

Tracking Federal Regulatory Initiatives

Regulatory Affairs

VOL. 3, No. 9

March 15, 1997

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Proposed Regulations for Pre-Publication in Part I, Canada Gazette	Statutory Authority & Regulatory Plan Listing
<p>Immigration Regulations, 1978, amendment (Prescribed Occupational Classification System for Assessment of Applications for Admission)</p> <p>The proposed amendment to the regulations is primarily technical in nature, relating to the occupational classification system to be used in future by Citizenship and Immigration Canada (CIC) for assessing independent immigrants who have applied for admission to Canada.</p> <p>The change does not reflect a substantive change to the regulations or to program policy, but rather revises the regulations so that they refer to the occupational classification system currently supported and updated by Human Resources Development Canada (HRDC). CIC, relies on HRDC for labour market information and expertise, to support its immigrant assessment.</p> <p>More specifically, the amendment substitutes use of the National Occupational Classification (NOC) for the previous Canadian Classification and Dictionary of Occupations (CCDO), which is no longer being used by HRDC.</p>	<p><i>Immigration Act</i>, paragraphs 114(1)(a) and (jj)</p> <p>Not included in Regulatory Plan</p> <p>To be published in Canada Gazette March 15, 1997</p>

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Proposed Regulations

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Schedule I to the *Immigration Regulations* sets out the criteria upon which those who apply for admission to Canada as independent immigrants are assessed, and the basis upon which visa officers award points to applicants for the purpose of determining whether the applicant meets the federal standard of 70 points. Independent applicants are given points for each of nine different factors. Three of these factors (Specific Vocational Preparation, Experience, and Occupational Demand) require the use of an occupational classification system, i.e. a system used to categorize occupations based primarily on the skills and training required to perform the work.

The change from CCDO to NOC will have no impact on Canadians, and little impact on those persons applying for admission to Canada as independent immigrants. However, as the NOC does contain a more accurate description than the CCDO of the skills and attributes necessary to work in specific vocations and professions in Canada, there could be a small number (no data exists from which to estimate an actual number) of individual applicants who will find that they cannot be considered for entry under the occupation for which they had hoped to be considered.

Contact: Bradley Pascoe, Senior Policy Officer, Selection Branch, Department of Citizenship and Immigration, 7th Floor, Journal Tower North, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel: 613-957-1179; Fax: 613-954-0850.

Food and Drug Regulations, amendment (Schedule No. 1036)

The proposed amendment would establish Maximum Residue Limits (MRLs) for fosetyl-aluminum in avocados at 10.0 parts per million (ppm) and in apples at 1.0 ppm.

Fosetyl-aluminum is a systemic fungicide with protective and curative action.

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

Canada Business Corporations Regulations, amendment (Exemptions from Filing pursuant to section 258.2)

Following amendments to the *Canada Business Corporations Act* (CBCA) which received Royal Assent on June 23, 1994, it is proposed to make consequential amendments to the Regulations concerning relief from provisions of the CBCA requiring specific notices or documents to be sent to the Director appointed under the CBCA (the Director).

Pursuant to this regulation, the Director may exempt, from the application of provisions of the CBCA requiring documents to be filed with the Director, those documents which contain information that is similar to information required to be made public pursuant to other federal or provincial legislation.

Six documents have been initially identified as appropriate subjects of an order by the Director under section 258.2 of the CBCA.

These documents are:

- insider reports (s. 127);
- prospectuses (s. 193);
- statements of material facts or changes (s. 193);
- registration statements (s. 193);
- interim financial statements (s. 160); and
- news releases (s. 193).

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

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Canada Business Corporations Act, paragraph 261(1)(a)

IC/96-11

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The exemption order to be issued will identify the documents that shall be exempted from the application of specific CBCA provisions. A document identified in an exemption order will not be required to be filed with the Director provided that it has been filed in at least one of the applicable jurisdictions set out in the order pertaining to that document.

CBCA corporations will benefit by not having to prepare or send to the Director duplicates or substantially similar versions of the notices or documents already sent to a different regulatory authority.

