

Tracking Federal Regulatory Initiatives

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

Regulations Respecting the Election of Directors of the Canadian Wheat Board	<i>Canadian Wheat Board Act</i> , section 306
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The proposed regulations set out the rules for the election of the directors of the Canadian Wheat Board to implement changes made under *An Act to amend the Canadian Wheat Board Act*.

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Under those changes, a 15-member Board of Directors, including a chairperson and a president, will be set up to direct and manage the affairs of the Canadian Wheat Board (CWB). This new management structure will replace the current structure which consists of not fewer than three and not more than five commissioners appointed by the Governor in Council and 10 directors are to be elected by producers.

The proposed regulations deal with the various aspects of the election of the producer directors, including eligibility of prospective candidates, geographic distribution of members, staggering of terms, voter qualifications, the number of signatures which should be required on nomination papers, spending limits for candidates and third parties, and the electoral districts.

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority

Contact: Donald Adnam, Deputy Director, International Markets Analysis, Grains and Oilseeds Division, Market and Industry Services Branch, Agriculture and Agri-Food Canada, Sir John Carling Building, Ottawa, Ontario K1A 0C5, (613) 759-7640; and David Byer, Legal Counsel, Justice Canada, Agriculture and Agri-Food Canada, Sir John Carling Building, Ottawa, Ontario K1A 0C5, (613) 759-7880.

Migratory Birds Regulations, amendment

The proposed amendment will allow for falconry hunting across Canada where the area is designated by a province or territory as an area in which persons may hunt with the aid of raptors.

Currently, the Migratory Birds Regulations permit the hunting of migratory birds with raptors in Prince Edward Island, Saskatchewan, Alberta and British Columbia. This method of hunting has had little impact on bird populations in these provinces.

The proposed amendment will enable the provinces and territories to designate zones within their jurisdictions in which hunting with raptors may occur. For example, the government of Ontario has replaced its *Game and Fish Act* with the *Fish and Wildlife Conservation Act*, which permits the designation of areas for hunting with raptors, in order to be able to provide for this method of hunting when the proposed amendment to the federal Regulations is finalized. Similarly, in March 1998, the government of Manitoba amended its *Wildlife Act* to provide for hunting with raptors.

The proposed amendment was prompted by requests from hunters and other interested parties, including the Ontario Hawking Club.

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Preliminary Screening Requirement Regulations; Exemption List Regulations

The proposed regulations implement a commitment by the federal government under the Gwich'in Comprehensive Land Claim Agreement and the Sahtu Dene and Metis Comprehensive Land Claim Agreement, signed respectively on April 22, 1992, and September 6, 1993, to establish an integrated land and water regulatory system in the Mackenzie Valley. This system includes an environmental assessment and review (EAR) process.

The regulations are necessary to implement the EAR process established by the *Mackenzie Valley Resource Management Act* (MVRMA).

The *Preliminary Screening Requirement Regulations* enumerate provisions of statutes and regulations which require a regulatory authority to conduct a preliminary screening before delivering a permit, licence or other authorization for a proposed development "an undertaking carried out on land or water" in the Mackenzie Valley.

The *Preliminary Screening Requirement Regulations* are divided into two schedules: Schedule 1 comprises a federal list of some 100 provisions of statutes and regulations; Schedule 2 covers some 20 provisions of statutes and regulations of the Northwest Territories.

The *Exemption List Regulations* would exclude certain activities from a preliminary screening because they are considered not to have any significant adverse impact on the environment. Schedule 1 itemizes, in a general list, 39 activities; Schedule 2 covers nine activities within national parks, national park reserves and national historic site areas.

Migratory Birds Convention Act, 1994, section 12

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Mackenzie Valley Resource Management Act, sections 124(1) and 143(1)(b)

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Proposed Regulations

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The two regulations have been modeled on, and work in a similar fashion to, the *Canadian Environmental Assessment Act (CEAA) Law List Regulations* and the *Exclusion List Regulations*.

Where a proponent requires a permit, licence or authorization identified in the *Preliminary Screening Requirement Regulations*, the regulatory authority conducts an examination unless the proposed development is exempted by the *Exemption List Regulations*. Where the federal or territorial government or the Gwich'in or Sathu First Nation proposes a development not requiring a permit, licence or authorization, such as a wolf kill, the Government or the First Nation must undertake the same examination unless it determines its impact on the environment to be manifestly insignificant or it is an activity listed in the *Exemption List Regulations*.

The Government (federal, territorial or local), the Gwich'in or Sahtu First Nation or the Environmental Impact Review Board (the Review Board) has an overriding power to refer a development for an environmental assessment.

Differences between the *Mackenzie Valley Preliminary Screening Requirement Regulations* and the *CEAA Law List Regulations* are as follows:

- (a) update of statutes and regulations proclaimed since October 7, 1994, e.g. Canada Transportation Act, S.C., 1996;
- (b) removal of provisions of statutes and regulations that apply outside the Mackenzie Valley, e.g. the *Yukon Waters Act*, or that do not trigger the MVRMA, such as federal funding, granting of a right or transfer of lands that do not call for "a development", as defined in the MVRMA; and
- (c) inclusion of Northwest Territories statutes and regulations.

