

Alberta Regulation 2/2008
Municipal Government Act
CAPITAL REGION ASSESSMENT SERVICES COMMISSION
AMENDMENT REGULATION

Filed: January 16, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 5/2008) on January 16, 2008 pursuant to section 602.02 of the Municipal Government Act.

1 The *Capital Region Assessment Services Commission Regulation* (AR 77/96) is amended by this Regulation.

2 The Schedule is amended

(a) by repealing clause (o);

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

(r.1) Town of Smoky Lake

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

(v.1) Village of Vilna

Alberta Regulation 3/2008
Municipal Government Act
CAPITAL REGION VEGREVILLE CORRIDOR WATER SERVICES
COMMISSION AMENDMENT REGULATION

Filed: January 16, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 6/2008) on January 16, 2008 pursuant to section 602.02 of the Municipal Government Act.

1 The *Capital Region Vegreville Corridor Water Services Commission Regulation* (AR 293/84) is amended by this Regulation.

2 Section 4 is amended by repealing subsections (3) and (4).

Alberta Regulation 4/2008
Tobacco Reduction Act
TOBACCO REDUCTION AMENDMENT REGULATION

Filed: January 16, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 8/2008) on January 16, 2008 pursuant to section 9 of the Tobacco Reduction Act.

1 The *Tobacco Reduction Regulation* (AR 240/2007) is amended by this Regulation.

2 Section 7 is amended by striking out “or” at the end of clause (g), adding “or” at the end of clause (h) and adding the following after clause (h):

- (i) subject to the *Provincial Offences Procedure Act*, issue violation tickets under Parts 2 and 3 of that Act.

3 The following is added after section 10:

Exemption for lodge accommodation

10.1(1) In this section, “lodge accommodation” means a lodge accommodation as defined in the *Alberta Housing Act*.

(2) Despite section 3 of the Act, a resident of a lodge accommodation may smoke in a separate room in the lodge accommodation if the room

- (a) is designated as a smoking room by the manager,
- (b) has floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent area in which smoking is prohibited under this Act, and
- (c) has a separate ventilation system.

4 Section 13(3) is amended by renumbering subsection (3) as subsection (2).

Alberta Regulation 5/2008
Stray Animals Act
HORSE CAPTURE AMENDMENT REGULATION

Filed: January 16, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 22/2008) on January 16, 2008 pursuant to section 35 of the Stray Animals Act.

1 The *Horse Capture Regulation* (AR 59/94) is amended by this Regulation.

2 Section 1 is amended

(a) in clause (b)

(i) by adding “bait,” after “capture,”;

(ii) by striking out “public” and substituting “designated”;

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

(b.1) “designated land” means public land designated for the licensed capture of horses under section 9(1) of the Act;

(c) by repealing clause (f).

3 Section 4(3) is amended by adding “waive or” before “refund”.

4 Section 5(3)(a) and (b) are amended by striking out “public land” and substituting “designated land”.

5 Section 7 is repealed and the following is substituted:

Capturing

7(1) A licence holder shall not use a snare, weapon or vehicle to capture or attempt to capture a horse.

(2) In this section,

(a) “snare” means a device that consists of or includes a cable, rope, wire or other form of material and that is used or set to capture a horse by tightening a loop around the neck, foot or leg, with the energy to tighten it

coming from the horse or from a spring, triggering device or other mechanism;

- (b) “vehicle” means a motorized device, including a boat or aircraft, in or by which a person or thing may be transported;
- (c) “weapon” means a firearm or other projectile propelling device used to frighten, injure or kill.

6 Section 13 is amended by striking out “2008” and substituting “2017”.

Alberta Regulation 6/2008

Financial Administration Act

INDEMNITY AUTHORIZATION AMENDMENT REGULATION

Filed: January 16, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 24/2008) on January 16, 2008 pursuant to section 71 of the Financial Administration Act.

1 The *Indemnity Authorization Regulation* (AR 22/97) is amended by this Regulation.

2 Section 7 is amended

(a) in subsection (1)

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

- (e) “prescribed duties” means
 - (i) with respect to the Metis Settlements Ombudsman, the exercise or performance of any powers or duties that the Metis Settlements Ombudsman is authorized by the Minister or the Regulation to exercise or perform;
 - (ii) with respect to any associate personnel engaged in providing services in relation to the office of the Metis Settlements

Ombudsman, the provision of any of those services;

- (iii) with respect to any associate personnel appointed as an inspector or an investigator under section 171 of the Act or under the Regulation, the carrying out of any functions by that person as an inspector or an investigator;
- (iv) with respect to any associate personnel appointed under section 172 of the Act or under the Regulation to carry out audits, the carrying out of any function by that person in respect of those audits;

(ii) by adding the following after clause (e):

- (f) "Regulation" means the *Metis Settlements Ombudsman Regulation* (AR 116/2007).

(b) by adding the following after subsection (2):

(3) The Minister of Finance is authorized, on behalf of the Crown, to indemnify

- (a) Harley Johnson, by reason of carrying out any powers or duties with respect to the Ministerial Order issued by the Minister and dated April 14, 2003,
- (b) MSO Services Inc., by reason of providing any of the services specified in contract #AAND00/01-01 made effective April 1, 2003 between Her Majesty the Queen in right of Alberta and MSO Services Inc., and
- (c) persons employed or otherwise engaged by MSO Services Inc. or Harley Johnson by reason of providing services in relation to the powers, duties or services referred to in clauses (a) and (b)

against all costs, charges and expenses, including amounts paid to settle actions or satisfy judgments, reasonably incurred by any of those persons in respect of civil, criminal or administrative actions or proceedings, to which any of those persons is made a party by reason of carrying out any powers or duties or providing any services, if the person

- (d) acted honestly and in good faith with a view to carrying out such powers, duties, functions or services,

- (e) complied with the Schedule, and
- (f) in the case of a criminal or administrative action or proceeding enforceable by a monetary penalty, had reasonable grounds for believing that the conduct of the person was lawful.

3 The following is added after section 8:

Financial institutions encashment indemnity

9(1) In this section, "Minister" means the Minister of Finance.

(2) The Minister may, on behalf of the Crown, on such terms and conditions as the Minister requires, indemnify a financial institution for the amount payable on a benefit cheque

- (a) issued by the Crown with respect to a benefit program of the Crown, and
- (b) presented for encashment,

where the benefit cheque was fraudulently negotiated.

Alberta Regulation 7/2008

Debtors' Assistance Act

DEBTORS' ASSISTANCE AMENDMENT REGULATION

Filed: January 18, 2008

For information only: Made by the Minister of Service Alberta (M.O. C:001/2008) on January 16, 2008 pursuant to section 14(1) of the Debtors' Assistance Act.

