

# Tracking Federal Regulatory Initiatives

# Regulatory Affairs

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<b>for Pre-Publication in Part I, Canada Gazette</b>	

<b>Schedule I of the Controlled Drugs and Substances Act, amendment; Schedule to the Narcotic Control Regulations, amendment; Schedule IV of the Controlled Drugs and Substances Act, addition; Food and Drug Regulations, Schedule F Update</b>	<i>Food and Drugs Act</i>
	Published in Canada Gazette October 3, 1998

The Health Protection Branch of Health Canada has given notice of its intention to add the following four drugs to the schedules:

- remifentanyl hydrochloride, an ultra short-acting agent indicated for use as an opioid analgesic adjunct for the induction and maintenance of general anaesthesia - addition to Item 16 of Schedule I of the *Controlled Drugs and Substances Act* (CDSA) and the Schedule to the *Narcotic Control Regulations*;
- nalmeferene hydrochloride, an opioid antagonist indicated for use as a treatment for complete or partial reversal of opioid drug effects and in the treatment of opioid overdose - exemption from Schedule I of the CDSA and from the Schedule to the *Narcotic Control Regulations* and for addition to Schedule F of the *Food and Drugs Regulations*;

# Proposed Regulations

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- olanzapine, a benzodiazepine indicated for use in the acute and maintenance treatment of schizophrenia and related psychotic disorders - addition to all of the schedules; and
- naltrexone, an opioid antagonist indicated for use in the treatment of addictions to opiate drugs - exemption from the Schedule to the *Narcotic Control Regulations* and from the Schedule of the *Narcotic Control Regulations*.

Contacts: Joan Korol, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Programme, Health Protection Building, Address Locator 0702B1, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. e-mail: joan\_korol@hc-sc.gc.ca.

## Air Services Charges Regulations, amendment

The proposed amendment would implement fee increases in 1999 for the remaining airports operated by the Department as well as annual increases up to the year 2003 for certain NAS airports in order to complete implementation of the NAP requirement that all airports achieve financial self-sufficiency.

Increases are proposed for landing, general terminal and/or aircraft parking charges.

The Transport Department is proposing to extend beyond 1999/2000, the number of years over which increases at National Airports System (NAS) airports are to be implemented.

The proposed changes for nine NAS airports (Charlottetown, Fredericton, Halifax, Prince George, Québec International, Regina, St. John's [Torbay], Saint John and Saskatoon) would be effective January 1, 1999. In addition, rates would be increased on January 1, 2000, at the same nine NAS airports. Rates would also increase on January 1 of each of the following three years (2001, 2002, 2003) for Charlottetown, Fredericton, Prince George, Québec International and Saint John airports. Changes at the remaining airports would be effective April 1, 1999.

In addition to landing, general terminal and aircraft parking fee increases mentioned above, it is proposed to increase the special landing charges applicable to international flights making refueling stops at Gander to \$6.54 from \$6.11 on the first 30 000 000 kg in accumulated weight landed, to \$5.57 from \$5.14 on the next 14 800 000 kg in accumulated weight landed, and to \$5.18 from \$4.75 on any weight in excess of 44 800 000 kg in accumulated weight landed. This change would be effective April 1, 1999.

References to London airport are being removed from the Regulations as this airport has been transferred to local control and as such is no longer subject to these Regulations.

The last amendment to these Regulations became effective on June 1, 1998, with SOR/98-298. Site-specific increases were implemented at most airports operated by the Department. Except for Schefferville Airport, the impact of that amendment at an airport was capped at \$2.50 per enplaned/deplaned passenger.

If implemented in 1999, this proposal is expected to generate in the order of \$8.2 million in additional revenue on a full-year basis. Additional revenue of approximately \$6.4 million is expected in the year 2000, while approximately \$1.9 million in additional revenue is expected in each of the years 2001, 2002 and 2003.

The proposed \$8.2 million increase in landing, general terminal and aircraft parking revenues represents an increase of approximately 19.65 percent over existing levels.

*Aeronautics Act*, subsection 4.4(2)

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The increases set out in the Regulations come into force at various times: January 1, 1999, April 1, 1999, and January of each year between 2000 and 2003.

Contacts: Dan Cogliati, Director, Cost Recovery, Department of Transport, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

## Exempt from Pre-Publication and Approved

Statutory Authority

### **Fishery (General) Regulations, amendment (SOR/98-481, OIC 1998-1756)**

*Fisheries Act*, section 43

These Regulations implement changes to the Department of Fisheries and Oceans' Dockside Monitoring Program (DMP) by amending the provisions dealing with observers.