However, clients seeking information concerning CBCA corporations will no longer be able to obtain from the Director copies of the documents which are the subject of an exemption order. These documents will be available from another regulatory authority basically on the same terms and conditions as they can now be obtained from the Director.

Contact: Caroline P. Melia, Senior Compliance Policy Advisor, Corporations Directorate, Industry Canada, 9th floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0H5. Tel: 613-941-5755; Fax: 613-941-5781.

Motor Vehicle Safety Regulations, amendment (Section 210.1, Tether Anchorages for Multi-Purpose Passenger Vehicles and Light Trucks)

In order to facilitate and encourage the use of tether straps, this proposed amendment would extend the requirement for tether anchorages to trucks and multipurpose passenger vehicles with a gross vehicle weight rating of 3 864 kg or less and an unloaded vehicle weight of 2 495 kg or less.

This would extend the requirement to minivans, sport utility vehicles, light trucks, and other vehicles which are not classed as passenger cars but have become popular with young families and are frequently used to transport young children.

An accompanying test method, entitled Restraint Systems for Infants with Special Needs (to be referred to as Test Method 213.5), would be introduced.

Section 210.1 of Schedule IV to the Regulations specifies that tether anchorages shall consist of either an unthreaded hole with sufficient clearance to accept an M8 bolt 30 mm long or, if access to the underside of the anchorage is difficult, a threaded hole capable of accepting this bolt size. Manufacturers can also provide an equivalent device that combines the functions of a tether anchorage and tether anchorage hardware.

Section 210.1 also stipulates that the anchorage hardware must be provided with the vehicle; however, owners are sometimes obliged to request it specifically and to take its delivery separately. Effective September 1, 2000, this amendment would require the tether anchorage hardware to be installed in the tether anchorage.

Section 210.1 also specifies the required number of anchorages per vehicle, the seating positions at which they must be placed, and a static pull test to ensure that anchorage assemblies meet a minimum strength requirement. An installation zone is also defined to ensure the anchorage is located so that the restraint system will perform properly. Because there is no shelf behind the seats in most Multi-Purpose Vehicles (MPVs), this amendment would extend the installation zone underneath the rear of the seat to include the floor and space above. The installation zone would also be widened beyond the outer edge of the seat base to include the location of the universal lower attachment points being developed by the International Standards Organization for child restraint systems.

Motor Vehicle Safety Act

Included in the 1997 Regulatory Plan under Future Initiatives

To be published in Canada Gazette March 15, 1997

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According to tests conducted by the Department of Transport, child restraint systems tethered near the limit of the new installation zone performed adequately, whereas those tethered beyond the modified zone did not.

A separate installation zone has been defined for light trucks in order to accommodate their seat backs, which are more upright than those of MPVs and passenger cars. Whereas the installation zone for MPVs and passenger cars is based on the shoulder reference point, the proposed zone for light trucks is based on a reference point in space 350 mm above and 175 mm behind the seating reference point. For light trucks whose seat backs are directly against the rear of the cab, the tether anchorage may be located outside the installation zone if a routing device of sufficient strength is installed within the zone.

This amendment would also make several changes of an editorial nature to section 210.1 to clarify that it applies, not only to all types of child restraint systems, but to restraint systems for the mobility impaired. In particular, the title of the regulation has been changed to "Tether Anchorages for Restraint Systems", the definition of "tether strap" has been revised, and a definition for "restraint system" has been added.

The requirement for manufacturers to install the tether anchorage hardware in the vehicle would come into effect on September 1, 2000. The effective date of the other requirements contained in this proposal would be September 1, 1999.

Interested parties will have 90 days in which to respond to the proposals. All comments will be taken into consideration in the preparation of the final regulation.

Contact: France Legault, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation, Department of Transport, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1963; Fax: 613-990-2913; e-mail: legaultf@tc.gc.ca.

Federal Child Support Guidelines

The Federal Child Support Guidelines provide detailed rules for the calculation of child support, based on a numerical formula.

