

Tracking Federal Regulatory Initiatives

Regulatory Affairs

VOL. 5, No. 4

April 3, 1999

Circulate to:	HIGHLIGHTS
1.	Proposed Regulations
2.	Use of controlled atmosphere stunning for animals proposed 2-3
3.	Electronic filings proposed under Trademarks program. 6
4.	Prepublished and Approved
5.	Canada Small Business Financing Regulations approved 14-16
	New Immigrant Investment Program approved 16-17
	Public Harbours and Port Facilities regime to be phased out. 18-19

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

<p>Food and Drug Regulations, amendment (Schedule 1132)</p> <p>Health Canada has decided to withdraw an earlier proposal published in the Canada Gazette, Part I, on August 15, 1998 to remove flunisolide 0.025 percent nasal solution from Schedule F to the Food and Drug Regulations. This would have allowed flunisolide 0.025 percent nasal solution to be sold as a nonprescription product.</p> <p>Recent clinical studies have demonstrated that nasally inhaled corticosteroids adversely affect the rate of growth in children. More studies are currently underway in Europe.</p> <p>The Food and Drug Administration in the United States has very recently taken the position that corticosteroids as a class are considered inappropriate for nonprescription status.</p>	<p><i>Food and Drugs Act, sub-section 30(1)</i></p> <p>Published in Canada Gazette March 27, 1999</p>
---	---

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

Interest Payable on Certain Deposits By-law

This proposed By-law would establish a mechanism to calculate interest on certain deposits in the event of a deposit insurance payment by the Canada Deposit Insurance Corporation (CDIC).

This mechanism is required because of difficulties in calculating the interest portion of an index-linked deposit as of any interim date. In some products, the formula requires retrospective averaging of monthly closing levels of the referenced index during the term to maturity. As a result, it is not possible to know the yield as of any interim date.

Subsection 14(2.51) of the *Canada Deposit Insurance Corporation Act* which was proclaimed in force on June 15, 1997, authorizes CDIC to make a by-law prescribing rules for the calculation of interest on deposits where interest is to be determined by reference to any variable index or reference point. Until this section came into force, there was no clear authority to permit CDIC to provide a method for the calculation of interest on these deposits.

The By-law calculates interest on index-linked products for deposit insurance payment purposes based on the following key points:

- CDIC will apply the contract, where possible;
- Where CDIC cannot apply the contract because a key element is missing, CDIC will calculate interest under section 5 of the By-law. For example: A depositor with a member institution has a \$10,000 index-linked deposit with a two-year term. Interest is to be calculated and paid at the end of year 2 based on the increase in the Toronto TSE 35 index from the date of issue to maturity. The member institution fails at the end of year 1. CDIC would apply section 4 and paragraph 5(1)(a) of the By-law. The calculation of interest under the contract would not be possible because the failure occurred before the interest calculation date. CDIC would apply section 4 and paragraph 5(1)(a) of the By-law and calculate interest based on the change in the Toronto TSE 35 index from the date of issue to the interest termination date as defined in the By-law, prorated over the term of the contract.
- CDIC will not give effect to penalty clauses in the contract in calculating interest on a deposit insurance payment.

Contact: Jill Stewart, Director of Insurance, Compliance, Canada Deposit Insurance Corporation, 50 O'Connor Street, 17th Floor, Ottawa, Ontario, K1P 5W5. Tel: 613-943-1981; Fax: 613-996-6095; e-mail: jstewart@cdic.ca.

Meat Inspection Regulations, 1990, amendment

This amendment proposes to allow the use of controlled atmosphere stunning systems for all food animal, to render them unconscious prior to processing.

Controlled atmosphere stunning systems utilizing a mixture of gas (e.g. carbon dioxide, argon, oxygen and nitrogen) have been developed and are currently used in the European Union for poultry. These new stunning systems represent several advantages over traditionally used electrical stunning where different combinations of current, voltage and frequency are required in order to achieve proper stunning of poultry species. For example, the use of controlled atmosphere stunning in poultry reduces the incidence of broken bones, bruises and hemorrhages in muscle, all of which are commonly associated with electrical stunning.

Canada Deposit Insurance Corporation Act, paragraph 11(2)(g) and subsection 14(2.51)

Published in Canada Gazette March 27, 1999

Meat Inspection Act, subsection 20

Published in Canada Gazette March 27, 1999

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

Another advantage of using controlled atmosphere stunning for poultry is that it eliminates uncrating and shackling of conscious birds and thus contributes to reduce stress to the birds. The procedure is fast, painless, efficient and there is no risk of recovery from unconsciousness. Controlled atmosphere stunning of poultry is also reported to produce more tender breast meat than when electrical stunning is used.

This amendment also addresses several issues primarily to facilitate meat products marketing, including:

- the modification of the definition of filler to allow for the continuous use of modified starches as filler. This change follows a Health Canada decision to modify the *Food and Drug Regulations*.
- allowing the industry to leave kidneys and sexual organs in carcasses derived from young chicken weighing 2.7 kg or less live and young ducks weighing 4 kg or less live provided that the label clearly indicates that the carcasses “may contain kidneys”. Presently, kidneys may remain in carcasses of chicken of less than eight weeks of age if the label indicates the necessary declaration. These Regulations were established to recognize the fact that with the mechanization and speed of chicken evisceration operations, all kidneys may not be removed from a carcass. Operators engaged in the processing of duck have requested the same treatment. These modifications are in harmony with provisions of the *Livestock and Poultry Carcass Grading Regulations*.
- the modification of the standard for meat roll in view of harmonizing the minimum meat protein requirements for this product with the standard created for roast by the amendment to the *Food and Drug Regulations* regarding the addition of phosphate salts and water to whole muscle meat products. Roasts are considered better quality products than rolls and as such it is viewed as inconsistent to maintain a higher minimum meat protein requirement for rolls. The minimum meat protein requirement for rolls is changed from 15 percent to 12 percent for cooked products and 10 percent for uncooked products.

Contact: Dr. Frédérique Moulin, Acting Director, Meat and Processed Animal Products Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-228-6696, extension 3820; Fax: 613-228-6636; e-mail: fmoulin@em.agr.ca.

Canadian Transportation Agency Designated Provisions Regulations

This proposed amendment would permit the Canadian Transportation Agency to impose monetary penalties, not exceeding \$5,000 for an individual and \$25,000 for a corporation, for the contravention of any designated provision under specified Regulations.

The proposed Regulations list provisions of the *Canada Transportation Act* (CTA), the *Air Transportation Regulations* and the *Personnel Training for the Assistance of Persons with Disabilities Regulations* that will be designated provisions.

The proposed Regulations would apply equally to domestic and international carriers. Where a foreign carrier, operating pursuant to a bilateral agreement, violates a designated provision, the conditions of the bilateral agreement will be taken into consideration prior to imposing an AMP.

In cases where a monetary penalty has been issued, the affected individual or corporation can appeal the matter to the Civil Aviation Tribunal.

Canada Transportation Act, section 177

Published in Canada Gazette March 27, 1999

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

The schedule to the Regulations only indicates the maximum possible penalty for each designated provision. The Agency, however, has developed an enforcement policy which includes a graduated scale of penalties. This policy will ensure fairness and consistency in the application of the Regulations. Although this policy and scale are not part of the Regulations, they have been subject to informal consultations. The scale establishes the penalties for first, second, third and subsequent violations. In all but the most serious cases, the first violation is subject to a warning, reviewable by the Agency, rather than monetary penalties. Subsequent and continued violations are subject to a monetary penalty. Information on the enforcement policy and the graduated scale of penalties may be obtained from the contact person named below.

