

Alberta Regulation 89/2000

Marketing of Agricultural Products Act

TURKEY MARKETING AMENDMENT REGULATION

Filed: May 16, 2000

Made by the Alberta Turkey Producers on April 6, 2000 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act.

1 The *Turkey Marketing Regulation (AR 113/98)* is amended by this Regulation.

2 The following is added after section 22:

Appointment of attorney

22.1(1) Subject to subsections (3) and (4), a person who has loaned money to a producer may apply to the Board to register an appointment of attorney.

(2) An appointment of attorney must be in a manner satisfactory to the Board.

(3) Only one appointment of attorney may be registered in respect of a producer.

(4) The Board shall not register an appointment of attorney if there is a financial interest under section 21 registered in respect of the production facilities of that producer.

(5) The Board shall not register an appointment of attorney unless it is signed by the producer that is affected by it.

(6) An appointment of attorney is only effective from the date the Board acknowledges in writing that it is registered.

(7) If the Board has acknowledged registration of the appointment of attorney, the Board shall not approve an application for

(a) the cancellation and reallocation of the quota specified in the appointment of attorney,

(b) the lease of the quota specified in the appointment of attorney, or

(c) the transfer of an ownership interest in the quota specified in the appointment of attorney,

unless the person appointed as the attorney signs the application.

Alberta Regulation 90/2000

Maintenance Enforcement Act

MAINTENANCE ENFORCEMENT AMENDMENT REGULATION

Filed: May 17, 2000

Made by the Lieutenant Governor in Council (O.C. 175/2000) on May 17, 2000 pursuant to section 36 of the Maintenance Enforcement Act.

1 The *Maintenance Enforcement Regulation (AR 2/86)* is amended by this Regulation.

2 Section 2.2 is amended

(a) in subsection (1) by repealing clause (d);

(b) by repealing subsection (3).

Alberta Regulation 91/2000

Government Organization Act

**DESIGNATION AND TRANSFER OF RESPONSIBILITY
AMENDMENT REGULATION**

Filed: May 17, 2000

Made by the Lieutenant Governor in Council (O.C. 176/2000) on May 17, 2000 pursuant to section 16 of the Government Organization Act.

1 The *Designation and Transfer of Responsibility Regulation (AR 127/99)* is amended by this Regulation.

2 Section 4 is amended by adding the following after subsection (13):

(14) The responsibility for the administration of the *Blind Persons' Rights Act* is transferred to the Minister of Community Development.

3 Section 9(1)(f) is repealed.

Alberta Regulation 92/2000

Cemetery Companies Act

CEMETERY COMPANIES AMENDMENT REGULATION

Filed: May 17, 2000

Made by the Lieutenant Governor in Council (O.C. 177/2000) on May 17, 2000 pursuant to section 27 of the Cemetery Companies Act.

1 The *Cemetery Companies Regulation (AR 264/99)* is amended by this Regulation.

2 Section 4 is amended by striking out “\$50” and substituting “\$10”.

3 This Regulation comes into force on July 2, 2000.

Alberta Regulation 93/2000

Fair Trading Act

**DESIGNATION OF TRADES AND BUSINESSES
AMENDMENT REGULATION**

Filed: May 17, 2000

Made by the Lieutenant Governor in Council (O.C. 178/2000) on May 17, 2000 pursuant to section 103 of the Fair Trading Act.

1 The *Designation of Trades and Businesses Regulation (AR 178/99)* is amended by this Regulation.

2 The following is added after section 2:

Marketing of
electricity
business

2.1(1) Part 10 of the *Fair Trading Act* applies to the marketing of electricity business.

(2) In this section,

- (a) “consumer” means a person who takes delivery of electricity at the person’s place of consumption by means of the electric distribution system of a distributor, but does not include a person if the person’s total use of electricity, based on the person’s use of electricity

before the date that the marketing contract is offered or signed, would reasonably be expected to be more than 250 MWh in a year;

- (b) “electricity” means electricity as defined in the *Electric Utilities Act*;
- (c) “electricity services” means the services associated with the provision of electricity to a consumer;
- (d) “marketer” means a person who is engaged in the marketing of electricity business;
- (e) “marketing contract” means a contract or arrangement under which a consumer obtains either or both of
 - (i) a supply of electricity from a marketer, or
 - (ii) electricity services from a marketer,

but does not include a contract or arrangement for electricity or electricity services under the terms of a regulated rate tariff approved by, or filed with, the Alberta Energy and Utilities Board under the *Regulated Rate Option Regulation* (AR 45/2000) or a contract assigned to a retailer appointed as a supplier of last resort under section 12 of the *Roles, Relationships and Responsibilities Regulation* (AR 86/2000);

- (f) “marketing of electricity business” means the business
 - (i) of soliciting, negotiating, concluding or performing the whole or any part of a marketing contract on behalf of a consumer, or
 - (ii) of soliciting a consumer in any manner for the purpose of having the consumer enter into a marketing contract or of negotiating, concluding or performing the whole or any part of a marketing contract.

3 The following is added after section 3(3)(v):

- (w) a person who is engaged in the marketing of electricity business as designated under section 2.1 and is licensed under the *Electricity Marketing Regulation*.

4 This Regulation comes into force on June 1, 2000.

Alberta Regulation 94/2000
Surveys Act
CADASTRAL MAPPING FEE ORDER

Filed: May 18, 2000

Made by the Minister of Environment (M.O. 33/2000) on May 16, 2000 pursuant to section 46(b) of the Surveys Act.

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Cadastral mapping fee **1** Subject to section 2, a cadastral mapping fee of \$100 must be paid at the time a plan of survey or descriptive plan is submitted for registration at the Land Titles Office.

Exempted plans **2** There is no cadastral mapping fee in respect of

- (a) a plan of survey or descriptive plan of land entirely within the City of Calgary;
- (b) a plan of survey or descriptive plan of land that is entirely Metis patented land as defined in section 1(k.1) of the *Surveys Act*;
- (c) a plan of survey or descriptive plan of land entirely within
 - (i) a National Park, or
 - (ii) an Indian reserve.

Repeal **3** The *Cadastral Mapping Fee Order* (M.O. 16/99) filed as *Alberta Regulation 90/99* is repealed.

Expiry **4** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2005.

Alberta Regulation 95/2000
Co-operative Associations Act
FEE REGULATION

Filed: May 23, 2000

Made by the Minister of Government Services (M.O. C:005/00) on May 16, 2000 pursuant to section 53 of the Co-operative Associations Act.

Fees

1 The fees payable under the Act are the following:

(a) for Certificate of Incorporation	\$100
(b) for Certificate of Amendment	25
(c) for Certificate of Amalgamation	100
(d) for Certificate of Revival	100
(e) for Certificate of Dissolution	Nil
(f) to accompany annual return sent to Registrar	Nil
(g) to accompany annual return if late	Nil
(h) for Certificate of Status	5
(i) for Certificate of Change of Association Name	25
(j) for any certificate or certification for which a fee is not provided	25
(k) for search - for each corporation (microfiche only)	5
(l) for certification, per file	5
(m) for appointment of a receiver	Nil
(n) for the Small Co-operative, Director's Handbook	15
(o) for printed search, per corporation	1

Repeal

2 The *Fee Regulation* (AR 77/92) is repealed.

Expiry **3** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2005.

Coming into force **4** This Regulation comes into force on July 2, 2000.

Alberta Regulation 96/2000

Fair Trading Act

AUTOMOTIVE BUSINESS AMENDMENT REGULATION

Filed: May 23, 2000

Made by the Minister of Government Services (M.O. C:004/00) on May 16, 2000 pursuant to sections 105(1)(d), 139(h) and 140(d) of the Fair Trading Act.

1 The *Automotive Business Regulation* (AR 192/99) is amended by this Regulation.

2 Section 2 is amended by repealing subsection (3) and substituting the following:

(3)All general automotive business licences expire on June 30, 2000.

3 The following is added after section 3:

Deemed date of issue of licence referred to in s3

3.1(1) Where a person applies not later than July 1, 2000 for a licence referred to in section 3, the licence applied for is deemed to have been issued on July 1, 2000, whether the person held a general automotive business licence before the application or not.

(2)Subsection (1) does not preclude the Director from refusing to issue a licence referred to in section 3 if, in the opinion of the Director, there has been insufficient information provided by the applicant to justify issuing the licence.

4 Section 5 is repealed and the following is substituted:

Term of licence

5(1) Where a person holds a general automotive business licence before June 30, 2000 and applies for a licence referred to in section 3, the new licence issued to that person expires in accordance with the following:

- (a) if the general automotive business licence would have expired in July, August or September, the new licence has an initial term of 15 months;
- (b) if the general automotive business licence would have expired in October, November or December, the new licence has an initial term of 6 months;
- (c) if the general automotive business licence would have expired in January, February or March, the new licence has an initial term of 9 months;
- (d) if the general automotive business licence would have expired in April, May and June, the new licence has an initial term of 12 months.

(2) After the expiry of the initial term set out in subsection (1), a licence referred to in section 3 has a term of one year.

(3) Where a person does not hold a general automotive business licence before June 30, 2000 and applies for a licence referred to in section 3, the licence issued to that person has a term of one year.

(4) In a case where, in the opinion of the Director, it is in the public interest to issue a licence referred to in section 3 for a term of less than one year, the Director may do so.

5 The following is added after section 17:

Deemed effective date of registration of salesperson

17.1(1) Where a person applies not later than July 1, 2000 for registration as a salesperson, the registration is deemed to be effective on July 1, 2000.

(2) Subsection (1) does not preclude the Director from refusing to register a person as a salesperson if, in the opinion of the Director, there has been insufficient information provided by the applicant to justify the registration.

6 Section 20 is repealed and the following is substituted:

Term of registration of salesperson

20 The term of registration of a salesperson is equal to the term of the licence held by the licensee by whom the salesperson is employed.

Expiry of registration of salesperson

20.1(1) The registration of a salesperson expires

- (a) when the licence held by the licensee by whom the salesperson is employed is no longer in force, or

(b) when the licensee by whom the salesperson is employed no longer authorizes the salesperson to act on its behalf.

(2) A salesperson must, not later than 7 days after the salesperson's registration expires under subsection (1), return the certificate of registration to the Director.

7 Section 25 is amended by adding "for the purposes of section 136(8) of the Act" **after** "agents".

Alberta Regulation 97/2000

Alberta Energy and Utilities Board Act

ADMINISTRATION FEE REGULATION

Filed: May 23, 2000

Made by the Alberta Energy and Utilities Board on May 18, 2000 pursuant to section 3.3 of the Alberta Energy and Utilities Board Act.

Administration fees **1** The Board hereby prescribes the administration fees in the Schedule to this Regulation to be the fees payable for the purpose of section 3.3 of the *Alberta Energy and Utilities Board Act* by operators in respect of their coal mines and power plants.

Prescribed date **2** For the purposes of section 3.3 of the *Alberta Energy and Utilities Board Act* and this Regulation, the prescribed date for the fiscal year 2000-2001 is March 31, 2001.

Notice and appeal **3(1)** This section applies where an administration fee is prescribed in the Schedule in respect of a particular fiscal year of the Board.

(2) The Board shall send a notice to each operator that

(a) sets out the facilities of the operator to which the administration fee relates,

(b) sets out the administration fee that is payable in respect of each facility, including an explanation of how the fee was calculated, and

(c) requires the operator to pay the administration fee to the Board within 30 days of the mailing date shown in the notice.