1 The *Debtors' Assistance Regulation (AR 200/2001)* is amended by this Regulation.

2 Section 4 is repealed and the following is substituted:

Fees for Board services

4(1) The fee for services provided by the Board under the Act is \$100 plus applicable disbursements.

(2) In addition to the fee under subsection (1), where a debtor and creditor have used the services of the Board to enter into a debt repayment agreement, the Board may either

- (a) charge the debtor a fee that is equal to up to 15% of the total amount of the debt that is to be repaid under the agreement if the debtor sought the assistance of the Board, or
 - (b) for each payment that the Board makes on behalf of the debtor to the creditor charge the creditor a fee equal to up to 25% of the payment and deduct that fee from each such payment.
- (3) The Board may
- (a) determine the percentage amount that may be charged by the Board under subsection (2)(a) or (b), and
 - (b) waive all or part of a fee under this section where it considers it appropriate to do so.

3 Section 8 is amended by striking out “2008” and substituting “2017”.

Alberta Regulation 8/2008

Apprenticeship and Industry Training Act

DESIGNATED OCCUPATION (EXPIRY CLAUSE)

AMENDMENT REGULATION

Filed: January 23, 2008

For information only: Made by the Alberta Apprenticeship and Industry Training Board on January 4, 2008 pursuant to section 37(2) of the Apprenticeship and Industry Training Act and approved by the Minister of Advanced Education and Technology on January 22, 2008 pursuant to section 37(2) of the Apprenticeship and Industry Training Act.

1 The *Construction Craft Labourer Occupation Regulation (AR 270/2000)* is amended in section 5 by striking out “January 31, 2008” and substituting “March 31, 2017”.

2 The *Gas Utility Operator Occupation Regulation (AR 278/2000)* is amended in section 5 by striking out “January 31, 2008” and substituting “March 31, 2010”.

3 The *Warehousing Occupation Regulation (AR 309/2000)* is amended in section 5 by striking out “January 31, 2008” and substituting “March 31, 2012”.

Alberta Regulation 9/2008
Marketing of Agricultural Products Act
ALBERTA BEEF PRODUCERS AUTHORIZATION
AMENDMENT REGULATION

Filed: January 23, 2008

For information only: Made by the Alberta Agricultural Products Marketing Council on October 25, 2007 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act and approved by the Minister of Agriculture and Food on January 10, 2008 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act.

1 The *Alberta Beef Producers Authorization Regulation* (AR 352/2003) is amended by this Regulation.

2 Section 6 is amended by striking out “July 1, 2008” and substituting “March 31, 2009”.

Alberta Regulation 10/2008
Marketing of Agricultural Products Act
ALBERTA ELK MARKETING AMENDMENT REGULATION

Filed: January 23, 2008

For information only: Made by the Alberta Elk Commission on December 18, 2007 pursuant to section 26 of the Marketing of Agricultural Products Act and approved by the Agricultural Products Marketing Council on January 11, 2008 pursuant to section 26 of the Marketing of Agricultural Products Act.

1 The *Alberta Elk Marketing Regulation* (AR 256/2002) is amended by this Regulation.

2 Section 14 is amended by striking out “2008” and substituting “2009”.

Alberta Regulation 11/2008
Marketing of Agricultural Products Act
HATCHING EGGS AMENDMENT REGULATION

Filed: January 23, 2008

For information only: Made by the Alberta Hatching Egg Producers on December 14, 2007 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act and approved by the Agricultural Products Marketing Council on January 11, 2008 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act.

1 The *Hatching Eggs Regulation* (AR 280/97) is amended by this Regulation.

2 Section 48 is amended by striking out “2008” and substituting “2009”.

Alberta Regulation 12/2008

Marketing of Agricultural Products Act
MARKETING OF AGRICULTURAL PRODUCTS REGULATIONS (EXPIRY CLAUSES) (MARKETING COUNCIL) AMENDMENT REGULATION

Filed: January 23, 2008

For information only: Made by the Alberta Agricultural Products Marketing Council on December 5, 2007 pursuant to sections 26, 27 and 33 of the Marketing of Agricultural Products Act and approved by the Minister of Agriculture and Food on January 10, 2008 pursuant to sections 26, 27 and 33 of the Marketing of Agricultural Products Act.

1 The *Alberta Elk Authorization Regulation* (AR 255/2002) is amended in section 3 by striking out “2008” and substituting “2009”.

2 The *Alberta Hatching Egg Producers Authorization Regulation* (AR 278/97) is amended in section 7 by striking out “2008” and substituting “2009”.

3 The *Hatching Egg Producers Negotiation and Arbitration Regulation* (AR 281/97) is amended in section 40 by striking out “2008” and substituting “2009”.

4 The *Alberta Milk Authorization Regulation* (AR 152/2002) is amended in section 5 by striking out “2008” and substituting “2009”.

5 The *Alberta Milk Negotiation and Arbitration Regulation* (AR 153/2002) is amended in section 29 by striking out “2008” and substituting “2009”.

6 The *Potato Growers of Alberta Authorization Regulation* (AR 299/2002) is amended in section 4 by striking out “2008” and substituting “2009”.

Alberta Regulation 13/2008

Marketing of Agricultural Products Act

**POTATO GROWERS OF ALBERTA MARKETING
AMENDMENT REGULATION**

Filed: January 23, 2008

For information only: Made by the Potato Growers of Alberta on December 21, 2007 pursuant to section 26 of the Marketing of Agricultural Products Act and approved by the Agricultural Products Marketing Council on January 11, 2008 pursuant to section 26 of the Marketing of Agricultural Products Act.

1 The *Potato Growers of Alberta Marketing Regulation* (AR 277/98) is amended by this Regulation.

2 Section 19 is amended by striking out “2008” and substituting “2009”.

Alberta Regulation 14/2008

Safety Codes Act

ELECTRICAL CODE AMENDMENT REGULATION

Filed: January 23, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 36/2008) on January 23, 2008 pursuant to section 65 of the Safety Codes Act.

1 The *Electrical Code Regulation* (AR 209/2006) is amended by this Regulation.

2 Section 3(c) is repealed and the following is substituted:

- (c) the Alberta Electrical Utility Code, Third Edition, 2007, published by the Safety Codes Council.