Differences between the Mackenzie Valley Exemption List Regulations and the CEAA Exclusion List Regulations are as follows:

- (a) removal from the exemption list of low-level activities considered highly sensitive to the North, e.g. a drainage structure;
- (b) removal of a CEAA threshold of an exempted activity which is considered to be captured by other thresholds and is duplication, for example the removal of the "30 metres distance" threshold where modifications to, or maintenance of, an existing building occur. It is felt that the threshold "no release of waste in a water body" is sufficient; and
- (c) addition of a threshold to an exempted activity where additional conditions are considered necessary; for example, an activity would be exempted only if it does not require a land use permit.

The mining industry supports, in principle, the legislation but is somewhat concerned about matters flowing from the land claims (e.g., the over-riding powers of First Nations, Government and the Review Board to refer a development otherwise exempted).

Mackenzie Valley First Nations who do not have land claims agreements oppose, in principle, the application of the legislation and the regulations to their regions without their consent. This opposition reflects First Nations' concerns that the application of this legislation and regulations will constrain the outcome of negotiations on assertion of treaty land entitlement, comprehensive land claim or self-government negotiations.

Contact: Will Dunlop, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel: 819-994-7468; Fax: 819-953-0335. Jacques Deneault, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel: 994-7462; Fax: 819-953-0335.

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority

Yukon Quartz Mining Land Use Regulations; Yukon Placer Mining Land Use Regulations

Yukon Quartz Mining Act, section 12; *Yukon Placer Mining Act*, section 116

The proposed two new Regulations would establish the rules for initiating and carrying out environmental reviews of mining projects under the *Yukon Quartz Mining Act* and the *Yukon Placer Mining Act*.

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More specifically, the *Yukon Quartz Mining Land Use Regulations* (YQMLURs) and the *Yukon Placer Mining Land Use Regulations* (YPMLURs) describe, in detail, how the environmental management regime would work and the responsibilities and obligations of both the Yukon mining industry and government administrators.

The new proposed regulations follow amendments to the two mining Acts which were introduced in Parliament on March 4, 1996, as Bill C-6, to create the authority to regulate exploration and mining activities in the Yukon. The legislation, which received Royal Assent on November 28, 1996, provides an approval process for all mining projects which may have a significant environmental impact.

The YQMLURs and Part II of the *Yukon Quartz Mining Act* apply to lands under mineral claim held by entry or lease under that Act. The YPMLURs and Part II of the *Yukon Placer Mining Act* apply to claims or land on which a lease has been granted. The extent of regulating land use operations is based on the level of activity and resulting environmental impact of individual projects. These levels are classified as Classes I, II, III, and IV with threshold activities which identify the Class of any exploration program.

The threshold or criteria used are similar to the *Territorial Land Use Regulations* used on lands other than mineral claims. Class I includes only those activities below the first threshold. Class I activities require no approval, but must comply with prescribed operating conditions set out in the regulations. Class II activities require prior notification and approval by a federal authority. Class III activities require the advance submission and approval of a detailed operating plan. Class IV activities require an operating plan and require public notification and, in some cases, public consultation.

The thresholds for the Classes relate to specific activities which are normally conducted during mineral exploration such as the number of persons in a campsite, the number of cubic metres of trenching, the number of square metres of stripping, the number of kilometres of road construction, vehicle weights and the number of kilometres travelled and the capacity of fuel storage facilities. Exceeding any threshold for a Class moves the activity into a higher Class with more stringent approval requirements.

In addition to requiring operators on mining claims to meet minimum operating conditions related to their land use activities during exploration and mining, operators will have to pay a fee for a Class II Notification, a Class III or IV operating plan, an amendment to an operating plan, and for an assignment of such an operating plan. The legislation provides for the posting of security to ensure mitigation of adverse environmental effects of their activities and provides for operators to compensate the government for necessary expenditures to undertake the mitigation where the operator is unable to do so. The cost will now be borne by the mining industry.

Contact: Bob Whittingham, Mining Advisor, Mining Legislation and Resource Management, Department of Indian Affairs and Northern Development, Les Terrasses de la Chaudière, 10 Wellington Street, Ottawa, Ontario, K1A 0H4. Tel: 819-994-6416.

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority

Food and Drug Regulations (Schedule F), amendment

Food and Drugs Act

The proposed amendment will adding 25 new drug substances to Part I. In addition, amendments will be made to correct the French spelling of the drug Polysulfated glycosaminoglycan and the omission of the drug cyclophosphamide from the French version of Part I of Schedule F to the Regulations (SOR/95-546).

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The changes are described in a Notice published in the Canada Gazette, Part I.