(3) Any person to whom a notice is given may appeal the notice, in whole or in part, to the Board by serving a notice of appeal on the Board within 30 days of the mailing date shown in the notice.

(4) The Board may hear an appeal on any grounds the Board considers proper.

(5) The notice of appeal must be signed by the appellant and must set out the name of the appellant, the name of the appellant's agent, if any, the grounds and particulars of the appeal, and the address to which all further correspondence concerning the appeal should be mailed.

(6) The notice of appeal must be served on the Board at the Board's Calgary office not later than 4:00 p.m. on the last day for receipt of notices of appeal.

(7) Notwithstanding that a notice of appeal is received after the last day for receipt of notices of appeal, the Board may nevertheless accept the notice of appeal where it considers it appropriate to do so.

(8) Within 30 days from the last day for receipt of notices of appeal, the Board shall send to the appellant by ordinary mail a notice of hearing indicating the date, time and place for the hearing of the appeal, and that date shall not be earlier than 10 days after the mailing of the notice of hearing.

(9) On the date set out in the notice of hearing the Board shall hear the appeal and may decide at that time or defer its decision.

Penalty

4(1) Where an operator fails to pay all or part of the administration fee within 30 days of the mailing date shown on the notice, the operator is liable to pay a penalty to the Board in an amount equal to 20% of the unpaid amount, unless the Board otherwise orders.

(2) Where an operator appeals a notice under section 3 and the operator fails to pay all or part of the administration fee immediately on disposition of the appeal by the Board, the operator is liable to pay a penalty to the Board in an amount equal to 20% of the unpaid amount.

Expiry

5 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 31, 2005.

SCHEDULE

FISCAL YEAR 2000 - 2001

Coal Mines

Cardinal River Coals Ltd.	\$ 61,473
EPCOR Generation Inc.	79,662
Luscar Ltd.	244,719
Smoky River Coal Ltd.	39,846
TransAlta Utilities Corporation	<u>324,300</u>
	\$750,000

Power Plants

ATCO Electric Ltd.	\$120,687
City of Medicine Hat	13,901
EPCOR Generation Inc./Transmission Inc.	144,961
TransAlta Utilities Corporation	<u>420,451</u>
	\$700,000

Alberta Regulation 98/2000

Public Utilities Board Act

GENERAL ASSESSMENT ORDER FOR THE FISCAL YEAR 2000-2001

Filed: May 23, 2000

Made by the Alberta Energy and Utilities Board (Order U2000 - 182) on May 18, 2000 pursuant to section 20.1(2) and (3) of the Public Utilities Board Act.

1 The assessments for the purposes of section 20.1 of the *Public Utilities Board Act* for the fiscal year 2000-2001 are hereby prescribed as set out in the Schedule.

2 The *General Assessment Order for the Fiscal Year 1999-2000* (AR 144/99) is repealed.

SCHEDULE

1 The following persons shall pay the following assessments in one lump sum on or before June 30, 2000:

ATCO Electric Ltd.	\$241,509
AltaGas Utilities Inc.	32,044
Bonnyville Gas Company Limited	1,915
ATCO Gas and Pipelines Ltd.	238,787

CU Water Limited	558
EPCOR Generation Inc./Transmission Inc.	175,446
Northwestern Utilities Limited	302,576
NOVA Gas Transmission Ltd.	429,775
TransAlta Utilities Corporation	<u>477,390</u>
TOTAL	<u>\$1,900,000</u>

Alberta Regulation 99/2000

Oil and Gas Conservation Act

OIL AND GAS CONSERVATION AMENDMENT REGULATION

Filed: May 23, 2000

Made by the Alberta Energy and Utilities Board on May 18, 2000 pursuant to sections 47 and 48 of the Oil and Gas Conservation Act.

1 The *Oil and Gas Conservation Regulations (AR 151/71)* are amended by this Regulation.

2 Section 16.081 is repealed and the following substituted:

16.081 For the 2000/2001 fiscal year of the Board, the annual adjustment factor

- (a) of 1.166 must be applied to the administration fees for wells in section 16.070, and
- (b) of 1.86 must be applied to the administration fees for oil sands projects in section 16.080.

3 Section 16.100 is repealed and the following is substituted:

16.100 For the purpose of Part 11 of the Act, the prescribed date for the 2000/2001 fiscal year of the Board is March 31, 2001.

Alberta Regulation 100/2000

Judicature Act

**ALBERTA PROVINCIAL JUDGES COMPENSATION
COMMISSION REGULATION**

Filed: May 24, 2000

Made by the Lieutenant Governor in Council (O.C. 184/2000) on May 24, 2000 pursuant to section 32.92 of the Judicature Act.

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Definitions

1 In this Regulation,

- (a) “Association” means the Alberta Provincial Judges’ Association;
- (b) “Commission” means the Alberta Judicial Compensation Commission appointed under section 3(3);
- (c) “compensation” means the salary, pension, including the contributions of the Government of Alberta and a judge, benefits and allowances provided to the judges;
- (d) “court” means The Provincial Court of Alberta;
- (e) “Crown” means Her Majesty the Queen in right of Alberta as represented by the Minister;
- (f) “judges” means the judges of The Provincial Court of Alberta and the masters in chambers appointed under the *Court of Queen’s Bench Act*;
- (g) “Minister” means the Minister of Justice and Attorney General;
- (h) “reasons” means an explanation that meets the justification standard under the Constitution of Canada used to evaluate

decisions of a government to depart from a recommendation of an independent body regarding judicial compensation;

- (i) “report” means the report of the Commission under section 8 and, if any, under section 26 and includes the recommendations relating to judicial compensation.

Role of the Commission **2(1)** This Regulation provides a framework for establishing an independent, effective and objective commission for the determination of issues relating to judicial compensation.

(2) The inquiry process and the report of the Commission will contribute to maintaining and enhancing the independence of the court and the judges.

Commission **3** The Alberta Judicial Compensation Commission consists of one member who is appointed by the Minister with the agreement of the Association and the Chief Judge of the Provincial Court.

Commission **4** Active judges, members of the Legislative Assembly, members of other boards and commissions appointed by the Province of Alberta, persons who hold office by way of an appointment by the Province of Alberta and public service “employees”, as defined in the Public Service Act, may not be a member of the Commission.

Commission **5** The Crown shall pay the Commission member such remuneration and expenses, including but not limited to counsel, expert and secretarial services, as are reasonable in the circumstances and must make such resources available as the Commission determines to be necessary to assist it in the performance of its functions.

Commission **6** The Crown shall establish the remuneration for the Commission member.

Scope of the inquiry **7** The Commission must conduct an inquiry at such times as are determined by the Lieutenant Governor in Council respecting

- (a) the appropriate level of compensation for judges sitting full or part time or on a supernumerary basis,
- (b) the appropriate design and level of judges’ pension benefits of all kinds,
- (c) the appropriate level and kinds of benefits and allowances of judges, and

(d) such other issues relevant to the financial security of the judges which the Commission agrees to resolve.

Commission Report **8** The Commission must present a report to the Minister at a time determined by the Minister.

Commission report **9** Within 90 days of the presentation of the report under section 8, the Minister must place the report presented under section 8 before the Lieutenant Governor in Council, obtain its decision, and if any of the recommendations in the report are not accepted, ensure reasons for not accepting any of the recommendations in the report are provided.

Commission report **10** The effective date of any recommendations in a report are April 1, 2000 and are for the period April 1, 2000 to March 31, 2003 inclusive.

Commission report **11(1)** The recommendations in a report are binding on the Crown unless the Lieutenant Governor in Council decides otherwise, in writing delivered to the Association within 90 days of presentation of the report under section 8 which decision must be accompanied by written reasons justifying the rejection of such recommendations in whole or in part.

(2) If the Commission amends, alters or varies the report, pursuant to section 26, the 90 days run from the date of variation.

Inquiry and report procedures **12** The Commission must give public notice of the commencement of its inquiry as it considers necessary and such notice must advise of the closing date for written submissions.

Inquiry and report procedures **13** The Crown and the Association may confer prior to, during or following the commencement of the inquiry for the purpose of creating, if possible, an agreed statement of facts and an agreed list of exhibits for the use of the Commission.

Inquiry and report procedures **14(1)** The Commission must consider all relevant written and oral submissions made to it by the Crown, the Association, individual judges and members of the public.

(2) Written submissions, information requests by the Crown and the Association and the responses to information requests, must be provided in accordance with the time lines set by the Commission.

(3) The Commission may on application direct the Crown and the Association to produce documents not subject to privilege.

Inquiry and report procedures

15(1) At the earliest opportunity, prior to the Commission hearing oral submissions, the Crown and the Association must meet with the Commission to address the scheduling of witnesses, the conduct of the inquire any preliminary matters that may arise and such other matters as the Commission sees fit.

(2) The Crown and the Association will provide the Commission with an agreed statement of facts and an agreed list of exhibits to be filed, to the extent that they have been able to agree on them.

Inquiry and report procedures

16 The Commission may use a court reporter to record any oral evidence and must provide transcripts to those who request them and pay the required fee.

Inquiry and report procedures

17 The Commission may accept such evidence as is relevant to the determination of the issues and is not required to adhere to the rules of evidence applicable to courts of civil or criminal jurisdiction.

Inquiry and report procedures

18(1) Any member of the public is entitled to attend the inquiry and to make written submissions to the Commission.

(2) The Commission may, after hearing from the Crown and the Association, choose to limit to written submissions any submission from an individual judge

(3) The Commission may, after hearing from either the Crown or the Association, grant leave to any member of the public to make oral submissions.

(4) The Commission may require the attendance of any person who has filed a written submission and may require that person to respond to any questions from either the Crown or the Association, as well as from the Commission.

(5) If any person fails to appear when required to do so or to respond to questions as directed, the Commission may ignore the written submissions of the person who fails to appear or respond to a question as directed.

(6) The Commission may not award costs for written submissions but may award the reasonable travel, accommodation and meal expenses of anyone required by the Commission to attend.

Inquiry and report procedures

19 Any one requesting copies of any written submissions to the Commission is entitled to receive a copy of the submissions on payment of a reasonable fee.

Inquiry and report procedures **20** The recommendations in a report must be based solely on the evidence submitted to the Commission.

Inquiry and report procedures **21(1)** Evidence may be presented to the Commission in either or both of the following:

- (a) an agreed statement of facts and list of exhibits;
- (b) the Crown and the Association may present evidence through its witnesses;

(2) The testimony of witnesses must be under oath or affirmation.

(3) The Association and individual judges who, at their own expense, wish to make personal oral submissions and have been granted leave to do so, must present their evidence first, following which the Crown must present its evidence and finally, the Association, including any individual judges who wish to make personal oral submissions, may present their rebuttal evidence.

(4) A witness is subject to direct examination, cross-examination and redirect examination and questioning by the Commission.

(5) Unless the Commission grants leave, only the Crown, the Association and individual judges may make oral submissions.

Inquiry and report procedures **22(1)** After the Commission has heard the evidence, the Commission must hear oral argument from the Association and the Crown.

(2) The Association may proceed first and, if it does, it has the right of reply.

Inquiry and report procedures **23** The Commission may determine such other procedures as may be necessary to effectively carry out its inquiry.