3 This Regulation comes into force on March 1, 2008.

Alberta Regulation 15/2008

Marketing of Agricultural Products Act

**ALBERTA VEGETABLE GROWERS (PROCESSING)
PLAN AMENDMENT REGULATION**

Filed: January 23, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 37/2008) on January 23, 2008 pursuant to section 23 of the Marketing of Agricultural Products Act.

1 The *Alberta Vegetable Growers (Processing) Plan Regulation* (AR 273/97) is amended by this Regulation.

2 Section 9(2)(i) is amended by striking out “producer” and substituting “processor”.

Alberta Regulation 16/2008

Various Acts

**MARKETING OF AGRICULTURAL PRODUCTS REGULATIONS
(EXPIRY/REVIEW CLAUSES) AMENDMENT REGULATION**

Filed: January 23, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 38/2008) on January 23, 2008.

1 The *Alberta Elk Plan Regulation* (AR 210/2002) is amended in section 54 by striking out “2008” and substituting “2009”.

2 The *Alberta Hatching Egg Plan Regulation* (AR 283/96) is amended in section 39 by striking out “2008” and substituting “2009”.

3 The *Alberta Milk Plan Regulation* (AR 150/2002) is amended in section 61 by striking out “2008” and substituting “2009”.

4 The *Alberta Milk Records Disclosure Regulation* (AR 149/2002) is amended in section 3 by striking out “2008” and substituting “2009”.

5 The *Alberta Milk Records Transfer Regulation* (AR 148/2002) is amended in section 3 by striking out “2008” and substituting “2009”.

6 The *Potato Growers of Alberta Plan Regulation* (AR 291/2002) is amended in section 39 by striking out “2008” and substituting “2009”.

Alberta Regulation 17/2008

Teachers’ Pension Plans Act

**TEACHERS’ PENSION PLANS (LEGISLATIVE PROVISIONS)
(RELATIONSHIP BREAKDOWN EXTENSION 2008)
AMENDMENT REGULATION**

Filed: January 23, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 39/2008) on January 23, 2008 pursuant to section 23 of the Teachers’ Pension Plans Act.

1 The *Teachers’ Pension Plans (Legislative Provisions) Regulation* (AR 204/95) is amended by this Regulation.

2 Section 17(3) is amended by striking out “2008” and substituting “2010”.

Alberta Regulation 18/2008

Insurance Act

PROVINCIAL COMPANIES AMENDMENT REGULATION

Filed: January 23, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 41/2008) on January 23, 2008 pursuant to section 123 of the Insurance Act.

1 The *Provincial Companies Regulation* (AR 124/2001) is amended by this Regulation.

2 Section 20 is amended by striking out “20%” and substituting “25%”.

Alberta Regulation 19/2008

Environmental Protection and Enhancement Act

BEVERAGE CONTAINER RECYCLING AMENDMENT REGULATION

Filed: January 23, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 43/2008) on January 23, 2008 pursuant to section 175 of the Environmental Protection and Enhancement Act.

1 The *Beverage Container Recycling Regulation* (AR 101/97) is amended by this Regulation.

2 Section 22 is amended by striking out “April 30, 2008” and substituting “October 31, 2008”.

Alberta Regulation 20/2008
Regulated Accounting Profession Act
CHARTERED ACCOUNTANTS AMENDMENT REGULATION

Filed: January 30, 2008

For information only: Approved by the Lieutenant Governor in Council (O.C. 49/2008) on January 29, 2008 pursuant to section 14 of the Regulated Accounting Profession Act and made by the Institute of Chartered Accountants of Alberta on January 24, 2008 pursuant to section 14 of the Regulated Accounting Profession Act.

1 The *Chartered Accountants Regulation (AR 178/2001)* is amended by this Regulation.

2 Section 1(1) is amended

- (a) in clause (b) by striking out “Universities Act” and substituting “Post-secondary Learning Act”;**
- (b) by repealing clause (n).**

3 Section 19 is repealed and the following is substituted:

Continuing education requirements

19(1) For the purposes of this section,

- (a) “continuing professional development” includes verifiable learning activities and unverifiable learning activities;
- (b) “unverifiable learning activity” means an informal learning activity that contains significant intellectual and practical content, and is relevant and appropriate to a member’s work and professional responsibilities, including
 - (i) on-the-job training for new software, systems, procedures or techniques for application in a professional role,
 - (ii) self-study that does not involve an examination or other objective certification or completion requirements,
 - (iii) reading of professional journals and other publications that are not part of research for a particular application in a professional role, and

- (iv) any other form of educational activity recognized by the registration committee as an unverifiable learning activity;
- (c) “verifiable learning activity” means a measurable learning activity that contains significant intellectual and practical content, and is relevant and appropriate to a member’s work and professional responsibilities, including
 - (i) presentation or attendance at courses, conferences, seminars and organized employer-based in-house training,
 - (ii) formal study, professional re-examination or testing,
 - (iii) formal study, self-study or both leading to an examination or attainment of a designation, diploma or degree,
 - (iv) publication of professional, technical or academic articles, papers or books,
 - (v) teaching a course or continuing professional development session in an area that is relevant to a professional role,
 - (vi) speaking at briefing sessions or discussion groups, and
 - (vii) any other form of educational activity recognized by the registration committee as a verifiable learning activity.

(2) Each member of the Institute who

- (a) resides
 - (i) in Alberta, or
 - (ii) outside Alberta and is not a member of a provincial institute or foreign accounting organization recognized by the Council,
- and
- (b) has not been granted an exemption by the registration committee from the continuing professional development requirements imposed by this section

must complete the minimum number of hours of relevant continuing professional development described in this section.

(3) A member of the Institute who has not been granted an exemption must complete the number of hours of continuing professional development prescribed by the Council in the period of time prescribed by the Council or such additional time as is granted by the registration committee.

(4) The hours referred to in subsection (3) must include the minimum number of hours of verifiable learning activities as is prescribed by the Council.

(5) For the purposes of subsections (3) and (4), the registration committee may recognize as continuing professional development any verifiable learning activity or unverifiable learning activity that, in its opinion, is appropriate.

4 Section 20 is repealed and the following is substituted:

Continuing professional development report

20 Each member of the Institute must

- (a) submit annually, on or before the date set out in the bylaws, a report in the form prescribed by the registration committee, which includes
 - (i) a declaration that the member has complied with section 19, or
 - (ii) a declaration that section 19 does not apply to the member,

and

- (b) keep, for 5 years, a record of continuing professional development completed annually and, on request, provide to the registration committee or its designate that record and supporting documentation regarding the content of the continuing professional development completed.

