Alberta Regulation 215/2006
Agricultural Operation Practices Act
STANDARDS AND ADMINISTRATION AMENDMENT REGULATION

Filed: September 6, 2006

For information only: Made by the Minster of Agriculture, Food and Rural Development (M.O. 14/06) on August 8, 2006 pursuant to section 44(2) of the Agricultural Operation Practices Act.

1 The Standards and Administration Regulation (AR 267/2001) is amended by this Regulation.

2 Section 1(1) is amended

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

(c.1) “Code” means the Manure Characteristics and Land Base Code adopted under section 2.1;

(b) in clause (d) by repealing subclause (vi) and substituting the following:

(vi) a storm drainage system as defined in the Environmental Protection and Enhancement Act, and

(c) by repealing clause (f);

(d) by adding the following after clause (g):

(g.1) “groundwater resource” means an aquifer below the site of a confined feeding operation or a manure storage facility

(i) that is being used as a water supply for the purposes of domestic use, or

(ii) if no aquifer referred to in subclause (i) exists,

(A) an aquifer that has a sustained yield of 0.76 litres per minute or more and a total dissolved solids concentration of 4000 milligrams per litre or less as determined by well records, well drilling logs, hydrogeological maps, hydrogeological reports or other evidence satisfactory to an approval officer or the Board, and
(B) if there is more than one aquifer that meets the requirements of paragraph (A), the aquifer that an approval officer or the Board considers to be the best suited for development as a water supply for the purposes of domestic use;

(e) by repealing clause (h) and substituting the following:

(h) “liner” means, with respect to a manure storage facility or manure collection area, a layer constructed out of natural or manufactured materials that restricts the migration of the contents of the manure storage facility or manure collection area;

(f) by adding the following after clause (i):

(i.1) “manure handling plan” means a manure handling plan referred to in section 10;

(i.2) “nutrient management plan” means a nutrient management plan referred to in section 26;

(g) by adding the following after clause (l):

(l.1) “protective layer” means, with respect to a manure storage facility or manure collection area, one or more layers of naturally occurring materials that, individually or in the aggregate, restrict the migration of the contents of the manure storage facility or manure collection area;

3 Section 2(1) is amended by striking out “approval or registration” and substituting “approval, registration or authorization”.

4 The following is added after section 2:

Adopted document

2.1 The document with the title “Manure Characteristics and Land Base Code” published by the Department of Agriculture, Food and Rural Development is adopted in whole without modifications pursuant to section 44(4) of the Act.

5 Section 3 is repealed and the following is substituted:
Minimum distance separation

3(1) An approval officer and the Board must not issue or amend an approval, registration or authorization for a confined feeding operation or for a manure storage facility unless the minimum distance separation for the operation or facility complies with this section.

(2) The minimum distance separation must be calculated using Schedule 1 as of the date the application is received by an approval officer or the Board.

(3) Despite subsection (2), the minimum distance separation must be not less than 150 m as of the date the application is received by an approval officer or the Board.

(4) On request by the applicant and before the application is complete, an approval officer must provide the applicant with a preliminary calculation of the minimum distance separation.

(5) Despite subsection (1), an approval officer or the Board may issue or amend an approval, registration or authorization if the applicant is

(a) applying to change the type of livestock or category of livestock and the minimum distance separation for the type of livestock or category of livestock is the same as or less than the minimum distance separation for the existing type of livestock or category of livestock on the confined feeding operation,

(b) applying to increase the amount of manure, composting materials or compost storage or is applying to change the method of storing manure, composting materials or compost but the total amount of manure, composting materials and compost produced annually will not be increased, or

(c) applying to

(i) build a new building to replace an existing building,

(ii) build an additional building, or

(iii) modify or expand an existing building

on the site of the confined feeding operation but the total amount of manure, composting materials and compost produced annually will not be increased.
(6) The minimum distance separation calculated under subsections (2) and (3) does not apply to a residence within the minimum distance separation if

(a) the owner of the residence waives, in writing, the requirements of those subsections, or

(b) the owner or operator of the proposed operation or facility owns or controls the residence.

(7) If there is an application to issue or amend an approval, registration or authorization for the purpose of expanding an existing confined feeding operation or manure storage facility and there is a residence within the minimum distance separation as determined under subsections (2) and (3) an approval officer or the Board may reduce the applicable minimum distance separation.

(8) If there is an application to issue or amend an approval, registration or authorization for the purpose of expanding an existing confined feeding operation or manure storage facility and there is a residence within the minimum distance separation of the existing operation or facility as determined under subsection (9), the minimum distance separation calculated under subsections (2) and (3) does not apply with respect to that residence if an approval officer or the Board is satisfied that the residence was constructed after the owner or operator of the confined feeding operation or manure storage facility

(a) submitted an application under the Act for an approval, registration or authorization or for an amendment of an approval, registration or authorization,

(b) submitted an application, before January 1, 2002, for a development permit pursuant to the Municipal Government Act or for a licence, permit or other approval pursuant to the Public Health Act, or

(c) started construction of the confined feeding operation or manure storage facility before January 1, 2002 and no development permit, licence, permit or other approval referred to in clause (b) was issued.

(9) The minimum distance separation of the existing confined feeding operation or manure storage facility described in subsection (8) is

(a) the minimum distance separation calculated for the confined feeding operation or manure storage facility when the operation or facility was constructed, as determined by reference to
(i) the approval, registration or authorization issued by an approval officer or the Board,

(ii) the development permit issued under the Municipal Government Act or a licence, permit or other approval issued under the Public Health Act,

(iii) the relevant municipal bylaw under the Municipal Government Act, or

(iv) any other evidence acceptable to an approval officer or the Board,

or

(b) the minimum distance separation calculated in accordance with Schedule 1 if a minimum distance separation was not calculated at the time the operation or facility was constructed or if the calculation cannot be determined pursuant to clause (a).

(10) If the application referred to in subsection (8) is to issue or amend a registration or authorization, an approval officer or the Board may, based on a consideration of the effects on the community, if any, within the minimum distance separation of the confined feeding operation or manure storage facility and on consideration of the appropriate use of land, determine that subsection (8) does not apply to that application.

(11) If an approval officer or the Board determines that a confined feeding operation that has manure storage facilities or manure collection areas located on adjacent land parcels, is under the control of a single owner or operator, the approval officer or the Board must determine, for the purposes of calculating the minimum distance separation, whether that confined feeding operation is one or more operations.

(12) The owner or operator of a confined feeding operation or of a manure storage facility who holds an approval, registration or authorization with respect to the operation or facility must locate the operation or facility so that it complies with the applicable minimum distance separation, as calculated under this section.

6 Section 5 is amended

(a) in subsection (2) by striking out “term, because of climatic or seasonal constraints,” and substituting “term”;
(b) by repealing subsection (6) and substituting the following:

(6) A short term solid manure, composting materials or compost storage site must be located at least 1 m above the water table and must not be located on land that

(a) is within 30 m of a common body of water, where the land slopes towards the common body of water and the mean slope of the land measured over 90 m from the edge of the common body of water is 4% or less,

(b) is within 60 m of a common body of water, where the land slopes towards the common body of water and the mean slope of the land measured over 90 m from the edge of the common body of water is greater than 4% but less than 6%,

(c) is within 90 m of a common body of water, where the land slopes towards the common body of water and the mean slope of the land measured over 90 m from the edge of the common body of water is 6% or greater but less than 12%, or

(d) has a mean slope of 12% or greater, where the land slopes towards the common body of water.

7 Section 6 is amended

(a) by repealing subsection (1) and substituting the following:

Surface water control system

6(1) If required by an approval officer or the Board, an owner or operator of a confined feeding operation or manure storage facility must ensure that the operation or facility has

(a) a natural surface water control system,

(b) a constructed surface water control system, or

(c) a combination of both systems

that meets the requirements of this section.

(b) in subsection (2)(e) by striking out “a professional engineer must” and substituting “if required by an approval officer or the Board, an owner or operator of a confined feeding operation or a manure storage facility must have a professional engineer”.

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8 Section 7 is amended

(a) in subsection (2)

(i) in clause (a) by adding “an approval officer or” before “the Board”;

(ii) in clause (b) by adding “if required by an approval officer or the Board,” before “implements”;

(b) in subsection (3) by adding “an approval officer or” before “the Board”.

9 Section 8(3) is repealed.

10 Section 9 is repealed and the following is substituted:

Groundwater resource protection

9(1) A manure storage facility and a manure collection area must have either a protective layer or a liner that meets the requirements of this section, between the facility or area and the uppermost groundwater resource below the site.

(2) The bottom of a liner of a manure storage facility and of a manure collection area must be not less than 1 m above the water table of the site at the time of construction.

(3) If a protective layer is used, the bottom of the manure storage facility or manure collection area must be not less than 1 m above the water table of the site at the time of construction.

(4) The bottom of a liner or the base of a protective layer of a manure storage facility or of a manure collection area must be not less than 1 m above the top of the groundwater resource.

(5) The protective layer of a manure storage facility and of a manure collection area must provide equal or greater protection than that provided by naturally occurring materials

(a) 10 m in depth with a hydraulic conductivity of not more than $1 \times 10^{-6}$ centimetres per second for a liquid manure storage facility,

(b) 5 m in depth with a hydraulic conductivity of not more than $1 \times 10^{-6}$ centimetres per second for a catch basin, or
(c) 2 m in depth with a hydraulic conductivity of not more than $1 \times 10^{-6}$ centimetres per second for a solid manure storage facility or solid manure collection area.