Contact: Dennis C. Rennick, Manager, Enforcement, Air and Accessible Transportation Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel: 819-953-9786; Fax: 819-944-0289; e-mail: Dennis.Rennick@CTA-OTC.x400.gc.ca

Benzodiazepines and Other Targeted Substances Regulations; Order Amending Schedules III and IV to the Controlled Drugs and Substances Act (1091); Food and Drug Regulations (Schedule 1091 - Targeted Substance Symbol and Schedule F), amendment

Controlled Drugs and Substances Act, section 60 and subsection 55(1);
Food and Drugs Act, subsection 30(1)

This proposed Regulations would introduce regulatory controls for a class of substances broadly defined as psychotropic substances, including benzodiazepines, their salts and derivatives.

Published in Canada
Gazette March 27, 1999

Psychotropic substances are substances that have the capacity to produce a state of dependence and central nervous system stimulation or depression. These substances may result in hallucinations or disturbances in motor function, thinking, behaviour, perception or mood.

Benzodiazepines belong to this class of psychotropic substances. Drug products containing benzodiazepines are used in the treatment of anxiety and sleep disorders. Such products are commonly referred to as tranquillizers. They can produce psychological and physical dependency.

This is the first in a series of regulatory proposals to establish updated control measures for all controlled drugs and substances in Canada. The next major initiative will involve the development of a regulatory framework for precursor chemicals. Consultation on this framework will occur in 1999.

The proposed framework would:

- prohibit the advertisement of targeted substances to the general public.
- require the addition of a symbol to the label of drug products containing targeted substances with a delayed implementation date of September 1, 2000.
- require licensing of persons who import or export targeted substances. In addition to holding a licence, a permit for each shipment would be required.
- require licensing of persons who produce, make, assemble, sell, provide, send, deliver, transport or destroy targeted substances. In the case of flunitrazepam, persons must be licensed to possess this substance.
- require a police check and meet the other requirements including those set out in the security guidelines in order to obtain a licence.
- establish an annual expiration of licences on December 31st of each year.
- provide for licences to be amended, suspended or revoked and for permits to be suspended or revoked.

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

- require licensed dealers of targeted substances to keep records and meet other control requirements that are similar to those for controlled drugs and are defined in guidance documents.
- require pharmacists and hospitals to maintain receipt and prescription records for targeted substances that are similar to those for Schedule F drugs and add a new requirement for pharmacists and hospitals to maintain records respecting the destruction of targeted substances.
- require practitioners to maintain records on the receipt of targeted substances. Disposition records will be required for larger quantities.
- permit residents of Canada upon returning to Canada and visitors to Canada to import small quantities of targeted substances for their personal use.
- establish registration requirements for test kits containing small quantities of targeted substances

Two benzodiazepines, olanzapine and clozapine, have been exempted from this regulatory framework. These two substances are used in the treatment of schizophrenia. Olanzapine and clozapine are not subject to the same abuse potential as these other substances and are not listed on the schedules to the 1971 Convention. Schedule F controls will continue to apply to these substances.

Schedules to the proposed regulations set out the targeted substances.

These Regulations would come into force on September 1, 1999, except subparagraph 3(2)(b)(ii) and section 71 which would come into force on September 1, 2000.

The proposed changes to Schedules III and IV of the *Controlled Drugs and Substances Act* are as follows:

“1. Item 251 of Schedule III to the Controlled Drugs and Substances Act² is replaced by the following:

25. Flunitrazepam (5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one) and any salts or derivative thereof

2. (1) Item 18 of Schedule IV to the Act is amended by adding the following after subitem (2):

(2.1) Brotizolam (2-bromo-4-(o-chlorophenyl)-9-methyl-6H-thieno[3,2-f]-s-triazolo[4,3-a][1,4]diazepine)

(2) Item 18 of Schedule IV to the Act is amended by adding the following after subitem (22):

(22.1) Midazolam (8-chloro-6-(o-fluorophenyl)-1-methyl-4H-imidazo[1,5-a][1,4]benzodiazepine)

(3) Item 18 of Schedule IV to the Act is amended by adding the following after subitem (29):

(29.1) Quazepam (7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1-2,2,2-trifluoroethyl)-2H-1,4-benzodiazepine-2-thione)

(4) Subitem 18(33)1 of Schedule IV to the Act is replaced by the following:

(32.1) Clozapine (8-chloro-11-(4-methyl-1-piperazinyl)-5H-dibenzo[b,e][1,4]diazepine) and its salts

(33) Flunitrazepam (5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one) and its salts and derivatives.”

Contact: Karen Reynolds, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Programme, 1600 Scott Street, 2nd Floor, Address Locator 3102C5 Ottawa, Ontario, K1A 0L2. Tel: 613-941-6225; Fax: 613-941-6458; e-mail: karen_reynolds@hc-sc.gc.ca.

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

Regulations Exempting Certain Precursors and Controlled Substances from the Application of the Controlled Drugs and Substances Act (1091 - Schedule I), amendment

Controlled Drugs and Substances Act, subsection 55(1)

These proposed amendments would repeal Item 6 of Schedule I to the Regulations from the Application of the *Controlled Drugs and Substances Act*, along with Items 8 to 172 of Schedule I to the Regulations.

Published in Canada Gazette March 27, 1999

Contact: Karen Reynolds, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Programme, 1600 Scott Street, 2nd Floor, Address Locator 3102C5 Ottawa, Ontario, K1A 0L2. Tel: 613-941-6225; Fax: 613-941-6458; e-mail: karen_reynolds@hc-sc.gc.ca.

Trademarks Regulations (1996), amendment

Trade-marks Act, subsections 5(1) and 11(1)

These proposed Regulations would enable electronic commerce by clarifying the rules concerning electronic transmissions of documents, including facsimiles.

More specifically, the following refinements to the rules on correspondence would be made:

Published in Canada Gazette April 3, 1999

- correspondence addressed to the Registrar may be submitted electronically at such time as the Office of the Registrar acquires the technical ability to accept receipt;
- an application for the registration of a trade-mark may be submitted to the Registrar by facsimile;
- evidence in opposition and other proceedings cannot be submitted to the Registrar by electronic or facsimile transmission;
- electronic and facsimile transmissions may be sent to the Office of the Registrar, 7 days a week, 24 hours a day;
- electronic and facsimile transmissions will be considered received by the Registrar on the date of delivery, if on that day the Office of the Registrar is open for business and if the transmission is received before midnight, local time of the place where the Office of the Registrar is located; otherwise, it will be considered received on the next working day; and
- documents that are physically delivered to the Office of the Registrar or another designated establishment (Priority Post or a regional office), outside business hours, will be considered to be received on the next working day.

Separate housekeeping amendments are also being proposed. Where the Regulations refer to a "registration in a country of the Union", they will be revised to refer to a "registration in or for a country of the Union". This change ensures consistent wording between the *Trade-marks Act* and the Regulations.

Also, limits to correcting clerical errors are clarified and made subject to conditions specified in the Regulations.

Contact: Doug Kuntze, Director, Trade-marks Branch, Canadian Intellectual Property Office, Place du Portage I, Commercial Level II, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel: 819-997-2423; Fax: 819-997-1421; e-mail: kuntze.doug@ic.gc.ca.

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority

Canadian Aviation Regulations (Part VI)

These proposed Regulations revise the list of noise-restricted runways at Vancouver International Airport to acknowledge the construction of a new east-west runway designated 08L-26R.