5 Section 29(1) is amended

- (a) **in clause (a) by striking out** “\$1 000 000 per incident for partnerships with fewer than 5” **and substituting** “\$1 500 000 per incident for partnerships with fewer than 4”;

(b) in clause (b) by striking out “5” and substituting “4”.

6 Section 35 is repealed.

7 Section 37 is repealed and the following is substituted:

Maintenance of information

37 For the purposes of section 26 of the Act, the Institute must maintain information about registrants and former registrants for the following periods of time:

- (a) for as long as a person is a registrant
 - (i) for information respecting status, including the terms of any suspension or restrictions, registration or approval decisions, continuation of registration or approval decisions, previous names, billing status and designations held from other accounting or professional organizations,
 - (ii) for information required under section 28(1)(c) to (f) of the Act,
 - (iii) for decisions of the CIC chair, the complaints inquiry committee, a discipline tribunal and an appeal tribunal,
 - (iv) for the results of past practice reviews, including the results of past practice reviews for any predecessor of a registrant, and
 - (v) for information respecting merit nominations and awards;
- (b) for at least 50 years after the date that a registrant becomes a former registrant
 - (i) for applicable information respecting the name, previous name and birthdate, basis for registration, cancellation of registration of a former registrant, and
 - (ii) for information required under section 28(1)(c) to (f) of the Act;
- (c) for at least 10 years
 - (i) for information respecting the past registration status and billing status of a registrant,

- (ii) for information respecting the past registration status of a former registrant, and
- (iii) for registration decisions on registrations that were either refused or had conditions placed on the registration or practice;
- (d) for at least 5 years
 - (i) for the list of continuing professional education courses, programs and products for which a registrant registered,
 - (ii) for information respecting practice specialities, professional corporations and the principals, partners, directors or shareholders of a public accounting firm, and
 - (iii) for information respecting past employers of a chartered accountant or student;
- (e) for at least 4 years
 - (i) for information respecting a past practice review where the public accounting firm or professional service provider has an outstanding follow-up practice review, and
 - (ii) for a practice review report under section 56 of the Act;
- (f) for at least one year for any other relevant information maintained in accordance with the Act, this Regulation or the bylaws.

8 Section 37.1 is repealed.

9 In the following provisions, “by-laws” is struck out and “bylaws” is substituted:

section 8(3)(a);
section 18(a);
section 21(1);
section 22(2) and (4)(b);
section 23(3)(b) and (7)(b);
section 28(b);
section 33(b).

Alberta Regulation 21/2008
Provincial Offences Procedure Act
PROCEDURES AMENDMENT REGULATION

Filed: January 30, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 52/2008) on January 29, 2008 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

(a) by repealing clause (o.2);

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

(p.001) *Tobacco Reduction Act*;

3 Part 46 is repealed and the following is substituted:

Part 46
Tobacco Reduction Act

1 The specified penalty payable in respect of a contravention of the *Tobacco Reduction Act* shown in Column 1 is the amount shown in Column 2 in respect of that provision.

2 Proceedings with respect to a contravention of any provision of the *Tobacco Reduction Act* shown in Column 1 may be commenced by a violation ticket issued under either Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

Item Number	Column 1 (Section Number of Act)	Column 2 (Specified Penalty in Dollars)
1	3	250
2	6	500
3	7	250
4	7.1	500
5	7.2	500

3 Items 4 and 5 referred to in section 2 are effective on and after July 1, 2008.

Alberta Regulation 22/2008

Corrections Act

CORRECTIONAL INSTITUTION AMENDMENT REGULATION

Filed: January 30, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 66/2008) on January 29, 2008 pursuant to section 33 of the Corrections Act.

1 The *Correctional Institution Regulation* (AR 205/2001) is amended by this Regulation.

2 The following is added after section 31:

Monitoring or recording telephone calls

31.1(1) Where a director of a correctional institution has directed under section 14.4(1) of the Act that telephone calls made by or received by an inmate be monitored and recorded and electronic monitoring or recording equipment is not available or is not functioning, the telephone calls may be monitored or recorded by mechanical means.

(2) The Director must give reasonable notice to inmates that telephone calls may be monitored or recorded.

3 Section 43 is repealed.

4 Section 44 is amended

- (a) in subsection (2) by striking out** “the Disciplinary Board” **and substituting** “the Director”;
- (b) in subsection (3) by striking out** “The Disciplinary Board” **and substituting** “A hearing adjudicator appointed under section 15(1) of the Act”;
- (c) by adding the following after subsection (3):**
 - (3.1)** Where facilities are available, a hearing may be held by means of video conference.
- (d) in subsection (4) by striking out** “the Disciplinary Board” **and substituting** “a hearing adjudicator”;
- (e) in subsection (5) by striking out** “the Disciplinary Board” **and substituting** “a hearing adjudicator”;

- (f) **in subsection (6) by striking out** “the Disciplinary Board” **wherever it occurs and substituting** “the hearing adjudicator”.

5 Section 45 is repealed.

6 Section 46 is amended

- (a) **by striking out** “the Disciplinary Board” **and substituting** “a hearing adjudicator”;
- (b) **by striking out** “the Director” **and substituting** “an appeal adjudicator”.

7 Section 47 is repealed and the following is substituted:

When punishment may be imposed

47(1) No inmate shall

- (a) disobey an order of the Director or an employee;
- (b) break a rule of an institution or fail to comply with the Act or this Regulation;
- (c) use disrespectful, indecent, abusive or threatening language to
 - (i) an employee or a visitor to the institution, or
 - (ii) another inmate;
- (d) be idle, careless or negligent at work;
- (e) refuse to work;
- (f) commit or threaten to commit an assault or any other act of violence on
 - (i) an employee or a visitor to the institution, or
 - (ii) another inmate;
- (g) use indecent gestures or commit an indecent act;
- (h) communicate with another inmate without authority to do so;

- (i) enter the cell of another inmate or any other place without authority to do so;
- (j) leave the inmate's cell, place of work or any other place without the consent of an employee;
- (k) wilfully or negligently disfigure or damage any part of an institution or any property that is not the inmate's;
- (l) fail to keep the inmate's person, clothing, bedding or cell neat and clean;
- (m) have in the inmate's cell or possession any unauthorized article or attempt to obtain such an article;
- (n) give to or receive from any person, or attempt to give or receive, any unauthorized article;
- (o) create a disturbance or incite other inmates to create a disturbance;
- (p) feign an illness or otherwise malingering;
- (q) persist in making frivolous or groundless complaints;
- (r) fail or refuse to submit on demand to a test to detect the use of an unauthorized drug or intoxicant;
- (s) engage in gambling;
- (t) manufacture, have in the inmate's possession or use an unauthorized drug or intoxicant or use a drug in an unauthorized manner;
- (u) refuse to submit to, resist or obstruct a search authorized by or under this Regulation;
- (v) engage in an activity that promotes or encourages the creation, status or activities of a gang, including the display of an item or symbol or the use of signals associated with a gang;
- (w) participate in the act of tattooing or have in the inmate's cell or possession any article used for the purpose of tattooing;
- (x) do anything for the purpose of escaping or assisting another inmate to escape;

- (y) do anything that is prejudicial to good order and discipline in an institution that is not otherwise referred to in clauses (a) to (x);
- (z) counsel, procure or incite another inmate to do anything referred to in clauses (a) to (y);
- (aa) attempt to do anything referred to in clauses (a) to (z).