Bill C-41 was part of the government's four point child support initiative which consisted of:

- implementation of child support guidelines;
- change in tax treatment of child support;
- savings from the tax change to be applied to assist children in working poor families; and
- new and improved support enforcement measures. The Guidelines themselves are intended to contribute to establishing adequate, fair and consistent child support awards.

The Guidelines are intended to be applied in most cases as a rebuttable presumption, i.e. apply unless application would cause undue hardship. However, in certain situations the guidelines will be advisory, such as where the child is over the age of majority, physical custody of the child is shared in a substantially equal way and the payor earns over \$150,000.

The mathematical formula chosen incorporates two elements: a method of determining the costs of raising a child used by Statistics Canada; and a method for sharing these costs between the parents. The formula then generates a series of fixed percentages that represent the award levels to be paid by the non-custodial parent.

An act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment Attachment and Pension Diversion Act and the Canada Shipping Act, (Bill C-41)

JUS/96-166-01

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These amounts vary according to the income of the noncustodial parent and the number of children. The custodial parent is expected to pay a similar percentage of his or her income to meet all the needs of the children.

There are separate tables for each province. The amounts vary from one province to another because of differences in provincial income tax rates. Changes will be made to the tables via regulations when there are significant changes to relevant federal, provincial and territorial tax rates. In addition to the base amount found in the table, a court may award additional amounts to cover special child-related expenses.

Six categories of special child-related expenses can be added to the Table amounts if they are reasonable and necessary in light of the needs of the child and means of the parents:

- child care expenses;
- portion of the medical and dental insurance coverage attributable to the child;
- health-related expenses;
- educational expenses;
- expenses for post-secondary education; and
- extraordinary expenses for extra-curricular activities.

A court will be able to award more or less than the table amount plus allowable special expenses if this total amount causes “undue hardship” to either parent or to the child. The party pleading undue hardship will have to show that he or she has a lower household standard of living than the other party. An advisory test is provided in Schedule II to assist in the calculation of the household standards of living.

Examples of situations which might justify a finding of undue hardship are not limited, but include: an unusually high level of debt reasonably incurred to support the family or earn a living; significant access expenses, such as travel or accommodation costs; and obligations for the support of other children, or spousal support obligations.

A detailed definition of income is included, based on the description of Total Income contained in the T1 General Form issued by Revenue Canada to all Canadians in order to pay income tax. The Guidelines also detail the type of income information required to document income and the obligation to provide it.

Contact: Lise Lafreniere Henrie, Coordinator, Policy Development, Child Support Team, Justice Department, Ottawa, Ontario, K1A 0H8. Tel: 613-957-0059; Fax: 613-952-9600.

Release of Information for Family Orders and Agreements Enforcement Regulations, amendment; Family Support Orders and Agreements Garnishment Regulations, amendment; Denial of Licences for Family Orders and Agreements Enforcement Regulations; Garnishment and Attachment Regulations, amendment; Pension Diversion Regulations, amendment

These amendments will make changes to improve federal enforcement procedures and are required to reflect amendments made to these Acts by Bill C-41 which enacts the government’s new child support strategy. Included are new support enforcement measures to ensure that family support obligations are respected, as well as minor amendments intended to improve administration of the service provided by the Acts.

The specific changes to the *Release of Information for Family Orders and Agreements Enforcement Regulations* (under Part I of the *Family Orders and Agreements Enforcement Assistance Act*) include:

An act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment Attachment and Pension Diversion Act and the Canada Shipping Act, (Bill C-41)

JUS/92-14-L, JUS/93-12-L, JUS/94-16-L, JUS/97-3-I, JUS/97-4-I, JUS/97-5-I

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for Pre-Publication in Part I, Canada Gazette

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- Section 3, that designates the information banks that may be searched, would be amended to add information banks controlled by the Department of National Revenue and to reflect the amendments to the description of the designated data-banks and update the named departments;
- Section 4 would be amended to reflect the changes made to section 13 and subsection 14(3) of the Act by Bill C-41 respecting supporting documents that must accompany an application. Also, a new subsection would be created to prescribe the manner in which an application for the searching of information banks by a provincial enforcement service under this Part may be made;
- the application form used to initiate an information search would be revised to reflect the above-noted changes to the Regulations and the Act made by Bill C-41 and would be updated to ensure its compatibility with automated systems;
- the affidavit form would be revised to make some minor corrections.