(6) The liner of a manure storage facility and of a manure collection area, if constructed of compacted soil or constructed of concrete, steel or other synthetic or manufactured materials, must provide equal or greater protection than that provided by compacted soil

(a) 1 m in depth with a hydraulic conductivity of not more than $1 \times 10^{-7}$ centimetres per second for a liquid manure storage facility,

(b) 1 m in depth with a hydraulic conductivity of not more than $5 \times 10^{-7}$ centimetres per second for a catch basin, or

(c) 0.5 m in depth with a hydraulic conductivity of not more than $5 \times 10^{-7}$ centimetres per second for a solid manure storage facility or solid manure collection area.

(7) An approval officer may issue or amend an approval, registration or authorization for a manure storage facility or manure collection area if it has a liner or a protection system that uses biological methods, monitoring or performance standards that provide equal to or greater protection than that provided by subsection (6).

(8) A solid manure storage facility or solid manure collection area must be constructed to have positive drainage to prevent the collection of water.

11 Section 10 is repealed and the following is substituted:

Manure storage

10(1) Subject to subsection (2), the owner or operator of a confined feeding operation must construct manure storage facilities that are sufficient to store all the manure produced by the operation over a period of at least 9 consecutive months or fewer consecutive months if an approval officer or the Board approves a manure handling plan submitted by the owner or operator.

(2) Subsection (1) does not apply to an owner or operator of a confined feeding operation who stores solid manure in accordance with section 5.

12 Sections 12 and 13 are repealed.
13 Section 14(3) and (4) are repealed.

14 Section 15 is repealed and the following is substituted:

Manure storage facility protection

15(1) The owner or operator of a manure storage facility or a manure collection area must construct it so that the outside walls are protected from erosion.

(2) The owner or operator of a liquid manure storage facility must

(a) construct the facility so that the inside walls, bottom and outside walls are protected from erosion and damage, and

(b) maintain the physical integrity of the liner or protective layer.

15 Section 17 is amended

(a) by striking out “an earthen” and substituting “a”;

(b) by striking out “the earthen” and substituting “the”.

16 Section 18 is amended

(a) by repealing subsection (1) and substituting the following:

Leak detection

18(1) If an approval officer considers that there is a risk to the environment, the approval officer may require the owner or operator of a liquid manure storage facility to install and maintain a leakage detection system for the liquid manure storage facility consisting of at least one monitoring well up gradient of the facility and at least 2 monitoring wells down gradient from the facility of a type appropriate to determine whether there are leaks.

(b) in subsection (2)

(i) by adding “an approval officer or” before “the Board”;

(ii) by striking out “an earthen” and substituting “a”.
17 Section 19(1) is repealed and the following is substituted:

**Catch basins**

19(1) If required by an approval officer, the owner or operator of a long term solid manure storage facility or a confined feeding operation must construct a catch basin that meets the requirements of this section.

18 Section 20(2) is amended by striking out “The Board” and substituting “An approval officer, an inspector or the Board”.

19 Section 21 is amended by adding “an approval officer, an inspector or” before “the Board”.

20 Section 24 is repealed and the following is substituted:

**Manure application limits**

24(1) A person must apply manure, composting materials or compost only to arable land and, subject to subsections (5) to (7), if applied to cultivated land, the manure, composting materials or compost must be incorporated within 48 hours of application.

(2) An applicant for an approval or registration or an amendment of an approval or registration must satisfy an approval officer or the Board that for the first year following the granting of the application, the applicant

- has access to sufficient land, to meet the land base requirements determined in accordance with the Code,

- has a nutrient management plan that indicates that the applicant has access to sufficient land for application of the manure to be produced, or

- has a manure handling plan that reduces or eliminates the need to comply with the land base requirements determined in accordance with the Code.

(3) A person must

- have access to sufficient land for the application of manure, composting materials and compost so that the application limits for nitrate-nitrogen in Schedule 3 are not exceeded, or
(b) have a nutrient management plan that has been approved by the Board.

(4) A person must not apply manure, composting materials or compost to land if the person does not have permission to apply manure to the land or does not manage or control the land.

(5) A person may apply manure, composting materials and compost without incorporation

(a) on forage or directly seeded crops, and

(b) subject to subsections (6) and (7), on frozen or snow-covered land,

if the manure, composting materials or compost is applied at least 150 m from any residence or other building or structure occupied by people.

(6) An owner or operator of a confined feeding operation or manure storage facility who stores manure in accordance with section 10 must not apply manure, composting materials or compost on frozen or snow-covered land unless

(a) the application of manure, composting materials or compost has been permitted by an inspector, or

(b) the Board publishes a notice permitting the application pursuant to subsection (7).

(7) If the Board considers that weather conditions prevent the normal application of manure, composting materials or compost, the Board may permit, by a notice, the owners or operators of confined feeding operations or manure storage facilities described in subsection (6) to apply manure, composting materials and compost on frozen or snow-covered land in a geographical area, within a set time and subject to any other conditions imposed by the Board in the notice.

(8) The notice referred to in subsection (7) may be published by the Board in a form and manner that the Board considers appropriate.

(9) A person must not apply manure, composting materials or compost

(a) within 10 m of a common body of water if the person is using subsurface injection,
(b) within 30 m of a common body of water if the person is applying the manure, composting materials or compost to the surface and incorporating it within 48 hours, or
(c) within 30 m of a water well.

(10) A person must not apply manure, composting materials or compost on frozen or snow-covered land and on forage and directly seeded crops on land that

(a) is within 30 m of a common body of water, where the land slopes towards the common body of water and the mean slope of the land measured over 90 m from the edge of the common body of water is 4% or less,
(b) is within 60 m of a common body of water, where the land slopes towards the common body of water and the mean slope of the land measured over 90 m from the edge of the common body of water is greater than 4% but less than 6%,
(c) is within 90 m of a common body of water, where the land slopes towards the common body of water and the mean slope of the land measured over 90 m from the edge of the common body of water is 6% or greater but less than 12%, or
(d) has a mean slope of 12% or greater, where the land slopes to a common body of water.

21 Section 25 is repealed and the following is substituted:

Soil protection

25(1) Subject to subsection (2), a person must not apply manure, composting materials or compost to soil unless the soil has been tested within the previous 3 years in accordance with Schedule 3.

(2) Subsection (1) does not apply to a person who applies less than a total of 500 tonnes of manure, composting materials or compost annually.

(3) A person must not apply manure, composting materials or compost in an amount that would increase the soil salinity after the manure, composting materials or compost is applied by more than one decisiemens per metre as measured by the electrical conductivity from a soil depth of 0 to 15 cm.

(4) A person must not apply manure, composting materials or compost to soil if the soil salinity is more than 4 decisiemens per
metre as measured by the electrical conductivity from a soil depth of 0 to 15 cm.

(5) A person must not apply manure, composting materials or compost to soil if the nitrate-nitrogen in the soil after the manure, composting materials or compost is applied will exceed the limits in Schedule 3.

(6) Despite subsections (3), (4) and (5), an approval officer, an inspector or the Board may, if the approval officer, inspector or Board considers that it will be beneficial to the soil, permit a person to apply any one or more of the following to the soil:

   (a) manure;
   (b) composting materials;
   (c) compost.

(7) A person who meets the land requirements of section 24(2)(a) and who applies manure, composting materials or compost in accordance with this section is not required to submit a nutrient management plan to the Board.

22 Section 26 is repealed and the following is substituted:

Nutrient management plan

26 Despite sections 24 and 25, an approval officer, an inspector or the Board may permit a person to apply manure to land in accordance with a nutrient management plan proposed by the person if the approval officer, the inspector or the Board considers that implementing the nutrient management plan will provide equal or greater protection to the water and soil than would be achieved by complying with sections 24 and 25.

23 Schedule 1 is repealed and the following is substituted:

Schedule 1

Determination of Minimum Distance Separation

Definitions

1 In this Schedule,

   (a) “dispersion factor” allows for a variance to the MDS due to the unique climatic and topographic influences at the site, and is determined in accordance with section 5;
(b) “expansion factor” applies only to expanding operations that are increasing the size of the facility to store more manure, composting materials and compost or to accommodate more livestock, and is determined in accordance with section 6;

(c) “exponent” (K) equals 0.365 for all categories or types of livestock;

(d) “Factor A” is the nuisance value of the category or type of livestock determined in accordance with Table 1;

(e) “MDS” means minimum distance separation determined in accordance with section 2;

(f) “MU” is a manure unit based on the amount of manure produced by a category and type of livestock determined in accordance with Table 1;

(g) “odour objective” means the odour objective determined in accordance with section 4;

(h) “odour production” means odour production determined in accordance with section 3;

(i) “technology factor” is the effect the manure system will have on reducing the odour nuisance level and is determined in accordance with section 7.

Minimum distance separation (MDS)

The MDS is measured from the outside walls of neighbouring residences (not property line) to the point closest to manure storage facilities or manure collection areas. The MDS is calculated in metres as follows:

(a) for new operations, MDS = (odour production$_{\text{total}}$)$^K$ x odour objective x dispersion factor, and

(b) for expanding operations, MDS = (odour production$_{\text{total}}$)$^K$ x odour objective x dispersion factor x expansion factor.

Odour production

Odour production$_{\text{total}}$ is calculated by the following steps:

(a) LSU Factor$_{\text{type of livestock}}$ = Factor A x technology factor x MU;

(b) odour production$_{\text{type of livestock}}$ = LSU factor$_{\text{type of livestock}}$ x number of animals$_{\text{type of livestock}}$. 