(2) A hearing adjudicator may direct that an inmate be punished if the inmate contravenes subsection (1).

8 Section 52(2) is amended by striking out “Disciplinary Board” and substituting “hearing adjudicator”.

9 Section 53 is amended

- (a) **in subsection (1) by striking out “Disciplinary Board shall” and substituting “Director shall”;**
- (b) **in subsection (1)(e) by striking out “Disciplinary Board” and substituting “hearing adjudicator”;**
- (c) **by repealing subsection (2) and substituting the following:**
 - (2) The Punishment Register is to be certified by the hearing adjudicator as correct at the time that the hearing adjudicator records the adjudicator’s decision.

Alberta Regulation 23/2008

Government Organization Act

**DESIGNATION AND TRANSFER OF RESPONSIBILITY
AMENDMENT REGULATION**

Filed: January 30, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 70/2008) on January 29, 2008 pursuant to sections 16, 17 and 18 of the Government Organization Act.

1 The *Designation and Transfer of Responsibility Regulation* (AR 317/2006) is amended by this Regulation.

2 Section 2 is amended by adding the following after subsection (7):

(8) The responsibility for that part of the public service directly associated with the post-secondary capital planning function of Infrastructure and Transportation is transferred to the Minister of Advanced Education and Technology.

(9) The responsibility for the administration of the unexpended balance of that part of element 5.0.5 associated with the post-secondary capital planning function of Program 5, Other Programs and Services, of the 2007-08 Government appropriation for Infrastructure and Transportation is transferred to the Minister of Advanced Education and Technology.

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

(z.01) *Natural Gas Rebates Act*;

4 Section 5 is amended

(a) by repealing subsection (1)(f);

(b) by adding the following after subsection (2):

(3) The responsibility for the *Teachers' Pension Plans Act* is transferred to the common responsibility of the Minister of Education and the Minister of Finance.

(4) The responsibility for the administration of the unexpended balance of that part of element 2.0.1 of Program 2, Operating Support to Public and Separate Schools, and element 3.0.2 of Program 3, Teachers' Pensions, of the 2007-08 Government appropriation for Education associated with the responsibility for the Teachers' Pension Plan for the period ending August 31, 1992 is transferred to the Minister of Finance.

(5) The responsibility for that part of the public service directly associated with the school capital planning function of Infrastructure and Transportation is transferred to the Minister of Education.

(6) The responsibility for the administration of the unexpended balance of that part of element 5.0.5 associated with the school capital planning function of Program 5, Other Programs and Services, of the 2007-08 Government appropriation for

Infrastructure and Transportation is transferred to the Minister of Education.

5 Section 6 is amended by repealing subsection (1)(r).

6 Section 15(2) is repealed and the following is substituted:

(2) The responsibility for Schedule 13 to the *Government Organization Act* is transferred to the common responsibility of the Minister of Seniors and Community Supports, the Minister of Municipal Affairs and Housing and the Minister of Service Alberta.

7 Section 16 is amended

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

(r) sections 2, 3 and 14 of Schedule 11 and Schedule 12 to the *Government Organization Act*;

(b) by adding the following after subsection (1):

(1.1) The Minister of Service Alberta is designated as the Minister responsible for Schedule 13.1 to the *Government Organization Act*.

8 Section 19 is amended by adding the following after subsection (1):

(1.1) The Minister of Tourism, Parks, Recreation and Culture is designated as the Minister responsible for Schedule 3.1 to the *Government Organization Act*.

9 The following sections are amended by striking out “to the Minister” and substituting “of the Minister”:

- (a) section 8(2) and (3);
- (b) section 11(3);
- (c) section 14(4).

Alberta Regulation 24/2008

Regulations Act

MISCELLANEOUS CORRECTIONS REGULATION

Filed: January 30, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 74/2008) on January 29, 2008 pursuant to section 10 of the Regulations Act.

1 The *Farm Implement Amendment Regulation* (AR 207/2007) is amended is section 5 by striking out “Section 8.3” and substituting “Section 8.3(1)”.

2 The *Public Service Pension Plan* (AR 368/93) is amended in Part 2 of Schedule 2 by repealing Items (9.1) and (9.2) and substituting the following:

9.1 The Alberta Utilities Commission,

9.2 The Energy Resources Conservation Board,

3 The *Tobacco Reduction Regulation* (240/2007) is amended in section 7 by striking out “and” at the end of clause (g) and adding “and” at the end of clause (h).

Alberta Regulation 25/2008

Marketing of Agricultural Products Act

VEGETABLE NEGOTIATING AGENCY REGULATION

Filed: January 31, 2008

For information only: Made by the Alberta Agricultural Products Marketing Council on November 22, 2007 pursuant to section 33 of the Marketing of Agricultural Products Act and approved by the Minister of Agriculture and Food on January 24, 2008 pursuant to section 33 of the Marketing of Agricultural Products Act.

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Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “Agency” means the Vegetable Negotiating Agency established under Part 1;
- (c) “Agreement” means an agreement described in section 2;
- (d) “arbitrator” means an arbitrator appointed under this Regulation;
- (e) “Board” means the Alberta Vegetable Growers (Processing) Board;
- (f) “contract” means a contract between a licensed producer and a licensed processor to grow and market the regulated product;
- (g) “Council” means the Alberta Agricultural Products Marketing Council;
- (h) “licensed processor” means a person who holds a processor’s licence under the *Alberta Vegetable Growers (Processing) Production and Marketing Regulation* (AR 160/2007);
- (i) “licensed producer” means a person who holds a producer’s licence under the *Alberta Vegetable Growers (Processing) Production and Marketing Regulation* (AR 160/2007);
- (j) “mediator” means a mediator appointed under Part 4;

- (k) “Plan” means the Alberta Vegetable Growers (Processing) Plan;
- (l) “regulated product” means regulated product as defined in the *Alberta Vegetable Growers (Processing) Plan Regulation* (AR 273/97).

