

Alberta Regulation 124/2008

Real Estate Act

REAL ESTATE (MINISTERIAL) AMENDMENT REGULATION

Filed: July 16, 2008

For information only: Made by the Minister of Service Alberta (M.O. SA:010/2008) on July 15, 2008 pursuant to section 84(2) of the Real Estate Act.

1 The Real Estate (Ministerial) Regulation (AR 113/96) is amended by this Regulation.

2 Section 1 is amended

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

(1.1) In the Act and this Regulation, “property manager” means a real estate broker who is active in property management.

(b) in subsection (2) by striking out “an agent” wherever it occurs and substituting “an associate”.

3 Section 8(1) is amended by striking out “section 1(2)(a)(i)” and substituting “section 1(2)(a)(i) and (b)(i)”.

4 Section 9 is amended by adding “or claim” after “judgment”.

5 Sections 12 and 13 are repealed and the following is substituted:

Compensation from Fund

12(1) In this section, “compensation event” means, as determined by the Council, the transaction or series of transactions, including all related transactions, for which payment may be made from the fund under section 60 or 60.3 of the Act in respect of one or more industry members for fraud or breach of trust.

(2) The maximum amount of compensation payable from the Fund under section 60 or 60.3 of the Act payable to an applicant with respect to a compensation event is

(a) with respect to industry members referred to in section 1(2)(a), \$35 000, and

- (b) with respect to industry members referred to in section 1(2)(b), \$25 000.
- (3) The maximum amount of compensation payable from the Fund under section 60 or 60.3 of the Act payable to all applicants for a compensation event is
 - (a) with respect to industry members identified in section 1(2)(a), \$350 000, and
 - (b) with respect to industry members identified in section 1(2)(b), \$100 000.
- (4) If subsection (3) operates to limit the amount that would otherwise be paid to an applicant under subsection (2), each applicant shall receive a proportionate share of the amount that would be paid but for the operation of subsection (3).
- (5) The Council shall determine that payments from the Fund arise from a single compensation event if payments arise from
 - (a) the same real estate trade, project or development, or
 - (b) the same mortgage deal, project or development.

6 Sections 16 and 17 are repealed and the following is substituted:

**Part 3
Nomination of Real Estate Appraiser
and Property Manager Council
Members**

Application

16 This Part applies to the nomination of a real estate appraiser and a property manager for appointment to Council.

Request for recommendations

17(1) The executive director shall make a request for recommendations for appointment to Council by sending a recommendation form to each industry member who is a real estate appraiser or a property manager.

(2) The form must be sent at least 90 days prior to the expiry of the term of office.

(3) The form may be sent to the last known electronic address for the industry member in the Council's records.

Recommendations

- 18(1)** Two real estate appraisers may recommend a real estate appraiser for nomination.
- (2) Two property managers may recommend a property manager for nomination.
- (3) A person cannot recommend himself or herself.

Submission of recommendations

- 19(1)** A recommendation form must
- (a) be completed in the form and manner required by the executive director,
 - (b) be signed by the individuals making the recommendation,
 - (c) be signed by the person being recommended, and
 - (d) include an explanation of the recommended person's qualifications.
- (2) The recommendation form must be received by the executive director within the time specified by the executive director.
- (3) The executive director may, in extenuating circumstances, extend the time in subsection (2).

Committee and nominations

- 20(1)** The Council shall establish a committee to nominate individuals for appointment to the Council for the purpose of section 6(1)(f) of the Act.
- (2) The majority of the committee members must be present or past Council members.
- (3) If recommendation forms have been completed and received in accordance with section 19, the committee must nominate individuals who have been recommended.
- (4) If a vacancy occurs, subsection (3) does not apply.

**Part 4
Other Matters**

Refusing to investigate complaint or discontinuing investigation

- 21** The executive director may take any action permitted under section 38.1 of the Act with respect to the investigation of a complaint if

- (a) the industry member complained of is not clearly identified,
- (b) the conduct complained of is not a breach of the Act, regulations, rules or bylaws or there is insufficient evidence of a breach of the Act, regulations, rules or bylaws,
- (c) the conduct complained of was the subject of a prior complaint,
- (d) the complaint is frivolous or vexatious,
- (e) the breach complained of is minor in nature and an advisory note is sent to the industry member complained of,
- (f) the complainant fails or refuses to cooperate with an investigator, or
- (g) the complainant asks not to proceed with the complaint.