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(c) odour production_{total} = \text{sum of odour production from each type of livestock.}

**Odour objective**

4 The odour objective factor must be determined according to the category of land zoning and residential type as follows:

(a) for Category 1 - residences on land zoned for agricultural purposes (e.g., farmstead, acreage residences), odour objective factor 41.04;

(b) for Category 2 - residences on land zoned for non-agricultural purposes (e.g., country residential, rural commercial businesses), odour objective factor 54.72;

(c) for Category 3 - residences on land zoned for high use recreational or commercial purposes, odour objective factor 68.40;

(d) for Category 4 - residences on land zoned for large-scale country residential, rural hamlet, village, town or city, odour objective factor 109.44.

**Dispersion factor**

5(1) Unless information is provided to establish otherwise to an approval officer’s or the Board’s satisfaction, the dispersion factor must equal 1.0.

(2) The dispersion factor, if applied, must be determined for the following unique conditions that can influence dispersion:

(a) topography factor (D_T), the effect of topographical features on air dispersion,

(b) screening factor (D_S), the effect of natural or constructed screening which reduces wind effects at the manure storage facility, and

(c) micro-climate factor (D_W), the effect of temperature, humidity and wind direction and intensity that demonstrates significant alteration in odour intensity or frequency of occurrence in relation to neighbouring residences.

**Expansion factor**

6(1) Unless information is provided to establish otherwise to an approval officer’s or to the Board’s satisfaction, the expansion factor must equal 1.0.

(2) Despite subsection (1), an approval officer or the Board must apply an expansion factor of 0.77 when calculating the minimum
distance separation if the confined feeding operation or manure storage facility cannot meet the minimum separation distance without the use of this factor.

(3) For the purposes of subsection (2), an approval officer or the Board may apply the expansion factor of 0.77 only if 3 or more years have passed since the completion of the most recent construction arising out of an approval, registration or authorization or an amendment of an approval, registration or authorization.

Technology factor

The technology factor must be determined according to Table 1 unless information is provided to establish otherwise to an approval officer’s or to the Board’s satisfaction.

New types of livestock

An approval officer or the Board may determine, within a category of livestock specified in the Schedules to the Agricultural Operations, Part 2 Matters Regulation (AR 257/2001) for an unlisted type of livestock, based on manure production, the relevant factors, units and other measurements required to apply this Regulation to that type.

Table 1

<table>
<thead>
<tr>
<th>Category of Livestock</th>
<th>Type of Livestock</th>
<th>Factor A</th>
<th>Technology Factor</th>
<th>MU Factor</th>
<th>LSU Factor</th>
</tr>
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<tbody>
<tr>
<td>Beef</td>
<td>Cows/Finishers (900+ lbs)</td>
<td>0.700</td>
<td>0.700</td>
<td>0.910</td>
<td>0.446</td>
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<td>Feeders (450 - 900 lbs)</td>
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<td>0.700</td>
<td>0.500</td>
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<td>Feeder Calves (&lt; 550 lbs)</td>
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<td>0.135</td>
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<td>*Free Stall – Lactating Cows with all associated dries, heifers, and calves *</td>
<td>0.800</td>
<td>1.100</td>
<td>2.000</td>
<td>1.760</td>
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<tr>
<td></td>
<td>*Free Stall – Lactating with Dry Cows only *</td>
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<tr>
<td></td>
<td>Free Stall – Lactating cows only</td>
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<td>1.400</td>
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<tr>
<td>Category of Livestock</td>
<td>Type of Livestock</td>
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<td>Technology Factor</td>
<td>MU Factor</td>
<td>LSU Factor</td>
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<td>Tie Stall – Lactating cows only</td>
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<td>Loose Housing – Lactating cows only</td>
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<td>Replacements – Bred Heifers (Breeding to Calving)</td>
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<td>Calves (&lt; 350 lbs)</td>
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<td>Farrow to finish *</td>
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<td>1.100</td>
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<td>Farrow to wean *</td>
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### Schedule 2

**Determination of Catch Basin Volume**

One Day Rainfall (mm): A one day rainfall that has a 1 in 30 year probability.

\[
\text{One Day Rainfall Runoff Volume} = \text{Drainage Area} \times \text{One Day Rainfall} \times \text{Runoff Coefficient}
\]

#### Table 1

Runoff Coefficients for Paved and Unpaved Drainage Areas

<table>
<thead>
<tr>
<th>One Day Rainfall (mm) 1 in 30 year probability</th>
<th>Runoff Coefficient Unpaved Drainage Area</th>
<th>Runoff Coefficient Paved Drainage Area</th>
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<td>87 - 95</td>
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### Table 2
**Precipitation Data**

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<td>Wimborne</td>
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</table>

25 Schedule 3 is amended

(a) before Table 1, by striking out:

Soil test information shall not be older than 3 years for nutrient management planning except for soil texture, which is a one-time analysis.

Application of Manure on Frozen or Snow Covered Land

The following Minimum Setback Distances in Table 1 are the distances required for the purposes of this Regulation:

(b) by repealing Table 1;

(c) by striking out the following after Table 1:
Application of Manure on Forage or Direct Seeded Crops

The following Minimum Setback Distances in Table 2 are the distances required for the purposes of this Regulation:

(d) by repealing Table 2;

(e) by repealing Table 3 and substituting the following:

<table>
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<tr>
<th>Soil</th>
<th>Sandy (&gt; 45% Sand and Water Table &lt; 4 m)</th>
<th>Sandy (&gt; 45% Sand and Water Table &gt; 4 m)</th>
<th>Medium and Fine Textured Soils</th>
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<tr>
<td>Brown</td>
<td>80 kg/ha (75 lb/ac)</td>
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<td>Dark Brown</td>
<td>110 kg/ha (100 lb/ac)</td>
<td>140 kg/ha (125 lb/ac)</td>
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<td>Black</td>
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<td>Grey Wooded</td>
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<tr>
<td>Irrigated</td>
<td>180 kg/ha (160 lb/ac)</td>
<td>225 kg/ha (200 lb/ac)</td>
<td>270 kg/ha (240 lb/ac)</td>
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</tbody>
</table>

(f) after Table 3, by striking out:

Land Base Requirements

Tables 7 to 30 specify the required land base for the amount of manure, composting materials or compost that may be applied to a parcel of land, subject to the limitations noted below. Producers have the option of using these tables or submitting a nutrient management plan to show that they have the required land base for manure production. The tables are based on average soil fertility levels in the four soil zones and manure, composting materials or compost nutrient from typical production systems. The tables are based on a one-time application of manure, composting materials or compost based on nitrogen. The assumed supply of nutrients from manure, composting materials or compost are listed in Table 4. These land base manure application rates do not take into account other fertilizer nutrients which may be used.

(g) by repealing Table 4;

(h) after Table 4, by striking out:

Manure Production Volumes

Tables 5 and 6 contain average manure volumes expected from common categories and types of livestock. Volumes are
from typical housing systems and include added water
(spillage and fresh water) as well as bedding and spilled feed.
These are variables and should be taken into account and
adjustments made where appropriate. These volumes are
used to determine the manure storage volumes as well as for
determining manure nutrient amounts used for the land base
requirements.

(i) by repealing Tables 5 to 30.

26 This Regulation comes into force on October 1, 2006.

--------------------------------
Alberta Regulation 215/2006
AGRICULTURAL OPERATION PRACTICES

26 This Regulation comes into force on October 1, 2006.

--------------------------------
Alberta Regulation 216/2006
Provincial Offences Procedure Act
PROCEDURES AMENDMENT REGULATION
Filed: September 13, 2006

For information only: Made by the Lieutenant Governor in Council (O.C. 426/2006)
on September 13, 2006 pursuant to section 42 of the Provincial Offences Procedure
Act.

1 The Procedures Regulation (AR 233/89) is amended by
this Regulation.

2 Section 2 is amended by adding the following after
clause (r.1):

(r.2) the Recreational Access Regulation (AR 228/2003) for which
a specified penalty is set out in Schedule 2;

3 Schedule 2 is amended by adding the following after
Part 20:

Part 20.01
Recreational Access Regulation
Under the Public Lands Act

1 The specified penalty payable in respect of a contravention of a
provision of the Recreational Access Regulation (AR 228/2003)
shown in Column 1 is shown in Column 2 in respect of that
provision.
An “X” in Column 3 indicates that proceedings in respect of that offence may be commenced by a violation ticket issued under either Part 2 or Part 3 of the Provincial Offences Procedure Act.

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Column 1 (Section Number of Regulation)</th>
<th>Column 2 (Specified Penalty in Dollars)</th>
<th>Column 3 (Part 2/Part 3 Violation Ticket)</th>
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Schedule 2, Part 23.2 is amended

(a) in section 1 by adding the following after item 2:

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(b) by adding the following after section 1:

2(1) The specified penalty for the contravention of section 14.1(6) of the General Fisheries (Alberta) Regulation (AR 203/97) is $200 plus $50 for each fish possessed or retained in contravention of that section.

(2) Where a person exceeds by more than 10 the number of fish possessed or retained in contravention of section 14.1(6), the person is required to appear before a justice without the alternative of making a voluntary payment.

5 This Regulation comes into force on October 1, 2006.
Continuing Competence
13 Continuing competence program
14 Review, evaluation
15 Practice visits
16 Actions to be taken

Restricted Activities
17 Authorized restricted activities
18 Special authorization restricted activities
19 Restriction
20 Supervision of students
21 Non-regulated persons, supervision

Titles
22 Titles and initials

Alternative Complaint Resolution
23 Process conductor
24 Agreement
25 Confidentiality
26 Leaving the process

Reinstatement
27 Reinstatement application
28 Reinstatement Review Committee
29 Hearing date
30 Hearing
31 Deliberations
32 Decision
33 Review
34 Access to decision

Information
35 Providing information
36 Section 119 information

Transitional Provision, Repeal and Coming into Force
37 Transitional
38 Repeal
39 Coming into force

Definitions
1 In this Regulation,
The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

(a) general register;
(b) provisional register;
(c) courtesy register.