Inquiry and report procedures **24** Prior to the commencement of the inquiry, either the Association or the Crown may initiate a reference to the Commission relating to procedure, by serving written notice on the Crown or the Association, as the case may be, and the Commission at least 3 clear days prior to the day on which the Commission commences its inquiry.

Inquiry and report procedures **25** The Commission, in making the recommendations in its report, must give every consideration to the following criteria:

- (a) the constitutional law of Canada;
- (b) the need to maintain the independence of the judiciary;

- (c) the unique nature of the judges' role;
- (d) the need to maintain a strong court by attracting highly qualified applicants;
- (e) how the Alberta compensation package compares to compensation packages in other jurisdictions, having regard to the differences between these jurisdictions in Canada, including the federal jurisdiction;
- (f) the growth and decline in real per capita income;
- (g) the need to provide fair and reasonable compensation for judges in light of prevailing economic conditions in Alberta and the overall state of the economy;
- (h) the cost of living index and the position of the judges relative to its increases;
- (i) the nature of the jurisdiction of the court and masters in chambers;
- (j) the current financial position of the government; and
- (k) any other factors relevant to the matters in issue.

Inquiry and
report
procedures

26 The Commission may, within 15 days after presentation of the report under section 8, on application by either the Crown or the Association made within 7 days after the presentation of the report under section 8, subject to affording either the Crown or the Association, as the case may be, the opportunity to make representations to the Commission, amend, alter or vary its report where it is shown to the Commission's satisfaction that it has failed to deal with any matter properly arising from the inquiry or that an error is apparent in the report.

Review

27 The Crown and the Association may meet at any time to discuss improvements to the Commission inquiry process.

Communica-
tion

28 The Minister must advise the Association of any change made to the judges' compensation after the presentation of a report under section 8 within 7 days of the Lieutenant Governor in Council's decision to change the judges' compensation and the Association must inform the judges of any such change.

Communica-
tion

29(1) The Minister must provide the Association with one updated copy of the legislation, regulations or schedules related to changes described in section 28.

(2) The Association must provide the judges with updated copies of legislation, regulations or schedules as necessary.

Costs **30** The Commission may order the Crown to pay the reasonable costs incurred by the Association in making its submissions to the Commission.

Judicial review **31(1)** If

- (a) the Lieutenant Governor in Council makes a decision rejecting the Commission report or one or more of the recommendations contained in the Commission report,
- (b) the Association brings an application for judicial review of that decision, and
- (c) the application for judicial review is successful,

the Lieutenant Governor in Council has 90 days from the day that the application is granted to reconsider the Commission report in accordance with the directions, if any, of the Court.

(2) Where an application for judicial review is successful, the Commission report is not deemed to be binding on the Crown solely because the reasons given by the Lieutenant Governor in Council for the rejection of the Commission report or one or more of the recommendations contained in the Commission report were found to be inadequate by the Court.

Notice **32(1)** Where notice is required to be given to the Crown, it shall be given by leaving a written copy at the legislative office of the Minister of Justice.

(2) Where notice is required to be given to the Association, it must be given by leaving the written copy at the registered office of the Association.

(3) If the Crown gives notice in writing of the appointment of counsel, notice may be given by service on counsel as provided for in the Alberta Rules of Court.

Effect of regulation **33** This Regulation only has effect for the Commission appointed in 2000.

Alberta Regulation 101/2000

**Environmental Protection and Enhancement Act
Forests Act**

FOREST RESOURCES IMPROVEMENT AMENDMENT REGULATION

Filed: May 24, 2000

Made by the Lieutenant Governor in Council (O.C. 185/2000) on May 24, 2000 pursuant to section 35 of the Environmental Protection and Enhancement Act and sections 4 and 30 of the Forests Act.

1 The *Forest Resources Improvement Regulation* (AR 152/97) is amended by this Regulation.

2 The following is added after section 1(e):

(e.1) “reforestation levy” means the reforestation levy that is determined by the Association under section 5.1;

3 Section 3(1) is amended by adding the following after clause (d):

(e) for the reforestation of public land using

- (i) the reforestation levies collected by the Association, or
- (ii) the cash and securities transferred to the Association pursuant to section 143.91 of the *Timber Management Regulation* (AR 60/73).

4 The following is added after section 5:

Reforestation
levy

5.1(1) Where a person is required to pay a reforestation levy under the TMR, the person, whether or not a member of the Association, shall pay the reforestation levy in an amount determined by the Association that is based on the volume of timber on which the timber dues are based.

(2)The reforestation levy under subsection (1) is due and owing to the Association when the timber dues referred to in section 5(1) are due and owing to the Crown.

(3)Where the Association proposes to change the amount of the reforestation levy, it shall give reasonable prior notice of the proposed change to the Minister.

5 Section 6(1) is amended by striking out “section 5” and substituting “sections 5 and 5.1”.

6 Section 11 is amended by adding “, the reforestation levy as required under section 5.1” after “section 5”.

7 This Regulation comes into force on May 30, 2000.

Alberta Regulation 102/2000

Forests Act

TIMBER MANAGEMENT AMENDMENT REGULATION

Filed: May 24, 2000

Made by the Lieutenant Governor in Council (O.C. 186/2000) on May 24, 2000 pursuant to sections 4 and 30 of the Forests Act.

1 The *Timber Management Regulation* (AR 60/73) is amended by this Regulation.

2 Section 142.3 is amended

(a) in subsection (2.3) by adding “, but before May 30, 2000” after “September 1, 1996”;

(b) by adding the following after subsection (2.3):

(2.4) For areas cut under the authority of a coniferous timber licence or deciduous timber licence on or after May 30, 2000, a holder of one or more coniferous timber quota certificates or deciduous timber allocations, as the case may be,

(a) shall carry out reforestation under this Part if the holder’s total combined annual allowable cut under the quota certificate or allocation, as the case may be, is 10 000 cubic metres or more, or

(b) may elect, instead of carrying out the holder’s reforestation obligations under this Part, to pay to the Forest Resource Improvement Association of Alberta, with respect to each timber licence if the holder’s total combined annual allowable cut under the certificates or allocations, as the case may be, is less than 10 000 cubic metres, the reforestation levies prescribed in accordance with section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97) for coniferous and deciduous volumes cut.

3 Section 142.4 is amended**(a) by repealing subsection (4) and substituting the following:**

(4) A person who holds a commercial timber permit issued on or after May 1, 1996, but before May 30, 2000, shall, with respect to the area covered by the permit,

- (a) if the person is not a quota holder or a forest management agreement holder, pay to the Minister,
 - (i) in the case of a coniferous commercial timber permit, the reforestation levy prescribed in section 143.9(4)(a)(ii) for coniferous volumes cut, and
 - (ii) in the case of a deciduous commercial timber permit, the reforestation levy prescribed in section 143.9(4)(b)(i) for deciduous volumes cut and section 143.9(4)(a)(ii) for coniferous volumes cut,
- (b) if the person is a quota holder, complete such reforestation or pay such a levy as the person would be required by section 142.3 to carry out or pay if that permit were a timber licence, and
- (c) if the person is a forest management agreement holder, carry out reforestation under this Part.

(b) by adding the following after subsection (4):

(4.1) A person who holds a commercial timber permit issued on or after May 30, 2000 shall, with respect to the area covered by the permit,

- (a) if the person is not a quota holder or a forest management agreement holder, pay to the Forest Resource Improvement Association of Alberta the reforestation levies prescribed in accordance with section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97) for coniferous and deciduous volumes cut,
- (b) if the person is a quota holder, complete such reforestation or pay such a levy as the person would be required by section 142.3 to carry out or pay if that permit were a timber licence, and
- (c) if the person is a forest management agreement holder, carry out reforestation under this Part.

4 Section 142.5 is amended

(a) by repealing subsection (3.2) and substituting the following:

(3.2)The holder of a local timber permit issued on or after May 1, 1996, but before May 30, 2000, shall pay to the Minister,

- (a) in the case of a coniferous local timber permit, the reforestation levy prescribed in section 143.9(4)(a)(ii) for coniferous volumes cut, and
- (b) in the case of a deciduous local timber permit, the reforestation levy prescribed in section 143.9(4)(b)(i) for deciduous volumes cut and section 143.9(4)(a)(ii) for coniferous volumes cut.

(b) by adding the following after subsection (3.3):

(3.4)The holder of a local timber permit issued on or after May 30, 2000 shall pay to the Forest Resource Improvement Association of Alberta the reforestation levies prescribed in accordance with section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97) for coniferous and deciduous volumes cut.

5 Section 143.9 is amended by adding the following after subsection (2.1):

(2.2)Notwithstanding anything in this Regulation, the rates for reforestation levies under subsection (1) for both coniferous and deciduous timber measured, manufactured or sold, as allowed or directed by the Minister, on or after May 30, 2000 must be determined in accordance with section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97).

6 The following is added after section 143.9:

143.91 As soon as possible after the coming into force of this section, all cash and securities held in an amount equal to the unexpended reforestation levies paid to the Minister under this Regulation must be transferred to the Forest Resource Improvement Association of Alberta.

7 This Regulation comes into force on May 30, 2000.

Alberta Regulation 103/2000

Government Organization Act

AUTHORIZED ACCREDITED AGENCIES AMENDMENT REGULATION

Filed: May 24, 2000

Made by the Lieutenant Governor in Council (O.C. 190/2000) on May 24, 2000 pursuant to Schedule 10 of the Government Organization Act.

1 The *Authorized Accredited Agencies Regulation (AR 184/95)* is amended by this Regulation.

2 The Schedule is repealed and the following is substituted:

SCHEDULE

1. 2nd Look Inspection Services
122 Meadowlark Blvd., N., Lethbridge, Alberta
T1H 4J4
2. 545035 Alberta Ltd. (Inspection Inc.)
P.O. Box 5028, Airdie, Alberta
T4B 2B2
3. 780355 Alberta Ltd.
o/a McKee Inspection Services
16045 - 84 St., Edmonton, Alberta
T5Z 3G5
4. A-1 Inspection Service 540555 Alberta Limited
2634 - 15 Ave., S.E., Medicine Hat, Alberta
T1A 3S5
5. A.B.C. Inspection & Consulting Services
2516 - 116 St., Edmonton, Alberta
T6J 3S2
6. A.W.B. Building Inspection Service Agency
Box 1286, Brooks, Alberta
T1R 1C1
7. Action Elevator Service Ltd.
191, 440 - 10816 MacLeod Tr., S., Calgary, Alberta
T2J 5N8
8. Agra Earth and Environmental Limited
Bay 4, 5551 - 45 St., Red Deer, Alberta
T4N 1L2