Subject to the final approval of the Governor in Council, it is proposed that the following drug substances be added to Schedule F:

- Anagrelide and its salts: Anagrelide is a platelet-reducing agent that is indicated in the management of patients with thrombocytosis at risk of thrombotic complications.
- Amfebutamone and its salts: Amfebutamone is an antidepressant that is indicated for the symptomatic relief of depressive illness.
- Brimonidine and its salts: Brimonidine tartrate ophthalmic solution is indicated for the control of intraocular pressure in patients with chronic open-angle glaucoma and to control the post-operative intraocular pressure spikes in patients undergoing laser ocular surgery.
- Carbetocin and its salts: Carbetocin is a long-acting analogue of the pituitary hormone oxytocin that is used to stimulate contractions of the postpartum uterus to prevent uterine atony and postpartum hemorrhage.
- Cerivastatin and its salts: Cerivastatin is one of a new class of lipid-lowering compounds that reduce the production of cholesterol in the body.
- Emedastine and its salts: Emedastine difumarate is a benzimidazole derivative developed for the treatment of allergic conjunctivitis.
- Fosfomycin and its salts: Fosfomycin tromethamine is an antibacterial indicated for single dose oral therapy in women with uncomplicated urinary tract infections.
- Irbesartan and its salts: Irbesartan is an angiotensin II AT1 receptor blocker used in the treatment of essential hypertension.
- Mibefradil and its salts: Mibefradil hydrochloride is a new type of calcium channel blocker that is used for the treatment of patients with renal or essential hypertension and for the management of chronic stable angina pectoris.
- Montelukast and its salts: Montelukast is a new leukotriene receptor antagonist indicated for the prophylaxis and chronic treatment of asthma including prevention of day and nighttime symptoms in adult and pediatric patients 6 years of age and older.
- Nadroparin and its salts: Nadroparin is a low molecular weight heparin that is used for the treatment of deep vein thrombosis and pulmonary embolism.
- Naratriptan and its salts: Naratriptan hydrochloride is an indole derivative that is used in the acute treatment of migraine headache attacks with or without aura.
- Nelfinavir and its salts: Nelfinavir mesylate is an inhibitor of the human immunodeficiency virus (HIV) protease that is used for the treatment of HIV infection in combination with reverse transcriptase inhibitor nucleoside analogues.
- Pramipexole and its salts: Pramipexole is a new non-ergot dopamine agonist indicated for the symptomatic treatment of Parkinson's disease.
- Quetiapine and its salts: Quetiapine is a new antipsychotic agent that is indicated for the acute treatment of schizophrenia.

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- Raloxifene and its salts: Raloxifene hydrochloride is a selective estrogen receptor that is indicated for the prevention of osteoporosis in postmenopausal women.
- Rivastigmine and its salts: Rivastigmine tartrate is an anticholinesterase indicated for the symptomatic treatment of patients with mild to moderate Alzheimer's disease.
- Tamsulosin and its salts: Tamsulosin is the first of a new class of drugs indicated for the treatment of the signs and symptoms of benign prostatic hyperplasia.
- Tizanidine and its salts: Tizanidine is an imidazoline derivative, which acts as an agonist at alpha2 adrenergic receptor sites.
- Tolcapone: Tolcapone is used for the treatment of Parkinson's disease.
- Tolterodine and its salts: Tolterodine is a competitive muscarinic receptor antagonist used in the management of symptoms of overactive bladders, characterized by urgency, frequency and urge incontinence.
- Toremifene and its salts: Toremifene is used for the treatment of hormone-dependent metastatic breast cancer in postmenopausal women. The safe and effective use of toremifene requires that patients receive individualized instructions and assessments by a medical practitioner.
- Valsartan and its salts and derivatives: Valsartan is an angiotensin II AT1 receptor blocker used in the treatment of mild to moderate essential hypertension.
- Zafirlukast and its salts: Zafirlukast is a leukotriene receptor antagonist used for the prophylaxis and chronic treatment of asthma in adults and children 12 years of age and older.
- Zolmitriptan and its salts: Zolmitriptan is an indole derivative that is used for the acute treatment of migraine headache attacks with or without aura.

Canada Cooperatives Regulations

The proposed Regulations, required as a result of the addition to the Canada Cooperatives Act ("The Coops Act") of provisions borrowed from the *Canada Business Corporations Act* (CBCA), are very similar to the *Canada Business Corporations Regulations* (SOR/79-316), as amended.

The regulations are divided into eight parts, as follows:

- Part 1, Electronic Transmission: This regulation establishes the regulatory framework for electronic transmission of documents, notices and other information for the purposes of the Act. This includes transmission of information by and to a cooperative.
- Part 2, Corporate Names: The Coops Act does not allow cooperatives to be incorporated with names that are prohibited. These regulations describe names that are prohibited as cooperative names (e.g., a proposed name that is confusing with an existing trade name or trade mark is prohibited).
- Part 3, Proxies and Proxy Solicitation: These regulations establish the content and form of the proxy, and the content of the management proxy circular and the dissident's proxy circular required by the Coops Act to be sent to shareholders when soliciting proxies. Proxy documents must be sent to the investment shareholders before an investment shareholders' meeting and must be filed with the Director. Investment shareholders are holders of shares in the capital of a cooperative which are not membership shares.