Depositing trust account money

22 Subject to and for the purposes of section 25(1) of the Act, money received in trust must be deposited within

- (a) 3 business days of receipt, or
- (b) in the case of money received in trust for an offer to purchase, 3 days of the acceptance of the offer to purchase.

Service of documents

23 For the purpose of section 77(2)(c) of the Act, service of a document is effected when it is

- (a) served on the person,
- (b) left at the person's primary residence with a person who appears to be 16 years of age or older,
- (c) mailed to the person's primary residence by a method that provides confirmation of delivery, or
- (d) sent by a telecopier or electronic device to be received and printed by a receiving telecopier or electronic device that is situated at the person's primary residence.

Winding up

24 If the Fund is wound up, the Fund must

- (a) first, be used to pay all costs incurred in the winding-up of the Fund,

- (b) second, be used to discharge all liabilities of the Fund, and
- (c) third, be disposed of in accordance with an order of the Lieutenant Governor in Council.

Administrative penalties maximum

25 For the purposes of section 11(l) of the Act, the maximum administrative penalty that may be prescribed is \$25 000.

Expiry

26 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, 2018.

7 This Regulation comes into force on the coming into force of the *Real Estate Amendment Act, 2007, SA 2007 c39.*

Alberta Regulation 125/2008

Marketing of Agricultural Products Act

ALBERTA MILK MARKETING AMENDMENT REGULATION

Filed: July 16, 2008

For information only: Made by Alberta Milk on June 25, 2008 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act and approved by the Agricultural Products Marketing Council on June 27, 2008 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act.

1 The *Alberta Milk Marketing Regulation (AR 151/2002)* is amended by this Regulation.

2 Section 1(1) is amended

(a) by renumbering clause (a) as clause (a.2) and adding the following before clause (a.2):

- (a) “Bacteria Grade” means the grade of a producer’s milk determined under sections 30 and 30.1;
- (a.1) “Canadian Quality Milk Program” means the on-farm food safety program known as the Canadian Quality Milk Program as recognized or varied from time to time by the Canadian Food Inspection Agency;

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

- (i) “dairy year” means the 12-month period as set by Alberta Milk;

(c) by repealing clause (p);

(d) by adding the following before clause (r):

- (q.1) “Freezing Point Grade” means the grade of a producer’s milk determined under sections 30 and 30.12;

(e) by repealing clause (u);

- (f) in clause (aa) by striking out “market share quota” wherever it occurs and substituting “total production quota”;**

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

- (aa.01) “Somatic Cell Grade” means the grade of a producer’s milk determined under sections 30 and 30.11;
- (aa.02) “total production quota” means the number of kilograms of milk fat for a dairy year allotted by Alberta Milk pursuant to this Regulation to a producer as the producer’s share of the provincial entitlement.

(h) by repealing clause (aa.1).

3 Section 6 is amended by adding the following after subsection (5):

(6) Effective August 1, 2009, Alberta Milk must be satisfied that a producer has met the qualifications of and has registered with the Canadian Quality Milk Program before issuing a licence to the producer.

(7) When the applicant for a licence has not previously been licensed as a producer, Alberta Milk may grant a licence to the applicant for a period not exceeding 6 months to enable the applicant to meet the qualifications of and register with the Canadian Quality Milk Program.

(8) A licence granted under subsection (7) expires on the earlier of

- (a) the end of the period specified by Alberta Milk in the licence, and

- (b) the date on which the person meets the qualifications of and registers with the Canadian Quality Milk Program and Alberta Milk issues a producer licence to the person.

4 Section 7 is amended

- (a) in subsection (2) by striking out “or” at the end of clause (e), adding “or” at the end of clause (f) and adding the following after clause (f):**

- (g) a producer has failed to meet the qualifications of and register with the Canadian Quality Milk Program by August 1, 2009.

- (b) by repealing subsection (2.1)(c) and (d) and substituting the following:**

- (c) Bacteria Grade 6,
- (d) Somatic Cell Grade 6,
- (e) Freezing Point Grade 6,
- (f) Bacteria Grade 7,
- (g) Somatic Cell Grade 7, or
- (h) Freezing Point Grade 7.

- (c) in subsection (2.2) by striking out “or” at the end of clause (a), by repealing clause (b) and substituting the following:**

- (b) Bacteria Grade 8,
- (c) Somatic Cell Grade 8, or
- (d) Freezing Point Grade 8.

