be imposed on member institutions of the Canadian Payments Association (CPA).

Canadian Payments Association Act, subsection 18(2)

To be published in Canada Gazette April 29, 1998

Under the by-law, fines would be imposed by either the General Manager of the CPA or a Compliance Panel composed of at least three representatives of CPA member institutions.

Under section 18 of the *Canadian Payments Association Act*, the Board of Directors may make a by-law establishing penalties to be paid by CPA member institutions, for failure to comply with the by-laws and rules. However, a by-law is not effective until approved by the Governor in Council.

The by-law would apply only to the members of the CPA, which are all deposit-taking financial institutions. It would have no impact on individuals or the federal government. The Board of Directors of the CPA and the members of the CPA have approved the draft Compliance By-law.

Contact: Bob Hammond, General Manager, Canadian Payments Association, Suite 1212, 50 O'Connor Street, Ottawa, Ontario, K1P 6L2. Tel. 613-238-4173.

Pre-Published and Approved No comments or changes

Statutory Authority

Pacific Fishery Regulations, 1993, amendment (SOR/98-237; OIC 1998-559)

The amendments create categories of commercial fishing licences for eulachon and clams and increase fees for two existing commercial licences, shrimp trawl and shrimp by means of a trap.

Fisheries Act, section 43

To be published in Canada Gazette April 15, 1998

The annual fee for eulachon (Category ZU) and clams (Category Z2, Butter, Little-neck, Manila and Razor clams) licences will be \$30. The new licences are designed to limit entry in these fisheries, which have come under intense pressure in recent years.

The shrimp trawl licence fee increases range from \$1,000 to \$4,000 depending on vessel length.

For the shrimp by means of trap licence, the fee will no longer be based on the number of traps used. For fishers using up to 300 traps, the annual fee will increase by \$335; for fishers using more than 300 traps, the licence fee will decrease by \$960.

Contacts: Bruce Adkins, Shellfish Coordinator, Department of Fisheries and Oceans, Nanaimo, B.C. V9R 5K6. Tel: 250-756-7285; Fax: 250-756-7053. Frances Dickson, Area Chief, Fisheries Management, Department of Fisheries and Oceans, New Westminster, B.C., V3M 5P8. Tel: 604-666-6509; Fax: 604-666-7112.

Pre-Published and Approved No comments or changes

Statutory Authority

Orderly Payment of Debts Regulations, amendment (SOR/98-239, OIC 1998-570)

The amendment amends section 30 of the Regulations in order to increase to 15% from 10% the levy used to cover the costs associated with administering the consolidation of debt payments to a creditor by an individual under Part X of the *Bankruptcy and Insolvency Act*.

The levy is deducted by the court clerk from each payment that is made to a registered creditor in respect of a claim by the creditor under a court-established consolidation order. The provinces who administer the orderly payment of debts programs requested the increase because the current 10% levy is insufficient to cover program costs.

The amended regulations come into effect on April 30, 1998 and apply to each payment made to a creditor on or after that date.

Contact: Karina Fauteux, Office of the Superintendent of Bankruptcy, Industry Canada, Jean Edmonds Towers, South Tower, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel: 613-941-5762; Fax: 613-941-2692; e-mail: fauteux.karina@ic.gc.ca.

Determination of the Tariff Classification of Sugar, Molasses and Sugar Syrup Regulations, amendment (SOR/98-241; OIC 1998-583)

The changes update the regulations to reflect changes to International Commission for Uniform Methods of Sugar Analysis (ICUMSA) standard for use in the laboratory analysis of sugar.

Section 3 is revised to reflect the 1986 revision and 1994 rewrite of the standard and to accommodate future changes to the standard (namely Method I, as amended from time to time).

The Revenue Department had considered, and based on consultations has rejected, the idea of repealing the Regulations.

The regulations come into effect April 6, 1998.

Contact: Deborah Mosher, Tariff Administrator, Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 Mackenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel: 613-954-7000; Fax: 613-954-9646.

Bankruptcy and Insolvency Act, paragraph 240(b)

IC/97-1-F

To be published in Canada Gazette April 29, 1998

Customs Act, paragraph 164(1)(f)

To be published in Canada Gazette April 29, 1998

Pre-Published and Approved With comments or changes

Statutory Authority

Bankruptcy and Insolvency Rules, amendment (SOR/98-240; OIC 1998-571)

The new and amended rules, which come into effect on April 30, 1998, are designed to eliminate obsolete provisions and to reflect changes stemming from *An Act to Amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act*, and the *Income Tax Act (C-12)* which came into effect September 30, 1997. The changes include higher fees.