Registration

General register

3(1) An applicant for registration as a regulated member on the general register must

(a) have a baccalaureate degree in occupational therapy or an entry level masters degree in occupational therapy from an occupational therapy program approved by the Council,

(b) have completed 1000 hours of supervised clinical education within a program of study approved by the Council, and

(c) have successfully completed a registration examination approved by the Council.

(2) An applicant for registration under subsection (1) must meet at least one of the following:

(a) have met the requirements set out in subsection (1) within the 2 years immediately preceding the date the Registrar receives a complete application;

(b) have been engaged in the practice of occupational therapy for not fewer than

(i) 400 hours within the year immediately preceding the date the application is received by the Registrar,

(ii) 800 hours within the 2 years immediately preceding the date the application is received by the Registrar,

(iii) 1200 hours within the 3 years immediately preceding the date the application is received by the Registrar, or

(iv) 1550 hours within the 5 years immediately preceding the date the application is received by the Registrar;

(c) have successfully completed a refresher program in occupational therapy as approved by the Council within the 2 years immediately preceding the date the application is received by the Registrar;

(d) demonstrate to the satisfaction of the Registrar that the applicant is currently competent to practise as an occupational therapist.
Equivalent jurisdiction

4 An applicant for registration as a regulated member who is currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements to the registration requirements set out in section 3 may be registered on the general register.

Substantial equivalence

5(1) An applicant for registration as a regulated member who does not meet the registration requirements under section 3 but whose qualifications have been determined by the Registrar or Registration Committee under section 28(2)(c) of the Act to be substantially equivalent to the registration requirements set out in section 3 may be registered on the general register.

(2) In determining whether an applicant’s qualifications are substantially equivalent under subsection (1), the Registrar or Registration Committee may require an applicant to undergo any examination, testing or assessment activity to assist with the determination.

(3) The Registrar may direct an applicant under subsection (1) to undergo any education or training activities the Registrar or Registration Committee considers necessary in order for the applicant to be registered.

(4) The Registrar may require an applicant under subsection (1) to provide any other relevant information or evidence that the Registrar or Registration Committee considers necessary in order to assess an application under this section.

Provisional register

6(1) An applicant for registration as a regulated member may be registered on the provisional register if the applicant

(a) is qualified to practise occupational therapy in another jurisdiction and his or her competencies are being assessed by the Registrar,

(b) has fulfilled the registration requirements set out in section 3 but has not completed the registration examination referred to in section 3(1)(c), or

(c) is enrolled in a refresher program in occupational therapy approved by the Council for the purpose of completing the registration requirements referred to in section 3(2)(c).
(2) A person who is registered on the provisional register may practise only under the supervision of a regulated member registered on the general register or courtesy register.

(3) A registration on the provisional register may be valid for up to one year.

(4) The Registrar may extend a registration on the provisional register if the Registrar is of the opinion that extenuating circumstances exist.

**Courtesy register**

7(1) A person who is registered as an occupational therapist in good standing in another jurisdiction and who requires registration in Alberta on a temporary basis for a specified purpose may apply to be registered on the courtesy register.

(2) The Registrar may register an applicant under subsection (1) on the courtesy register for a period of time specified by the Registrar if

(a) the specified purpose is approved by the Registrar, and

(b) the Registrar is satisfied of the applicant’s competence to provide the services related to the specified purpose safely and effectively.

**Good character and reputation**

8 Every applicant for registration as a regulated member must provide written evidence satisfactory to the Registrar of having good character and reputation by submitting one or more of the following on the request of the Registrar:

(a) references from colleagues and, where applicable, from another jurisdiction in which the applicant is currently registered;

(b) a statement by the applicant as to whether the applicant is currently undergoing an investigation or is subject to an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of occupational therapists or of another profession;

(c) the results of a current criminal records check;

(d) a statement by the applicant as to whether the applicant has ever pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;
Liability insurance

Every applicant for registration as a regulated member must provide evidence of having the type and amount of liability insurance required by the Council.

English language requirements

Every applicant for registration as a regulated member must be sufficiently proficient in English to be able to engage safely and competently in the practice of occupational therapy.

An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

Practice Permit

Renewal requirements

A regulated member who applies for renewal of a practice permit must comply with the requirements respecting liability insurance and good character set out in sections 9 and 10 and must

(a) have been engaged in the practice of occupational therapy for not fewer than

   (i) 400 hours within the year immediately preceding the application for renewal,

   (ii) 800 hours within the 2 consecutive registration years immediately preceding the application for renewal,

   (iii) 1200 hours within the 3 consecutive registration years immediately preceding the application for renewal, or

   (iv) 1550 hours within the 5 consecutive registration years immediately preceding the application for renewal,

(b) within the 2 years immediately preceding the application for renewal, have successfully completed a refresher program in occupational therapy approved by the Council, or

(c) within the 2 years immediately preceding the application for renewal, have completed the educational requirements specified in section 3.
Conditions

When issuing a practice permit, the Registrar may impose conditions, including, but not limited to, the following:

(a) practising under supervision;

(b) limiting the practice to specified professional services or to specified areas of the practice of occupational therapy;

(c) refraining from performing specified restricted activities.

Continuing Competence

Continuing competence program

As part of the continuing competence program, a regulated member must each year complete the following in a form approved by the Council:

(a) a practice challenge log identifying practice challenges;

(b) a self-assessment questionnaire indicating the areas where continuing competence activities are to be undertaken by the regulated member for the next registration year;

(c) a competence maintenance log that records professional activities that support the maintenance of competence or the enhancement of the regulated member’s practice;

(d) a continuing competence portfolio containing documentation that illustrates the quality of the regulated member’s practice.

Every regulated member must, on the request of the Registrar or Competence Committee, submit any of the documentation referred to in subsection (1) to the Registrar or Competence Committee.

Review, evaluation

The Registrar or Competence Committee must periodically select regulated members in accordance with criteria established by the Council for a review and evaluation of all or part of a regulated member’s continuing competence program.

If a regulated member does not comply with the continuing competence requirements set out in section 13, the Registrar or Competence Committee may require the regulated member to submit to a practice visit.
Practice visits

15(1) A person appointed by the Competence Committee under section 11 of the Act is authorized to carry out practice visits and may, for the purpose of assessing continuing competence, select individual regulated members for a practice visit.

(2) The criteria for selecting members for review are the criteria developed by the Competence Committee and approved by the Council.

Actions to be taken

16 If the results of a review and evaluation under section 14 or of a practice visit under section 15 are unsatisfactory, the Competence Committee may direct a regulated member or group of regulated members to undertake any one or more of the following within a specified period of time:

(a) to complete specific competence program requirements;
(b) to correct any problem identified in the practice visit;
(c) to submit to periodic review and evaluation;
(d) to report to the Competence Committee on specified matters.

Restricted Activities

Authorized restricted activities

17 A regulated member may, in the practice of occupational therapy and in accordance with the standards of practice governing the performance of restricted activities approved by the Council, perform the following restricted activities:

(a) to cut a body tissue, to administer anything by an invasive procedure on body tissue for the purpose of administering injections and providing wound debridement and care;

(b) to insert or remove instruments, devices or fingers
   (i) beyond the cartilaginous portion of the ear canal,
   (ii) beyond the point in the nasal passages where they normally narrow,
   (iii) beyond the pharynx,
   (iv) beyond the opening of the urethra,
   (v) beyond the labia majora,
(vi) beyond the anal verge, or

(vii) into an artificial opening into the body;

(c) to set or reset a fracture of a bone for the purpose of splinting hands, arms, feet or legs, applying fracture braces and performing cranioplasty;

(d) to reduce a dislocation of a joint except for a partial dislocation of the joints of the fingers and toes;

(e) to administer diagnostic imaging contrast agents;

(f) to fit an orthodontic or periodontal appliance for the purpose of fitting a mouth stick or mouth splint;

(g) to perform a psychosocial intervention with an expectation of treating a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs

(i) judgment,

(ii) behaviour,

(iii) capacity to recognize reality, or

(iv) ability to meet the ordinary demands of life.

Special authorization restricted activities

18 For the purpose of needle acupuncture, only a regulated member who has provided evidence to the Registrar of having successfully completed advanced training approved by the Council and the Registrar so indicates it on the regulated members register may, in the practice of occupational therapy and in accordance with the standards of practice governing the performance of restricted activities approved by the Council, perform the restricted activity of

(a) cutting a body tissue, or

(b) performing other invasive procedures on body tissue below the dermis or the mucous membrane.

Restriction

19(1) Despite any authorization to perform restricted activities, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to
those that are appropriate to the member’s area of practice and the procedure being performed.

(2) A regulated member who performs a restricted activity must do so in accordance with the standards of practice adopted by the Council under section 133 of the Act.

**Supervision of students**

20 A student who is enrolled in an occupational therapy program approved by Council is permitted to perform the restricted activities referred to in section 17 with the consent of and under the supervision of a regulated member of the College who

(a) is authorized to perform the restricted activity being supervised, and

(b) is either

(i) present in the room and available to assist, or

(ii) not present in the room but available for consultation if the supervising regulated member is of the opinion that the student is able to safely and effectively perform the restricted activity.