- (d) by adding the following after subsection (2.2):**

(2.3) Alberta Milk may cancel a processor’s licence if the processor ceases processing milk or dairy products for a period of 6 consecutive months.

5 Section 10(2)(a) is repealed and the following is substituted:

- (a) for marketing and nutrition education \$1.29 for each hectolitre;

6 Sections 13 and 14 are repealed.

7 Section 15 is amended by striking out “market share quota” wherever it occurs and substituting “total production quota”.

8 The following is added after section 15:

Transition of quotas

15.1 Effective August 1, 2008, all market share quotas and fluid milk quotas will, in accordance with the directives and administrative orders of Alberta Milk, be converted to total production quotas.

9 Section 16 is amended by striking out “market share quota” wherever it occurs and substituting “total production quota”.

10 Section 17 is amended by striking out “14 or”.

11 Section 18 is amended

- (a) in subsection (1) by striking out “sections 14 and 16” and substituting “section 16”;
- (b) in subsection (3) by striking out “14,”.

12 Section 19(1) is amended

- (a) by repealing clause (b);
- (b) in clause (c) by striking out “market share quota” and substituting “total production quota”.

13 Section 20 is amended

- (a) in subsection (4) by striking out “market share quota” wherever it occurs and substituting “total production quota”;
- (b) by repealing subsection (5).

14 Section 22(3) is amended by adding “or within any other time frame set by a directive or administrative order of Alberta Milk” **after** “supplied by Alberta Milk”.

15 Section 23 is amended

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

(1.1) A meter owned by a processor must be calibrated in accordance with the directives and administrative orders of Alberta Milk to ensure accurate measurement of the volume of milk.

(b) in subsection (2) by adding “producer” before “payment”;

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

(3) The volume measured in a bulk milk tank calibrated in accordance with subsection (1) by a bulk milk grader pursuant to the *Dairy Industry Act* or calibrated by a meter owned by the processor in accordance with subsection (1.1) is the volume on which processor payment is based.

16 Section 24(3) is amended by adding “that” after “obligation to direct”.

17 Section 27(1) is amended by adding “in accordance with subsection (2)” after “classified”.

18 Section 27(2) is amended

(a) in clause (a)

(i) in subclause (i)

(A) by repealing paragraph (A) and substituting the following:

(A) standard milk, partly skimmed or skimmed milk, whether or not the milk is treated for lactose intolerance, is flavoured or has had vitamins or minerals added to the milk;

(B) by repealing paragraph (E) and substituting the following:

(E) all types of milkshake mixes;

(ii) by repealing subclause (ii) and substituting the following:

(ii) sub-class 1b(i) milk, which means all types of cream with a butterfat content of not less than 5% for retail and food service;

(b) in clause (b)(iv)

(i) by striking out “meal replacements,”;

(ii) by striking out “infant formula,”;

(c) by repealing clause (d)(ii) and substituting the following:

(ii) sub-class 4a1 milk, which means milk components used pursuant to an authorization by Alberta Milk for the manufacture of rennet casein (dry or curd), milk protein concentrate (dry or liquid) or skim milk (dry or liquid) to be used in the manufacture of non-standardized final products in the processed cheese category or in weight or muscle gain formulations, meal replacement products, medical and sports recovery beverages and infant food formulations destined for retail sale;

19 Section 28 is amended

(a) in subsection (1) by striking out “orders of the Alberta Utilities Commission and” **and substituting** “the”;

(b) by repealing subsection (2).

20 Section 30 is amended

(a) in subsection (3) by striking out “Quality Grade” **and substituting** “Bacteria Grade, Somatic Cell Grade and Freezing Point Grade”;

(b) in subsection (5) by striking out “Quality Grade” **and substituting** “Bacteria Grade, Somatic Cell Grade, Freezing Point Grade”;

(c) by repealing subsection (6) and substituting the following:

(6) For the purpose of determining the grades of a producer's milk,

- (a) a bacteria infraction has occurred
 - (i) if the average of test results of samples referred to in subsection (5)(a) that were taken in a month and tested for bacteria indicate that the producer's milk does not meet the requirements of Schedule 2 with respect to bacteria, or
 - (ii) each time a test of a sample referred to in subsection (5) indicates that the producer's milk does not meet the requirements of Schedule 2 with respect to total living mesophyllic aerobic bacteria count,
- (b) a somatic cell infraction has occurred
 - (i) if the average of test results of samples referred to in subsection (5)(a) that were taken in a month and tested for somatic cells indicate that the producer's milk does not meet the requirements of Schedule 2 with respect to somatic cells, or
 - (ii) each time a test of a sample referred to in subsection (5)(b) indicates that the producer's milk does not meet the requirements of Schedule 2 with respect to somatic cells,

and

- (c) a freezing point infraction has occurred if
 - (i) there are 2 or more test results in a month of samples referred to in subsection (5)(a) that indicates that the producer's milk does not meet the requirements of Schedule 2 with respect to freezing point, or
 - (ii) each time a test of a sample referred to in subsection (5)(b) indicates that the producer's milk does not meet the requirements of Schedule 2 with respect to freezing point.