Canada Cooperatives Act,
section 372

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Proposed Regulations

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Statutory Authority

- Part 4, Financial Disclosure: These regulations list the financial statements that must be sent to members and shareholders and, if required, filed with the Director. The financial statements must at least include (a) a balance sheet, (b) a statement of retained earnings, (c) an income statement and (d) a statement of changes in financial position. They must also be prepared in accordance with the generally accepted accounting principles as set out in the Handbook of the Canadian Institute of Chartered Accountants.
- Part 5, Constrained Share Cooperatives: The Coops Act permits cooperatives to constrain or restrict the issue, transfer or ownership of investment shares to persons who are not resident in Canada in order to comply with any prescribed law to receive a benefit, such as a licence, permit or grant. These regulations establish disclosure requirements, issue and transfer restrictions, and voting rights related to constrained investment shares. They also prescribe the laws under which a cooperative can constrain investment shares.
- Part 6, Rules of Procedure for Applications for Exemptions: The Coops Act allows cooperatives and other interested parties to apply for an exemption from complying with certain provisions. For example, the Director can exempt a cooperative from sending a form of proxy and proxy circular to shareholders and can authorize a cooperative to dispense with an audit committee. The regulations set out the application procedure and the rights of the applicant.
- Part 7, Prescribed Fees: Schedule I of the regulations sets out the prescribed fees related to any action that the Director is required or authorized to take under the Coops Act. These actions include: the issuance of certificates on receipt of articles of incorporation, amalgamation, amendment; the examination of applications for exemptions; and providing any person with a copy or certified copy of a document required by the Act or regulations to be filed with the Director. Fees are also prescribed for the filing of annual returns. Since the administrative responsibilities given to the Director under the Coops Act and the CBCA are similar, the processing of applications under the Coops Act require at least the same amount of resources as under the CBCA. For this reason, the fees to be prescribed under the Coops Act will be the same as those under the CBCA.
- Part 8, Prescribed Interest: Under the Coops Act, the directors of the cooperative determine if payment to a dissenting member would adversely affect the financial well-being of the cooperative. In such cases, payment of the value of those members' membership shares may be made over a period of not more than ten years. The regulations prescribe the rate of interest that these payments must bear. The regulation sets the interest payable at the Bank of Canada rate plus three percent to reflect prevailing economic conditions.

Contact: Cheryl Ringor, Regulatory Coordinator, Corporations Directorate, Jean Edmonds Tower South, 365 Laurier Avenue W, Ottawa, Ontario, K1A 0C8. Tel: 613-941-5729; Fax: 613-941-5781; e-mail: ringor.cheryl@ic.gc.ca

International Submarine Cable Licences Regulations

The proposed Regulations would replace the *External Submarine Cable Regulations*, which are to be revoked in their entirety.

The current Regulations are inconsistent with Canada's obligations under the GATS to liberalize the ownership and control of international submarine cables as of October 1, 1998.

Telecommunications Act,
subsection 22(2)

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority

The new Regulations ensure consistency with the *Telecommunications Act* and Canada's international trade obligations.

More specifically, the draft Regulations include the following policy changes affecting the issuance of a licence for international submarine cables:

- they create two new classes of licence, a terminating cable licence and a through cable licence, based on whether or not the cable is connected to telecommunications facilities in Canada and providing telecommunications services in Canada. Licences will no longer be issued according to the type of telecommunications services provided. The new classes of licence are determined by the cable's relationship to other Canadian telecommunications facilities. Terminating cable licences are to be issued for cables that are landed in Canada and through cable licences are to be issued for cables that pass through Canada but that are not landed.
- to obtain a terminating cable licence, an applicant will have to be authorized under federal laws to carry on the business permitted by that licence. The applicant will also be required to control the international submarine cable and its associated works and facilities. The federal government will no longer impose on the applicant the requirement to meet Canadian ownership and control requirements contained in the *External Submarine Cable Regulations*. The *Telecommunications Act* has been amended to exempt international submarine cables from the Canadian ownership and control requirements found at section 16. Under the Regulations, terminating and through cable licences will be available to Canadian or foreign entities.
- the new Regulations will require that the following additional information to be submitted:
 - (a) documentation indicating compliance with the requirements set out in the *Canadian Environmental Assessment Act*;
 - (b) information on the financial and technical capabilities, including the business arrangements, that support the construction or operation of the cable, as the case may be, and its associated works or facilities;
 - (c) information on the human resources, software, hardware and other materials used to construct or operate the cable, as the case may be, and its associated works or facilities;
 - d) information on the interconnection and interoperability of the cable with telecommunications networks in Canada and outside Canada, and the applicant's strategy for providing access to telecommunications to Canadians at a reasonable cost; and
 - (e) information on any other measures taken by the applicant to meet the objectives set out in section 7 of the Act.
- the Regulations reflect the fact that Subsection 22(2) of the *Telecommunications Act* has been amended to provide for the issuance of a submarine cable licence to corporations and persons other than corporations.

Contacts: Allan MacGillivray, Director, Industry Framework, Telecommunications Policy Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel: 613-998-4298; Fax: 613-952-0567; e-mail: macgillivray.allan@ic.gc.ca. Douglas MacEwen, Manager, Industry Structure, Telecommunications Policy Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel: 613-998-4420; Fax: 613-952-0567; e-mail: macewen.doug@ic.gc.ca

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority

Fish Inspection Regulations, amendment

The proposed amendments would implement changes to registration and Quality Management Program (QMP) requirements and would respond to reviews of the current *Fish Inspection Regulations*.

More specifically, the proposed regulations would:

- incorporate Hazard Analysis Critical Control Point (HACCP) principles into QMP;
- strengthen and streamline record keeping;
- clarify and expand requirements regarding the administration of CFIA's establishment registration activities;
- update Schedule I, Construction and Equipment Requirements, and Schedule II, Operating Requirements, of the Regulations to confirm that processing infrastructure meets recognized "state of the art" international food handling standards with an increased emphasis on sanitation, while at the same time making them easier to understand;
- consolidate exemption provisions contained in the Regulations in one section;
- revoke requirements to attach certification stickers to fishing vessels as well as some outdated and redundant provisions of the Regulations; and
- strengthen provisions for the approval of thermal processes used in canneries to sterilize lots of canned fish.