The Regulations under Part II of the Act establish procedures for the garnishment of federal moneys to satisfy support orders. The Regulations designate certain source funds as “garnishable moneys” and establish a procedure for the processing of summonses.

Bill C-41 amends Section 28 in Part II of the Act to remove the requirement that a copy of the support order or agreement be served on the Minister. This amendment improves administrative efficiency by avoiding duplication. All relevant information found in the support order is already contained in the garnishee summons which has to be served on the Minister pursuant to subsection 28(a).

- The specific changes to the *Family Support Orders and Agreements Garnishment Regulations* (under Part II of the *Family Orders and Agreements Enforcement Assistance Act*) include:
- a consolidation of the amendments previously published in the Canada Gazette, Part I on October 5, 1996
- the source funds created under the *Agricultural Stabilization Act* and the *Western Grain Stabilization Act* are deleted, as the Acts were repealed in 1991 and funds are no longer available;
- Section 9 of the Regulations is amended to prescribe a 20-day time period within which the Minister must notify the debtor of service of a garnishee summons. This is as a result of an amendment to section 45 of the Act in 1993. The Notice to the debtor, which is Schedule II to the Regulations, would also be revised to show the date of receipt of the garnishee summons and to provide more information to the debtor; and
- the application form to start garnishment proceedings under Part II of the Act is a Schedule to these Regulations and is, therefore, also being changed to reflect the Bill C-41 amendment that removes the requirement that a copy of the support order or agreement be served on the Minister. Additional minor modifications to the presentation of the form will not affect the actual information that is collected, but will ensure the form’s compatibility with automated systems.

Clause 22 of Bill C-41 adds a new Part III to the Family Orders and Agreements Enforcement Assistance Act to create a scheme for the denial of certain federal licences to assist in the enforcement of family support obligations and section 78 authorizes the Governor in Council to make regulations prescribing anything that by this Part is to be or may be prescribed.

Further to this authority, regulations to be cited as the *Denial of Licences for Family Orders and Agreements Enforcement Regulations* are created that:

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- set out the prescribed licence denial application form and the prescribed form of the affidavit that must accompany the licence denial application through Schedules I and II;
- identify the prescribed information concerning the identity of the debtor and the support order or support provision that must be contained in the application;
- set out the prescribed form respecting the request for the termination of a licence denial application through Schedule III; and
- set out the prescribed manner in which documents are to be provided to the Minister of Justice.

Bill C-41 amends the *Garnishment Attachment and Pension Diversion Act* to remove the requirement to serve a notice of intention to garnishee Her Majesty prior to service of the garnishee summons. This will facilitate the administration of the garnishment process for the courts and support enforcement programs and is consistent with provincial and private industry garnishments which do not have notice requirements. The amendments to the Act contained in Bill C-41 establish a new procedural framework for garnishments of federal salaries. Identical changes have been made both in Division I (Department and Certain Crown Corporations) and in Division IV (Senate, House of Commons and Library of Parliament).

The amendments to the *Garnishment and Attachment Regulations* also consolidate amendments to these Regulations which were previously published in the Canada Gazette, Part I on October 5, 1996. The following amendments to the *Garnishment and Attachment Regulations* are proposed:

- Section 3 would be amended and a new application form is created as a revised Schedule I to the Regulations;
- nine addresses for service of documents are updated;
- the existing Schedule II is revoked;
- references to sections of the Garnishment Attachment and Pension Diversion Act and the Public Service Employment Act are updated; and
- section 5 is updated.