9. AIM Project Services
712 MacLeay Rd., N.E., Calgary, Alberta
T2E 6A1
10. Albert S. Roach Fire Training & Consulting Services
Box 59, Site 8, R.R. 2, Stony Plain, Alberta
T7Z 1X2
11. Alberta Boilers Safety Association
200, 4208 - 97 St., Edmonton, Alberta
T6E 5Z9
12. Alberta Construction Standards Inc.
182, 52512 Range Rd. 214, Ardrossan, Alberta
T0B 0E0
13. Alberta Electrical Inspection Services Ltd.
10310 - 76 Ave., Grande Prairie, Alberta
T8W 1Y6
14. Alberta Elevating Devices & Amusement Rides Safety
Association
207, 8616 - 51 Ave., Edmonton, Alberta
T6E 6E6
15. Alberta Elevator Inspection Services Ltd.
Box 5, Site 3, R.R. 2, Thorsby, Alberta
T0C 2P0
16. Alberta Fire Safety Services
Box 544, Turner Valley, Alberta
T0L 2A0
17. Alberta Inspection Company
Box 1667, Coaldale, Alberta
T1M 1N3
18. Alberta Inspection Services
4829 - 47 St. Close, Innisfail, Alberta
T4G 1V4
19. Alberta Permit Pro Inc.
12204 - 145 St., Edmonton, Alberta
T5L 4V7
20. Alberta Propane Vehicle Administration Organization
Propane Gas Association of Canada
1800, 300 - 5th Ave., S.W., Calgary, Alberta
T2P 3C4
21. Alcode Inspection Services Inc.
Box 32110, Edmonton, Alberta
T6K 4B5

22. All Trades Inspection Services Ltd.
52258 Range Rd. 232, Sherwood Park, Alberta
T8B 1B8
23. Allen and Associates, A Div. of 638101 Alberta Ltd.
Box 7815, Edson, Alberta
T7E 1V9
24. Altagas Utilities Inc., 5509 - 45 Street, Leduc, Alberta T9E 6T6
25. Alsafe Inspections Agency Ltd.
3916 - 44 Ave., Camrose, Alberta
T4V 3H2
26. Artisan Electric
Box 1891, Fort Macleod, Alberta
T0L 0Z0
27. B.E. Inspection Services Ltd.
1, 4646 - Riverside Drive, Red Deer, Alberta
T4N 6Y5
28. Badger Electrical Inspection Services
4824 - 48 St., Innisfail, Alberta
T4G 1N6
29. Barrow Electric Inc.
575 Mountain St., Hinton, Alberta
T7V 1H9
30. Biollo Agency Ltd.
60 Caledonia Dr., Leduc, Alberta
T9E 6S6
31. Boiler Inspection & Insurance Company of Canada
18 King St., E, Toronto, Ontario
M5C 1C4
32. Bond Electrical Consulting Ltd.
Box 5306, Devon, Alberta
T9G 1Y1
33. Bow Valley Safety Inspections
Box 30, Site 3, R.R. 1 Strathmore, Alberta
T1P 1J6
34. Bridge Electro-Mech Services Ltd.
8, 135 Jerry Potts Blvd., W., Lethbridge, Alberta
T1K 1H2
35. Broere Electric Ltd.
4024 - 49 St., Wetaskiwin, Alberta
T9A 2K2

36. C & M Elevator Maintenance Ltd.
216 - 39 Ave., N.E., Calgary, Alberta
T2E 2M5
37. Canadian Standards Association
1707 - 94 St., Edmonton, Alberta
T6N 1E6
38. Canspec Group Inc.
7450 - 18 St., Edmonton, Alberta
T6P 1N8
39. Certified Building Inspection Services
17231 - 113 St., Edmonton, Alberta
T5X 5X5
40. Chuck's Electrical Inspection Services Ltd.
Box 535, Alix, Alberta
T0C 0B0
41. City of Calgary Electrical Inspection Services
Box 2100, Station M, Mailing Code 8108, Calgary, Alberta
T2P 2M5
42. The City of Camrose - Agency
5204 - 50 Ave., Camrose, Alberta
T4V 0S8
43. City of Lethbridge Fire Department & Investigations Agency
2825 - 5th Ave., N., Lethbridge, Alberta
T1H 0P2
44. City of Red Deer Fire Prevention Inspection & Investigation
Box 5008, Red Deer, Alberta
T4N 3T4
45. Code Electrical Inspections
Site 1, Box 8, R.R. 1, Calgary, Alberta
T2P 2G4
46. Code Works Corporation
2 - 1201 Railway Ave., Canmore, Alberta
T1W 1R4
47. Comet Inspection Services
47 Colonial Way, Beaumont, Alberta
T4X 1M2
48. Concord Elevator (Alberta) Ltd.
10535 - 108 St., Edmonton, Alberta
T5H 2Z8

49. Consulting, Testing and Inspection Inc.
7606 - 110 St., Edmonton, Alberta
T6G 1G1
50. County of Leduc No. 25 - Agency
101, 1101 - 5th St., Nisku, Alberta
T9E 2X3
51. County of St. Paul No. 19 Inspection Services
5015 - 49 Ave., St. Paul, Alberta
T0A 3A4
52. D.R. Inspections & Permits Ltd.
46 Raabis St., Red Deer, Alberta
T4P 3P1
53. Dana Lewis
7289 Silvermead Rd. N.W
Calgary, AB T3B 0N1
54. Davis Electrical Inspection Services Ltd.
5916 Tipton Rd., N.W., Calgary, Alberta
T2K 3L2
55. Demco Enterprises Ltd.
11914 - 94A St., Grande Prairie, Alberta
T8V 4R9
56. Dransfield Inspection Services Ltd.
87 Piper Drive, Red Deer, Alberta
T4P 1L5
57. Ed Agoto Consulting & Inspection Services Inc.
14851 - 21 St., Edmonton, Alberta
T5Y 1S3
58. Edmonton Emergency Response Dept. - Agency
10565 - 105 St., Edmonton, Alberta
T5H 2W8
59. Electrical Inspection Services, Division of Ber-Mac Electrical
250 - 42 Ave., S. E., Calgary, Alberta
T2G 1Y4
60. Electro-Check Services
25 Kendrew Dr., Red Deer, Alberta
T4P 3V2
61. Elspect Electrical Ltd.
Bay 3, 1935 - 27 Ave., N.E., Calgary, Alberta
T2E 7E4

62. Epcor Technologies Inc.,
13410 St. Albert Trail, Edmonton, Alberta
T5L 4P2
63. Exclusive Building Inspection Agency
184 Tamarack Ave., Hinton, Alberta
T7V 1E2
64. Extreme Permit and Inspection Services
220 - Unit 3, 11 Bellerose Drive, St. Albert, Alberta
T8N 5C9
65. Fine Points Inspection Services
R.R. 2, Millet, Alberta
T0C 1Z0
66. Fire Investigations and Analysis 280333 Ltd.
1725 - 10 Ave., S.W., Calgary, Alberta
T3C 0K1
67. Fire Spectrum Incorporated
105 Edenston Pl, N.W., Calgary, Alberta
T3A 3Z3
68. Friendly Fire
33, 3528 Charles-wood Dr. N.W., Calgary, Alberta
T2L 2C3
69. G.W. Inspection Services
Box 418, Gibbons, Alberta
T0A 1N0
70. Gen-Dahl Management Corporation Ltd.
Box 3542, Airdrie, Alberta
T4B 2B7
71. Grande Prairie Fire Department - Agency
Bag 4000, 9905 - 100 St., Grande Prairie, Alberta
T8V 6V3
72. Grissol, Griselda & Co. Ltd. O/A G G Services
Box 1424, Whitecourt, Alberta
T7S 1P3
73. Hillside Home Inspection Services Inc.
12029 - 79 St., Edmonton, Alberta
T5B 2L4
74. Home Check Inc.
214, 11082 - 156 St., Edmonton, Alberta
T5P 4M8

75. I.J.D. Electrical Inspection Services
4234 - 33 St., Red Deer, Alberta
T4N 0N3
76. J and D Inspection Services
11930 - 67 St., Edmonton, Alberta
T5B 1M3
77. Johnston & Johnston Inspection Services
53062 Range Rd. 223, Ardrossan, Alberta
T8E 2M3
78. Kautz Inspection Services
15 Wildflower Cres., Strathmore, Alberta
T1P 1M9
79. Ken McLennan, An Alberta Corporation
Box 112, Islay, Alberta
T0B 2J0
80. Kenonic Controls Ltd.
7175 - 12 St., S.E., Calgary, Alberta
T2H 2S6
81. Kenonic Inspections Ltd.
7175 - 12 St., S.E., Calgary, Alberta
T2H 2S6
82. KJA Consultants Inc.
1708, 815 - 4 Ave., S.W., Calgary, Alberta
T2P 3G8
83. Kokanee Consultants Ltd.
Box 39, Site 3, R.R.2, Olds, Alberta
T4H 1P3
84. L.B. Electrical Inspection Services
6311 - 50A St. Cl., Ponoka, Alberta
T4J 1E5
85. L.P. Electrical Contracting and Consulting Services Ltd.
Box 637, Pincher Creek, Alberta
T0K 1W0
86. L/R Monsen Agency
7016 - 12 Ave., Edmonton, Alberta
T6K 3P8
87. Lerch Bates North America, Inc.
303, 6707 - Elbow Dr., S.W., Calgary, Alberta
T2V 0E5

88. Lexar Inspections Inc.
283 Bulyea Rd., N.W., Edmonton, Alberta
T6R 1R7
89. Local Inspection Services Ltd.
Box 453, Caroline, Alberta
T0M 0M0
90. Magna IV Engineering Ltd.
200, 4103 - 97 St., Edmonton, Alberta
T6E 6E9
91. Medicine Hat Fire Department
440 Maple Ave., S.E., Medicine Hat, Alberta
T1A 7S3
92. Michael P. Hermansen
Box 285, Breton, Alberta
T0C 0P0
93. Moffat Building Consultants
518, 304 - 8th Ave., S.W., Calgary, Alberta
T2P 1C2
94. Montgomery Inspection Agencies
Box 2530, Lacombe, Alberta
T0C 1S0
95. Montgomery Kone Elevator Co. Limited-Calgary
24, 666 Goddard Ave., N.E., Calgary, Alberta
T2K 5X3
96. Montgomery Kone Elevator Co. Limited-Edmonton
14204 - 128 Ave., Edmonton, Alberta
T5L 3H5
97. Municipal Safety Code Inspection Agency Inc.
201, 10211 - 100 Ave., Fort Saskatchewan, Alberta
T8L 1Y7
98. Municipality of Crowsnest Pass - Agency
Box 600, Blairmore, Alberta
T0K 0E0
99. Nett's Inspection Agency
Box 150, Provost, Alberta
T0B 3S0
100. Newbrook Inspection Agency
Box 1659, Brooks, Alberta
T1R 1B6

101. Northern Alberta Permit Centre
205, 9917-116 Ave., Grande Prairie, Alberta
T8V 3Y3
102. Nu-Options Permits & Inspections Ltd.
18421 - 91 Ave., Edmonton, Alberta
T5T 1N8
103. O.J. Inspection Services, D/O Peace Country Consulting Inc.
8206 - 102 Ave., Peace River, Alberta
T8S 1N2
104. Otis Canada, Inc.
1230-10 Ave., S.W., Calgary, AB
T3C 0J2
105. P.B.M. Associates Ltd., Northern Protection Services
10017 - Queen St., Fort McMurray, Alberta
T9H 4Y4
106. Palliser Regional Municipal Services
703 - 2 Ave., Drumheller, Alberta
T0J 0Y3
107. Paragon Inspection Services
4811 Claret St., N.W. Calgary, Alberta
T2L 1B9
108. Park Enterprises
6, 3160 - 12 Ave., N. Lethbridge, Alberta
T1H 5V1
109. Parkland Building Inspection Services
4016 - 42 St., Stony Plain, Alberta
T7Z 1J8
110. Peace Fire Services
Box 5332, Peace River, Alberta
T8S 1R9
111. Peter Holloway Consulting
20 Oakville Cres., Red Deer, Alberta
T4P 1S3
112. Petroleum Tank Management Assoc. of Alberta
1560, 10303 Jasper Ave., Edmonton, Alberta
T5J 3N6
113. Phoenix Development and Consulting Inc.
59 Corvette Green, N.E., Calgary, Alberta
T3K 4P1