Some of the rule changes include:

- new rules 6 and 7 to permit certain documents to be filed electronically;
- new rule 59, which conveys the circumstances in which a goods and services tax credit payment is exempted from seizure by a trustee; new rule 105, which deals with the mediation process;

Bankruptcy and Insolvency Act, subsection 209(1)

IC/96-1-L; IC/96-3-L;
CACC/93-26-L

To be published in Canada Gazette April 29, 1998

Pre-Published and Approved With comments or changes

Statutory Authority

- new rule 118, which requires that any person opposing the discharge of a bankrupt under the Act must file that opposition with the court, together with any applicable fee provided by the tariff;
- standardization of time periods under the Rules;
- increase fees for trustees for performing a summary administration bankruptcy (rule 128);
- raise the ceiling of realizable assets in summary administration from \$5,000 to \$10,000 (new rule 130);
- increase fees payable to both trustees and administrators of consumer proposals under the Bankruptcy Act (rule 129).

New tariffs will apply April 30, 1998, except tariff with respect to a summary administration in bankruptcy which will apply retroactively back to September 30, 1997.

The new tariffs include:

- a new summary administration tariff provided in new Rule 128, or 100% of the first \$975 or less of receipts, 35% on the portion of the receipts exceeding \$975 but not exceeding \$2,000, and 50% on the portion of the receipts exceeding \$2,000.
- costs to be charged as disbursements to the estate including the fees for filing with the official receiver and the court, the fees for counselling, a \$100 fee for administrative costs, plus applicable Goods and Services Tax (GST).
- with respect to consumer proposals, the tariff provided in new Rule 129 will be \$750 payable on filing of the consumer proposal, \$750 payable on approval of the proposal by the court, and 20% of moneys distributed to creditors under the consumer proposal. Furthermore, all filing fees, court fees, counselling fees and GST will be paid out of the amount available for distribution to creditors.

The changes to the summary administration tariff require that the \$5,000 ceiling of realizable assets in summary administration be raised to \$10,000. Accordingly, pursuant to subsection 49 (6) of the Act, the ceiling for a summary administration estate has been set by Regulation at \$10,000 (new Rule 130).

The proposed regulations were prepublished in the Canada Gazette, Part I on February 7, 1998. Some technical changes have been made as a result of comments.

Contact: Karina Fauteux, Office of the Superintendent of Bankruptcy, Industry Canada, Jean Edmonds Towers, South Tower, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel: 613-941-5762; Fax: 613-941-2692; e-mail: fauteux.karina@ic.gc.ca.

Ministerial Orders Approved

Statutory Authority

Pari-Mutuel Betting Supervision Regulations, amendment (SOR/98-242)

This amendment revises the rules for calculating the winnings in respect of quinella, exactor and triactor horse races and, in so doing, harmonizes them with other jurisdictions.

The changes affect subsection 68(1), sections 69 and 70, and 138 to 147.

The Order comes into effect April 21, 1998.

Criminal Code, subsection 204(9)

To be published in Canada Gazette April 29, 1998

Ministerial Orders Approved

Statutory Authority

Processed Products Fees Order, amendment (SOR/98-229)

This amendment corrects errors in numbering of certain sections (5 to 6.1, and a portion of section 7) of the *Processed Products Fees Order* (SOR/98-165).

The Order comes into effect April 1, 1998.

Financial Administration Act, paragraphs 19(1)(b) and 19.1(b)
To be published in Canada Gazette April 15, 1998

Portions of the Department of National Defence Divestiture Regulations (SOR/98-230); Portions of the Department of Public Works and Government Services Divestiture Regulations (SOR/98-231); Airport Transfer Regulations, amendment (SOR/98-232); NAV Canada Divestiture Regulations, amendment (SOR/98-233); Administration of Labour Market Development Services Divestiture Regulations, amendment (SOR/98-234)

The amendments define the availability of pension benefits for employees transferring from certain agencies to non-government employers on or after April 1, 1998.

The regulations provide that eligible individuals can access a lump sum benefit such as a return of contributions or a transfer value on ceasing to be employed in the federal public service. Persons who do not exercise an option for a lump sum benefit retain their pension accruals under the *Public Service Superannuation Act* as of the time they ceased to be employed by the federal public service; their service for their new employer will count for benefit eligibility under the Act.

The regulations specify time limits before which specified options must be exercised: no later than June 20, 1998 for cases referred to in paragraphs 13(7)(a) and (b) of the Act; for cases referred to in subsection 12(3) and section 13.01 of the Act, no later than one year after the date on which the person ceases to be employed in the federal public service and becomes employed by the new employer (in some cases, no later than June 20, 1998).

Separate regulations apply to persons working for employers, including a person acting for or on behalf of, such employers, who carry out activities formerly carried on by: portions of National Defence (Serco Facilities Management Inc. is added to the Schedule, subsection 3(2)); by portions of Public Works and Government Services Canada; and by Human Resources Development Canada under the Labour Market Development Services divestiture. Also affected are persons who go to work for NAV Canada and for airport authorities, or persons acting for or on behalf of airport authorities.

The regulations come into effect April 1, 1998.

Financial Administration Act, paragraphs 19(1)(b) and 19.1(b)
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