Bill C-41 amends Part II of the *Garnishment Attachment and Pension Diversion Act* to make pension diversion for support enforcement purposes more effective and available to custodial parents who have moved outside the country.

The following amendments to these *Pension Diversion Regulations* are made:

- a new application form for information pursuant to new section 35.3 of the Act is created, providing an address for service for the application and setting out the information to be provided by the Minister;
- to reflect the changes regarding residency of the applicant contained in Bill C-41, amendments are made to the regulations which include the revocation of two existing requirements respecting the contents of an application for pension diversion;
- several amendments of a technical nature are made to update references to sections of the Act and to reflect a change to the name of the Department of Supply and Services and its Minister; and
- the address for service of documents where the recipient was a member of the House of Commons is updated.

Contact: Marilyn Bongard, Acting Enforcement Coordinator, Child Support Team, Department of Justice, Ottawa, Ontario, K1A 0H8. Tel: 613-957-0229; Fax: 613-952-9600.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Four Seized Vehicles Forfeiture Remission Order (SI/97-34, OIC 1997-327)

This Order remits to five innocent third parties the forfeiture of their interests in four vehicles seized for violations of revenue laws.

The affected parties are: Ford Credit Canada Limited; Chase Automotive Finance; 2313-7292 Québec Inc.; and 785072 Ontario Inc. and Birchcliffe National Leasing Ltd.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

To be published in Canada Gazette April 2, 1997

Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 929; Schedule F amendment) (SOR/97-140, OIC 1997-317)

This amendment permits sodium cromoglicate 2% w/v solution for ophthalmic use to be made available without a prescription. Sodium cromoglicate 2% w/v solution for ophthalmic use has been available without a prescription in Germany and Switzerland since 1978 and in Sweden since 1993.

Sodium cromoglicate 2% w/v solution for ophthalmic use is indicated to help relieve and prevent the symptoms associated with allergic conjunctivitis. Ten years of Canadian clinical experience have confirmed both the efficacy and safety of sodium cromoglicate 2% w/v solution for ophthalmic use.

Nonprescription labelling of sodium cromoglicate 2% w/v solution for ophthalmic use includes warning and aids to diagnosis that should minimize the risk of misdiagnosis by consumers and ensure that medical attention is sought when appropriate.

Labelling will also advise individuals experiencing symptoms for the first time to seek medical advice.

The amendment, prepublished in the Canada Gazette Part I on Nov. 16, 1996 (see *Regulatory Affairs*, v. 2, No. 44, p. 5, Nov. 16, 1996), comes into force on July 31, 1997.

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Bureau of Drug Policy and Coordination, Drugs Directorate, Health Protection Building, Address Locator 0702B1, Tunney's Pasture, Ottawa, Ontario K1A 0L2. Tel: 613-957-0372; Fax: 613-941-6458; e-mail: joan_korol@inet.hwc.ca.

Food and Drugs Act, subsection 30(1)

HCan/R-9-L

To be published in Canada Gazette April 2, 1997

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Motor Vehicle Safety Regulations, amendment (Section 1106, "Noise") (SOR/97-141, OIC 1997-318)

The amendment lowers the noise emission requirements governing trucks with a gross vehicle weight rating (GVWR) greater than 4,536 kg (10,000 lb.) and extends these requirements to apply to chassis-cabs with the same GVWR. The provisions governing all other vehicles, including buses and light-duty vehicles, remain the same.

Motor Vehicle Safety Act, S.C., 1993, c. 16

Included in the 1994 Federal Regulatory Plan

To be published in Canada Gazette April 2, 1997

Pre-Published and Approved With comments or changes

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The amendment also discontinues the use of the two existing test procedures and require either that of the U.S. or the revised version of the Economic Commission of Europe (ECE) be used instead:

- ECE Regulation No. 51, *Uniform Provisions concerning the Approval of Motor Vehicles Having at Least Four Wheels with regard to their Noise Emissions*, dated March 11, 1996, or
- Section 205.54-1 of subpart B, part 205, chapter I, title 40 of the United States *Code of Federal Regulations* (revised as of July 1, 1995).