Contact: Susan Masswohl, Regulatory Analyst, Program Analysis and Coordination Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-953-8582; Fax: 819-953-6283; e-mail: Susan.Masswohl@ec.gc.ca

Fish Inspection Act, section 3

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Wildlife Area Regulations, amendment

This amendment would raise the admission fees currently charged for visitors to the Cap Tourmente National Wildlife Area in Quebec.

The one-day admission fees, in each category, would be raised by \$1. Annual access rates would be raised from \$9 to \$15 for adults, from \$8 to \$12 for students, and from \$6 to \$10 for local residents. The fee charged for use of a bird identification guidebook or binoculars is being eliminated. Finally, as a result of numerous requests from individuals and groups, this amendment would make available the personalized service of a naturalist, if requested.

This amendment also will streamline the admission fees by modifying certain categories of users. The number of individuals admitted under group rates will increase from five persons or more, to groups of 10 persons or more. In addition, certain categories of visitors will be eliminated because they have proven, over time, to be under-utilized (such as the resident fee charged for one-day access, and the senior fee for one-day and one-year access).

Cap Tourmente National Wildlife Area, located approximately 50 kilometres east of Québec, is the most significant migratory stop-over in North America for the greater snow goose population. This National Wildlife Area (NWA) provides public awareness programs for the tens of thousands of people who visit each year.

Contact: Serge Labonté, Manager, Cap Tourmente National Wildlife Area, Saint-Joachim, Quebec, G0A 3X0. Tel: 418-827-3776; Terry Mueller, Regulatory Analyst, Program Analysis and Coordination, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-997-1272.

Canada Wildlife Act; section 12; *Financial Administration Act*, paragraphs 19(1)(a)

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Proposed Regulations

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Statutory Authority

British Columbia Sport Fishing Regulations, 1996, amendment

Fisheries Act, section 43

These amendments would repeal the prohibition on fishing for halibut with more than one line, reduce the fee for a five-day non-resident sport fishing licence, change the requirement to record salmon on a sport fishing licence, and amend the daily quota for shrimp.

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More specifically, the changes are as follows:

- the definition of “tidal waters” is being amended in the English version only, to correct a reference to the *Pacific Fishery Management Areas Regulations*.
- the prohibition against any person angling with more than one fishing line for halibut is being lifted and the offence of fishing for halibut with more than one line is also being removed from Schedule VIII.
- the licence fee for a five-day non-resident sport fishing licence is being reduced from \$36 to \$31. Previously, the cost of a five-day licence was greater than the cost of two one-day licences and one three-day licence combined. This anomaly resulted in the sale of multiple licences to one fisher for a single five-day trip and additional costs to DFO for payment of commissions to licence vendors.
- an error in the Regulations is corrected by requiring that only catches of chinook salmon, and not all catches of salmon, be recorded on the licence. Only chinook salmon has an annual limit and thus it is the only species of salmon that needs to be recorded on the sport fishing licence.
- Schedule VIII is being amended to accurately reflect the wording of subsection 13(2) of the Regulations, which is referred to in item 20. In accordance with that subsection, the offence should be for possessing more than three halibut, not for possessing more than the daily quota.
- the description of the daily quota for partly shelled shrimp is being amended to read “2.5 kg with the head and the thorax removed”. The daily quota for shrimp in the shell remains unchanged at 5 kg.

Contact: Terry Gjernes, Acting Chief, Recreational Fisheries Division, Operations Branch, Department of Fisheries and Oceans, 300 - 555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel: 604-666-3271; Fax: 604-666-7369.

Leamy Lake Navigation Channel Regulations

National Capital Act, section 20

The proposed Regulations, in conjunction with the *Boating Restriction Regulations* made under the *Canada Shipping Act*, would govern activities in a navigation channel for motorized vessels that is located on the west side of the Leamy Lake in Gatineau Park, near Ottawa.

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More specifically, the proposed Regulations would prohibit the following activities in the navigation channel:

- operating a vessel other than a motorboat or shuttle boat;
 - swimming;
 - interfering with another person’s use of the channel or behaving in a manner that endangers public safety;
 - stopping or anchoring a vessel;
 - dumping sewage or other waste, fuel or oil; and
- selling or supplying fuel or oil or fuelling a vessel with fuel or oil.

In addition, the following rules would apply:

- a person operating a motorized vessel would be required to wait for permission from the control booth operator before entering the channel;

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- if the condition of a vessel is such that it may endanger public safety or delay or obstruct navigation, the vessel would not be permitted in the channel;
- the operator of a vessel in the channel would be required to obey instructions issued by the control booth operator or any other person charged with enforcing the safe operation of the channel, and obey the traffic signals in the channel;
- the operator of a vessel in the channel would be required to operate the vessel in a manner that avoids endangering public safety or causing damage to the shoreline, another vessel or other object;
- only 20 motorboats would be permitted in the channel, and only 25 motorboats in total would be permitted in the channel and Lac de la Carrière at any one time; and
- only one shuttle boat would be permitted in the channel, and only two shuttle boats would be permitted in total in the channel and Lac de la Carrière at any one time.