114. Poletop High Voltage Inspection
Box 2277, Pincher Creek, Alberta
T0K 1W0
115. Pro-Acta Inspection Services (Div of 628832 AB Ltd.)
1, 2104 - 35 Ave., S.W., Calgary, Alberta
T2T 2E3
116. Pro-Train Fire and Safety Training Consultants
Box 62, Irricana, Alberta
T0M 1B0
117. Provincial Codes Safety Inspection Services Ltd.
C/o Frey & Associates Engineering Ltd.,
Box 7866, Drayton Valley, Alberta
T7A 1S9
118. Public Inspection Agency
201, 596 - Riverbend Sq., N.W.
Edmonton, Alberta
T6R 2E3
119. QA Projects Ltd.
653 Whiston Wynd, Edmonton, Alberta
T6M 2C3
120. R & E Elevator Ltd.
24 Newlands Ave., Red Deer, Alberta
T4P 1Z9
121. RAE Inspection Service (1979) Ltd.
111, 4808 - 87 St., Edmonton, Alberta
T6E 5W3
122. Ramco Electrical Inspection
5th Floor, 744 - 4th Ave., S.W., Calgary, Alberta
T2P 3T4
123. Rappel Inspections Ltd.
Box 7385, Peace River, Alberta
T8S 1T1
124. Red Alert (Fire Prevention)
4 Huxley Pl., S.W., Calgary, Alberta
T2V 3G8
125. Regent Electrical Ltd.
Box 7915, Bonnyville, Alberta
T9N 2J2
126. Res-Com Inspections & Consulting
Box 663, Pincher Creek, Alberta
T0K 1W0

127. River View Inspection Services Ltd.
10828 - 30 St., Edmonton, Alberta
T5W 1V8
128. Ron's (RJ) Electrical Inspection & Consulting
5826 - 55 St., Barrhead, Alberta
T7N 1E2
129. Ron's Inspection Services
Box 7753, Bonnyville, Alberta
T9N 2J1
130. Rosebud Building Inspection Services
Box 712, Rosebud, Alberta
T0J 2T0
131. Royal Insurance
1500, 605 - 5th Ave., S.W., Calgary, Alberta
T2P 3Y5
132. RS Inspection Services
4518 Shannon Drive, Olds, Alberta
T4H 1C1
133. S.L.E. Inspection Services
Box 628, Gibbons, AB
T0A 1N0
134. Salus Building and Fire Safety Consultants Inc.
50 Ivy Cres., Sherwood Park, Alberta
T8A 1W4
135. Schindler Elevator Corporation
527 Manitou Rd., S.E., Calgary, Alberta
T2G 4C2
136. SCO Services
26 McLevin Cres., Red Deer, Alberta
T4R 1S9
137. Southeastern Inspection Services
Box 131, Burdett, Alberta
T0K 0J0
138. Sutton, Thomas Engineering Ltd.
200, 6131 - 6 St., S.E., Calgary, Alberta
T2H 1L9
139. Synergy Inspection Services
11008 - 162A Ave., Edmonton, Alberta
T5X 2A1

140. Taylor Quality Management (TQM)
Box 622, Millet, Alberta
T0C 1Z0
141. Techniques Inspection Agency
5318 - 38 Ave., Taber, Alberta
T1G 1B8
142. Thyssen Elevator Limited
3-4, 6320 - 11 St. SW, Calgary, Alberta
T2H 2L7
143. Town & Country Inspection Services
5616 - 43 St. Close, Olds, Alberta
T4H 1C3
144. Town of Didsbury - Agency
Box 790, Didsbury, Alberta
T0M 0W0
145. Town of Lacombe - Agency
5034 - 52 St., Lacombe, Alberta
T4L 1A1
146. Town of Whitecourt - Agency
Box 509, Whitecourt, Alberta
T7S 1N6
147. Transalta Utilities
100 Chippewa Rd., Sherwood Park, Alberta
T8A 4H4
148. Ultima Inspection Agency Corporation
Box 6419, Station D, Calgary, Alberta
T2P 2E1
149. UMA Inspection Services
514 Stafford Dr., N., Lethbridge, Alberta
T1J 3Z4
150. Val-Zehan Inspection Services
Box 757, Fort Macleod, Alberta
T0L 0Z0
151. Vinspec Ltd.
Box 1342, Sundre, Alberta
T0M 1X0
152. Virtue Project Inspection & Management Services Inc.
10708 - 176 St., Edmonton, Alberta
T5S 1G7

153. Westcan Fire Safety Services
1111, 4944 Dalton Drive, N.W., Calgary, Alberta
T3A 2E6

154. Western Ropeway Services
Box 2766, Banff, Alberta
T0L 0C0

155. Yellowhead Executive Services
Box 6852, Edson, Alberta
T7E 1V2

Alberta Regulation 104/2000

Gas Utilities Act

DESIGNATION REGULATION

Filed: May 24, 2000

Made by the Lieutenant Governor in Council (O.C. 195/2000) on May 24, 2000 pursuant to section 25.1 of the Gas Utilities Act.

1 Sections 25.1 and 26 of the *Gas Utilities Act* apply to the following owners of gas utilities:

- (a) AltaGas Utilities Inc.;
- (b) AltaGas Utility Holdings Inc.;
- (c) ATCO Gas and Pipelines Ltd.;
- (d) Bonnyville Gas Company Limited;
- (e) Canadian Utilities Limited;
- (f) CanUtilities Holdings Ltd.;
- (g) CU Inc.;
- (h) Northwestern Utilities Limited;
- (i) Orr Mineral Developments Ltd.;
- (j) TransAlta Corporation.

2 The *Designation Regulation* (AR 171/85) is repealed.

3 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on November 30, 2005.

Alberta Regulation 105/2000

Wildlife Act

WILDLIFE AMENDMENT REGULATION

Filed: May 25, 2000

Made by the Minister of Environment (M.O. 08/2000) on May 18, 2000 pursuant to section 96 of the Wildlife Act.

1 The *Wildlife Regulation* (AR 143/97) is amended by this Regulation.

2 ITEM 2 of PART 4 of SCHEDULE 4 is amended by striking out “*Centrocercus urophasianus* (Sage Grouse)”.

3 PART 1 of SCHEDULE 6 is amended

(a) in SUB-PART 1 by striking out “*Falco peregrinus* (Peregrine Falcon)” and substituting “*Centrocercus urophasianus* (Sage Grouse)”;

(b) in SUB-PART 2 by adding “*Falco peregrinus* (Peregrine Falcon)” after “*Charadrius melodus* (Piping Plover)”.

Alberta Regulation 106/2000

Electric Utilities Act

POWER PURCHASE ARRANGEMENTS AMENDMENT REGULATION

Filed: May 26, 2000

Made by the Minister of Resource Development (M.O. 35/2000) on May 25, 2000 pursuant to section 45.97 of the Electric Utilities Act.

1 The *Power Purchase Arrangements Regulation* (AR 170/99) is amended by this Regulation.

2 Section 6 is repealed and the following is substituted:

Power purchase arrangements excluded from auction

6(1) In this section, “derivatives”, in respect of a power purchase arrangement that applies to a Part 1 unit, means partial financial rights, interests and obligations derived from the power purchase arrangement where the underlying commodity is electricity or electricity services, but does not include a transfer of the power purchase arrangement in whole or in part to the buyer of the derivative.

(2) Notwithstanding section 45.93(1) of the Act, a power purchase arrangement that applies to a hydro unit and the power purchase arrangement that applies to the H. R. Milner generating unit

(a) are not to be offered for sale to the public at an auction, but are deemed to have been sold to the balancing pool administrator at an auction, and

(b) are to be held by the balancing pool administrator in the capacity of a purchaser for all purposes of the Act, the regulations made under the Act and the power purchase arrangements.

(3) A power purchase arrangement that is held by the balancing pool administrator under this section has effect in accordance with its terms and conditions.

(4) The balancing pool administrator who holds a power purchase arrangement under this section

(a) may create derivatives and offer those derivatives for sale to the public, and

(b) may offer the power purchase arrangement that applies to the H. R. Milner generating unit for sale to the public.

(5) The regulations referred to in section 45.93(3) of the Act may establish rules relating to the creation and sale of derivatives.

(6) Section 45.94 of the Act does not apply in respect of

(a) the sale of derivatives under this section, or

(b) the sale of the power purchase arrangement that applies to the H. R. Milner generating unit under this section.

Alberta Regulation 107/2000

Wildlife Act

WILDLIFE AMENDMENT REGULATION

Filed: May 26, 2000

Made by the Minister of Environment (M.O. 25/2000) on May 18, 2000 pursuant to sections 15, 25 and 96 of the Wildlife Act.

1 The *Wildlife Regulation* (AR 143/97) is amended by this Regulation.

2 Section 96 is amended

(a) by repealing clause (a)(iii) and substituting the following:

(iii) snakes, except prairie rattlesnakes, and bats, throughout Alberta and from September 1 in one year to April 30 in the next,

(b) by adding the following after clause (a):

(a.1) to the dens of prairie rattlesnakes used as hibernacula, throughout Alberta and throughout the year,

3 Schedule 6 is amended in Part 1

(a) in SUB-PART 1 by adding “*Charadrius melodus* (Piping Plover)” at the end;

(b) in SUB-PART 2 by striking out “*Charadrius melodus* (Piping Plover)”.

Alberta Regulation 108/2000

Charitable Fund-raising Act

CHARITABLE FUND-RAISING REGULATION

Filed: May 30, 2000

Made by the Minister of Government Services (M.O. C:006/00) on May 29, 2000 pursuant to section 53 of the Charitable Fund-raising Act.

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Interpretation **1(1)** In this Regulation,

- (a) “Act” means the *Charitable Fund-raising Act*;
- (b) “claim” means a claim described in section 11;
- (c) “claimant” means a person who has a claim.

(2) In this Regulation,

- (a) a reference to a solicitation made by a charitable organization means a solicitation made by the charitable organization or its employees or volunteers;
- (b) a reference to a solicitation made on behalf of a charitable organization means a solicitation made by a fund-raising business on behalf of the charitable organization;
- (c) a reference to a solicitation made by a fund-raising business means a solicitation made by a fund-raising business or the employees or volunteers of the fund-raising business.

Calculation of Gross Contributions

Gross contributions

2(1) For the purposes of the Act and this Regulation, the gross contributions of a charitable organization in respect of a financial year are calculated by adding the following contributions that it receives from persons in Alberta during that financial year as a result of solicitations:

- (a) all cash received and the total dollar amount of cheques received that have cleared, including bequests, loose collections and amounts received from other charitable organizations;
- (b) the value, as determined by the charitable organization, of all goods and services received, including all real or personal property whether or not it is subject to conditions or a trust;
- (c) the cash surrender value of life insurance policies and the amount of premiums that a donor pays directly to the insurance company on behalf of the charitable organization;
- (d) grants and payments received from a government or government agency.