Depending on which test procedure is followed, the maximum permissible noise levels emitted by heavy trucks would be reduced by 3 to 5 dBA.

Section 1106 has been largely rewritten as part of this amendment; consequently, the entire section would be revoked and replaced.

Section 1106 of the *Motor Vehicle Safety Regulations*, entitled "Noise", specifies the maximum sound pressure levels permissible for new motor vehicles sold in Canada. At present, the noise emission requirements governing heavy trucks are out of date and do not harmonize with those of the United States or the ECE.

A number of changes were made to the original proposal because of comments received in response to prepublication of this initiative:

- a new version of *ECE Regulation No. 51* was issued after Part I publication, and the most recent version of the Regulation, which is dated March 11, 1996, has been adopted.
- bare and stripped chassis have been exempted from complying with the exterior noise emission requirements.

Although this amendment initially dealt solely with heavy-duty trucks, several of the comments received related to other vehicle classes. The ECE Regulation that governed heavy-duty trucks also applied to passenger cars, light trucks, and heavy-duty buses; consequently, two motor vehicle manufacturers requested that the ECE test procedure for the latter vehicles be updated as well. The test procedure contained in *ECE Regulation No. 51*, dated March 11, 1996, may now be used for light-duty vehicles, heavy-duty vehicles with a GVWR of 4 536 kg (10,000 lb.) or less, and heavy-duty buses with a GVWR greater than 4 536 kg (10,000 lb.) as well as for heavy-duty trucks.

Several parties commented, including the province of Alberta; Ford Motor Company of Canada, Limited, Freightliner Corporation; General Motors of Canada Limited; the Motor Vehicle Manufacturers' Association (MVMA); and Navistar Canada.

Ford noted that the 2 dBA factor that was previously allowed for heavy-duty trucks "effectively relaxes the applicable Canadian standard", pointing out that, while the allowance factor had been removed for heavy-duty trucks, it still applied to the other vehicle classes. The Transport Department plans to address this issue as part of a future amendment.

Comments also prompted to other changes unrelated to heavy-duty trucks:

- reference to the Society of Automotive Engineers (SAE) noise emission standard that applies to light-duty vehicles and to heavy-duty vehicles with a GVWR of 4 536 kg (10,000 lb.) or less has been updated to refer instead to the August 1994 version of *SAE Recommended Practice J986, Sound Level for Passenger Cars and Light Trucks*.

Pre-Published and Approved With comments or changes

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- *SAE Standard J1470, Measurement of Noise Emitted by Accelerating Highway Vehicles* (March 1992), has been added as an alternative procedure for testing light-duty vehicles and heavy-duty vehicles with a GVWR of 4 536 kg (10,000 lb.) or less.

This amendment is part of the Department of Transport's ongoing initiative to harmonize and revise safety regulations to reduce barriers to trade and reflect the technical improvements made by vehicle manufacturers.

An estimated 80% of the new heavy trucks and chassis-cabs sold in Canada would already comply with the requirements of this amendment. The cost of bringing the remaining new trucks and chassis-cabs into compliance is estimated to be from \$1.8 to \$3 million dollars per year.

The amendment, prepublished in the *Canada Gazette Part I* on February 3, 1996 (see *Regulatory Affairs*, v. 2, No. 4, p. 4, January 29, 1996), comes into force six months after registration (March 11, 1997) with the Clerk of the Privy Council.

Contact: John Neufeld, Road Safety and Motor Vehicle Regulation, Transport Canada, 344 Slater Street, Ottawa, Ontario K1A 0NS. Tel: 613-998-1959; Fax: 613-998-4831

Ministerial Orders Approved

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Public Service Employment Regulations, 1993, amendment (SOR/97-142)

By this amendment, the Public Service Commission is making several changes, including ones to make easier to place surplus employees, to develop a renewed management cadre (as a key part of "La Releve"), to provide priority appointment for military personnel injured abroad during military duty, and to terminate priority appointment status when an employee is deployed to another position.