**Non-regulated persons, supervision**

21(1) A person who is not referred to in section 4(1)(a) of Schedule 7.1 to the *Government Organization Act* and who

(a) has the consent of, and is being supervised in accordance with subsection (2) by, a regulated member of the College while performing the restricted activity, and

(b) is engaged in providing health services to another person,

is permitted to perform the following restricted activities:

(c) to cut a body tissue, to administer anything by an invasive procedure on body tissue for the purpose of administering injections and providing wound debridement and care;

(d) to set or reset a fracture of a bone for the purpose of splinting hands, arms, feet or legs, applying fracture braces or performing cranioplasty;

(e) to administer diagnostic imaging contrast agents;
(f) to perform a psychosocial intervention with an expectation of treating a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs

(i) judgment,

(ii) behaviour,

(iii) capacity to recognize reality, or

(iv) ability to meet the ordinary demands of life.

(2) When a regulated member of the College supervises a person referred to in subsection (1) performing a restricted activity, the regulated member of the College must

(a) be authorized to perform the restricted activity being performed,

(b) supervise the person who is performing the restricted activity by being on-site and available for consultation and to assist while the non-regulated person is performing the restricted activity, and

(c) comply with the standards approved by the Council governing the provision of supervision by regulated members of persons performing restricted activities pursuant to this section.

(3) If, in the opinion of the supervising regulated member of the College, the person performing the restricted activity under subsection (1) is able to safely and effectively perform the restricted activity and does not require the type of supervision set out in subsection (2), the supervising regulated member must be available for consultation while the person performs the restricted activity and must review the restricted activity performed by that person.

Titles

Titles and initials

22(1) A regulated member on the general register or on the courtesy register may use the following titles and initials:

(a) registered occupational therapist;

(b) occupational therapist;

(c) O.T.
(2) A regulated member registered on the provisional register may use the title “provisional occupational therapist”.

(3) A regulated member who holds a doctorate degree in occupational therapy from a program approved by the Council may use the title “Doctor” and the abbreviation “Dr.” alone or in combination with other words in connection with providing a health service within the practice of occupational therapy.

**Alternative Complaint Resolution**

**Process conductor**

23 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.

**Agreement**

24 The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.

**Confidentiality**

25 The complainant and the investigated person must, subject to sections 59 and 60 of the Act, agree to treat all information shared during the process as confidential.

**Leaving the process**

26 The complainant or the investigated person may withdraw from the alternative complaint resolution process at any time.

**Reinstatement**

**Reinstatement application**

27(1) A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar to have the registration reinstated and the practice permit reissued.

(2) An application under subsection (1) may not be made earlier than

(a) 3 years after the date of cancellation, or
(b) 2 years after a decision under section 32(1)(a) is made refusing an application.

(3) An applicant under subsection (1) must provide evidence to the Registrar of qualifications for registration.

Reinstatement Review Committee

28(1) On receipt of an application under section 27, the Registrar must refer the application to the Hearings Director who must appoint, in accordance with the bylaws, regulated members to a Reinstatement Review Committee to hold a hearing on the application.

(2) Any regulated member involved in the initial cancellation of the registration may not be a member of the Reinstatement Review Committee.

Hearing date

29(1) The Hearings Director must schedule a hearing regarding the application for reinstatement to be held within 90 days of receipt of the application by the Registrar under section 27.

(2) The Registrar must provide to the person making the application, at least 30 days before the date of the hearing, written notice of the date, time and location of the hearing.

Hearing

30(1) A hearing is open to the public unless the Reinstatement Review Committee determines on its own motion or on an application by a person that the hearing or part of it should be in private

(a) because of probable prejudice to a civil action or a prosecution of an offence,

(b) to protect the safety of the person or the public,

(c) because not disclosing a person’s confidential, personal, health, property or financial information outweighs the desirability of having the hearing open to the public,

(d) because of other reasons satisfactory to the Reinstatement Review Committee, or

(e) because another Act requires that the hearing or part of the hearing be held in private.

(2) The applicant must present evidence of the actions taken since the cancellation.
(3) The Registrar or a person that the Registrar designates may appear at the hearing on behalf of the College to present evidence, including a copy of the decision and of the record of the hearing at which the applicant’s registration and practice permit were cancelled, and to make submissions respecting the application.

(4) If a person is designated under subsection (3), the Registrar must inform the applicant of the person’s name at least 30 days before the date of the hearing.

(5) The following may be represented by legal counsel at the hearing:

   (a) the Reinstatement Review Committee hearing the application;

   (b) the applicant;

   (c) the Registrar or a person designated under subsection (3).

(6) Evidence may be given before the Reinstatement Review Committee in any manner that the Reinstatement Review Committee considers appropriate and the Reinstatement Review Committee is not bound by the rules of law respecting evidence applicable to judicial hearings.

(7) The Reinstatement Review Committee may request any person it considers advisable or necessary to appear before it to give evidence.

Deliberations

31 In determining whether or not an application for reinstatement should be approved, the Reinstatement Review Committee must

   (a) consider the record of the hearing at which the applicant’s registration and practice permit were cancelled, and

   (b) consider whether

      (i) the applicant meets the current requirements for registration,

      (ii) any conditions imposed at the time the applicant’s registration and practice permit were cancelled have been met, and

      (iii) the applicant is fit to practise occupational therapy and does not pose a risk to public safety.
Decision

32(1) The Reinstatement Review Committee must, within 60 days after the conclusion of a hearing, issue a written decision containing one or more of the following orders:

(a) an order denying the application;

(b) an order directing the Registrar to reinstate the applicant’s registration and to reissue the applicant’s practice permit if the applicant is eligible for registration as a regulated member in a register referred to in section 2;

(c) an order directing the Registrar to impose specified conditions on the applicant’s practice permit;

(d) an order directing the applicant to pay any or all of the College’s expenses incurred in respect of the application, as calculated in accordance with the bylaws;

(e) any other order that the Reinstatement Review Committee considers necessary for the protection of the public.

(2) The Reinstatement Review Committee must provide reasons for any of its orders in its written decision.

Review

33(1) An applicant whose application is denied under section 32(1)(a) or on whose practice permit conditions have been imposed under section 32(1)(c), may apply to the Council for a review of the decision of the Reinstatement Review Committee.

(2) Sections 31 and 32 of the Act apply to a review under subsection (1).

Access to decision

34(1) The Reinstatement Review Committee, under section 32, and the Council, under section 33, may order that its decision be publicized in a manner it considers appropriate.

(2) The College must make a decision under section 32 or 33 available for 10 years to the public on request.

Information

Providing information

35 A regulated member or an applicant for registration as a regulated member must provide the following information in addition to that required under section 33(3) of the Act on the initial application for
registration, when there is a change to the information or at the request of the Registrar:

(a) business address;
(b) year of registration;
(c) degrees and other qualifications, including specialization;
(d) College or school from which the regulated member graduated;
(e) year of graduation;
(f) date of birth;
(g) date of retirement.

Section 119 information

36 The periods of time during which the College is required to provide information under section 119(4) of the Act to a member of the public are as follows:

(a) information referred to in section 33(3) of the Act entered in a register for a regulated member, except for the information referred to in section 33(3)(h) of the Act, while the named regulated member is registered as a member of the College;

(b) information referred to in section 119(1) of the Act respecting
   (i) the suspension of a regulated member’s practice permit, while the suspension is in effect, 
   (ii) the cancellation of a regulated member’s practice permit, for 10 years after the cancellation, 
   (iii) the conditions imposed on a regulated member’s practice permit, while the conditions are in effect, and 
   (iv) the directions made that a regulated member cease providing professional services, while the directions are in effect;

(c) information as to whether a hearing is scheduled to be held under Part 4 of the Act with respect to a named regulated member, until the hearing is concluded;

(d) information respecting
(i) whether a hearing has been held under Part 4 of the Act with respect to a named regulated member, for 2 years after the hearing tribunal rendered its decision,

(ii) a decision referred to in section 85(3) of the Act of a hearing held under Part 4 of the Act, for 2 years after the date the hearing tribunal rendered its decision, and

(iii) a record of the hearing referred to in section 85(3) of the Act of a hearing held under Part 4 of the Act, for 30 days after the date the hearing tribunal rendered its decision.

Transitional Provision, Repeal and Coming into Force

Transitional

37 On the coming into force of this Regulation, a person described in section 6(a) or (b) of Schedule 15 to the Act is deemed to be entered on the regulated members register in the register category that the Registrar considers appropriate.

Repeal

38 The General Regulation (AR 126/90) is repealed.

Coming into force

39 This Regulation comes into force on the coming into force of Schedule 15 to the Health Professions Act.

Alberta Regulation 218/2006

Public Health Act

BODIES OF DECEASED PERSONS AMENDMENT REGULATION

Filed: September 13, 2006

For information only: Made by the Lieutenant Governor in Council (O.C. 431/2006) on September 13, 2006 pursuant to section 66 of the Public Health Act.

1 The Bodies of Deceased Persons Regulation (AR 14/2001) is amended by this Regulation.

2 Section 10 is amended by striking out “2006” and substituting “2007”.
Alberta Regulation 219/2006
Post-secondary Learning Act

ALTERNATIVE ACADEMIC COUNCIL REGULATION

Filed: September 13, 2006

For information only: Made by the Lieutenant Governor in Council (O.C. 433/2006) on September 13, 2006 pursuant to section 47.1 of the Post-secondary Learning Act.

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2 Approval to establish alternative academic council
3 Requirements of application for approval
4 Preparation of model
5 Composition of alternative academic council
6 Powers and duties of alternative academic council
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8 Time limit to establish new council
9 Term of office and vacancies
10 Chair
11 Questions as to composition of alternative academic council
12 Expiry

Definitions

1 In this Regulation,
   (a) “Act” means the Post-secondary Learning Act;
   (b) “alternative academic council” means an academic council established under section 47.1 of the Act;
   (c) “existing academic council” means an academic council established under section 46 of the Act;
   (d) “program of study” has the meaning given to it in the Act.