Provisions currently in effect, to mitigate aircraft noise from operations using this new runway, will be unchanged by the proposed amendment.

Canadian Aviation Regulations 602.106 (CAR 602.106) (Noise-restricted Runways) sets forth the conditions under which subsonic turbo-jet aeroplanes with maximum certificated take-off weight of more than 34 000 kg (74 956 lb.) may take off from the noise-restricted runways identified in the table referenced in these Regulations. At present, for Vancouver International Airport, the referenced table lists the noise-restricted runways for take-off as 08 and 12. Since the new east-west runway (08L-26R) at Vancouver has been completed, runway 08 has been redesignated 08R. The runways available at Vancouver are now 08L-26R, 08R-26L and 12-30. To retain the existing protection from noise for the communities neighbouring Vancouver International Airport, the restrictions in force under CAR 602.106 must be applied to runways 08L and 08R.

Runway 26R is to be added to the noise-restricted runways at Vancouver. Prior to the construction of the new east-west runway, there were no take-offs conducted over the area now affected by the newly built 26R. The inclusion of runway 26R in the list of noise-restricted runways will extend the protection of CAR 602.106 to those communities adjacent to the take-off end of 26R which were previously at less risk for noise disturbances from subsonic turbo-jet aeroplanes on take-off.

Contact: The Chief, Regulatory Affairs, AARBH, Transport Canada Safety and Security, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N8. Tel: 613-993-7284; Fax: 613-990-1198.

Aeronautics Act, section 4.9

Published in Canada Gazette April 3, 1999

Exempt from Pre-Publication and Approved

Statutory Authority

Mutual Company (Life Insurance) Conversion Regulations (SOR/99-128, OIC 1999-422)

The Regulations set out the terms and conditions under which both large and small Canadian mutual life companies may demutualize. They contain a number of measures to ensure the protection of policyholder interests throughout the demutualization process.

The *Mutual Company Conversion Regulations* are repealed.

Contact: Charlie O'Hara, Chief, Policy Development, Financial Sector Policy Branch, Department of Finance, L'Esplanade Laurier, 20th Floor, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-2402; Fax: 613-943-8436.

Insurance Companies Act, sections 236.1 and 237 and paragraph 703(b)

To be published in Canada Gazette March 31, 1999

Converted Company Ownership Regulations (SOR/99-129, OIC 1999-423)

The Regulations define the term "widely held" in respect of demutualized life insurance companies and the threshold of assets in respect of which the widely held requirement does not apply.

Insurance Companies Act, subsections 407(4) and (5) and paragraph 703(b)

To be published in Canada Gazette March 31, 1999

Exempt from Pre-Publication and Approved

Statutory Authority

The Regulations specify that a large converted company is widely held if no person has a significant interest in any class of shares of the converted company or, where all the voting shares of the converted company are held by a holding company incorporated under the *Insurance Companies Act*, in any class of shares of the holding company and in any class of non-voting shares of the converted company.

The Regulations provide that the widely held requirements do not apply to life companies whose total assets in Canada were less than \$7.5 billion on December 31, 1991.

Contact: Charlie O'Hara, Chief, Policy Development, Financial Sector Policy Branch, Department of Finance, L'Esplanade Laurier, 20th Floor, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-2402; Fax: 613-943-8436.

Technical Amendments Order (Customs Tariff) 1999-1 (SOR/99-134; OIC 1999-444)

This Order introduces a number of tariff reductions on imported manufacturing inputs used in the production of other goods.

The estimate of revenue foregone to the Government as a result of this Order is approximately \$3,100,000 annually.

Contact: Brian Roos, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-5538.

Customs Tariff, section 138

To be published in Canada Gazette March 31, 1999

Public Service Official Languages Exclusion Approval Order, amendment; Public Service Official Languages Appointment Regulations, amendment (SOR/99-135, OIC 1999-449)

The amendments eliminate the requirement for candidates to Career Assignment Program (CAP) positions being staffed on a non-imperative basis to demonstrate their potential for attaining through language training the knowledge and use of the other official language at the level of proficiency required. These amendments will also facilitate their access to language training.

Amendments to paragraph 5(1)(c) of the Order and paragraph 10(1)(c) of the Regulations ensure that they are consistent with subsection 5(2) of the *Public Service Employment Regulations* (PSER) regarding acting appointments to positions in the executive group (EX) and their exclusion from the operation of section 10 of the *Public Service Employment Act* (PSEA) for a period of six months. The present amendments ensure that the same exemption period also applies to language requirements, as to any other type of qualifications. They make it simpler to administer short term acting appointments to EX positions. It should be noted that this exemption can be applied only once and only where the position to which the acting appointment is made is vacant, i.e. is not encumbered.

Other non-substantive amendments being made to the Order and the Regulations include:

- The concept of deployment, which was introduced in the *Public Service Employment Act* (PSEA) in 1993, is added to paragraph 2(2)(c) of the Order and section 5 of its regulations in order that a person who is not successful on language training accepts to be appointed or deployed to another position.
- Paragraph 5(1)(a) of the Order is amended to make it refer to the current subsection 33(3) of the PSEA instead of former sub-section 32(3) which ceased to exist when the PSEA was revised in 1988.

Public Service Employment Act, subsection 37(1)

To be published in Canada Gazette March 31, 1999

Exempt from Pre-Publication and Approved

Statutory Authority

- Paragraph 4(1)(d) of the Order and paragraph 8(b) of the regulations concerning the transfer of control or supervision from one department to another pursuant to the *Public Service Rearrangement and Transfer of Duties Act* are eliminated as this matter was incorporated in the PSEA on March 20, 1995.
- A minor error found in subsection 4(3) of the Order is corrected by replacing the reference to paragraph (2)(a), which ceased to exist in 1996, by a reference to subsection (2).

Contact: Régis Gaudreault, Policy Advisor, Resourcing Policy and Legislation Directorate, Policy Research and Communications Branch, Public Service Commission of Canada. Tel: 613-992-9706.

Federal Child Support Guidelines, amendment (SOR/99-136, OIC 1999-451)

The Guidelines are being amended to include a child support table for Nunavut which will apply when a paying parent lives in Nunavut.

To accomplish this, Nunavut is added as paragraph (m) in note 4 of the notes set out in Schedule I and the child support table for Nunavut is inserted in Schedule I, following the child support table for the Northwest Territories.

Contact: Lise Lafrenière Henrie, Senior Counsel, Coordinator, Legal Policy Child Support Team, 284 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel: 613-957-0059; Fax: 613-952-9600.

Divorce Act, section 26.1

To be published in Canada Gazette March 31, 1999

Insurable Earnings and Collection of Premiums Regulations, amendment (SOR/99-137, OIC 1999-452)

The amendments revise the Employment Insurance premium rate for 1999 and make several other changes.

More specifically:

- amendments to paragraphs 3(3)(a) and (b) reflect the revised premium rate for 1999 of \$2.55 per \$100 of insurable earnings.
- subsections 8(2) and 9(2) are both amended to remove a reference to the word “deduct”. These subsections essentially deal with the taxi and hairdressing industries. Although an employer/employee relationship exists for these industries, the employer does not pay employees in the traditional sense. Since there is no payment made by the employer, the word “deduct” is not necessary.
- subsection 18.1(2) is amended to ensure that associated employers are treated in the same manner under the new “Youth Hires” program as under the “New Hires” program.