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More specifically, these amendments give the Department more control over Dockside Monitoring Companies (DMCs) by requiring them to be designated as observers. In order to be designated, a DMC must be capable of collecting and compiling accurate fish landings information. A DMC must also have a quality control program to ensure the data it collects is accurate and a training and supervision plan for its employee/observers. The DMC must also disclose any conflict of interest it, its directors, shareholders and employees may have and how it is to be resolved. This designation may be revoked if the DMC fails to comply with the program they submitted or if information is falsified.

The provisions regarding individual observers have also been amended. Registered fishers and fishers certified pursuant to the *Professional Fish Harvesters Act* of Newfoundland, not just licence holders, are now barred from being observers.

In recognition of the fact that observers in the DMP may have to carry out their duties at a place other than at a wharf, the duties of such observers are now to be carried out at a fish landing station, which includes any place, premises, vessel or vehicle used to receive landed fish.

The grounds for revoking an individual's designation have also been added and include: no longer complying with the eligibility criteria, monitoring the catch of fishers who are not at arm's length from the observer, failing to perform their duty or falsifying information.

These amendments also introduce prohibitions against the falsifying of information for the purpose of obtaining a designation or falsifying any fish landings information.

As a housekeeping matter, the title of the provincial official entitled to make variation orders in British Columbia has been changed at the request of the province.

These Regulations come into force on January 1, 1999.

Contact: Max Stanfield, Resource Management, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel: 613-990-0128; e-mail: stanfiem@dfo-mpo.gc.ca

## Exempt from Pre-Publication and Approved

### Statutory Authority

#### **Imports of Aftermarket Automotive Spoilers and Wings Remission Order (SOR/98-482, OIC 1998-1757); Order Amending the Customs Tariff (Aftermarket Automotive Spoilers and Winds) (SOR/98-483, OIC 1998-1758)**

*Customs Tariff*, section 115

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The *Order Amending the Customs Tariff (Aftermarket Automotive Spoilers and Winds)* amends the *Customs Tariff* to extend a Free rate of duty under the General Preferential Tariff (OPT) to polyurethane, rear-trunk spoilers or wings imported into Canada as aftermarket automotive accessories. The amendment enables importers who previously benefited from Free rates of duty on these goods under the British Preferential Tariff treatment (which was terminated on January 1, 1998, with the coming into force of the new simplified Customs Tariff), to maintain their competitive position in the marketplace.

The *Imports of Aftermarket Automotive Spoilers and Wings Remission Order* remits the customs duties paid or payable on polyurethane, rear-trunk spoilers or wings imported from GPT countries during the period January 1, 1998 to September 30, 1998.

These Orders come into force on October 1, 1998.

Contact: Dean Steadman, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-947-4508.

#### **Regulations Amending Certain Department of Finance Regulations {Miscellaneous Program} (SOR/98-484, OIC 1998-1760)**

*Bank Act*, sections 476, 477, 479 and 559; *Cooperative Credit Associations Act*, sections 401, 402 and 463; *Insurance Companies Act*, sections 506, 507, 509, 563, 564, 566 and 703; and *Trust and Loan Companies Act*, sections 464, 465, 467 and 531

The Regulations Amending Certain Department of Finance Regulations amend certain paragraphs of the Real Property Interests Valuation (Bank, Cooperative Credit Associations, Insurance Companies and Trust and Loan Companies) Regulations. The amendments resulted from a request by the Standing Joint Committee for the Scrutiny of Regulations (SJC).

For purposes of clarification, the SJC requested that amendments be made to paragraphs 7(1)(a) and 7(1)(b) of the French versions of the above noted Regulations. The word "soit" was added at the beginning of paragraph 7(1)(a) and 7(1)(b) in order to achieve the level of clarity requested by the SJC.

The SJC also requested that the word "effective" be added to paragraph 7(2)(b) of the French versions of the Real Property Interests Valuation Regulations in order to ensure consistency between the French and English versions. There was no need to make this particular amendment to the Real Property Interests Valuation (Trust and Loan Companies) Regulations given that the word "effective" already appeared in the French version of those Regulations.

The amendments come into force on October 1, 1998.

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.

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## Exempt from Pre-Publication and Approved

### Statutory Authority

**Order Prohibiting Entry on Certain Lands in the Yukon Territories (1998 - No. 9, Tr'oju-wech'in Heritage Site, Tr'ondëk Hwëch'in First Nation, Y.T.) (SOR/98-485, OIC 1998-1760); Order Respecting the Withdrawal of Certain Lands in the Yukon Territories (Tr'ondëk Hwëch'in First Nation, Y.T.) (SI/98-99, OIC 1998-1762); Order Prohibiting Entry on Certain Lands in the Yukon Territories (1998 - No. 10, Tr'ondëk Hwëch'in First Nation, Y.T.) (SOR/98-486, OIC 1998-1763); Order Respecting the Withdrawal of Certain Lands in the Yukon Territories (Tr'ondëk Hwëch'in First Nation, Y.T.) (SI/98-100, OIC 1998-1764)**

*Yukon Placer Mining Act*, section 98; *Yukon Quartz Mining Act*, section 14.1; *Territorial Lands Act*, paragraph 23(a)

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The purpose of these Orders is to fulfill the terms of the Tr'ondëk Hwëch'in (Dawson First Nation) Final Agreement, under which the Government of Canada has agreed to protect certain lands, to recognize, enhance and celebrate Han culture and history and to recognize and respect the non-aboriginal heritage aspects of the Site related to the Klondike gold rush for all Yukon people.