21 Section 30.1 is repealed and the following is substituted:

Bacteria Grade

30.1(1) The Bacteria Grade of a producer's milk for a particular month is Grade 1 if any of the following apply:

- (a) there is no bacteria infraction that month;
- (b) there is a bacteria infraction that month and there were no other bacteria infractions in the preceding 11 months.

(2) The Bacteria Grade of a producer's milk for a particular month is Grade 2 if there is a bacteria infraction during that month and one other bacteria infraction in the preceding 11 months.

(3) The Bacteria Grade of a producer's milk for a particular month is Grade 3 if there is a bacteria infraction during that month and 2 other bacteria infractions in the preceding 11 months.

(4) The Bacteria Grade of a producer's milk for a particular month is Grade 4 if there is a bacteria infraction during that month and 3 other bacteria infractions in the preceding 11 months.

(5) The Bacteria Grade of a producer's milk for a particular month is Grade 5 if there is a bacteria infraction during that month and 4 other bacteria infractions in the preceding 11 months.

(6) The Bacteria Grade of a producer's milk for a particular month is Grade 6 if there is a bacteria infraction during that month and 5 other bacteria infractions in the preceding 11 months.

(7) The Bacteria Grade of a producer's milk for a particular month is Grade 7 if

- (a) there is a bacteria infraction during that month and 6 other bacteria infractions in the preceding 11 months, or
- (b) there is a bacteria infraction during that month and in the 180 days preceding the bacteria infraction that occurred during that month the producer's licence was reinstated under section 7.1 after being suspended under section 7(2.1)(c).

(8) The Bacteria Grade of a producer's milk for a particular month is Grade 8 if

- (a) there is a bacteria infraction during that month and 7 other bacteria infractions in the preceding 11 months, or
- (b) there is a bacteria infraction during that month and in the 180 days preceding the bacteria infraction that occurred during

that month the producer's licence was reinstated under section 7.1 after being suspended under section 7(2.1)(f).

Somatic Cell Grade

30.11(1) The Somatic Cell Grade of a producer's milk for a particular month is Grade 1 if any of the following apply:

- (a) there is no somatic cell infraction that month;
- (b) there is a somatic cell infraction that month and there were no other somatic cell infractions in the preceding 11 months.

(2) The Somatic Cell Grade of a producer's milk for a particular month is Grade 2 if there is a somatic cell infraction during that month and one other somatic cell infraction in the preceding 11 months.

(3) The Somatic Cell Grade of a producer's milk for a particular month is Grade 3 if there is a somatic cell infraction during that month and 2 other somatic cell infractions in the preceding 11 months.

(4) The Somatic Cell Grade of a producer's milk for a particular month is Grade 4 if there is a somatic cell infraction during that month and 3 other somatic cell infractions in the preceding 11 months.

(5) The Somatic Cell Grade of a producer's milk for a particular month is Grade 5 if there is a somatic cell infraction during that month and 4 other somatic cell infractions in the preceding 11 months.

(6) The Somatic Cell Grade of a producer's milk for a particular month is Grade 6 if there is a somatic cell infraction during that month and 5 other somatic cell infractions in the preceding 11 months.

(7) The Somatic Cell Grade of a producer's milk for a particular month is Grade 7 if

- (a) there is a somatic cell infraction during that month and 6 other somatic cell infractions in the preceding 11 months, or
- (b) there is a somatic cell infraction during that month and in the 180 days preceding the somatic cell infraction that occurred during that month the producer's licence was reinstated under section 7.1 after being suspended under section 7(2.1)(d).

(8) The Somatic Cell Grade of a producer's milk for a particular month is Grade 8 if

- (a) there is a somatic cell infraction during that month and 7 other somatic cell infractions in the preceding 11 months, or
- (b) there is a somatic cell infraction during that month and in the 180 days preceding the somatic cell infraction that occurred during that month the producer's licence was reinstated under section 7.1 after being suspended under section 7(2.1)(g).