(2) Words defined in the *Alberta Vegetable Growers (Processing) Plan Regulation* (AR 273/97) have the same meaning when used in this Regulation.

(3) Except where inconsistent with the *Marketing of Agricultural Products Act* and this Regulation, the *Arbitration Act* applies to an arbitration under this Regulation.

Agreement

2(1) The parties to an Agreement are the Board and a licensed processor.

(2) The subject-matter of an Agreement relates to the regulated product and must include terms respecting but not restricted to the following:

- (a) price of the regulated product;
- (b) seed;
- (c) terms of payment;
- (d) harvesting;
- (e) dockage;
- (f) bypass of the regulated product;
- (g) food safety;
- (h) acreage provisions;
- (i) cultural practices respecting the regulated product;
- (j) an arbitration clause.

(3) Every Agreement is deemed to contain the following terms:

- (a) if a difference arises as to the interpretation, application, operation or contravention of this Agreement, the parties agree to meet and endeavour to resolve the difference;

- (b) if the parties are unable to resolve a difference described in clause (a), or if the difference relates to whether an issue can be the subject of negotiation,
 - (i) either party may notify the other in writing of its desire to submit the difference to mediation and, if mediation fails, to arbitration, or
 - (ii) if neither party notifies the other party under subclause (i) within 30 days of the difference arising, the matter must be submitted to arbitration;
- (c) the notice referred to in clause (b) must
 - (i) contain a statement of the difference, and
 - (ii) specify a name or a list of names of persons the party is willing to accept as a mediator and as an arbitrator if mediation fails to resolve a difference described in clause (a);
- (d) this Regulation applies if the parties are unable to resolve a difference described in clause (a).

Notice to commence negotiations

3(1) Subject to the terms of an Agreement, either party may give notice in writing to the other party or, if there is no Agreement, a licensed processor may give notice in writing to the Board or the Board may give notice in writing to a licensed processor

- (a) stating that it wishes to commence negotiations,
- (b) setting out the issues it wishes to negotiate, and
- (c) setting out dates it is available to commence negotiations.

(2) Within 7 days from the date of receipt of a written notice under subsection (1), the party receiving the notice must, by written notice, advise the other party or, if there is no Agreement, the Board or licensed processor receiving the notice must, by written notice, advise the licensed processor or Board

- (a) whether or not one of the dates proposed to commence negotiations is suitable to it and, if not, an alternative date that is acceptable, and
- (b) whether there are any additional issues that it wishes to negotiate.

Part 1

Vegetable Negotiating Agency

Agency established

4(1) Within 7 days from the date of receipt of a written notice under section 3(2) or an application under section 13, a Vegetable Negotiating Agency must be established.

(2) The Agency is composed of the following:

- (a) one or more individuals appointed by each licensed processor;
- (b) one or more licensed producers appointed by the Board;
- (c) an individual appointed as the chair of the Agency under subsection (4);
- (d) an individual appointed as the secretary of the Agency under subsection (4);
- (e) alternate members appointed under subsection (6).

(3) The number of licensed producers appointed under subsection (2)(b) shall not be greater in number than the number of individuals appointed under subsection (2)(a).

(4) The members of the Agency appointed under subsection (2)(a) and (b) must appoint

- (a) an individual to be the chair of the Agency, and
- (b) an individual to be the secretary of the Agency.

(5) A person who is appointed as a member of the Agency under subsection (2)(a) or (b) is not, while being a member of the Agency appointed under subsection (2)(a) or (b), eligible to be appointed as the chair or secretary of the Agency.

(6) A person who appoints a member of the Agency under subsection (2)(a) or (b) must appoint an alternate for that member who must act during the absence of the member or inability of the member to act.

(7) The term of office of a member of the Agency is the lesser of

- (a) the period of time required to effect an Agreement or renew a contract for which notice is given, as described in subsection (1), and
- (b) one year.

(8) When the Agency considers it appropriate, the individuals appointed under subsection (2)(a) may be excluded from a meeting of the Agency at which the Agency is to consider and, if possible, conclude matters with respect to an individual licensed processor.

(9) The Agency may review and provide recommendations to the Board with respect to issues that are relevant to the growing, production, marketing or processing of the regulated product.

Vacancies, etc.

5(1) If a vacancy occurs on the Agency with respect to a member who was appointed under section 4(2)(a) or (b), the person who had appointed the member must, within 7 days from the day that the vacancy occurred, appoint a replacement member who must serve for the balance of the term.

(2) If a vacancy occurs with respect to the chair or secretary of the Agency, the members of the Agency appointed under section 4(2)(a), (b) or (6), if any, must, within 7 days from the day that the vacancy occurred, appoint an individual to be the chair or secretary who must serve for the balance of the term.

Failure to appoint

6(1) If any person who is entitled to appoint a member of the Agency fails to appoint a member of the Agency, the Council must, on that person's behalf, appoint an individual as a member of the Agency.

(2) If the members of the Agency fail to appoint a chair or a secretary of the Agency, the Council must, on behalf of those members, appoint a chair or a secretary.

Quorum

7 A majority of the members of the Agency then holding office constitutes a quorum.

Duties of secretary

8(1) The secretary must

- (a) record all decisions and recommendations of the Agency,
- (b) provide the decisions and recommendations in writing to the Agency, and
- (c) provide a copy of the decisions and recommendations referred to in clause (b) to the Council.

(2) As soon as practicable after a meeting of the Agency, the secretary must prepare the minutes of the meeting and provide a copy of the minutes to the members of the Agency.

Conduct of meetings

9(1) Subject to this section, the Agency may make rules governing the conduct of its meetings.

(2) The chair and the secretary of the Agency may not vote at a meeting of the Agency.

(3) Voting at a meeting of the Agency is by show of hands.

(4) Notwithstanding subsection (3), any member present at a meeting of the Agency may require that a vote be conducted by secret ballot.

Part 2

Negotiations to Effect an Agreement

Effecting an Agreement

10(1) Following an exchange of notices under section 3, the Agency must meet and endeavour to effect an Agreement.

(2) Subject to the notice under section 3, the matters that the Agency may adopt or settle by Agreement are

- (a) those issues submitted by the parties under section 3, and
- (b) any other issues subsequently agreed on by both parties.

(3) Subject to subsection (2), the Agency is empowered to adopt or settle by Agreement any or all of the following matters:

- (a) the minimum price to be paid to licensed producers for the regulated product or any class, variety, grade, size or kind of the regulated product, and may include any product resulting from processing;
- (b) a method for the determination of the minimum price;
- (c) the terms and form of Agreement relating to the production or marketing of the regulated product;
- (d) any charges, costs or expenses relating to the production or marketing of the regulated product.