Finally, the proposed Regulations would require the control booth operator to deny permission to enter the channel to a person operating a vessel where

- the control booth operator believes, on reasonable grounds, that the person is impaired by drugs or alcohol;
- the person is behaving in a manner that endangers public safety;
- the channel is blocked by a disabled vessel; or
- an emergency exists in the channel or in Lac de la Carrière.

Contact: Karen McNeil, Legal Counsel, National Capital Commission, 40 Elgin Street, Suite 202, Ottawa, Ontario, K1P 1C7. Tel: 613-239-5477; Fax: 613-239-5404.

Assessment of Financial Institutions Regulations, amendment

This amendment would extend for two years the current regulations used by the Superintendent of Financial Institutions to assess the expenses for supervising banks and trust and loan companies (BTL).

In an assessment bulletin, dated September 15, 1997, OSFI advised all BTL companies of its plan to extend the present Regulations for one year. As a result of the time elapsed due to industry consultations regarding the introduction of a user pay system, OSFI is now required to extend the present Regulations for two years.

At present, the Regulations divide BTL companies into ten tiers based on average assets. Each institution pays a basic assessment amount relative to the tier in which it belongs. However, a loan company that is a subsidiary of a bank pays a basic assessment of \$10,000 regardless of its size. The balance, which is the total supervisory expense for BTL companies minus the total amount raised from basic assessments, is subsequently prorated to all BTL companies based on their average total assets.

The Regulations also specify that these rules are effective for three fiscal years only (i.e., 1994/95 to 1996/97). The intention was to review the Regulations and make any necessary amendments subsequent to fiscal 1996/97; however, consultations require more time to make these amendments.

Contact: Charles P. Johnston, Legislation Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel: 613-990-7472; Fax: 613-998-6716.

Office of the Superintendent of Financial Institutions Act, subsection 23(3)

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Proposed Regulations

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Statutory Authority

Order Declaring the Pickering Lands as an Airport Site

This Order declares the Pickering Lands as an airport site, to allow for enactment of airport zoning regulations. These Regulations, when enacted, would help preserve the compatibility of the surrounding land with a possible airport in the future.

The declaration of the Pickering Lands as an airport site does not imply any commitment by any party to build an airport on the Pickering Lands. Airport construction would require substantial review and approvals at all levels of Government.

Consistent with the National Airports Policy announced in 1994, the federal government will no longer develop or operate airports. Consequently, development at Pickering would have to be undertaken by local interests.

The benefit of declaring the Pickering Lands as an airport site is that it would allow for the enactment of airport zoning regulations. These Regulations would prevent the surrounding lands from being used or developed in a manner that could be incompatible with the safe operation of a possible airport in the future. Federal airport zoning regulations limit the height of buildings, structures and objects (including natural growth), and protect aircraft from potential hazards by prohibiting electronic signal interference and the disposal of waste which could attract birds.

The Pickering Lands were acquired for the proposed new Pickering Airport in 1972 at a cost of some \$120 million; the planned airport was subsequently cancelled. As the federal government retains stewardship of the lands, Transport Canada has agreed to pay the cost of implementing certain measures necessary to protect the public's investment in the land as a possible airport site for the future. Total cost to implement protective measures, including enactment of airport zoning, is approximately \$800,000.

Contact: Patricia Short, Regional Manager, Greater Toronto Area Programs, 4900 Yonge Street, Suite 300, Toronto, Ontario, M2N 6A5. Tel: 905-649-5725; Fax: 416-952-3328.

Overtime Fees Order, amendment

This Order amends the definition of the term "service" to include ship inspection services provided under the *Plant Protection Regulations*, thereby consolidating all overtime fees in the one Order.

Overtime charges for ship inspection were excluded from the *Overtime Fees Order* in 1995 because they were already covered by the *Plant Protection Fees Regulations*.

The *Overtime Fees Order* was established in 1995 under the *Financial Administration Act* to recover the cost of inspection services provided outside of regular working hours, i.e. as over-time. Overtime is defined as any time worked by an employee in excess of his or her regular work shift (minimum of 7.5 hours per day), or in the case of the *Meat Inspection Regulations, 1990*, any time worked by an employee outside of a scheduled work shift. Overtime is generally considered to be a rate of pay equal to one and one half or two times the employees' normal rate of pay, depending on the terms of the collective agreement.

With these amendments, the overtime rates for ship inspection will become the same as for other overtime services provided by the Canadian Food Inspection Agency.

Contact: Glenn Hansen, Director, Business Initiatives Centre, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342, extension 4178; Fax: 613-228- 6600.

Aeronautics Act, subsection 5.4(1)

Published in Canada Gazette Aug. 1, 1998

Financial Administration Act, paragraphs 19(1)(b) and 19.1(1)(b); *Order in Council P.C. 1995-325*

Published in Canada Gazette Aug. 8, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Special Appointment Regulations, No. 1998-10 (SOR/98-394, OIC 1998-1339)

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:

- Ian C. Green as Deputy Secretary to the Cabinet (Operations), Privy Council Office.

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)

To be published in Canada Gazette August 19, 1998

Special Appointment Regulations, No. 1998-11 (SOR/98-395, OIC 1998-1341)

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:

- Dennis Wallace as Associate Deputy Minister of Indian Affairs and Northern Development.