Freezing Point Grade

30.12(1) The Freezing Point Grade of a producer's milk for a particular month is Grade 1 if there is no freezing point infraction that month.

(2) The Freezing Point Grade of a producer's milk for a particular month is Grade 2 if there is a freezing point infraction during that month and no other freezing point infractions in the preceding 11 months.

(3) The Freezing Point Grade of a producer's milk for a particular month is Grade 3 if there is a freezing point infraction during that month and one other freezing point infraction in the preceding 11 months.

(4) The Freezing Point Grade of a producer's milk for a particular month is Grade 4 if there is a freezing point infraction during that month and 2 other freezing point infractions in the preceding 11 months.

(5) The Freezing Point Grade of a producer's milk for a particular month is Grade 5 if there is a freezing point infraction during that month and 3 other freezing point infractions in the preceding 11 months.

(6) The Freezing Point Grade of a producer's milk for a particular month is Grade 6 if there is a freezing point infraction during that month and 4 other freezing point infractions in the preceding 11 months.

(7) The Freezing Point Grade of a producer's milk for a particular month is Grade 7 if

- (a) there is a freezing point infraction during that month and 5 other freezing point infractions in the preceding 11 months, or
- (b) there is a freezing point infraction during that month and in the 180 days preceding the freezing point infraction that occurred during that month the producer's licence was reinstated under section 7.1 after being suspended under section 7(2.1)(e).

(8) The Freezing Point Grade of a producer's milk for a particular month is Grade 8 if

- (a) there is a freezing point infraction during that month and 6 other freezing point infractions in the preceding 11 months, or
- (b) there is a freezing point infraction during that month and in the 180 days preceding the freezing point infraction that occurred during that month the producer's licence was reinstated under section 7.1 after being suspended under section 7(2.1)(h).

22 Section 30.2 is amended

- (a) in subsection (6)(b) by striking out "or (c)";**
- (b) in subsection (7)(b) by striking out "or (d)".**

23 The following is added after section 30.2:

Waiving of infraction

30.3 Notwithstanding sections 30, 30.1, 30.11, 30.12 and 30.2, Alberta Milk may waive the test results of a bacteria, somatic cell, freezing point or inhibitor test if Alberta Milk is satisfied that the test results are not representative of the producer's milk, considering any factors Alberta Milk reasonably considers relevant, including the following:

- (a) public interest in good quality milk supply;
- (b) reasonable requirements of manufacturers and processors;
- (c) effects of the contravention on other milk producers;
- (d) any special circumstances of the contravention or the producer;
- (e) any measures taken by the producer to prevent further contraventions.

24 Section 31 is amended

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

Price adjustment

31(1) Subject to subsections (2) and (4), Alberta Milk must reduce the price payable to a producer for regulated product for the month in which an infraction described in section 30 occurs by the amount set out for the Bacteria Grade, Somatic Cell Grade and Freezing Point Grade of the producer's milk in clauses (a) to (o) and by the amount set out for the Inhibitor Grade of the producer's milk in clauses (p) to (s) as follows:

- (a) Bacteria Grade 1: 0% off of the producer's gross producer returns;
- (b) Somatic Cell Grade 1: 0% off of the producer's gross producer returns;
- (c) Freezing Point Grade 1: 0% off of the producer's gross producer returns;
- (d) Bacteria Grade 2: 2% off the gross producer returns;
- (e) Somatic Cell Grade 2: 2% off the gross producer returns;
- (f) Freezing Point Grade 2: 2% off the gross producer returns;
- (g) Bacteria Grade 3: 4% off the gross producer returns;
- (h) Somatic Cell Grade 3: 4% off the gross producer returns;
- (i) Freezing Point Grade 3: 4% off the gross producer returns;
- (j) Bacteria Grade 4: 8% off the gross producer returns;
- (k) Somatic Cell Grade 4: 8% off the gross producer returns;
- (l) Freezing Point Grade 4: 8% off the gross producer returns;
- (m) Bacteria Grades 5 to 8: 15% off the gross producer returns;
- (n) Somatic Cell Grades 5 to 8: 15% off the gross producer returns;
- (o) Freezing Point Grades 5 to 8: 15% off the gross producer returns;

- (p) Inhibitor Grade 1: 0% off the gross producer returns;
- (q) Inhibitor Grade 2: 5% off the gross producer returns;
- (r) Inhibitor Grade 3: 10% off the gross producer returns;
- (s) Inhibitor Grades 4 to 7: 15% off the gross producer returns.