Effect of Agreement

11(1) If an Agreement is concluded by the Agency, the Agreement must be in writing and signed by each of the members of the Agency.

(2) Subject to the Act, an Agreement concluded by the Agency is binding on

- (a) the Board and the licensed processor, and
- (b) every licensed producer

to the extent that they choose to produce, market or process the regulated product in the area of Alberta to which the Plan applies.

Referral to mediation, arbitration

12(1) If the members of the Agency agree to refer an uneffected Agreement or specific issues in it to mediation, the Agency must

- (a) notify the Council in writing, and
- (b) refer the uneffected Agreement or specific issues to a mediator in accordance with Part 4.

(2) If the members of the Agency do not agree to refer an uneffected Agreement or specific issues in it to mediation, the Agency must

- (a) notify the Council in writing, and
- (b) refer the uneffected Agreement or specific issues to arbitration in accordance with Part 5.

Part 3
Refusal to Renew Contract

Refusal to renew

13 If a licensed processor refuses to renew a contract between it and a licensed producer, the licensed producer may apply to the Agency to have the Agency review the refusal.

Review by Agency

14 The Agency may, after considering the grounds or reasons on or for which the licensed processor refused to renew the contract with a licensed producer, order the licensed processor to renew the contract.

Referral to mediation

15 If the Agency is unable to reach a decision and make an order under section 14, the Agency or the licensed producer may

- (a) notify the Council in writing, and
- (b) refer the matter to a mediator in accordance with Part 4.

**Part 4
Mediation**

Mediator appointed

16 The Council, on receipt of a written notice under section 12(1) or 15, must, on consultation with the licensed processor, the Board and the affected licensed producer, if applicable, appoint a mediator.

Mediation process

17(1) On being appointed, a mediator must contact

- (a) the Board and the licensed processor in the case of an Agreement dispute, and
- (b) the Board, the licensed processor and the licensed producer in the case of a contract dispute

to arrange commencement of mediation as soon as is reasonably practicable.

(2) A mediator is to effect a mutually acceptable Agreement or contract in accordance with the following:

- (a) a mediator may not unilaterally determine an Agreement or contract;
- (b) a mediator may not have contact with the arbitrator;
- (c) a mediator may not be selected as the arbitrator if arbitration is necessary.

(3) The parties must share equally the fees and expenses of the mediator.

Mediation fails

18(1) If the mediator cannot effect an Agreement under section 17(2),

- (a) the mediator must notify the Council in writing of the issues with respect to an Agreement that have not been resolved, and

- (b) the Council must refer the issues that have not been resolved to an arbitrator in accordance with Part 5.
- (2) The notice under subsection (1) must include a request for the appointment of an arbitrator.
- (3) If the mediator cannot effect a contract under section 17(2), the parties may refer the issues that have not been resolved to an arbitrator in accordance with Part 5.

Part 5 Arbitration

Arbitrator appointed

- 19(1)** On receipt of a notice under section 12(2) or 18(1) or (3), the Council must appoint an arbitrator.
- (2)** On appointing an arbitrator, the Council must forward to the arbitrator
- (a) a copy of the notices received by the Council from the parties, and
 - (b) a copy of this Regulation.

Staff

- 20** For the purposes of any arbitration under this Regulation, an arbitrator may
- (a) employ persons that the arbitrator considers necessary to carry out the arbitrator's functions, and
 - (b) make use of the available administrative services of the Council.

Reasonable dispatch

- 21** The arbitrator must conduct hearings and make a decision on the uneffected Agreement or the unrenewed contract as soon as is reasonably practicable.

Final offer selection

- 22(1)** The arbitrator must use final offer selection, whereby each party to the arbitration submits to the arbitrator the party's final offer in respect of all unresolved issues and the arbitrator must select, without modification, the complete offer of one of the parties.

(2) If all of the parties agree, the arbitrator must make an award on individual, or a combination of, unresolved issues.

(3) If the parties cannot reach an Agreement under subsection (2) at the beginning of the first day of the arbitration proceedings, the arbitrator must select, without modification, the complete offer submitted by one of the parties.

Service of notices, etc.

23(1) A notice, application, direction, order or other communication made in respect of an arbitration under this Part may be served on the person to whom it applies or is directed

- (a) by personal service, or
- (b) by being
 - (i) sent by registered or certified mail addressed to the latest address of that person, or
 - (ii) transmitted by electronic means to that person at the latest number or address at which the transmission can be received,

that is shown on the records of the Board or that is provided to the arbitrator by that person.

(2) An electronic means may be used under subsection (1)(b)(ii) only if the person receiving the communication receives at least a printed image of the contents of the communication that is being served.

(3) Notwithstanding subsection (1), if any party to whom a notice, application, direction, order or other communication has been sent for the purpose of this Part cannot be found or if for any reason service cannot be readily effected in accordance with this Part, the arbitrator may dispense with service or may grant an order allowing for substitutional service by a method that the arbitrator considers appropriate.

(4) A party who sends a notice, application, direction, order or other communication to the arbitrator must forthwith serve a copy of it on the other party and notify the arbitrator that the copy has been served.

Application for directions

24(1) A party may apply in writing to the arbitrator on any subject relating to the issues before the arbitrator.

(2) When a party makes an application under subsection (1), it must serve a copy of the application on the other party.

(3) A party, on receipt of a copy of an application served under subsection (2), may, within 7 days from the day the party was served with a copy of the application, make an objection in writing to the arbitrator.

(4) On receipt of an application or objection under this section, the arbitrator may, with or without holding a hearing, give directions that the arbitrator considers appropriate.

Directions by arbitrator

25(1) Any direction from the arbitrator to the parties must

- (a) be in writing, or
- (b) if given orally, be confirmed in writing by the arbitrator within 7 days from the day that the directions were given.

(2) The written direction or the written confirmation of an oral direction must be served on the parties.

Determining jurisdiction of arbitrator

26(1) The arbitrator must consider whether the issues proposed for arbitration are matters that could be the subject of an Agreement or contract.

(2) If the arbitrator concludes that an issue proposed for arbitration cannot be the subject of an Agreement or contract, the arbitrator shall not deal with that issue.

Conduct of arbitration

27 The arbitrator must, with or without preliminary hearings, direct the parties as to how the arbitration is to be conducted.