Approval to establish alternative academic council

2 A public college or technical institute that intends
   (a) to establish an alternative academic council and dissolve its existing academic council, or
   (b) to establish an alternative academic council as its first academic council
must provide to the Minister, in writing, an application for approval to establish the alternative academic council.

Requirements of application for approval

3 An application under section 2 must include

(a) the model recommended by the public college or technical institute for the proposed alternative academic council, which sets out the details relating to the composition of the alternative academic council, and

(b) a resolution of the board of the public college or technical institute adopting the model described in clause (a).

Preparation of model

4 The model required under section 3(a) must be prepared in compliance with sections 5 and 6.

Composition of alternative academic council

5 The model must indicate that the membership of the proposed alternative academic council will be in compliance with the following rules and will be reviewed by the registrar of the public college or technical institute from time to time to ensure that the membership remains in compliance with the following rules:

(a) the alternative academic council must consist of

(i) the following individuals who become members by virtue of the office or position they hold:

(A) the president of the public college or technical institute;

(B) the vice-president of the public college or technical institute who is in charge of academic programs;

(ii) not more than 10 senior officials appointed by the board of the public college or technical institute;

(iii) not more than 5 students elected by the council of the students association of the public college or technical institute;

(iv) sufficient academic staff members of the public college or technical institute, elected in accordance with a process determined by the board of the public college or
technical institute, to ensure that the condition in clause (b) is met;

(v) additional members appointed by the board of the public college or technical institute;

(b) the academic staff members elected under clause (a)(iv) must comprise the majority of the members of the alternative academic council.

Powers and duties of alternative academic council

6(1) The model must indicate that, subject to the authority of the board, the proposed alternative academic council will be responsible for decisions affecting academic programs of the public college or technical institute, and will have the following powers and duties:

(a) determining programs of study that are offered by the public college or technical institute and the requirements of those programs;

(b) determining standards and policies respecting admission of persons to all programs of study that are offered in each faculty, division or school of the public college or technical institute;

(c) providing for the granting of degrees, other than honorary degrees, where the public college or technical institute has been designated as an institution that may grant degrees;

(d) making rules respecting academic awards;

(e) determining the conditions under which a student must withdraw from or may continue in a program of study in any faculty, division or school, and requiring notice of a student’s withdrawal or continuation to be provided to the faculty, division or school;

(f) considering every matter appropriately submitted to it and requiring notice of its opinion or action on each matter to be provided to the person submitting the matter and to any other interested academic body;

(g) establishing a process to hear and determine appeals of an academic decision of a faculty, division or school relating to applications, requests or petitions by students or other persons;

(h) making recommendations and providing advice to the board of the public college or technical institute on academic
programs and other matters considered by the academic council to be of interest to the public college or technical institute.

(2) The model must not indicate that the powers and duties described in subsection (1) apply to an apprenticeship program or to a student in an apprenticeship program under the Apprenticeship and Industry Training Act.

Minister’s authority to decide application

7 On reviewing an application under section 2, the Minister may

(a) approve the application, or

(b) refuse to approve the application.

Time limit to establish new council

8(1) Where the Minister approves an application, the alternative academic council must be established by a resolution of the board of the public college or technical institute passed within the period set by the Minister in the approval.

(2) Where an alternative academic council is not established within the period set by the Minister in the approval, the approval given under subsection (1) has no effect after the expiry of that period.

Term of office and vacancies

9 The term of office of the members of an alternative academic council shall be determined by the board of the public college or technical institute.

Chair

10 The president of the public college or technical institute, or the person designated by the president from among all of the members of the alternative academic council, must act as chair at meetings of the alternative academic council.

Questions as to composition of alternative academic council

11 Where any question arises as to the composition of an alternative academic council or any matter concerning the election of academic staff members or students to an alternative academic council, the question shall be decided by the board of the public college or technical institute, and the board’s decision is final.
Expiry

12 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 August 31, 2015.

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Alberta Regulation 220/2006

court of Appeal Act

ALBERTA RULES OF COURT AMENDMENT REGULATION

Filed: September 13, 2006

For information only: Made by the Lieutenant Governor in Council (O.C. 443/2006) on September 13, 2006 pursuant to section 16 of the Court of Appeal Act.

1 The Alberta Rules of Court (AR 390/68) are amended by this Regulation.

2 Rule 515.1 is amended

(a) in subrule (7) by adding “, and on payment to the Registrar of costs referred to in subrule (10)” after “parties”;

(b) by adding the following after subrule (9):

(10) Unless for a special reason a judge orders a lesser amount or waives the costs payable, the costs to be paid under subrule (7) are as follows:

(a) the first time that the appeal is restored, $200;

(b) the second time that the appeal is restored, $500;

(c) the third and any subsequent times that the appeal is restored, $1000.

3 This Regulation comes into force on October 1, 2006.
Alberta Regulation 221/2006

Court of Appeal Act
Court of Queen’s Bench Act
Provincial Court Act

FEES AND EXPENSES FOR WITNESSES AND INTERPRETERS
AMENDMENT REGULATION

Filed: September 13, 2006

For information only: Made by the Lieutenant Governor in Council (O.C. 444/2006) on September 13, 2006 pursuant to section 16 of the Court of Appeal Act, section 20 of the Court of Queen’s Bench Act and section 9 of the Provincial Court Act.

1 The Fees and Expenses for Witnesses and Interpreters Regulation (AR 123/84) is amended by this Regulation.

2 Section 1 is amended

(a) in clause (b) by striking out “Children’s Guardian as defined in the Child Welfare Act” and substituting “Child and Youth Advocate as defined in the Child, Youth and Family Enhancement Act”;

(b) in clause (c) by striking out “Child Welfare Act” and substituting “Child, Youth and Family Enhancement Act”.

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Alberta Regulation 222/2006

Judicature Act

JUSTICES OF THE PEACE COMPENSATION
COMMISSION REGULATION

Filed: September 13, 2006

For information only: Made by the Lieutenant Governor in Council (O.C. 445/2006) on September 13, 2006 pursuant to section 42 of the Judicature Act.

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1 Definitions
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Definitions

1 In this Regulation,

(a) “Association” means the Association of Sitting Justices of the Peace or the Association of Presiding Justices of the Peace, or both;

(b) “Commission” means the 2006 Alberta Justices of the Peace Compensation Commission appointed under section 3;

(c) “justices of the peace” means

(i) sitting justices of the peace as defined in the Justice of the Peace Act, and

(ii) presiding justices of the peace as defined in the Justice of the Peace Act;

(d) “minister” means any minister of the Crown;

(e) “Minister” means the Minister of Justice and Attorney General;

(f) “reasons” means an explanation in writing 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;

(g) “report” means the report of the Commission presented to the Minister and the Association under section 7 and any amended report presented to the Minister and the Association under section 14.
Role of the Commission

2(1) The Commission must make recommendations respecting the compensation of justices of the peace.

(2) The Commission must determine issues relating to compensation of justices of the peace independently, effectively and objectively.

(3) The Commission is to contribute to maintaining and enhancing the independence of the justices of the peace through the inquiry process and its report.

Establishment of the Commission

3(1) The 2006 Alberta Justices of the Peace Compensation Commission consists of one commissioner appointed by the Minister and agreed to by the Association.

(2) If the commissioner resigns or is unable for any reason to discharge his or her responsibilities, the Minister must appoint a replacement after receiving the agreement of the Association in accordance with subsection (1).

(3) The Commission is authorized to make recommendations respecting the compensation of justices of the peace for the period April 1, 2003 to March 31, 2008.

Commission membership

4 Active judges, justices of the peace, members of the Legislative Assembly, members of other boards and commissions appointed by the Lieutenant Governor in Council or by a minister, persons who hold office by way of an appointment by the Lieutenant Governor in Council or by a minister and employees, as defined in the Public Service Act, may not be members of the Commission.

Commission expenses

5(1) The Crown must pay the Commission all reasonable expenses incurred by the Commission in conducting an inquiry and preparing a report.

(2) The commissioner is entitled to compensation and reimbursement for expenses as determined by the Minister.

Scope of the inquiry

6 The Commission must conduct an inquiry respecting the appropriate level of compensation for justices of the peace who serve on a full time, part time or ad hoc basis.
Presentation of the report
7 The Commission must present a report to the Minister and the Association at a time determined by the Minister.

Presentation of the report to the Lieutenant Governor in Council
8 Within 120 days of the presentation of a report under section 7 or an amended report under section 14, whichever is later, the Minister must place the report before the Lieutenant Governor in Council, obtain the Lieutenant Governor in Council’s decision and, if any of the recommendations in the report are not accepted, ensure that reasons are provided.

Effect of recommendations
9(1) Subject to subsection (2), a recommendation in a report is binding on the Crown.

(2) A recommendation that is not accepted in whole or in part in reasons issued by the Lieutenant Governor in Council and delivered to the Association within 120 days of the date of the report under section 7 or an amended report under section 14, whichever is later, is not binding on the Crown.

Public notice of inquiry
10 The Commission must give public notice of the commencement of its inquiry as it considers necessary and the notice must advise of the closing date for written submissions.

Pre-inquiry procedure
11 At the earliest opportunity, prior to the commencement of the inquiry, the Minister and the Association must meet with the Commission to address any preliminary matters that may arise and any other matters that the Commission considers advisable.

Inquiry procedure
12(1) Subject to this section, the Commission may determine its own inquiry procedure.

(2) The Minister and the Association must 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.