Contact: Richard Montroy, Legislative Policy Division, Revenue Canada, 123 Slater Street, Ottawa, Ontario, K1A 0L5. Tel: 613-957-2083.

Employment Insurance Act, section 108

To be published in Canada Gazette March 31, 1999

Regulations Amending Certain Regulations under the Canada Marine Act (Miscellaneous Program) (SOR/99-140, OIC 1999-470)

The amendments make housekeeping and changes in terminology in the existing *Seaway Regulations* and the *Shore Traffic Regulations* resulting from the enactment of the *Canada Marine Act*.

More specifically:

Canada Marine Act, subsection 98(1) and section 142

To be published in Canada Gazette March 31, 1999

Exempt from Pre-Publication and Approved

Statutory
Authority

- In order to rectify an editorial error in subsection 64(3) of the *Seaway Regulations*, as amended by SOR/98-487 of October 1, 1998, the title “Montreal Vessel Traffic Management Centre” has been corrected.
- As a result of the dissolution of The St. Lawrence Seaway Authority and the transfer on October 1, 1998 of the responsibility for operating the Seaway to The St. Lawrence Seaway Management Corporation, a private sector corporation established pursuant to a long-term agreement with the Government of Canada, amendments have been made to substitute “The St. Lawrence Seaway Management Corporation” for “The St. Lawrence Seaway Authority”. Further, the term “Manager” replaces “Authority” where it appears in the provisions of both Regulations.
- The *Canada Marine Act* provides that “fees” includes harbour dues, berthage and wharfage, as well as duties, tolls, rates and other charges. Modifications replacing “toll” and “tolls and charges” as the circumstances require, have been made to the relevant provisions of both Regulations to bring the terms in line with the terminology used in that Act.
- References to tolls made by the Authority have also been updated to refer to fees fixed under section 92 of the Act.
- Section 7 and subsection 10(2) of the *Shore Traffic Regulations* have been repealed since the provisions are no longer required.
- Subsection 1(1) of the schedule to the English version of *The Seaway International Bridge Corporation, Ltd. Regulations* has been replaced to correct an editorial error in SOR/98-569 dated November 19, 1998 to read “The Seaway International Bridge Corporation, Ltd.” instead of “The St. Lawrence International Bridge Corporation, Ltd.”.

Contact: David A. Hinks, Chief, Seaway and Domestic Policy, Marine Policy and Programs, Transport Canada, 25th Floor, Tower “C”, Place de Ville, Ottawa, Ontario, K1A 0N5. Tel: 613-998-0704.

Alberta Chicken Order (SOR/99-145, OIC 1999-524)

This Order replaces the existing *Alberta Broiler Order* and makes a number of changes in Sections 1 and 2 to reflect a change of name at the Provincial level to the Alberta Chicken Producers and other provincial legislative and regulatory changes.

The definition of “Broiler” has been replaced by a definition of “Chicken” and the definition of “Commodity Board” has been replaced by a new definition reflecting the new name of the commodity board. The definition of “Provincial Regulations” has been changed to a definition of “Plan.” These changes reflect changes arising from the repeal and replacement in 1987 of the previous *Marketing of Agricultural Products Act* by a new statute of the same name and the replacement, in 1993, of the original Plan by a new Plan which continued the commodity board under the name the Alberta Chicken Producers. The changes also reflect various changes made by the new Act, the new Plan, and new regulations thereunder pursuant to which the commodity board exercises its regulatory powers within the Province of Alberta.

Section 3 is added to the Order to standardize the new Order with Delegation Orders received by other commodity groups. The existing Order was in place prior to an amendment to the *Agricultural Products Marketing Act* that added a separate section to the Act specifically referring to the imposition of levies and charges.

Contact: Carola McWade, Director, Operations and Regulatory Affairs, National Farm Products Council. Tel: 613-995-9697.

*Agricultural Products
Marketing Act*, section 2

To be published in Can-
ada Gazette April 14,
1999

Exempt from Pre-Publication and Approved

Statutory Authority

Order Respecting the Remission of Anti-Dumping Duties on Automotive Galvannealed Coil Steel (SOR/99-148, OIC 1999-528)

Customs Tariff, section 115

The Order remits \$40,257.16 in anti-dumping duties assessed to Krupp Fabco Co.'s June 5, 1998 importation of automotive galvannealed coil steel, having the specification of MS6000 DDQ AK IF .065 MIN x 54.100.

To be published in Canada Gazette April 14, 1999

Due to an interruption in domestic availability, 22,446 kg of the automotive galvannealed coil steel valued at \$25,972.36 was imported from the United States by Krupp Fabco Co. on June 5, 1998. The importation is subject to an anti-dumping duty rate of 155%. Problems respecting the domestic product occurred when Krupp Fabco Co. began sourcing this product from a new Canadian steel manufacturer who subsequently experienced start-up problems. As their previous supplier had already terminated production of the product and as there was no other domestic source, Krupp Fabco Co. was obliged to look outside of Canada for a temporary source of supply.

Krupp Fabco Co.'s plant in Windsor Ontario employs over 650 people. The product in question is manufactured to meet Daimler Chrysler's certification requirements, and is used by Krupp Fabco Co. to produce auto-body parts for Daimler Chrysler.

Contact: Lawrence Euteneier, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-0826.

National Parks Water and Sewer Regulations, amendment (SOR/99-149, OIC 1999-530)

National Parks Act, subsection 7(1)

The amendments increase the water meter rates for Lake Louise in Banff National Park in order to achieve appropriate cost recovery in that community.

To be published in Canada Gazette April 14, 1999

The amendments also delete a special fee provision (subsection 16(3)) that is not needed for the community of Wasquesui in Prince Albert National Park.

Finally, the amendments changes the manner for calculating water and sewer fees for the community of Wasagaming in Riding Mountain National Park. The change removes inequities without generating any additional revenues overall.

In the case of Lake Louise, installation of water meters caused water consumption to drop significantly. As a result, the rates per cubic metre are insufficient to recover all costs of operating the system.

In order to reduce a revenue shortfall, the combined water and sewer charge is being increased from \$0.82 to \$1.06 and the sewer-only charge from \$0.60 to \$0.70.

Contact: Jocelyne Cossette, Project Manager, Regulatory Development, National Parks, Parks Canada, 4th Floor, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel: 819-994-2698; Fax: 819-994-5140.

Regulations on the Career Assignment Program (SOR/99-150, OIC 1999-531)

Public Service Employment Act, subsection 37(1)

The Regulation, which comes into effect March 25, 1999, authorizes Deputy Heads of departments, or persons they authorize, to appoint employees to a Career Assignment Program Group position at the level at which the employee is qualified, as long as the employee is already a participant in CAP on the effective date of this Order. The Order excludes the appointments from certain provisions of the *Public Service Employment Act* concerning merit; participants will be subject to an assessment to determine whether they are qualified and the level of their appointment.

To be published in Canada Gazette April 14, 1999

Exempt from Pre-Publication and Approved

Statutory Authority

Canada Occupational Safety and Health Regulations, amendment (SOR/99-151, OIC 1999-532)

The amendment substitutes a new NIOSH list of certified equipment, dated February 13, 1998, based on new performance-based testing methods to certify respirators based on their ability to filter out toxic substances. The new testing method reflects technical advances in respiratory protection technology which have resulted in a more effective evaluation of respirators.

The changes replace 60-year-old procedures with contemporary technology for air purifying respirators. The effect is that many of the particulate arresting respirators listed in the publication currently cited in subsection 12.7(1) of the Regulations will not be available in the marketplace.