The government agreed that it will take steps to ensure that no new third-party interests are created on the identified lands for approximately five years from the effective date of this Order, or until a management plan is approved.

Under the Final Agreement, it was agreed that the Tr'oju-wech'in Heritage Site, at Dawson in the Yukon Territory contained unique historic values and would be protected.

The four Orders are effective on the date they are registered (October 1, 1998) and will end on February 1, 2003.

The existing Prohibition of Entry Order which protects the subsurface rights for this Yukon First Nation has a termination date of December 1, 2001. With the approval of their land claims agreement entered into by Her Majesty the Queen in right of Canada, the Government of the Yukon Territory and the Tr'ondëk Hwëch'in First Nation, by Order in Council P.C. 1998-1468, the existing Prohibition of Entry Order is being repealed and substituted with a new Order.

Order in Council P.C. 1997-1063 is repealed.

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.

**Seaway Regulations (Miscellaneous Program), amendment (SOR/98-487, OIC 1998-1769)**

*Canada Marine Act*, section 98

This amendment involves some housekeeping changes, to bring the terminology into line with that used in the *Canada Marine Act*.

For example, the term vessel is used throughout the existing regulations, but the Canada Marine Act uses the word ship instead. One amendment replaces the word vessel in the regulation with the word ship; similarly, an amendment substitutes The St. Lawrence Seaway Management Corporation for The St. Lawrence Seaway Authority.

To be published in Canada Gazette October 14, 1998

Other minor amendments address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations.

The amendments come into force on October 1, 1998.

Contact: Bruce Bowie, Executive Director, Marine Policy Reform, Place de Ville, Tower C, 25th Floor, Ottawa, Ontario, K1A 0N5; Tel: 613-998-0702; Fax: 613-998-7001.

## Exempt from Pre-Publication and Approved

### Statutory Authority

#### **International Submarine Cable Licences Regulations (SOR/98-488, OIC 1998-1773)**

*Canada Marine Act*, section 98

These new Regulations replace *The External Submarine Cable Regulations* in their entirety.

The new regulations liberalize the ownership and control of international submarine cables as of October 1, 1998, consistent with Canada's obligations under the General Agreement on Trade in Services.

The new Regulations:

- 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. Licences will no longer be issued according to the type of telecommunications services provided.
- require an applicant for an International Submarine Cable Licence to control the international submarine cable and its associated works and facilities. The Department will no longer impose on the applicant the requirement to meet Canadian ownership and control requirements as previously set out 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 International Submarine Cable Licences Regulations, terminating and through cable licences will be available to Canadian or foreign entities.
- change the requirements for completing an application will change. In addition to the information that is being requested under the current Regulations, the new regulations will require that the following information be submitted: documentation indicating compliance with the requirements set out in the Canadian Environmental Assessment Act; information on the capital costs and technical capabilities of the cable and its associated works or facilities; and information on the landing points and routing of the cable in Canada and outside Canada, where the cable will connect with telecommunications networks in Canada.

The Regulations come into force on October 1, 1998.

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

#### **Special Appointment Regulations, No. 1998-13 (SOR/98-505, OIC 1998-1775); Special Appointment Regulations, No. 1998-14 (SOR/98-506, OIC 1998-1777)**

*Public Service Employment Act*, subsection 37(1)

The regulations make the following appointments and exempt the appointments from the application of the Public Service Employment Act, except sections 32, 33 and 34, while the appointees are in the positions:

- Michel Dorais as Associate Deputy Minister of Citizenship and Immigration;
- Alexander Himelfarb as Associate Secretary of the Treasury Board.

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 October 28, 1998

# Ministerial Orders Approved

## Statutory Authority

### **Export Tax Exemption Regulations, amendment (SOR/98-478)**

These regulations set out, in two schedules, the tobacco products and cigarettes which are eligible for exemption from the application of export tax, provided that the other criteria for exemption are also met.

The brands listed in the Schedule I (tobacco products) are: Aspen, Bronco, Canadian, Canadian Natural, Dickens & Grant, Doral, Dorchester, Gold Coast, Imperial Special Blend, Islands, Magna, Marathon, Mercer, Monte Carlo, Montreal Blend, Regular, River; the brands of cigarettes listed in Schedule II are: Canadian Gold, Old Port, Vantage.