(2) If a charitable organization gives a receipt for the purposes of the *Income Tax Act* (Canada) in respect of a contribution, the amount to be

included in gross contributions under this section in respect of the contribution is the amount specified in the receipt.

(3) Gross contributions do not include

- (a) a pledge of a contribution unless the contribution is received by the charitable organization, or
- (b) contributions received as a result of solicitations to which the Act does not apply.

(4) For the purposes of section 9(1)(b) of the Act, the calculation of gross contributions of a charitable organization does not include grants and payments received from a government or government agency.

(5) When gross contributions are being calculated under section 12(3) or (4) of the Act in respect of solicitations made only to individuals, the gross contributions include only those contributions received from individuals within the meaning of that term under section 12 of the Act.

(6) This section does not apply to gross contributions referred to in section 29(2) of the Act.

Requirements Relating to Soliciting Contributions

References to solicitation

3 A reference to a solicitation in sections 4 to 7 of this Regulation is to a solicitation to which Part 1 of the Act applies.

Providing information during solicitation

4(1) For the purposes of section 6 of the Act, a person who makes a solicitation must provide the person who is being solicited with the following information:

- (a) the name of the charitable organization making the solicitation or on whose behalf the solicitation is being made;
- (b) the charitable purpose for which contributions will be used;
- (c) the charitable organization's estimate of the costs of making the solicitations and the activities directly related to making the solicitations and the charitable organization's estimate of the contributions that it will receive as a result of the solicitations;
- (d) the address of the charitable organization and, if incorporated, the charitable organization's place of incorporation;
- (e) the name and telephone number of a contact person in the charitable organization to whom the person being solicited may direct any inquiries;
- (f) if the charitable organization uses a fund-raising business to make solicitations on its behalf or to manage or be responsible

for solicitations made by or on behalf of the charitable organization,

(i) the operating name and full legal name of the fund-raising business, and

(ii) how the remuneration of the fund-raising business is determined.

(2) The estimates referred to in subsection (1)(c) must be provided one after the other with no intervening information in between.

(3) The information referred to in subsection (1) must be provided orally or in writing.

Records to be maintained

5(1) For the purposes of section 7(c) of the Act, every charitable organization that makes solicitations must make available for inspection in Alberta

(a) original or true copies of its audited financial statements or financial information return required under section 8 of the Act for the financial year in which the solicitations were made;

(b) reasonable samples of publications or other information provided to persons solicited and any telephone scripts used to make the solicitations;

(c) copies of all receipts given under section 10 of the Act in respect of the solicitations;

(d) if a fund-raising business was used to make solicitations on behalf of the charitable organization or if a fund-raising business managed or was responsible for the solicitations, a true copy of the fund-raising agreement between the charitable organization and the fund-raising business and any amendments to the agreement;

(e) if money received as a result of the solicitations is deposited into an account in a financial institution under section 11 of the Act, records of all transactions in the account and a record of the names of the signing officers of the charitable organization authorized to deal with the account.

(2) For the purposes of section 7(c) of the Act, every fund-raising business that makes solicitations must maintain in Alberta

(a) reasonable samples of publications or other information provided to persons solicited and any telephone scripts used to make the solicitations;

(b) copies of all receipts given under section 10 of the Act in respect of the solicitations;

- (c) a true copy of the fund-raising agreement and any amendments to the agreement between the fund-raising business and the charitable organization for which the fund-raising business was making the solicitations;
- (d) records of any expenses of the fund-raising business paid by the charitable organization for which the fund-raising business was making the solicitations;
- (e) records of the deposits of monetary contributions made by the fund-raising business or the fund-raising business's employees under section 11 of the Act.

(3) The information and records referred to in subsections (1) and (2) must be maintained for 3 years from their creation.

Audited
financial
statements

6(1) For the purposes of section 8 of the Act, a charitable organization must prepare audited financial statements for a financial year if

- (a) solicitations were made by or on behalf of the charitable organization during the financial year, and
- (b) the gross annual income of the charitable organization for the financial year was \$100 000 or more.

(2) The audited financial statements must include the information to be provided in a financial information return under section 7.

Financial
information
return

7(1) For the purposes of section 8 of the Act, a charitable organization must prepare a financial information return for a financial year if

- (a) solicitations were made by or on behalf of the charitable organization during the financial year, and
- (b) the gross annual income of the charitable organization for the financial year was less than \$100 000.

(2) A financial information return prepared by a charitable organization for a financial year must be prepared in accordance with generally accepted accounting principles and contain the following:

- (a) all expenses incurred for the purposes of soliciting contributions;
- (b) the gross contributions received;
- (c) a summary of the disposition of gross contributions received;
- (d) a separate description of each disposition of contributions that is equal to or exceeds 10% of the gross contributions received;

- (e) the total amount paid as remuneration to employees of the charitable organization whose principal duties involve fund-raising;
- (f) if a fund-raising business was used to make the solicitations on behalf of the charitable organization or if a fund-raising business managed or was responsible for the solicitations, the amount paid as remuneration to the fund-raising business, including any expenses or fees paid by the charitable organization on behalf of the fund-raising business or as reimbursements to the fund-raising business.

(3) A financial information return of a charitable organization must be signed by at least 2 directors who state that they believe the information contained in the return is true.

(4) If the charitable organization does not have 2 or more directors, its financial information return must be signed by the person under whose direction the solicitations were made and the person must

- (a) set out in the return the name, residence, occupation and address for service of the person, the person's position in the charitable organization and a full description of the person's responsibilities with respect to the solicitations and any contributions received, and
- (b) state that the person believes the information contained in the return is true.

Trust requirements

8 Every fund-raising business and every employee of a fund-raising business who receives contributions on behalf of a charitable organization

- (a) holds the contributions in trust for the charitable organization under section 11 of the Act, and
- (b) is liable and accountable to the charitable organization for the contributions.

Registration and Licensing Requirements

Registration of charitable organizations

9(1) A charitable organization that wishes to be registered or to have its registration renewed must provide

- (a) the information described in subsection (3) on a form established by the Minister, and
- (b) a fee of \$60.

(2) The maximum amount that a registry agent as defined in section 1(1)(b) of Schedule 13 of the *Government Organization Act* may charge

as a service charge in respect of a registration or renewal of registration of a charitable organization is \$20.

- (3)** A charitable organization must provide
 - (a) its name and address and place of incorporation and incorporation number, if any,
 - (b) the names and addresses of any chapters or branches that will be making solicitations under the authority of the registration applied for,
 - (c) the objectives or purposes of the charitable organization,
 - (d) the dates when its financial year begins and ends,
 - (e) the names and addresses of its officers and directors, and
 - (f) information required by the Minister to determine if the registration is to be refused under section 15 of the Act.
- (4)** A registration or renewal of registration expires at the end of a time period established by the Minister.
- (5)** The time period under subsection (4) may not exceed 12 months.

Licensing of
fund-raising
business

- 10(1)** A fund-raising business that wishes to be licensed or to have its licence renewed must provide
 - (a) the information described in subsection (2) on a form established by the Minister,
 - (b) a bond or other security in a form approved by the Minister, and
 - (c) a fee of \$130.
- (2)** A fund-raising business must provide
 - (a) its operating name, full legal name and address and place of incorporation and incorporation number, if any,
 - (b) the address of its registered office in Alberta,
 - (c) the names, addresses and titles of its officers and directors, and
 - (d) information required by the Minister to determine if the licence is to be refused under section 23 of the Act.
- (3)** A licence or renewal of a licence expires at the end of the time period established by the Minister.
- (4)** The time period under subsection (3) may not exceed 12 months.

Security

Meaning of claim

11(1) A person has a claim against a fund-raising business if the person suffers financial loss because

- (a) the fund-raising business fails to perform obligations imposed in respect of the provisions or requirements of the Act or this Regulation or the terms or conditions of a fund-raising agreement,
- (b) of the fund-raising business’s misrepresentation, fraud, breach of trust, theft, conversion, negligence or default in respect of any solicitation or handling of contributions, or
- (c) the fund-raising business fails to comply with a condition of the fund-raising business’s security.

(2) A person does not have a claim against a fund-raising business unless, while the fund-raising business’s security was in force,

- (a) the person had a business relationship with the fund-raising business,
- (b) the person had, in the course of the fund-raising business’s business, entered into a fund-raising agreement,
- (c) the person paid money to or deposited money with the fund-raising business, or
- (d) the fund-raising business did or omitted to do something that led or contributed to the person’s financial loss referred to in subsection (1).

Declaring security forfeit

12(1) When a claim against a fund-raising business becomes a valid unpaid claim, the Minister may declare the fund-raising business’s security to be forfeit and require the surety under the security to pay to the Minister the principal amount of the security.

(2) A surety who receives a declaration under subsection (1) while the security is in force or within 2 years after the security ceases to be in force must pay the principal amount of the security to the Minister within 30 days of receiving the declaration.

(3) Where the validity of a claim against a fund-raising business may not be determined within the 2-year period referred to in subsection (2), the Minister must send a notice of liability relating to the claim to the surety under the fund-raising business’s security.

(4) A surety who receives a notice under subsection (3) must, if a claim referred to in subsection (3) is found to be a valid unpaid claim, pay the principal amount of the security to the Minister within 30 days of

receiving a declaration under subsection (1), notwithstanding that the 2-year period referred to in subsection (2) has expired.

Valid unpaid claims

13 A claim becomes a valid unpaid claim

- (a) if the claimant makes an application under section 14, the claimant has not obtained a judgment against the fund-raising business in respect of the claim and section 16, 17, 18, 20 or 24 applies, or
- (b) if the claimant makes an application under section 25, the claimant has obtained a judgment against the fund-raising business in respect of the claim and section 25(3) applies.

Application by claimant

14(1) A claimant who purports to have a claim against a fund-raising business may apply to the Minister for a payment from the proceeds of the fund-raising business's security.

(2) A claimant may not make an application under subsection (1) in respect of a fund-raising business if the claimant has commenced a court action against the fund-raising business that is based on the grounds that gave rise to the claim unless the court action has been discontinued.

(3) A claimant who is making an application under subsection (1) must submit a statutory declaration that contains

- (a) particulars of the basis of the claim,
- (b) the amount of the claim,
- (c) a statement that the claimant has never commenced an action in a court against the fund-raising business that is based on the grounds that gave rise to the claim or, if the claimant commenced such an action, a statement that the action was discontinued,
- (d) as an exhibit, a copy of any contract that is relevant to the claim that is in the possession of the claimant, and
- (e) any documents proving loss as requested by the Minister.

Notice to fund-raising business

15 When a claimant submits a statutory declaration that meets the requirements of section 14 and any other information required by the Minister and the Minister is satisfied that, if the particulars provided by the claimant are correct, the claimant has a claim against a fund-raising business, the Minister must send to the fund-raising business

- (a) a copy of the claimant's statutory declaration, and

- (b) a notice requiring the fund-raising business to inform the Minister within 30 days after the date of the notice whether the fund-raising business admits or denies the claim.

Admission but no payment

16 If the fund-raising business that receives the Minister's notice under section 15 admits to the claim within the 30-day period referred to in section 15, but does not pay the claim within 15 days after the Minister receives the fund-raising business's admission, the claim becomes a valid unpaid claim for the purposes of this Regulation.