The new list gives most users a wider choice of equipment. In some cases, the user can now select respirators which are more suited to the application rather than those which may be more technically sophisticated than required.

The Regulation comes into effect on March 25, 1999.

Contact: Rick Seaman, Program Consultant, Human Resources Development Canada, Labour Branch, 165 Hotel-de-Ville, Phase II, 10th floor, Ottawa, Ontario, K1A 0J2. Tel: 819-953-0229; Fax: 819-953-4830; e-mail: rick.seaman@hrdc-drhc.gc.ca

Canada Labour Code, sections 125, 126, and 127

To be published in Canada Gazette April 14, 1999

Pre-Published and Approved No comments or changes

Statutory Authority

Atlantic Pilotage Authority Regulations, amendment (SOR/98-153, OIC 1999-535)

The amendments, prepublished in the Canada Gazette, Part I on Nov. 28, 1998, relaxes the compulsory pilotage limit for pleasure yachts to 500 gross registered tons, up from the current limit of 200 gross registered tons, in the Atlantic Pilotage area.

Following a recent review, it was found that yachts up to this gross tonnage were, highly maneuverable, fitted with modern navigation and collision avoidance equipment and manned by competent persons. As a result of this review, the Authority considers that it is both safe and feasible to relax the requirement for compulsory pilotage for pleasure yachts of 500 gross registered tons or less.

Contact: Captain R. A. McGuinness, Chairman, Atlantic Pilotage Authority, Purdy's Wharf, Tower 1, Suite 1402, 1959 Upper Water Street, Halifax, Nova Scotia, B3J 3N2. Tel: 902-426-2550; Fax: 902-426-4004.

Pilotage Act, subsection 20(1)

To be published in Canada Gazette April 14, 1999

Atlantic Pilotage Tariff Regulations, amendment (SOR/98-154, OIC 1999-536)

The amendments increases pilotage charges for noncompulsory areas by 5.5%. The increase reflects the rate of inflation since 1995.

A previous proposed increase of 2.5% was inadvertently omitted from approved tariff charges. Due to this oversight, the last increase affecting these non-compulsory pilotage areas was January 21, 1995.

Contact: Captain R. A. McGuinness, Chairman, Atlantic Pilotage Authority, Purdy's Wharf, Tower 1, Suite 1402, 1959 Upper Water Street, Halifax, Nova Scotia, B3J 3N2. Tel: 902-426-2550; Fax: 902-426-4004.

Pilotage Act, section 33

To be published in Canada Gazette April 14, 1999

Pre-Published and Approved No comments or changes

Statutory Authority

Great Lakes Pilotage Tariff Regulations, amendment (SOR/99-156, OIC 1999-538)

Pilotage Act, subsection 34(1)

The amendment introduces a one-year tariff reduction of 5 percent for pilotage services in the area of the Welland Canal and in the Cornwall District; tariff charges will revert to their current level in the following year.

To be published in Canada Gazette April 14, 1999

The Great Lakes Pilotage Authority is implementing this reduction in the tariff to obtain the revenues needed to operate in a break-even position on a day-to-day basis

Despite a freeze in tariff charges during the past four years, the Authority has been able to build up a small surplus fund due to its cost-cutting program with respect to operations. It decided to use this surplus for a year to cut tariffs modestly for a year.

Users will benefit from this one-year tariff reduction and will save an estimated \$350,000 in pilotage costs during this period. This represents a cost savings of \$350 per ship for a complete transit of the system from St. Lambert Lock to Thunder Bay.

The Regulations come into effect on March 25, 1999.

Contact: R. G. Armstrong, Chairman, Great Lakes Pilotage Authority, P.O. Box 95, Cornwall, Ontario, K6H 5R9. Tel: 613-933-2991; Fax: 613-933-3793.

Canadian Aviation Regulations (Part VII Commercial Air Services), amendment (SOR/98-158, OIC 1999-540)

Aeronautics Act, section 4.9

The amendments change Subpart 0 (General), Subpart 2 (Aerial Work), Subpart 3 (Air Taxi Operations) and Subpart 5 (Airline Operations).

To be published in Canada Gazette April 14, 1999

As examples, the amendments:

- eliminate unintended inconsistencies between regulations or between regulations and standards, repair an inadvertent omission from previous versions of the CARs and, in CARs 700.17, allow for the extension of flight times for flight crew members in unforeseen operational circumstances;
- amend CARs 702.01 (Application), to clarify the status of glider towing operations;
- amend CARs 702.16 (Carriage of Persons), to explicitly permit the carriage of parachutists where the air operator certificate authorizes parachuting operations;
- amend CARs 702.18 (Night, VFR OTT and IFR Operations), to remove a restriction from the conditions applicable to the conduct of night parachute operations;
- amend CARs 702.65 (Flight Crew Member Qualifications), to clarify the pilot check requirements for a chief pilot in an aerial work operation;
- revise Subpart 3 (Air Taxi Operations), CARs 703.88 (Flight Crew Member Qualifications), to remove or replace confusing terminology and clarify the intent of the regulation;
- amend CAR 705.22 (Operational Flight Plan), to require the operational flight plan to be retained for a minimum of 90 days and clarify the process for recording the formal approval of the operational flight plan by the pilot-in-command;
- amend CAR705.27 (Admission to Flight Deck), to prevent use of a jump seat on the flight deck by a revenue-paying passenger;
- amend CAR705.39 (Weight and Balance Control), to require weight and balance forms for a minimum of 90 days;

Pre-Published and Approved No comments or changes

Statutory Authority

- amend CAR 705.42 (Carry-on Baggage), to require equipment for baggage stowage to comply with the airworthiness standards appropriate for the aircraft upon which it is installed without imposing an overriding requirement for existing equipment on older aircraft to be modified or replaced to meet later design standards. and
- amend subsection 705.42(8) to prohibit the storage of carry-on baggage which may cause injury to passengers in the event of turbulence or an emergency from being stowed in an overhead rack unless the rack is equipped with restraining devices or doors that have been approved by the Minister in accordance with Chapter 551 of the Airworthiness Manual.

The Regulations come into force on June 1, 1999.

Contact: The Chief, Regulatory Affairs, AARBH, Transport Canada Safety and Security, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N8. Tel: 613-990-1198.

Reporting of Ships' Stores Regulations, amendment (SOR/99-159, OIC 1999-541)

Customs Act, paragraph 99(g)

The amendments reduce the reasonable quantity of tobacco and tobacco sticks to 200 grams and 200 sticks, respectively. The amendment follows similar reductions in personal exemptions provided to travellers to Canada.

To be published in Canada Gazette April 14, 1999

In early October, 1996, the Honourable Paul Martin, Minister of Finance, reduced the quantity of such tobacco products that could be entered duty-free by non-resident travellers. Ministerial regulations affecting similar entitlements of resident travellers have also been changed.

Contact: P. Wallace, Chief, Warehouse Licensing, Licensing and Revenue Accounting Division, Customs Border Services Branch, Revenue Canada, Connaught Building, 5th Floor, Ottawa, Ontario, K1A 0L5. Tel: 613-954-7193.

Pre-Published and Approved With comments or changes

Statutory Authority

Canada Small Business Financing Regulations (SOR/99-141, OIC 1999-473)

Canada Small Business Financing Act, section 14

The regulations consolidates much of the existing Small Business Loans (SBL) program (created in 1961 and scheduled to end on March 31, 1999) under the new *Canada Small Business Financing Act*.