More specifically, the amendments include:

- new provisions for promotions based on a standard of competence to assist in the development of the management cadre. The first of these allows promotions within the Accelerated Executive Development Program, which has been established by the Commission to foster the development of the skills necessary for the senior levels of the executive group. The second provides for the establishment of a pool of executives who are ready for promotion to the level of assistant deputy minister and the use of this pool for making appointments at that level. These measures are designed to give candidates greater depth and breadth of competencies required for ADM positions.
- a change to the provisions for acting appointments to allow acting appointments in the Executive group to take place without requiring that the best-qualified person be appointed. This amendment will make it possible for acting appointments to be used for the development of executives.

Public Service Employment Act, section 35(1)

Not included in Regulatory Plan

To be published in *Canada Gazette* April 2, 1997

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- a change to the definition of “promotion” in order to base it on the level of competence demonstrated by the salary an employee is being paid, rather than the level of the position the employee occupies. This will facilitate the movement of employees who are being paid at a different rate from that of their position because they have accepted a lower level as a result of reclassification or of being declared surplus or laid off.
- a further change to the definition of “promotion” in order to allow surplus employees and other regulatory priorities to be considered for positions with slightly higher maximum salaries than is now the case. This will provide greater scope for placing employees with regulatory priorities, for example in cases where the employees’ group or level is disappearing or in regions where there are limited placement opportunities.
- establishing a new regulatory priority for appointment for military personnel who are disabled because of an injury sustained while on military duty in a special duty area outside Canada.
- changes to the provisions that allow appointments based on a standard of competence where positions have been reclassified. These changes will ensure equitable treatment of employees by requiring that all positions be reclassified to the same level and promote operational efficiency by requiring that only encumbered positions need to be reclassified.
- changes to the provisions for applications and notices of intent to stipulate that when such documents are delivered by hand they are considered to have been received on the date shown by a date stamp or receipt. This will ensure that there is no doubt about the eligibility of candidates to be considered in the competition.
- adding a definition of “standardized test” to the regulations on disclosure during the appeals process. This will complete the amendments that regulate disclosure.
- amending the circumstances that put an end to the priority for employees who have accepted lower-level positions as a result of surplus or lay-off status, by removing the requirement that the Commission formulate an opinion as to whether they have been appointed to an equivalent position or not. The Standing Joint Committee for the Scrutiny of Regulations had argued that whether a position is equivalent or not is a matter of fact rather than of opinion.
- changing three of the regulations establishing a priority for appointment to ensure that the priority will not continue if the employee concerned is deployed to another position. The current regulations terminate this priority only if an appointment occurs.
- amending the regulations governing lay-off of employees to permit seniority to be used along with merit as a factor in lay-off decisions for the Ship Repair group in the Department of National Defence. This is a pilot project allowing a limited application of the private sector practice of lay-off based on seniority. The Commission will be monitoring this approach.
- changing the provisions for informing prospective appellants of their right to appeal to reflect changes in the numbering of the Regulations that took effect on December 1, 1996.
- replacing the expression “interim appointment” used in the English text of the regulations concerning appeals with “acting appointment”, to be consistent with the wording of other provisions of the Regulations.

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- a change to the term “l’administrateur general en cause” in the French text to “l’administrateur general competent” in certain provisions to make it consistent with the terminology used elsewhere in the Regulations.

Contact: Maureen Stewart, Senior Policy Advisor, Staffing Policy and Program Development Directorate, Public Service Commission, L’Esplanada Laurier, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0M7. Tel: 613-992-9796

Canadian Chicken Marketing Quota Regulations, 1990, amendment (SOR/97-139)

This amendment established the 1997 periodic allocation for the period March 16, 1997 to May 10, 1997, for producers who market chicken in interprovincial or export trade.

The regulations come into effect March 16, 1997.

Farm Products Agencies Act, paragraph 22(1)(f);
Canadian Chicken Marketing Agency Proclamation, subsection 6(1)
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