No reply by fund-raising business

17 If a fund-raising business that receives the Minister's notice under section 15 fails to reply to the Minister within the 30-day period referred to in section 15 and does not pay the claim within the 30-day period, the claim becomes a valid unpaid claim for the purposes of this Regulation.

Minister's jurisdiction when fund-raising business disputes claim

18(1) The Minister is responsible for determining if a claim is valid when a fund-raising business that receives the Minister's notice under section 15 denies the claim within the 30-day period referred to in section 15 and the amount of the claim does not exceed \$1000.

(2) The Minister may take whatever steps the Minister considers appropriate to determine if the claim is valid and require the claimant and the fund-raising business to provide additional information.

(3) After taking those steps, the Minister may

- (a) dismiss the claim, or
- (b) declare the claim to be valid, establish the amount of the claim to which the claimant is entitled and notify the fund-raising business of the declaration.

(4) If the amount established in the declaration remains unpaid for 30 days after the declaration is made, the claim in the amount established by the Minister becomes a valid unpaid claim for the purposes of this Regulation.

Arbitration when fund-raising business disputes claim

19(1) Subject to sections 20 and 21, arbitration must be used to decide a claim if the fund-raising business that receives the Minister's notice under section 15 denies the claim within the 30-day period referred to in section 15 and the amount of the claim exceeds \$1000.

(2) Subsection (1) applies despite any agreement between the fund-raising business and claimant to have the claim determined in a different manner.

(3) The arbitration is governed by the *Arbitration Act* and the arbitration rules established by the Minister.

(4) Section 3 of the *Arbitration Act* does not apply to an arbitration under this Regulation.

(5) The Minister must provide the fund-raising business and claimant with a list of 3 candidates to be arbitrator, and each candidate must be

(a) a member of the Alberta Arbitration and Mediation Society, or

(b) a person who is not a member of the Society but is approved by the Minister.

(6) The fund-raising business and the claimant must each nominate an arbitrator from the list provided by the Minister.

(7) If the fund-raising business and the claimant nominate the same candidate, that candidate is the arbitrator for the arbitration and if the fund-raising business and claimant nominate different candidates, the candidate that was not nominated is the arbitrator for the arbitration.

Failure to
comply by
fund-raising
business

20(1) If the fund-raising business fails to comply with the *Arbitration Act* or the Minister's rules and the non-compliance is, in the arbitrator's opinion, significant, the arbitrator must notify the Minister in writing of the non-compliance.

(2) If the Minister receives a notice under subsection (1), the arbitration ends and the claim becomes a valid unpaid claim for the purposes of this Regulation.

Failure to
comply by
claimant

21(1) If the claimant fails to comply with the *Arbitration Act* or the Minister's rules and the non-compliance is, in the arbitrator's opinion, significant, the arbitrator must notify the Minister in writing of the non-compliance.

(2) If the Minister receives a notice under subsection (1), the arbitration ends and the claim is dismissed.

Decision
provided to
Minister

22 When the arbitrator completes the arbitration, the arbitrator must provide the Minister with a copy of the decision.

Appeal of
arbitrator's
award

23 The fund-raising business or the claimant may appeal the award of an arbitrator under this Regulation to the Court of Queen's Bench only on a question of law in accordance with section 44(2) of the *Arbitration Act*.

Claim
becoming valid
under
arbitrator's
award

24 A claim that has been submitted to arbitration becomes a valid unpaid claim for the purposes of this Regulation for the amount established by the arbitrator if

- (a) the arbitrator's award is that the claimant has a valid claim in an amount established by the arbitrator,
- (b) the arbitrator's award has become final by reason of lapse of time or being confirmed by the highest court to which it may be appealed, and
- (c) the arbitrator's award remains unpaid 30 days after the award has become final.

Claimant
obtaining
judgment

25(1) A claimant who has obtained a judgment against a fund-raising business that is based on grounds that give rise to a claim may apply to the Minister for a payment from the proceeds of the fund-raising business's security.

(2) A claimant making an application under subsection (1) must submit a statutory declaration that contains

- (a) particulars of the basis of the claim,
- (b) as an exhibit, a copy of the judgment, and
- (c) a statement that the judgment has become final by reason of lapse of time or of being confirmed by the highest court to which it may be appealed and has not been satisfied within 30 days after it became final.

(3) When a claimant submits a statutory declaration that meets the requirements of subsection (2) and the Minister is satisfied that, if the particulars provided by the claimant are correct, the claimant has a claim against the fund-raising business, the claim becomes a valid unpaid claim for the purpose of this Regulation.

Proceeds of
security

26(1) When the Minister declares a security to be forfeit under section 12 and receives the principal amount under the security from the surety, the Minister must hold the principal amount until the Minister is satisfied that no other valid unpaid claims will be received by the Minister, but in no case may the Minister hold the amount for more than 3 years after the Minister declares the security to be forfeited.

(2) The Minister must, in accordance with subsection (1), distribute the principal amount of the security to claimants who have valid unpaid claims against the fund-raising business.

(3) If the principal amount of the security is insufficient to pay all of the valid unpaid claims, the Minister must pay out the money on a pro rata basis to those claimants.

(4) If there is a dispute among persons who have valid unpaid claims concerning the amount they should receive from the principal amount of the security under subsection (2) or (3), the Minister may pay all or part

of the principal amount into the Court of Queen's Bench, and the Court may determine the amounts to be paid.

Remainder of security proceeds **27** If the whole of the principal amount is not required to pay valid unpaid claims, the Minister must pay the amount that remains,

- (a) in the case of a security that is not a cash security, to the surety who paid the principal to the Minister, and
- (b) in the case of a cash security, to the fund-raising business who paid the principal.

Return of cash security **28** If a cash security submitted to the Minister is terminated by the fund-raising business that submitted it and no valid unpaid claims have been received by the Minister in respect of the fund-raising business while the security was in force or within 2 years after the security ceases to be in force, the Minister must return the security to the fund-raising business.

Extinguishment of late claims **29** After the Minister has distributed the principal amount of a security in accordance with sections 26 and 27 or returned a cash security in accordance with section 28, the Minister must refuse to accept an application under section 14 or 25 in respect of the security, and any claim that was not submitted to the Minister in respect of the security prior to the distribution or return is extinguished for the purposes of this Regulation.

Donor Fund-raisers

Donor fund-raiser information **30(1)** In this section,

- (a) "donation period" means
 - (i) the period during which a donor fund-raiser makes requests in respect to a particular charitable organization or charitable purpose, or
 - (ii) if the requests of a donor fund-raiser indicate that a portion of a purchase price of goods or services sold during a specified time period will be donated to a charitable organization or be used for a charitable purpose, the specified time period during which those goods or services are sold;
- (b) "request" means a direct or indirect request made by a donor fund-raiser to the public to buy a good or service normally produced or provided by the donor fund-raiser in which it is stated or implied that all or a portion of the purchase price will

be donated to a charitable organization or be used for a charitable purpose.

(2) A donor fund-raiser is required to provide under section 33 of the Act the following information in respect of requests made during a donation period:

- (a) reasonable samples of advertisements, scripts or other information used or provided to the public in making the requests;
- (b) if the requests indicate that a percentage of the purchase price of goods or services sold will be donated to a charitable organization or be used for a charitable purpose, the gross amount of the purchase price received for the goods or services sold during the donation period;
- (c) if the requests indicate that a specified amount will be donated to a charitable organization or be used for a charitable purpose for each good or unit of service sold, the number of goods or units of service sold during the donation period;
- (d) the amount donated to the charitable organization or used for the charitable purpose identified in the requests in respect of the goods or services sold during the donation period.

(3) The information required to be provided under subsection (2) must be identified separately.

(4) The information and records that a donor fund-raiser needs to comply with this section must be maintained for 3 years after the end of the donation period.

Transitional Provisions, Repeals, Expiry and Coming into Force

Existing bonds **31(1)** Despite the repeal of the *Charitable Fund-raising Regulation* (AR 95/95), a bond provided by a professional fund-raiser is

- (a) subject to this Regulation, and
- (b) deemed to contain a provision that it is subject to forfeiture in accordance with the procedures in this Regulation.

(2) If there is a conflict between

- (a) a provision in a bond referred to in subsection (1), and
- (b) this Regulation or the deemed provision in subsection (1)(b),

this Regulation or the deemed provision, as the case may be, prevails.

Expiry	17
Coming into force	18

Schedule

Definitions

1(1) In this Regulation,

- (a) “Act” means the *Fair Trading Act*;
- (b) “consumer” means a person who takes delivery of electricity at the person’s place of consumption by means of the electric distribution system of a distributor, but does not include a person if the person’s total use of electricity, based on the person’s use of electricity before the date that the marketing contract is offered or signed, would reasonably be expected to be more than 250 MWh in a year;
- (c) “electricity” means electricity as defined in the *Electric Utilities Act*;
- (d) “electricity services” means the services associated with the provision of electricity to a consumer;
- (e) “licence” means a marketing of electricity business licence established under section 3;
- (f) “marketer” means a person who is engaged in the marketing of electricity business;
- (g) “marketing contract” means a contract or arrangement under which a consumer obtains either or both of
 - (i) a supply of electricity from a marketer, or
 - (ii) electricity services from a marketer,

but does not include a contract for electricity or electricity services under the terms of a regulated rate tariff approved by, or filed with, the Alberta Energy and Utilities Board under the *Regulated Rate Option Regulation* (AR 45/2000) or a contract with a consumer assigned to a retailer acting as a supplier of last resort as designated under section 12 of the *Roles, Relationships and Responsibilities Regulation* (AR 86/2000);

- (h) “marketing of electricity business” means the business
 - (i) of soliciting, negotiating, concluding or performing the whole or any part of a marketing contract on behalf of a consumer, or
 - (ii) of soliciting a consumer in any manner for the purpose of having the consumer enter into a marketing contract

or of negotiating, concluding or performing the whole or any part of a marketing contract.

(2) The definition of “consumer” in section 1(1)(b) of the Act does not apply to this Regulation.

Non-application

2 This Regulation does not apply to a marketing business in respect of the marketing of electricity produced in the service area of the City of Medicine Hat

(a) by the City of Medicine Hat or a subsidiary of that municipality, or

(b) by generating units that produce electric energy under contract to the City of Medicine Hat or to a subsidiary of that municipality

for consumption in that service area, unless that municipality passes a bylaw under section 59 of the *Electric Utilities Act*.

Class of licence

3(1) The class of licence to be known as the marketing of electricity business licence is established.

(2) A person who holds a marketing of electricity business licence is authorized to engage in the marketing of electricity business.

Term

4 The term of a licence expires on the last day of the 12th month after it is issued.

Licence fee

5 The fee for a licence is \$1000.

Security

6(1) No licence may be issued or renewed unless the applicant submits to the Director a security that is in a form and in an amount approved by the Director.

(2) The Director may, if the Director considers it appropriate, increase the amount of the security that is to be provided by a licensee before the term of the licence expires.