To be published in Canada Gazette March 31, 1999

These new regulations respond to a number of issues raised during the comprehensive review of the SBL Program, and to recommendations of the Public Accounts Committee resulting from a 1997 audit of the existing SBL program.

For example, the regulations provide a clear definition of "related borrowers", who collectively, will be limited to a loan of \$250,000 under the CSBF Act, together with a requirement that lenders must apply the same degree of due diligence in their approval and administration of CSBF Act loans as they do in their conventional lending.

No change is being made to the 2 percent up-front loan registration fee, while the existing 1.25 percent administration fee is to be remitted more frequently than the annual remittance under the existing regulations.

Pre-Published and Approved With comments or changes

Statutory
Authority

Lenders are required to provide greater information on the loan registration form, and security requirements have been clarified.

Lenders continue to have 36 months to file claims; however, they will only receive interest at the full loan rate for the first year, followed by interest at one-half the loan rate for the second year and no interest during the third year, in an effort to encourage lenders to deal more promptly with realization and finalization of their claims.

In addition, the regulations introduce interim claim payments for lenders if a guarantee has been provided and if the lender has realized on all security except for the guarantee.

Ministerial authority for correcting inadvertent errors by lenders are also increased.

Lenders will be permitted greater flexibility in taking, releasing and substituting various types of security.

As before, a loan is limited to 90 percent of the eligible cost including the cost of any non-reimbursable tax and duties, and the Crown share of loan losses claimed remains at 85 percent of eligible net loss.

A borrower continues to be eligible under the CSBF program if proposed revenues are not expected to exceed \$5 million during the year the loan application is approved, if its business will be carried on for profit in Canada, and if it does not include the business of farming or a business having as its principal object the furtherance of a charitable or religious purpose.

The formula establishing the Minister's contingent liability for a specific lender also remains unchanged.

The proposed regulations were prepublished in the Canada Gazette, Part I on February 21, 1999, with an abridged 15-day response period.

A number of changes have been made as a result of comments and consultations, including:

- based on concerns expressed about lenders' ability to provide quarterly administration fee payments for April 1, 2000, given the overriding priority to update information systems for Year 2000 compliance, subsections 4(1) to (7) of the Regulations have been amended to phase-in these reporting requirements and fee payment schedules from 1999 to 2001. Subsequent years will require that lenders pay the administration fee quarterly and provide the basis for their calculations. Subsections (8) and (9) have been added giving the Minister authority to allow lenders, who experience difficulties in complying, to submit fee payments for all quarters except the final quarter based on estimates. This provides more assurance to lenders, particularly when administrative impediments (such as systems failures) impede their ability to submit these reports, that all their loans will not, as a result, lose the CSBFA guarantee.
- The Regulations have been amended to meet lenders' concerns about their ability to take security where the CSBFA loan is part of a series of secure loans. The lenders are now comfortable with these provisions, which also improve the security of CSBFA loans.
- Section 28 has been amended to remove a 90-day limit on the late submission of detailed reports on loans outstanding (as per sections 34 and 35). This section has been amended so that claims payments by the Minister will be withheld until such time as required reports have been received by the Minister.

Pre-Published and Approved With comments or changes

Statutory
Authority

- With regard to the release of primary security, paragraph 16(2)(b) has been added to allow the lender to require an appraisal of security assets being released under the same criteria outlined in subsections 9(1) and (2). This was requested by the CBA to allow lenders to seek assurance that the amount being applied to the loan is equal to the value of the assets being released in the event of a sale of the assets, ensuring that the release of secured assets for repayment towards the loan does not result in payment of an amount less than the real value of the assets being released.
- There was also a need for clarification of the 25 per cent cap on personal guarantees and what can be realized on by the lender in the case of default. Subsection 19(1) has been redrafted to clarify a lender's right to realization on personal guarantees and other sections have been changed, in consequence. These changes clarify lenders' responsibilities in taking security and realizing on guarantees.
- Sections 23 to 27, which deal with noncompliance in the case of claims on defaulted loans, have been amended to allow claims to be paid on that portion of the loan to which non-compliance does not relate in cases where the inadvertent non-compliance did not contribute to the claim for loss. This will reduce the number of rejected claims. The cost to the borrower of such errors must be reimbursed.
- Paragraph 30(1)(b) has been revised to make it clear that the loan can be renegotiated when being transferred at the request of the borrower, but that the new loan must respect the maximum loan term of ten years from the date of the original loan and other requirements, such as due diligence and the maximum interest rate. This measure should clarify the Regulations in such a way as to reduce the incidence of inadvertent non-compliance with them.

Contacts: Serge Croteau, Director General, Programs and Services Branch, Operations Sector, Industry Canada, Ottawa, Ontario, K1A 0H5. Tel: 613-954-5533; Fax: 613-952-2635; e-mail: croteau.serge@ic.gc.ca. Peter Webber, Team Leader, Entrepreneurship and Small Business Office, Industry and Science Policy Sector, Industry Canada, Ottawa, Ontario, K1A 0H5. Tel: 613-941-2684; Fax: 613-954-5492; e-mail: webber.peter@ic.gc.ca.

Immigration Regulations, 1978, amendment (SOR/99-146, OIC 1999-525)

Immigration Act, subsection 114(1)

The amendments establish a redesigned Immigrant Investment Program to replace the current Program on April 1, 1999. All provinces and territories will be eligible to participate in the redesigned Program.

To be published in Canada Gazette April 14, 1999

The amendments would result in a simpler Program:

- investment is increased to \$400,000 for all investors, regardless of province of investment (no Tier system); the investment is not refundable after issuance of a visa.
- investor minimum net worth is increased to \$800,000; previously it was \$500,000 for Tier I and II and \$700,000 for Tier III.
- single federal window is created to accept investors' money;
- investments will be subsequently allocated to approved provincial funds;
- detailed federal rules regarding uses of investors' money are eliminated;
- federal selection process is applied exclusively to those who invest in the federal program;

Pre-Published and Approved With comments or changes

Statutory
Authority

- Quebec's selection process applied exclusively to those who invest in the Quebec program. Investors in the Quebec program must be destined for and selected by Quebec.
- the allocation period will now reference the date the federal government receives the investment instead of the date of landing
- approved funds will be required to report quarterly and to forward their annual audited statements to the Minister.
- the previous requirement that a province enter into an agreement, that in the event of default of their fund to repay investors, the province will pay, has been changed to allow the province to provide documentation that it had assumed the liability in ways other than by agreement. This change was initiated to give the provinces additional flexibility in structuring arrangements with their funds while still offering investors a high level of security.

The previous Regulations are repealed but continue to apply to previously approved businesses and funds.

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

Migratory Birds Regulations, amendment (SOR/99-147, OIC 1999-526)

The amendment creates a special season when hunters may take overabundant species of greater and mid-continent lesser snow geese for conservation reasons.

This will help protect and restore the biological diversity of arctic wetland ecosystems and the ecosystems of important migration and wintering areas by reducing the population size of overabundant snow goose populations.

This will be accomplished by extending the time periods during which hunting may take place (e.g. spring and/or early fall, outside the dates of the regular hunting season). In 1999, this will occur in selected local areas of the provinces of Quebec and Manitoba.

Hunters would also be allowed to use special hunting methods and equipment, including electronic calls, hunt in lure crops and use artificial or natural bait, each in specified local areas as determined in consultation with the provincial government and local communities.

Finally, this amendment allows for an increase in the harvest of Ross geese. Ross geese and snow geese frequent the same areas and cannot be easily distinguished when hunting. The Ross goose population can withstand increased harvest pressure because the population size is increasing rapidly and is at a record high level.