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)

To be published in Canada Gazette August 19, 1998

Special Economic Measures (Federal Republic of Yugoslavia) Regulations (SOR/98-397, OIC 1998-1343); Special Economic Measures (Federal Republic of Yugoslavia) Permit Authorization Order (SOR/98-398, OIC 1998-1344); United Nations Federal Republic of Yugoslavia (Serbia and Montenegro) Regulations, amendment (SOR/98-399, OIC 1998-1345)

The Regulations stop new investments in Serbia, including establishment of a new business in Serbia and the acquisition of an interest in an existing business in Serbia.

The Authorization Order authorizes the Minister of Foreign Affairs to issue to any person in Canada or any Canadian outside Canada a permit to carry out a specified activity or transaction, or any class thereof, that is restricted or prohibited pursuant to the Special Economic Measures (Federal Republic of Yugoslavia) Regulations.

The amendment to the *UN Federal Republic of Yugoslavia (Serbia and Montenegro) Regulations* lift some the economic sanctions imposed on Yugoslavia and imposes a ban on the transfer of arms and related materiel. The titles of the Regulation is replaced by *United Nations Federal Republic of Yugoslavia Regulations*

The Regulations and Orders are pursuant to a decision of foreign ministers of the G-8 who met in London on May 9, 1998. Canada, France, Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America and the European Commission agreed to freeze funds held abroad by the Federal Republic of Yugoslavia and Serbian governments and to stop new investments in Serbia.

They relate to the excessive use of force by Serb authorities against civilian populations in Kosovo, resulting in a considerable number of deaths, destruction of villages and an outflow of refugees towards neighbouring Albania.

The Regulations and Orders come into effect July 28, 1998.

Special Economic Measures Act, subsections 4(1) to (3); *United Nations Act*, sections 2 and 3

To be published in Canada Gazette August 19, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Contact: Arif Lalani, Southern Europe Division (RES), Foreign Affairs and International Trade, Lester B. Pearson Building, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel: 613-992-0606; Fax: (613)995-8783. Jean-Philippe Tachdjian, Oceans, Environmental and Economic Law Division (JLO), Foreign Affairs and International Trade, Lester B. Pearson Building, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel: 613-995-1108; Fax: (613)992-6483

United Nations Sierra Leone Regulations (SOR/98-400, OIC 1998-1346); United Nations Angola Regulations, amendment (SOR/98-401, OIC 1998-1347)

These Regulations impose a ban on the transfer to Sierra Leone of arms and related materiel and impose a ban on the exportation and sale to Angola of any aircraft or aircraft components, as well as on the provision of aircraft engineering or maintenance services (except through a point of entry named on a list provided by Angola).

The Regulations are pursuant to United Nations Security Council Resolutions.

The Regulations come into force July 28, 1998.

Contact: Jean-Philippe Tachdjian, Oceans, Environmental and Economic Law Division (JLO), Foreign Affairs and International Trade, Lester B. Pearson Building, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel: 613-995-1108; Fax: (613)992-6483

Canada Student Financial Assistance Regulations, amendment (SOR/98-402, OIC 1998-1348); Canada Student Loans Regulations, amendment (SOR/98-403, OIC 1998-1349)

These Regulations implement changes to student loans announced in the 1998 Federal Budget, such as Special Opportunities Grants, Special Interest-Free Period, debt reduction assistance and revised eligibility criteria.

The changes include:

Special Opportunities Grants (Canada Study Grants)

- effective August 1, 1998, a new Canada Study Grant of up to \$3,000 per year (or more in limited instances) will be available to full-time and part-time students who meet the eligibility criteria. Students with one or two dependents, may be eligible for \$40 per week and students with three or more dependents may be eligible for \$60/week;
- for students with a permanent disability, an increase maximum grant (\$5,000 instead of \$3,000) is available each year to cover the cost of their disability-related education expenses.
- increased flexibility for provinces to award Canada Study Grants to more students in need. The existing three formulae that specify the total amount that can be awarded to students within each grant category are being replaced with a single formula. The single formula fixes overall spending for all four Canada Study Grants without restricting the number of grants within each category.

Special Interest-Free Periods (Interest Relief)

- thirty months of Interest Relief will now be available to borrowers over the entire period of repayment, rather than being limited to the first five years of repayment.

United Nations Act, sections 2 and 3

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Canada Student Financial Assistance Act, sections 15 and 17

To be published in Canada Gazette August 19, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

- in special cases, the Regulations also provide for the extension of Interest Relief, beyond 30 months, to borrowers who still experience difficulty in repaying their loans during the critical five years following end of studies. To qualify for this extension, the borrower's repayment will be calculated over 15 years, thereby lowering the required monthly installments. If, after the extension of the repayment period, the borrower remains in financial hardship, Interest Relief will be extended for as long as the borrower qualifies, until the end of the fifth year of repayment.

Debt Reduction in Repayment

- A new provision provides for Debt Reduction in Repayment, to help borrowers who continue to experience financial hardship in repaying their loans, five or more years after leaving studies. Borrowers will be eligible for a one-time reduction of the principal amount owing on their loan so that repayment is more affordable. To qualify, five years must have passed since the end of studies, and the borrower must have exhausted all available Interest Relief. The maximum amount of this assistance is \$10,000 or 50% of the loan principal, whichever is less, at the time of the application.
- A new formula is introduced for calculating the amount of the reduction, taking into consideration the borrower's loan amount and family income.