(3) The Commission may record any inquiry proceedings and must provide transcripts to those who request them and pay the required fee.
(4) 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.

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

(6) The Commission may, after hearing from the Minister and the
Association, choose to limit to written submissions any submission
from an individual justice of the peace.

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

(8) 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 Minister or the Association, as well as
from the Commission.

(9) 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.

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

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

(12) 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.

(13) Anyone requesting copies of any written submissions to the
Commission is entitled to receive a copy of the submissions on
payment of a reasonable fee.

(14) The recommendations in a report must be based solely on the
evidence submitted to the Commission.

Criteria
13 The Commission, in making the recommendations in its report,
must consider the following criteria:

(a) the constitutional law of Canada;

(b) the need to maintain the independence of the justices of the
   peace;
(c) the unique nature of the role of justices of the peace;
(d) the need to attract qualified applicants;
(e) the compensation other justices of the peace in Canada receive;
(f) the growth and decline in real per capita income;
(g) the need to provide fair and reasonable compensation for justices of the peace in light of prevailing economic conditions in Alberta and the overall state of the economy, including the financial position of the government;
(h) the cost of living index and the position of the justices of the peace relative to its increases;
(i) the nature of the jurisdiction of justices of the peace;
(j) the level of increases provided to other programs and persons funded by the government;
(k) any other factors relevant to the matters in issue.

Amended report

14(1) The Commission may amend its report presented under section 7 after reviewing the submissions of the Minister and the Association if

(a) the Commission is satisfied that its report

   (i) failed to deal with an issue raised during the inquiry, or

   (ii) contains an obvious error,

   and

(b) the Minister or the Association requests that the Commission amend its report within 30 days of receipt of the report under section 7.

(2) Within 30 days of receipt of a request under subsection (1), the Commission must either present an amended report to the Minister and the Association or inform the Minister and the Association that no amended report will be presented.

(3) An amended report under subsection (2) may differ from the report presented under section 7 only so far as is necessary to deal with the matters under subsection (1).
Minister not required to request amendment

15 Nothing requires the Minister, either before or after the report is placed before the Lieutenant Governor in Council, to request that the Commission amend its report under section 14(1).

Review

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

Communication

17(1) The Minister must advise the Association of any changes made to the compensation of justices of the peace after the presentation of a report under section 7 or an amended report under section 14 within 14 days of the Lieutenant Governor in Council’s decision to change the compensation of the justices of the peace and the Association must inform the justices of the peace of any change.

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

(3) The Association must provide the justices of the peace with updated copies of legislation, regulations or schedules as necessary.

Costs

18 The Crown must pay, up to a maximum of $75,000, the reasonable costs incurred by the Association in making its submissions to the Commission.

Judicial review

19(1) If

(a) the Lieutenant Governor in Council makes a decision not to accept one or more of the recommendations in whole or in part contained in the report, and

(b) the Association or any justice of the peace brings an application for judicial review of that decision and the application is successful,

the Lieutenant Governor in Council has 120 days from the day that the application is granted to reconsider the report’s recommendations in accordance with the directions, if any, of the Court.

(2) If an application for judicial review is successful, the Court may not make the report binding on the Crown, but may refer the report
back to the Lieutenant Governor in Council or to the Commission for reconsideration, and where the Court does so, the Lieutenant Governor in Council or the Commission, as the case may be, has 120 days from the day that the application was granted to reconsider the report’s recommendations in accordance with the directions, if any, of the Court.

Notice

20(1) If

(a) notice is required to be given to the Crown or the Minister, it must be given by leaving a written copy of the notice at the legislative office of the Minister, or

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

(2) If notice is required to be given to the Association, it must be given by service on counsel as provided for in the Alberta Rules of Court.

(3) Within 7 days of the date this Regulation comes into force, the Association must give the Minister notice of the appointment of counsel.

Effect of regulation

21 This Regulation only has effect for the Commission appointed in 2006.

Expiry

22 This Regulation expires on March 31, 2010.

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Alberta Regulation 223/2006

School Act

ALBERTA SCHOOL FOUNDATION FUND AMENDMENT REGULATION

Filed: September 13, 2006

For information only: Made by the Lieutenant Governor in Council (O.C. 448/2006) on September 13, 2006 pursuant to section 176 of the School Act.
1 The Alberta School Foundation Fund Regulation (AR 250/96) is amended by this Regulation.

2 Section 4 is amended by striking out “2006” and substituting “2016”.

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Alberta Regulation 224/2006
Wildlife Act
WILDLIFE (MISCELLANEOUS FALL 2006) AMENDMENT REGULATION
Filed: September 14, 2006
For information only: Made by the Minister of Sustainable Resource Development (M.O. 34/06) on September 6, 2006 pursuant to sections 12, 23 and 103(1) of the Wildlife Act.

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

2 Schedule 15 is amended
(a) in section 7(3)
   (i) in clause (a) by adding “or 1 male cougar” after “cougar”;  
   (ii) in clause (b) by striking out “or 1” and substituting “or 2”;
   (iii) in clause (c) by striking out “1” and substituting “2”;
   (iv) in clause (d) by striking out “or 1” and substituting “or 2”;
   (v) in clause (m) by striking out “1 female cougar or 2” and substituting “2 female cougar or 3”;
   (vi) in clause (n) by striking out “3 female cougar or 4” and substituting “5 female cougar or 5”;
   (vii) in clause (o) by striking out “3 female cougar or 4” and substituting “6 female cougar or 6”;

- 1127 -
(b) in section 9(1)(e)

(i) in subclause (i)(A) by striking out “5” and substituting “7”;

(ii) in subclause (i)(B)

(A) by striking out “5” and substituting “7”;

(B) by striking out “2” both times it occurs and substituting “3”;

(iii) in subclause (ii)(A) by striking out “6” and substituting “8”;

(iv) in subclause (ii)(B)

(A) by striking out “6” and substituting “8”;

(B) by striking out “3” both times it occurs and substituting “4”;

(v) in subclause (ii.1)(A) by striking out “2” and substituting “4”;

(vi) in subclause (ii.1)(B)

(A) by striking out “2” and substituting “4”;

(B) by striking out “one” both times it occurs and substituting “2”;

(vii) in subclause (iii)(A) by striking out “4” and substituting “6”;

(viii) in subclause (iii)(B)

(A) by striking out “4” and substituting “6”;

(B) by striking out “2” both times it occurs and substituting “3”;

(ix) by adding the following after subclause (iii):

(iii.1) in WMU 320, 322, 324, 326, 328, 330, 332, 334, 336, 337, 338, 339, 340, 342, 344, 346, 347, 348, 352, 429, 507 or 508

(A) after 2 fisher have been killed in that registered fur management area if it does not exceed 72 square miles in area, or
(B) if the area of the registered fur management area exceeds 72 square miles, after 2 fisher, plus an additional one fisher for each complete 36 square miles of area in excess of 72 square miles of area, plus one additional fisher for any remaining area of less than 36 square miles, have been killed in that registered fur management area,

(c) by adding the following after section 9(1)(e):

(f) to the hunting of coyote or wolf with snares in fur management zones 4, 5 and 6 from October 1 to November 30 except in any of WMUs 314 to 324, 330 to 338, 348, 360, 410 to 418, 507, 508 and 521.

(d) in section 15 by repealing footnote 3 and substituting the following:

3 This season does not apply to any of WMUs 314 to 318 and 410 to 418. The season for wolves in those WMUs is from October 1 to March 31.

(e) by repealing Table 5 - Fur Seasons and substituting the following:
<table>
<thead>
<tr>
<th>Table 5</th>
<th>Fur Seasons</th>
</tr>
</thead>
</table>

<table>
<thead>
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<th></th>
<th>FUR MANAGEMENT ZONE 1</th>
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<th>FUR MANAGEMENT ZONE 3</th>
<th>FUR MANAGEMENT ZONE 4</th>
<th>FUR MANAGEMENT ZONE 5</th>
<th>FUR MANAGEMENT ZONE 6</th>
<th>FUR MANAGEMENT ZONE 7</th>
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<td>D1 - Apr15</td>
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<td>CLOSED</td>
<td>D1 - Jan</td>
<td>CLOSED</td>
<td>N1 - Feb</td>
</tr>
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<td>O1 - Feb</td>
<td>O1 - Feb</td>
<td>O1 - Feb</td>
</tr>
<tr>
<td>Fisher</td>
<td>N1 - J31</td>
<td>N1 - J31</td>
<td>N1 - J31</td>
<td>N1 - J31</td>
<td>N1 - J31</td>
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<td>D1 - F15</td>
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<td>D1 - F15</td>
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</tr>
<tr>
<td>Muskrat</td>
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<td>O1 - Mar15</td>
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<td>O1 - Mar15</td>
</tr>
<tr>
<td>Red Squirrel</td>
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<td>N1 - Feb</td>
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<tr>
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<tr>
<td>Wolf</td>
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The table above shows the fur seasons for different fur management zones in Alberta.
Alberta Regulation 225/2006

School Act

STUDENT RECORD REGULATION

Filed: September 15, 2006

For information only: Made by the Minister of Education (M.O. 026/2006) on August 25, 2006 pursuant to section 23(9) of the School Act.

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3 Information not to be included in student record
4 Retention of student record
5 Disposal and destruction of student record
6 Access to student record
7 Disclosure of information
8 Student transfer
9 Compliance
10 Consequential amendment
11 Repeal
12 Expiry

Definitions

1 In this Regulation,
   (a) “Act” means the School Act;
   (b) “resident board” means the board of the district or division of which a student is a resident student.