Minor changes were made since the proposed Regulations were republished in the Canada Gazette Part I on January 30, 1999. For example, District K (Magdalene Islands) has been added in Quebec, as has an additional week of hunting in the fall.

Contacts: Kathryn Dickson, Senior Waterfowl Biologist, Migratory Birds Conservation Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario K1A 0H3. Tel: 819-997-9733; Fax: 819-994-4445. Terry Mueller, Regulatory Analyst, Program Analysis and Coordination Division, Canadian Wildlife Service, Environment Canada, Ottawa, Ontario K1A 0H3. Tel: 819-997-1272; Fax: 819-953-6283.

Migratory Birds Convention Act, 1994, section 39

To be published in Canada Gazette April 14, 1999

Pre-Published and Approved With comments or changes

Statutory Authority

Atlantic Pilotage Tariff Regulations - Newfoundland and Labrador Non-Compulsory Areas, amendment (SOR/98-155, OIC 1999-537)

Pilotage Act, section 33

This amendment brings into force the second stage of a tariff increase of 3% in specified non-compulsory pilotage areas.

To be published in Canada Gazette April 14, 1999

The initial 3% increase became effective on January 20, 1994 (SOR/94-125).

Following prepublication of this amendment in the Canada Gazette, Part I on December 5, 1998, a notice of objection to the tariff increase was received by the Canadian Transportation Agency (CTA) from the Government of Newfoundland and Labrador, Department of Works, Services and Transportation on January 4, 1999. The CTA will investigate this tariff proposal to determine if it is prejudicial to the public interest and will subsequently make its recommendations to the Minister of Transport in accordance with subsections 35(2) and (6) of the *Pilotage Act*. Should the CTA recommend tariff charges lower than those prescribed in these Regulations, the Atlantic Pilotage Authority would reimburse the Government of Newfoundland and Labrador in accordance with subsection 35(4) of the *Pilotage Act*.

Contact: Captain R. A. McGuinness, Chairman, Atlantic Pilotage Authority, Purdy's Wharf, Tower 1, Suite 1402, 1959 Upper Water Street, Halifax, Nova Scotia, B3J 3N2. Tel: 902-426-2550; Fax: 902-426-4004.

Order Terminating the Application of the Public Harbours and Port Facilities Act to Certain Public Harbours, 1999 (SOR/99-157, OIC 1999-539)

Public Harbours and Port Facilities Act, subsection 8(3)

The Order terminates the application of the *Public Harbours and Port Facilities Act* (PHPFA) to certain public harbours at various points in time.

Published in Canada Gazette December 26, 1998

For those public harbours listed in Schedule 1, termination will be effective March 31, 1999. These sites have no Transport Canada port facilities and no federal ownership of the harbour bed.

In addition, the Canada Ports Corporation (CPC) is currently seeking Governor in Council approval to terminate its administration and control of the public harbour of Baie des Ha! Ha! as well as two portions of the public harbour of Saguenay. As a result of this termination order, the harbour and the two portions will revert to Transport Canada as public harbours, pursuant to the PHPFA. The public harbour of Baie des Ha! Ha! has been added to Schedule 1 and the two portions of the public harbour of Saguenay are described in Schedule 2. Deproclamation may only occur after the termination of administration and control by CPC.

Schedule 3 lists those public harbours adjacent to which Transport Canada, Harbours and Ports, currently maintains a public port facility. Termination of the application of the PHPFA will be effective only upon transfer of the entire public port facility.

For those public harbours listed in Schedule 4, the termination will be effective upon transfer of the harbour bed and, if applicable, the related public port facility. Schedule 4 harbours are those that are owned by the Government of Canada, under the management and control of the Minister of Transport. In some instances, Transport Canada, Harbours and Ports, also maintains a public port facility at these locations. In the case of public harbours listed in Schedules 3 and 4, the Minister will continue to use the PHR (or successor regulations under the *Canada Marine Act*) to manage these harbours until the termination order becomes effective.

Pre-Published and Approved With comments or changes

Statutory
Authority

Upon termination of the application of the PHPFA at a public harbour, the federal harbour master will be withdrawn.

With the termination of the application of the PHPFA, harbour dues will be eliminated at these public harbours. In 1996/97, this fee generated \$2.9 million nationwide, which, net of harbour master commissions, provided revenues of \$2.5 million to Transport Canada. With the termination of the application of the PHPFA at certain public harbours, federal harbour masters will be withdrawn and PHPFA/PHR services will no longer be provided. Consequently, there will be no further need to collect these fees.

As a result of prepublication of the proposals in the Canada Gazette, Part I on December 26, 1998, several changes were made in the Regulation, including moving Argentia from Schedule 4 to Schedule 1, and removing from the Regulations 12 public harbours which were the subject of a termination order in 1996.

The Regulations come into effect on March 31, 1999.

Contact: Lila Killoran, Director, Port Corporations and Port Property, Port Programs and Divestiture, Transport Canada, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-990-3964; Fax: 613-954-0838.

Ministerial Orders Approved

Statutory
Authority

Public Service Employment Regulation, 1993, amendment (SOR/99-126)

Public Service Employment Act, section 35

This amendment permits the appointment at the EX-1 level, based on a standard of competence, employees who have been found by the Public Service Commission to be qualified at this level within the Career Assignment Program (CAP).

To be published in Canada Gazette March 31, 1999

CAP is a federal government corporate development program aimed at persons below the executive level who demonstrate the potential to become executives. Its objective is to contribute to the creation of a high-quality, representative and bilingual feeder group for executive positions in the federal Public Service.

These Regulations come into force on March 12, 1999.

Contact: Laurette Stanton, Policy Advisor, Resourcing Policy and Legislation Directorate, Public Service Commission. Tel: 613) 992-9771.

Canadian Turkey Marketing Quota Regulations, 1990, amendment (SOR/99-130)

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

This amendment revises the limitations to be applied when determining the market allotment of a producer or when issuing a new market allotment within a province during the control period beginning on May 1, 1999 and ending on April 30, 2000.

To be published in Canada Gazette March 31, 1999

The new limits are as follows (in pounds of turkey): Ontario, 129,389,268; Quebec, 64,737,248; Nova Scotia, 8,183,761; New Brunswick, 5,641,927; Manitoba, 21,265,937; British Columbia, 33,780,123; Saskatchewan, 10,767,473; Alberta, 25,528,996. The overall total is 299,294,733 pounds.

These Regulations come into force on May 1, 1999.

Ministerial Orders Approved

Statutory Authority

Order Amending the Allocation Method Order (Chicken and Chicken Products) (SOR/99-127)

This Order amends the method for allocating the chicken and chicken product import access quantity for 1999 and beyond.

The import access quantity for the processor pool will be amended as follows:

- for 1999 and beyond, 70% shall be allocated to processors of chicken and chicken products on the basis of market share (market share is calculated on the basis of the dollar difference between purchases and final sales of chicken and chicken products of applicants who are processors which final sales do not include intermediate sales of whole eviscerated chicken unless the intermediate sale is a final sale to a foodservice chain). Smaller processors shall receive a minimum allocation of 60,686 kilograms in 1999 and beyond.
- the import access quantity for the foodservice pool will be amended to be allocated according to the following formula: 70% of 5.6% of post FTA allocation (but not less than 1.75 million kg) will be allocated to restaurant and foodservice companies whose volume of chicken purchases is equal to at least 50% of their total volume of meat purchases (i.e. including poultry, beef and pork but excluding vegetables, french fries, beverages, etc.), and 30% of 5.6% post FTA allocation (but not be less than 0.75 million kg) will be allocated to restaurant and foodservice companies whose volume of chicken purchases is less than 50% of their total volume meat purchases (i.e. including poultry, beef and pork but excluding vegetables, french fries, beverages, etc.).