General Licensing and Security Regulation

7 The *General Licensing and Security Regulation* (AR 187/99) applies to the marketing of electricity business.

Duty to provide identification card

8(1) Every licensee must provide every individual who acts on behalf of the licensee in the marketing of electricity business with an identification card that

- (a) shows the name of the individual acting on behalf of the licensee and the name, address and licence number of the licensee on whose behalf the individual is acting, and
 - (b) is signed by the signing authority appointed by the licensee.
- (2) An individual who has been given an identification card by a licensee must produce it when requested to do so by
- (a) a customer or potential customer of the licensee,
 - (b) an inspector or the Director, or
 - (c) a peace officer as defined in the *Provincial Offences Procedure Act*.
- (3) An individual who ceases to act on behalf of a licensee must as soon as is reasonably possible after ceasing to act return the identification card to the licensee.

Duties relating to documentation

9 A marketer

- (a) must ensure that each marketing contract the marketer enters into with a consumer
 - (i) is in writing,
 - (ii) includes the name, address and telephone number of the marketer and the consumer,
 - (iii) sets out the date on which electricity service begins,
 - (iv) shows any charges for electricity and any charges for any other services provided for under the marketing contract,
 - (v) provides that the consumer has the right to inspect the records of the marketer relating to the marketing contract, and
 - (vi) provides that the renewal of the marketing contract is effective only if the consumer consents in writing to the renewal within 6 months before the date of renewal,
- (b) must provide to each consumer with whom the marketer enters into a marketing contract a copy of the contract, including the disclosure statement referred to in clause (c)(ii), completed and signed by the consumer,
- (c) must ensure that each marketing contract the marketer enters into with a consumer

- (i) has on its first page under the name of the marketer the following statements that are in at least 12 point bold type and is set out in a box:

The company that wants you to sign this contract is an independent electricity marketing company, whose rates are not regulated by any provincial or municipal government or agency. This company is not affiliated with the Government of Alberta.

Before you sign this contract, you can request, based on up to 3 of your electricity bills in the past year, a statement of what the amount of those bills would have been if the electricity and electricity services were provided under this contract.

- (ii) has attached to it the disclosure statement in the form set out in the Schedule,
- (iii) has the disclosure statement attached to the front of the contract or has a statement that is in at least 12 point bold type and set out in a box on the first page of the contract stating where in the contract the disclosure statement is located,
- (iv) provides that the contract is not valid unless the disclosure statement referred to in subclause (ii) has been completed and signed by the consumer,
- (v) provides that the consumer may cancel the contract without cost or penalty within 10 days after a copy of the signed contract is provided to the consumer, and
- (vi) provides that the marketer must not enrol the customer with the load settlement agent unless the 10-day period referred to in subclause (v) has expired and the consumer has not cancelled the contract within that period,

and

- (d) must require each consumer to sign the disclosure statement referred to in clause (c)(ii) before or at the same time as the consumer enters into a marketing contract with the marketer.

Term of contract

10(1) A marketing contract cannot exceed a term of 5 years, but it may be renewed.

(2) A marketer must ensure that a marketing contract between it and a consumer is, despite any provision in the contract, renewed only with the

written consent of the consumer that is given within 6 months before the end of the contract.

Collection of fees and other charges

11 No marketer may collect any fee or other charge from a consumer who enters into a marketing contract with the marketer until after the delivery of electricity under the marketing contract commences.

Completing disclosure statement

12 A marketer must ensure that a consumer does not sign a disclosure statement referred to in section 9(c)(ii) unless the disclosure statement has been correctly and completely filled in.

Code of conduct

13(1) In this section, “marketer” includes every individual who acts on behalf of a marketer in the marketing of electricity business.

(2) Every marketer must comply with the following code of conduct:

- (a) when first contacting a consumer, a marketer that is an individual must
 - (i) truthfully inform the consumer of the marketer’s identity, including showing the consumer the identification card referred to in section 8, and
 - (ii) indicate that the marketer is soliciting the consumer for the purpose of marketing electricity;
- (b) a marketer must not abuse the trust of a consumer or exploit any fear or lack of experience or knowledge of a consumer;
- (c) a marketer must not exert undue pressure on a consumer, and must allow sufficient time for a consumer to read thoughtfully and without harassment all documents the marketer provides to a consumer and must accept a consumer’s refusal of further discussion;
- (d) a marketer must not make any representation or statement or give any answer or take any measure that is not true or is likely to mislead a consumer;
- (e) a marketer must use only timely, accurate, verifiable and truthful comparisons;
- (f) a marketer must not make any verbal representations regarding contracts, rights or obligations that are not contained in written contracts;
- (g) a marketer must ensure that all descriptions and promises made in promotional material are in accordance with actual conditions, situations and circumstances existing at the time the description or promise is made;

- (h) a marketer must ensure that all data the marketer refers to is properly established and reliable and supports any claim for which the data is cited;
- (i) a marketer must not induce a consumer to breach a contract with another person;
- (j) a marketer must not be intrusive and must not contact consumers between the hours of 9 p.m. and 8 a.m. to solicit them to enter into marketing contracts;
- (k) a marketer must not make any representation that savings, price benefits or advantages exist if they do not exist or if there is no evidence to substantiate the representation;
- (l) a marketer must not give, in any representation, less prominence to the total price of electricity or electricity services than to the price of any part of the electricity or electricity services;
- (m) a marketer must not use print that due to its size or other visual characteristics is likely to materially impair the legibility or clarity of documents the marketer provides to consumers;
- (n) a marketer must allow a consumer to cancel the contract if the consumer moves out of Alberta or to an area of the Province to which the *Electric Utilities Act* does not apply;
- (o) a marketer must not switch a consumer's electricity supply without the consumer's consent in writing, but the marketing contract may be assigned if the marketing contract expressly provides that it can be assigned;
- (p) when requested by a potential customer, a marketer must provide the information referred to in the second statement in section 9(c)(i) accurately and completely;
- (q) a marketer must not make a copy of or keep or take away the original of a consumer's electricity bill except if it's for the purpose of providing the information referred to in the second statement in section 9(c)(i).

(3) The code of conduct specified in subsection (2) is considered to be breached if the breach occurs in the course of inducing a person to enter into a marketing contract, even though the marketing contract is not entered into or is not completed.

Represent-
ations

14(1) A licensee must not make any representation, whether express or implied, that being licensed under this Regulation constitutes an endorsement or approval of the licensee by the Government of Alberta or the Alberta Energy and Utilities Board.

(2) Subsection (1) does not preclude a licensee from representing that the licensee is licensed under this Regulation.

Offences **15** A contravention of section 8, 9, 10, 11, 12, 13 or 14 is, for the purposes of section 162 of the Act, an offence.

Consequential amendment **16** *The General Licensing and Security Regulation (AR 187/99) is amended in section 18(4) by adding “, the Electricity Marketing Regulation or” after “Regulation or”.*

Expiry **17** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 31, 2005.

Coming into force **18** This Regulation comes into force on June 1, 2000.

SCHEDULE

DISCLOSURE STATEMENT TO CONSUMER

Please read this statement before you sign it. Before you enter into any agreement or arrangement for electricity, you should understand the following:

1 This contract is not a rebate program of your electric utility or of any government. The person who presented you with the contract represents (insert name of company that person represents).

2 The cost of electricity may vary in the future. The business named in the contract may not be able to supply electricity cheaper than your current utility company.

3 This contract is for ____ years.

4 This contract can be ended only under the following conditions: (insert termination conditions, including any notice period required)

5 If you move to another location within Alberta you WILL/WILL NOT* still be responsible to buy electricity under the contract.

6 If you sign the contract, you have 10 days to think it over and cancel the contract if you wish. Under certain circumstances you may have more time. To cancel, you must give notice of cancellation at the address in this contract. You must give notice of cancellation by a method that will allow you to prove that you gave notice, including mail, fax or by personal delivery. Businesses involved in the marketing of electricity must also be bonded (or have provided another form of security) and

licensed with Alberta Government Services. Check to make sure that the business is bonded and licensed.

If you need more information on cancelling the contract, or if you feel you have been treated unfairly, you may contact Alberta Government Services at 427-4088. Outside Edmonton call 1-877-427-4088 toll free.

I, _____ (print name) _____,
have read this Disclosure Statement and understand its contents.

Date _____

_____ (signature) _____

* strike out that which does not apply

Alberta Regulation 110/2000

Assured Income for the Severely Handicapped Act

**ASSURED INCOME FOR THE SEVERELY HANDICAPPED
AMENDMENT REGULATION**

Filed: May 31, 2000

Made by the Lieutenant Governor in Council (O.C. 197/2000) on May 31, 2000 pursuant to section 13 of the Assured Income for the Severely Handicapped Act.

1 The Assured Income for the Severely Handicapped Regulation (AR 203/99) is amended by this Regulation.

2 Section 6 is amended by repealing clause (b) and substituting the following:

- (b) money received as compensation, or any assets purchased with that money,
 - (i) from the Government of Alberta for sterilization;
 - (ii) from the Government of a province for HIV infection from the blood supply;
 - (iii) from the Government of Canada under the Extraordinary Assistance Plan;
 - (iv) from the Government of Alberta under the *Victims of Crime Act*;
 - (v) from the Government of Canada under the Japanese Canadian Redress Agreement;

- (vi) from the Government of Alberta under the *Special Payment Act*;
- (vii) under Schedule A or B to the 1986-1990 Hepatitis C Settlement Agreement, other than
 - (A) a payment under section 4.02 of that Agreement for loss of income, or
 - (B) a payment under section 6.01 of that Agreement for loss of support resulting from the death of the infected person;
- (viii) from the Government of Canada in recognition of wartime service by a veteran of the Canadian or Newfoundland Merchant Navy or a surviving spouse of that veteran.

3 The Schedule is amended

(a) in section 1 by adding the following after clause (n):

- (n.1) a grant received from the Government of Alberta for an educational or training program designed to enhance the person's employability.

(b) in clause (k) of Table 1 by adding "except a grant referred to in section 1(n.1) of this Schedule" after "grants".

Alberta Regulation 111/2000

Widows' Pension Act

WIDOWS' PENSION AMENDMENT REGULATION

Filed: May 31, 2000

Made by the Lieutenant Governor in Council (O.C. 198/2000) on May 31, 2000 pursuant to section 10 of the Widows' Pension Act.

1 The *Widow's Pension Regulation (AR 166/83)* is amended by this Regulation.

2 Section 2 is amended by adding the following after clause (v):

- (w) a payment received by the person under Schedule A or B to the 1986-1990 Hepatitis C Settlement Agreement other than

- (i) a payment under section 4.02 of that agreement for loss of income, or
- (ii) a payment under section 6.01 of that agreement for loss of support resulting from the death of the infected person;
- (x) a payment received from the Government of Canada in recognition of wartime service by a veteran of the Canadian or Newfoundland Merchant Navy or a surviving spouse of that veteran.

Alberta Regulation 112/2000

Assured Income for the Severely Handicapped Act

**FACILITIES, INSTITUTIONS, HEALTH BENEFITS
AMENDMENT REGULATION**

Filed: May 31, 2000

Made by the Minister of Alberta Human Resources and Employment (M.O. 52/00) on May 23, 2000 pursuant to section 13(2) of the Assured Income for the Severely Handicapped Act.

1 The *Facilities, Institutions, Health Benefits Regulation (AR 209/99)* is amended by this Regulation.

2 Section 1 is amended by adding the following after subsection (3):

(4)Where health benefits described in this section are payable to a person under sections 4.06 and 4.07 of Schedule A or B to the 1986-1990 Hepatitis C Settlement Agreement, those benefits are not payable by the Director to that person under this section.