Hearings and evidence

28(1) The arbitrator must, in conducting an arbitration,

- (a) hold a hearing in the presence of the parties,
- (b) consider documentary evidence submitted by a party or a party's legal counsel or other representative,
- (c) hear oral evidence, and

- (d) consider arguments submitted by a party or the party's legal counsel or other representative.
- (2) Notwithstanding subsection (1), if the arbitrator considers it appropriate, the arbitrator may dispense with a hearing but must
 - (a) consider written submissions, documentary evidence and written arguments submitted by the parties or the party's legal counsel or other representative, and
 - (b) review and examine any matters referred to the arbitrator, as the arbitrator considers necessary.
- (3) The parties or their legal counsel or other representative are entitled to be present at any review and examination conducted by the arbitrator under subsection (2)(b).
- (4) If the arbitrator is to hold a hearing, the arbitrator must notify the parties in writing of the date, time and place for the hearing.
- (5) Subject to an adjournment being granted, the hearing must be held daily until the arbitration is concluded.

Attendance at hearing

29 Unless the arbitrator, after consulting with the parties, orders otherwise, only the following persons may be present at a hearing:

- (a) the arbitrator;
- (b) the arbitrator's officers and employees;
- (c) each party;
- (d) subject to section 30, legal counsel or other representatives of the parties and the arbitrator;
- (e) the witnesses;
- (f) officers or members of the Council.

Representation

30(1) Unless otherwise agreed to by the parties and approved by the arbitrator, any party may be represented at any stage of the proceedings by legal counsel or other representative if the notice of the intended representation is given in writing to the arbitrator and to the other party in sufficient time for each of them to be able to arrange to be similarly represented.

- (2) If a party is represented in accordance with subsection (1),
 - (a) the party must instruct its legal counsel or other representative, and
 - (b) the party may only participate in the proceedings as a witness.
- (3) If a person appears at a hearing as a representative, that person is not precluded from appearing as a witness at that hearing.
- (4) If a party has not, in the opinion of the arbitrator, given notice in accordance with subsection (1), the arbitrator may adjourn the hearing so that subsection (1) is complied with in a manner satisfactory to the arbitrator.

Adjournment of hearing

31 The arbitrator may, for any reason that the arbitrator considers appropriate, adjourn a hearing at any time prior to the commencement of the hearing or at any time during the hearing.

Failure to attend

- 32(1)** If any party or the party's legal counsel or other representative fails to attend a hearing for which notice was served by the arbitrator, the arbitrator may, on any conditions that the arbitrator considers appropriate,
- (a) adjourn the hearing for not more than 7 days, and
 - (b) at the conclusion of the adjournment, proceed to hear and determine the matter whether or not the party in respect of whom the adjournment was granted attends or is represented.
- (2) Written notice of the date for the adjourned hearing and of the arbitrator's intention to proceed must be served forthwith on both parties by the arbitrator.

Evidence

- 33(1)** Unless otherwise agreed to by the parties, the arbitrator must require witnesses to be examined on oath or affirmation.
- (2) The arbitrator may set the terms and conditions under which evidence may be given.

Production of documents

34 The arbitrator may direct the parties to produce to the arbitrator the documents, correspondence, books and records in their possession or under their control that, in the opinion of the arbitrator, are relevant to the dispute.

Conclusions

35 The arbitrator is entitled to use the arbitrator's own technical knowledge, skills and general knowledge when reaching conclusions based on the arbitrator's inspections under section 28(2), considerations and evaluation of the evidence.

Determination in writing

36 The arbitrator must

- (a) make a decision in writing as soon as practicable, and
- (b) notify the parties of it.

Incorporation of settlement into determination

37(1) If the parties settle on any issue under arbitration, they must notify the arbitrator of the settlement and the arbitrator must incorporate the settlement into the arbitrator's decision.

(2) If the parties' settlement does not resolve all the issues in dispute, the outstanding issues are the issues on which the arbitrator must make a decision.

Settlement terminating arbitration

38 If, before the publication of the arbitrator's decision, the parties themselves settle all the issues in dispute, they must immediately notify the arbitrator in writing and the arbitrator must accept the notice as terminating the arbitration proceedings.

Arbitration determination final

39 Subject to the Act, a decision of the arbitrator is final and binding on

- (a) the Board and the licensed processor, and
- (b) every licensed producer

to the extent that they choose to produce, market or process the regulated product in the area of Alberta to which the Plan applies.

Fees and expenses of arbitrator

40 The parties must share equally the fees and expenses of the arbitrator.

**Part 6
Board Power**

Arbitration not initiated

41(1) If the members of the Agency do not refer an uneffected Agreement or specific issues in it to either mediation or arbitration, or both, in accordance with this Regulation,

- (a) the Board may determine the minimum prices that must be paid to licensed producers for the regulated product or any class, variety, grade, size or kind of the regulated product, and
- (b) if the Board makes a determination pursuant to clause (a), the Board must issue an order to that effect.

(2) An order issued pursuant to subsection (1)(b) is binding on the licensed processors and the licensed producers.

**Part 7
Repeal and Expiry**

Repeal

42 The *Vegetable Negotiating Agency Regulation* (AR 63/94) is repealed.

Expiry

43 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2015.

Alberta Regulation 26/2008

Oil and Gas Conservation Act

OIL AND GAS CONSERVATION AMENDMENT REGULATION

Filed: January 31, 2008

For information only: Made by the Energy Resources Conservation Board on January 28, 2008 pursuant to section 73 of the Oil and Gas Conservation Act.

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

2 Section 16.530(1) is repealed and the following is substituted:

16.530(1) For the 2008-2009 fiscal year of the Board the orphan fund levy payable by a licensee is calculated in accordance with the following formula:

$$\text{Levy} = \frac{A}{B} \times \$12\,000\,000$$

where

A is the licensee's deemed liability on February 2, 2008 for all facilities, wells and unreclaimed sites licensed to the licensee, as calculated in accordance with Directive 006, and

B is the sum of the industry's liability on February 2, 2008 for all licensed facilities, wells and unreclaimed sites, as calculated in accordance with Directive 006.

3 The heading to Part 18 is repealed and the following is substituted:

**Part 18
Repeal, Expiry and Coming into Force**

4 The following is added after section 18.010:

18.015 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 February 28, 2018.

ERRATUM

Alberta Regulation 260/2007 as published in The Alberta Gazette of January 15, 2008 (vol. 104 no. 1 p.913) is incorrect. AR 260/2007 reads as follows:

1 The *Cattle Marketing Regulation* (AR 204/98) is amended by this Regulation.

2 Section 13 is amended by striking out “July 1, 2008” and substituting “March 31, 2009”.