Paragraph 2(1)(e) and Schedule II of the Order are repealed because they are no longer applicable.

Contacts: Daniel Kane, Trade Controls Policy Division (EPM), Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, P.O. Box 481, Station "A", Ottawa, Ontario, K1N 9K6. Tel: 613-995-7765.

Canadian Turkey Marketing Quota Regulations, 1990, amendment (SOR/99-131)

This amendment revises the limitations to be applied when determining the market allotment of a producer or when issuing a new market allotment within a province during the control period beginning on May 1, 1998 and ending on April 30, 1999.

The new limits are as follows (in pounds of turkey): Ontario, 122,571,369; Quebec, 62,989,845; Nova Scotia, 7,928,018; New Brunswick, 5,416,294; Manitoba, 20,564,169; British Columbia, 33,780,945; Saskatchewan, 10,420,414; Alberta, 24,731,217. The overall total is 288,402,271 pounds.

These Regulations come into force on March 15, 1999.

Technical Amendments Order (Customs Tariff) 1999-1 (SOR/99-132)

This Order corrects a number of clerical, typographical and transposition errors and omissions in the nomenclature and rate structure of the new Tariff (e.g. to align the French and English versions of the tariff); and maintains duty-free entry for certain equipment that is unavailable domestically and that benefited in the past from the provisions of the Machinery Program.

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

Export and Import Permits Act, paragraph 6.2(2)(a) and subsection 10(1)

To be published in Canada Gazette March 31, 1999

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

To be published in Canada Gazette March 31, 1999

Customs Tariff, section 138

To be published in Canada Gazette March 31, 1999

Ministerial Orders Approved

Statutory Authority

Technical Amendments Order (Customs Tariff) 1999-1 (SOR/99-133)

This Regulation introduces a more precise expression for underwater cable which will enable National Revenue to administer the tariff item as was originally intended in the *Customs Tariff*.

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

Customs Tariff, section 138

To be published in Canada Gazette March 31, 1999

Canada Lands Surveyors Regulations (SOR/99-142)

The Regulations establish procedures for the operation of the Association of Canada Lands Surveyors and include requirements for the qualification and examination of persons wishing to become Canada Lands Surveyors, for membership in the Association, for the issuance of licences, permits and liability insurance, and for the operation of complaint and discipline processes.

The Regulations also establish complaints and discipline processes in respect of Canada Lands Surveyors equivalent to provincial land surveyors associations in all the provinces of Canada.

Contact: A. M. MacLeod, Legislative Advisor to the Surveyor General of Canada Lands, Legal Surveys Division, Geomatics Canada, Earth Sciences Sector, Department of Natural Resources Canada, Room 557, 615 Booth St., Ottawa, Ontario, K1A 0E9. Tel: 613-995-4572; Fax: 613-995-9191; e-mail: almacleo@nrcan.ca

Canada Lands Surveyors Act, section 62

To be published in Canada Gazette April 14, 1999

Limitation of the Right to Equitable Remuneration of Certain Rome Convention Countries Statement (SOR/99-143)

This Order limits the remuneration of certain rights in sound recordings whose maker was a citizen or permanent resident or corporation headquartered in 20 specified countries.

The countries include Japan, Norway, Bolivia, Honduras, Lesotho, Uruguay, Ireland, Mexico, and the Czech Republic.

By limiting the scope and duration of these remuneration rights, in accordance with Subparagraph 16 (1)(a)(iv) of the Rome Convention, the Canadian Government is ensuring that the protection granted to foreign nationals of certain Rome Convention countries is similar to that extended by these countries to Canadians.

Contacts: Danielle Bouvet, Director, Intellectual Property Policy Directorate, Industry Canada, 235 Queen Street, West Tower, 5th Floor, Ottawa, Ontario, K1A 0H5; Richard Matthews, Director, Copyright Policy, Department of Canadian Heritage, 15 Eddy Street, 4th Floor, Hull, Quebec, K1A 0M5; W.R. Crosbie, Director, Information and Technology Trade Policy Division, Department of Foreign Affairs and International Trade, 125 Sussex Drive, 3rd Floor, Ottawa, Ontario, K1A 0G2.

Copyright Act, subsection 20(2)

To be published in Canada Gazette April 14, 1999

Pari-Mutuel Betting Supervision Regulations, amendment (SOR/99-160)

This amendment adds the drugs, tolfenamic acid and benazepril, which have recently entered the Canadian marketplace, to the Schedule of prohibited drugs in the Regulations.

Contact: Lydia Brooks, Analytical Services Officer, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, LCD Merivale, Ottawa, Ontario, K2C 3X7. Tel: 613-946-0893; Fax: 613-952-7466; e-mail: lbrooks@em.agr.ca

Criminal Code, subsection 204(9)

To be published in Canada Gazette April 14, 1999

Ministerial Orders Approved

Statutory Authority

St. Lawrence Seaway Authority Divestiture Regulations (SOR/99-144)

The Regulations define the availability of pension benefits as of April 1, 1999 for transferred employees of the St. Lawrence Seaway Authority.

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 Public Service. Individuals who do not exercise an option for a lump sum benefit will retain the protection of their pension accruals under the *Public Service Superannuation Act*, as of the date they cease to be employed in the Public Service and their service with the new employer will count for benefit eligibility purposes under that Act.

Public Service Superannuation Act, paragraph 42.1(1)(u); *Financial Administration Act*, paragraph 7(2)(a)

To be published in Canada Gazette April 14, 1999

Canadian Chicken Marketing Levies Order, amendment (SOR/99-161)

This Order amends the circumstances under which a processor is deemed to have marketed chicken in Canada.. Subsection 4.1(3) is amended as follows:

“(3) For the purposes of subsection (1), the chicken is deemed to have been marketed by the processor within Canada, unless the total live weight equivalent of the chicken is exported during the quota allocation period in which the chicken was produced or during the quota allocation period immediately before or after that period.”

These Regulations come into force on March 26, 1999.

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

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

To be published in Canada Gazette April 14, 1999

Canadian Chicken Marketing Quota Regulations, 1990, amendment (SOR/99-162)

This amendment, effective May 9, 1999, establishes the periodic allocation, for the period from May 9, 1999 and ending on July 3, 1999 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, 55,705,000; for Quebec, 47,105,192; for Nova Scotia, 6,223,055; for New Brunswick, 4,768,983; for Manitoba, 6,932,508; for P.E.I., 629,331; for Saskatchewan, 3,971,815; for Alberta, 15,757,732; and for Newfoundland, 2,555,754.
- production subject to periodic export quotas (in live weight, kilograms), for Ontario, 625,000 kg; Quebec, 4,414,199; Nova Scotia, 100,000; Manitoba, 546,250 and for Alberta, 624,000.

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

To be published in Canada Gazette February 17, 1999

Regulatory Affairs

ISSN 1201-0716

J-K Carruthers Ltd.



Editor: Mary Ferguson

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publisher.

Please send any questions or comments c/o the Editor, J-K Carruthers Ltd., R.R. #1, Perth, Ontario, K7H 3C3, Telephone (613) 267-3890, Fax (613) 267-6727. Visit our Web Pages at www.carruthers.com.