The first category includes domestically produced tobacco products that are primarily destined for export, if they have not been sold in the Canadian duty-paid market other than in small quantities required for purposes of trademark registration for the three year period before the year of exportation and, if in the fourth year prior to exportation, sales of that brand never exceeded 0.5 percent of total sales in Canada of similar products.

An exemption from the export tax is also provided where a type of formulation of cigarette, distinct from that sold in the domestic market, is produced for export only, under the same brand name as is sold in Canada. The cigarette must be sufficiently different from that sold domestically, meaning that the blend of tobacco and any favoring must be dissimilar from the types of cigarettes smoked by Canadians. Essentially, these cigarettes would be unacceptable to Canadian smokers, and as such, the risk of these products being smuggled into Canada is remote.

The Order comes into effect on September 28, 1998.

Contact: Bill Anderson, Project Officer, Excise Duties & Taxes Directorate, Vanier Towers, Tower C, 7th Floor, 25 McArthur Road, Vanier, Ontario, K1A 0L5. Tel: 613-957-7593; Fax: 613-954-2226.

### **Regulations Repealing Certain Tariffs Established under the St. Lawrence Authority Act (SOR/98-479)**

The Regulations repeal *The St. Lawrence Seaway Wharfage and Storage Charges Tariff* and *The St. Lawrence Seaway Tariff of Tolls*.

Before The St. Lawrence Seaway Management Corporation can fix fees for the use of any property under its management, any service that it provides or any right or privilege that it confers, the Canada Marine Act provides that the tariffs established by The St. Lawrence Seaway Authority under section 16 of the St. Lawrence Seaway Authority Act must be repealed by The St. Lawrence Seaway Management Corporation.

The Regulations come into effect October 1, 1998.

Contact: Guy Veronneau, President, The St. Lawrence Seaway Management Corporation, 202 Pitt Street, Cornwall, Ontario, K6J 3P7. Tel: 613-932-5170.

### **Canadian Broiler Hatching Egg Marketing Agency Quota Regulations, amendment (SOR/98-480)**

This amendment sets the initial 1999 limits for broiler hatching eggs in the signatory provinces. More specifically, the new limits on the number of broiler hatching eggs in International and Intraprovincial Trade are as follows: Ontario, 174,226,606; Quebec, 176,576,236; Manitoba, 26,789,393; British Columbia, 98,470,213; and Alberta, 73,173,365.

These Regulations come into force on September 30, 1998.

*Excise Tax Act*, subsection 23.3(4)

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*St. Lawrence Seaway Authority Act*, section 16

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*Farm Products Agencies Act*, paragraph 22(1)(f); subsection 5(1) of the schedule to the *Canadian Broiler Hatching Egg Marketing Agency Proclamations*

To be published in Canada Gazette October 14, 1998

# Ministerial Orders Approved

## Statutory Authority

### **Rules of the Supreme Court of Canada, amendment (SOR/98-489)**

This Order amends subsection 32(1) and repeals subsection 32(2).

More specifically:

“1. (1) Subsection 32(1) of the Rules of the Supreme Court of Canada<sup>1</sup> is amended by striking out the word “or” at the end of paragraph (a), by adding the word “or” at the end of paragraph (b) and by adding the following after paragraph (b):

(c) the constitutional validity or the constitutional applicability of a common law rule.”

These Regulations come into force on October 1, 1998.

*Supreme Court of Canada Act*, section 97

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### **Rules of the Ontario Court of Justice in Criminal Proceedings, amendment (SI/98-102)**

This Order makes a number of changes, to update the Rules.

Amendments are made to: rule 1.03, clauses 5.02(1)(d) and (e), subrule 20.06(1), rule 22.03, subrule 22.04(1), paragraph 22.04(3)(f), subrule 22.04(4), clauses 23.05(1)(b) and (c), rule 23.16, subrule 25.03(1), subrule 27.03(3), subrules 27.04(1) and (2), and rule 27.05.

These Regulations come into force on November 1, 1998.

*Criminal Code*, subsection 482(2)

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### **Domestic Substances List, amendment (SOR/98-507); Domestic Substances List, amendment (SOR/98-508)**

The first amendment adds one substance (152698-66-3) to Part I of the Domestic Substances List.

The second amendment adds three substances to Part I (1462-55-1 T, 25916-29-4 N, and 52383-89-8 T); moves 23 substances from the Part I of the non-domestic list to the domestic list; and adds 23 substances to Part II.

The Orders come into effect on October 6, 1998.

Contacts: Martin Sirois, A/Head, New Substances Notification Section, New Substances Division, Commercial Chemicals Evaluation Branch, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-9348; Arthur Sheffield, A/Director, Regulatory and Economic Assessment, Regulatory Affairs and Program Integration Directorate, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-1172.

*Canadian Environmental Protection Act*, subsection 30(1)

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