Student Eligibility

- a new mechanism is introduced that will screen borrowers with a history of severe credit abuse as part of the eligibility criteria for student loans.
- the Regulations also specify the circumstances under which a loan may be denied to a first time applicant. This provision will not come into force until August 1, 1999 to allow governments and lenders to develop the necessary procedures and systems changes.

In that case of the Financial Assistance Regulations, all of the amendments, other than section 2, come into force on August 1, 1998; section 2 comes into force on August 1, 1999. In the case of the Student Loans Regulations, they come into effect August 1, 1998.

Contact: Kalpana Prasad, Policy Analyst Canada Student Loans Program Policy Learning and Literacy Directorate, Human Resources Development Canada, 25 Eddy Street, 10th Floor, Hull, Quebec K1A 0M5. Tel: 819-953-9733; Fax: 819-953-8147

Canadian Wheat Board Regulations, amendment (SOR/98-404, OIC 1998-1351)

The amendment establishes initial payments by the The Canadian Wheat Board for the 1998-99 crop year, with a comparison to those set a year earlier, for the base grades of wheat (no change), of amber durum wheat (a decrease of \$44 per metric tonne), of barley (a decrease of \$10 per metric tonne) and of designated barley (a decrease of \$11 per metric tonne), effective August 1, 1998.

Contact: Craig Fulton, Commerce Officer, Grains and Oilseeds Division, International Markets Bureau, Market and Industry Services Branch, Agriculture and Agri-Food Canada, Sir John Carling Building, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel: 613-759-7698; Fax: 613-759-7476.

Canadian Wheat Board Act, subparagraph 32(1)(b)(i), subsection 47(2) and section 61

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Exempt from Pre-Publication and Approved

Statutory Authority

Special Appointment Regulations, No. 1998-12 (SOR/98-405, OIC 1998-1358)

Customs Tariff, section 14

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:

- Dan Goodleaf as Deputy Head of the Millenium Bureau of Canada.

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

To be published in Canada Gazette August 19, 1998

Customs Duties Accelerated Reduction Order, No. 10 (SOR/98-408, OIC 1998-1360)

Customs Tariff, section 14

The Order provides for the accelerated elimination of the tariff on certain goods of Mexican origin, the majority being chemicals and textiles. The changes are part of a tri-lateral package, negotiated on a bilateral basis, involving Canada, Mexico and the United States under NAFTA. The agreements are intended to come into effect in all three countries on August 1, 1998, based on letters of agreement between the three countries.

More specifically, the Order repeals tariff item No. 2921.19.90 and adds new tariff items under Parts 1, 2, and 3.

Contact: Dean Beyea, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-8790.

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Ministerial Orders Approved

Statutory Authority

Canadian Chicken Marketing Levies Order, amendments (SOR/98-396); Canadian Chicken Marketing Agency Quota Regulations, 1990, amendment (SOR/98-406); Canadian Chicken Marketing Agency Quota Regulations, 1990, amendment (SOR/98-407)

Farm Products Agencies Act, paragraph 22(1)(f)

The first amendment (Chicken Marketing Levies Order), which comes into force on July 28, 1998, amends the levy rate to be paid by producers in Ontario as set out in SOR/98-224. The new rate is 1.43 cents.

The second amendment, which comes into force on July 31, 1998, establishes the 1998 periodic allocation for the period from June 7, 1998 to August 2, 1998 for producers who market chicken in interprovincial or export trade.

The new limits are as follows:

- production subject to federal and provincial quotas (in live weight, kilograms), for Ontario, 55,900,000; for Quebec, 47,261,484; for Nova Scotia, 6,477,500; for New Brunswick, 4,742,571; for Manitoba, 6,849,267; for P.E.I., 612,018; for Saskatchewan, 4,047,159; for Alberta, 16,033,106; and for Newfoundland, 2,318,916.
- production subject to periodic export quotas (in live weight, kilograms), for Quebec, 2,703,750; Nova Scotia, 100,000; Manitoba, 62,500 and for Alberta, 340,560.

The third amendment, which comes into force on August 2, 1998, establishes the 1998 periodic allocation for the period from August 2, 1998 to September 26, 1998 for producers who market chicken in interprovincial or export trade.

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Ministerial Orders Approved

Statutory Authority

The new limits are as follows:

- production subject to federal and provincial quotas (in live weight, kilograms), for Ontario, 56,100,000; for Quebec, 46,149,812; for Nova Scotia, 6,203,062; for New Brunswick, 4,686,494; for Manitoba, 6,858,169; for P.E.I., 647,211; for Saskatchewan, 4,047,049; for Alberta, 15,895,183; and for Newfoundland, 2,602,993.
- production subject to periodic export quotas (in live weight, kilograms), for Ontario, 300,000; Quebec, 3,329,000; Nova Scotia, 100,000; Manitoba, 62,500 and for Alberta, 623,999.

Contact: Canadian Chicken Marketing Agency, 377 Dalhousie Street, Ottawa, Ontario, K1N 9N8. Tel: 613-241-2800; Fax: 613-241-5999.

Regulatory Affairs

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