Information included in student record

2(1) The student record of a student must contain all information affecting the decisions made about the education of the student that is collected or maintained by a board, regardless of the manner in which it is maintained or stored, including
   (a) the student’s name as registered under the Vital Statistics Act or, if the student was born in a jurisdiction outside Alberta, the student’s name as registered in that jurisdiction, and any other surnames by which the student is known,
   (b) the student identification number assigned to the student by the Minister and any student identification number assigned to the student by a board,
(c) the name of the student’s parent,

(d) a copy of any separation agreement or court order referred to in section 23(2)(c) of the Act,

(e) the birth date of the student,

(f) the sex of the student,

(g) the addresses and telephone numbers of the student and of the student’s parent,

(h) the board of which the student is a resident student,

(i) the citizenship of the student and, if the student is not a Canadian citizen, the type of visa or other document pursuant to which the student is lawfully admitted to Canada for permanent or temporary residence, and the expiry date of that visa or other document,

(j) the names of all schools attended by the student in Alberta and the dates of enrolment, if known,

(k) an annual summary or a summary at the end of each semester of the student’s achievement or progress in the courses and programs in which the student is enrolled,

(l) the results obtained by the student on any

   (i) diagnostic test, achievement test and diploma examination conducted by or on behalf of the Province, and

   (ii) standardized tests under any testing program administered by the board to all or a large portion of the students or to a specific grade level of students,

(m) the results of any application under the Student Evaluation Regulation (AR 177/2003) for special provisions or directives,

(n) in relation to any formal intellectual, behavioural or emotional assessment or evaluation administered individually to the student by a board,

   (i) the name of the assessment or evaluation,

   (ii) a summary of the results of the assessment or evaluation,

   (iii) the date of the assessment or evaluation,
(iv) the name of the individual who administered the assessment or evaluation,

(v) any interpretive report relating to the assessment or evaluation, and

(vi) any action taken as program planning as a result of the assessment, evaluation or interpretive report,

(o) in relation to any independent formal intellectual, behavioural or emotional assessment or evaluation requested by the student’s parent and administered to the student by an independent party

(i) the name of the assessment or evaluation,

(ii) a summary of the results of the assessment or evaluation,

(iii) the date of the assessment or evaluation,

(iv) the name of the individual who administered the assessment or evaluation,

(v) any interpretive report relating to the assessment or evaluation, and

(vi) any action taken as program planning as a result of the assessment, evaluation or interpretive report,

(p) any health information that the parent of the student or the student wishes to be placed on the student record,

(q) an annual summary of the student’s school attendance,

(r) information about any suspension of more than one day or expulsion relating to the student or the student’s rights pursuant to the Act, which must be recorded and retained on the student record for a minimum period of one year and a maximum period of 3 years following the date of the suspension or expulsion after which the information must be removed from the student’s record,

(s) if the parent of the student is eligible to have the student taught in the French language pursuant to section 23 of the Canadian Charter of Rights and Freedoms, a notation to indicate that and a notation to indicate whether the parent wishes to exercise that right, and

(t) if the parent of the student or the student wishes to provide information that the student is of aboriginal ancestry, a
(2) Notwithstanding section 3, a board may include in a student record any information referred to in section 3(1)(a)(iii) that in the board’s opinion would clearly be injurious to the student if disclosed, where inclusion of the information in the student record would, in the board’s opinion, be

- in the public interest, or
- necessary to ensure the safety of students and staff.

(3) If an individualized program plan is specifically devised for a student, the current plan and any amendments to the plan must be placed on the student record of that student in addition to summaries of all of the previous school years’ individualized program plans.

(4) A board may require

- that the information referred to in subsection (1)(a) be provided to the board by means of a copy, acceptable to the board, of
  - the student’s birth certificate, if the student was born in Canada, or
  - another official document acceptable to the board, if the student was born outside Canada,

and

- that the information referred to in subsection (1)(i) be provided to the board by means of a copy, acceptable to the board, of a Canadian citizenship certificate or of the visa or other document referred to in subsection (1)(i).

(5) The board shall ensure that the information referred to in this section is updated annually.

**Information not to be included in student record**

3(1) A student record must not include

- any information contained in

  - notes and observations prepared by and for the exclusive use of a teacher, teacher’s assistant, counsellor or principal, and that are not used in program placement decisions,
(ii) a report or an investigation record relating to the student under the *Child, Youth and Family Enhancement Act*, or

(iii) counselling records relating to the student that is or may be personal, sensitive or embarrassing to the student, unless section 2(2) applies,

or

(b) any information that identifies a student as a young person as defined in the *Youth Justice Act* or the *Youth Criminal Justice Act* (Canada) and all information relating to that student in that capacity.

(2) Notwithstanding section 2, a board may exclude from a student record a test instrument or any part of it, but where there is an appeal before the board in respect of a test, a test result or an evaluation of a student in respect of a test or a test result, the persons referred to in section 23(2) of the Act may review a test instrument as if it were part of the student record.

(3) A board shall ensure that the information referred to in this section is disclosed only in accordance with the *Freedom of Information and Protection of Privacy Act*.

**Retention of student record**

4(1) Subject to subsection (2), a board shall keep a student record containing the information referred to in section 2(1) and (3) for 7 years after the student ceases to attend a school operated by the board or until the student record has been forwarded to another school in accordance with section 8(1).

(2) If a student transfers from a school in Alberta to a school outside Alberta, the board that operates the school from which the student transfers shall keep the student record containing the information referred to in section 2(1) and (3) for 7 years after the date the student could be expected to have completed grade 12 if the student had not transferred from the school.

(3) Notwithstanding subsections (1) and (2), a board may choose to keep a student record for longer than 7 years if a longer retention period is authorized by a resolution of the board.

**Disposal and destruction of student record**

5(1) A board shall dispose of or destroy student records that are no longer required to be kept under section 4.
(2) Student records shall be disposed of or destroyed in a manner that maintains the confidentiality of the information in the record.

(3) A board shall dispose of information referred to in section 3 relating to a student in the same manner as student records are to be disposed of under subsection (2).

Access to student record

6 A board shall ensure that a student, the student’s parent and any other person who has access to the student under a separation agreement or an order of a court are informed of their entitlement under section 23 of the Act to review the student record of that student.

Disclosure of information

7(1) In this section, “employee” means an employee as defined in the Freedom of Information and Protection of Privacy Act.

(2) A board shall ensure that the contents of a student record are only disclosed

(a) in accordance with sections 23, 40, 41 and 43 of the Act,
(b) to an employee of the board if the information is necessary for the performance of the duties of the employee,
(c) to the Minister if the information is necessary for the performance of the duties of the Minister,
(d) with the written consent of
   (i) the parent if the student is under 16 years of age, or
   (ii) the student or the parent if the student is 16 years of age or older,
(e) in accordance with section 8 of this Regulation,
(f) in accordance with any other regulation under the Act, or
(g) in accordance with the Freedom of Information and Protection of Privacy Act.

(3) A board shall disclose information contained in a student record to the Department of Justice or its designate or to the Department of Solicitor General and Public Security or its designate when requested by either Department or that Department’s designate for the purpose of administering the Youth Justice Act or the Youth Criminal Justice Act (Canada) or carrying out any program or policy under either Act.
(4) A board shall, at the written request of a medical officer of health as defined in the Public Health Act or the medical officer of health’s designate, disclose

(a) a student’s name, address, date of birth, sex and school, and

(b) the name, address and telephone number of the student’s parent

to the medical officer of health or to a person designated by the medical officer of health for the purpose of contacting the parent of the student regarding voluntary health programs offered by the regional health authority, including immunization, hearing, vision, speech and dental health programs, and for the purpose of communicable disease control.

(5) A board shall, at the written request of a Regional authority for a Francophone Education Region, disclose

(a) the name, address, date of birth, sex and school of a student whose parent has been noted under section 2(1)(s) as being eligible to have the student taught in the French language pursuant to section 23 of the Canadian Charter of Rights and Freedoms, and

(b) the name, address and telephone number of the student’s parent

to the superintendent or to a person designated by the superintendent for the purpose of contacting the parent of the student and advocating for minority language education rights.

(6) A board or an accredited private school supervising a home education program for a student shall notify the student’s resident board of

(a) the student’s name, address, date of birth, sex and school, and

(b) the name, address and telephone number of the student’s parent

to ensure that the resident board is aware that the student is attending a school.

**Student transfer**

8(1) If a student transfers to another school in Alberta, the board from which the student transfers shall, on receipt of a written request from that school, send the original student record containing the information referred to in section 2(1) and (3) to that school.
If a student transfers to a school outside Alberta, the board from which the student transfers shall, on receipt of a written request from that school, send a copy of the student record containing the information referred to in section 2(1) and (3) to that school.

Compliance
9 A board shall designate one of its employees to be responsible for ensuring that the policies and procedures established by the board relating
(a) to student records, and
(b) to information referred to in section 3
comply with this Regulation and the Freedom of Information and Protection of Privacy Act.

Consequential amendment
10 The Private Schools Regulation (AR 190/2000) is amended by repealing section 20 and substituting the following:

Student records
20(1) Only sections 1, 2(1)(a) and (c) to (i), 6 and 8 of the Student Record Regulation apply to registered private schools.

(2) The Student Record Regulation applies to accredited private schools except for the following sections:
(a) section 2(1)(s) and (t);
(b) section 3(3);
(c) section 7(2)(g), (4) and (5);
(d) section 9.

(3) On closing a private school, the operator must forward the student record for each student in the school
(a) to the school to which the student transfers, or
(b) if the school to which the student transfers is unknown, to the Minister.

Repeal
11 The Student Record Regulation (AR 71/99) is repealed.
Expiry

12 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 July 31, 2016.