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

(2.01) Subject to subsection (2), the maximum total reduction that may be made for any month is the sum of all of the deductions for Bacteria Grade, Somatic Cell Grade, Freezing Point Grade and Inhibitor Grade.

25 Section 35(1) is amended by striking out “orders of the Alberta Utilities Commission and” **and substituting** “the”.

26 Section 42(1) is amended by striking out “or by the Alberta Utilities Commission”.

27 Section 44 is amended by adding “without the prior approval of Alberta Milk,” **after** “no person shall.”.

28 Section 48 is amended by striking out “February 28, 2009” **and substituting** “February 28, 2014”.

29 This Regulation comes into force on August 1, 2008.

Alberta Regulation 126/2008

Apprenticeship and Industry Training Act

**APPRENTICESHIP AND INDUSTRY TRAINING ADMINISTRATION
AMENDMENT REGULATION**

Filed: July 17, 2008

For information only: Made by the Minister of Advanced Education and Technology on July 10, 2008 pursuant to section 33(1) of the Apprenticeship and Industry Training Act.

1 The *Apprenticeship and Industry Training Administration Regulation (AR 257/2000)* is amended by this Regulation.

2 Section 33 is amended by striking out “October 31, 2008” and substituting “March 31, 2009”.

Alberta Regulation 127/2008

Apprenticeship and Industry Training Act

APPRENTICESHIP PROGRAM AMENDMENT REGULATION

Filed: July 17, 2008

For information only: Made by the Alberta Apprenticeship and Industry Training Board on June 27, 2008 pursuant to section 33(2) of the Apprenticeship and Industry Training Act and approved by the Minister of Advanced Education and Technology on July 10, 2008 pursuant to section 33(2) of the Apprenticeship and Industry Training Act.

1 The *Apprenticeship Program Regulation (AR 258/2000)* is amended by this Regulation.

2 Section 21 is amended by striking out “October 31, 2008” and substituting “March 31, 2009”.

Alberta Regulation 128/2008

Marketing of Agricultural Products Act

ALBERTA MILK PLAN MINIMUM PRICE FOR SUB-CLASS 1A MILK ORDER

Filed: July 17, 2008

For information only: Made by the Alberta Utilities Commission on July 15, 2008 pursuant to section 5(4) of the Alberta Milk Plan Regulation (AR 150/2002).

Minimum price for sub-class 1a milk

1 The minimum price for sub-class 1a milk to be paid by processors for a hectolitre of sub-class 1a milk is \$86.31.

Repeal

2 The *Alberta Milk Plan Minimum Price for Sub-class 1a Milk Order* (AR 56/2008) is repealed.

Coming into force

3 This Order comes into force on August 1, 2008.

Alberta Regulation 129/2008

Municipal Government Act

MUNICIPAL GAS SYSTEMS CORE MARKET AMENDMENT REGULATION

Filed: July 22, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 343/2008) on July 21, 2008 pursuant to section 31 of the Municipal Government Act.

1 The *Municipal Gas Systems Core Market Regulation* (AR 93/2001) is amended by this Regulation.

2 Section 10 is amended by striking out “2008” and substituting “2013”.

Alberta Regulation 130/2008

Municipal Government Act

**BEAVER RIVER REGIONAL WASTE MANAGEMENT COMMISSION
AMENDMENT REGULATION**

Filed: July 22, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 346/2008) on July 21, 2008 pursuant to section 602.02 of the Municipal Government Act.

1 The *Beaver River Regional Waste Management Commission Regulation* (AR 51/2003) is amended by this Regulation.

2 Section 2(d) is repealed.

Alberta Regulation 131/2008

Assured Income for the Severely Handicapped Act

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

Filed: July 22, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 350/2008) on July 21, 2008 pursuant to section 12 of the Assured Income for the Severely Handicapped Act.

1 The *Assured Income for the Severely Handicapped General Regulation* (AR 91/2007) is amended by this Regulation.

2 Section 1(4) of Schedule 1 is amended

- (a) in clause (a)(ii) by striking out “\$700” and substituting “\$950”;
- (b) in clause (b)(ii) by striking out “\$1488” and substituting “\$1738”.

Alberta Regulation 132/2008

Real Estate Act

EXEMPTION AMENDMENT REGULATION

Filed: July 22, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 352/2008) on July 21, 2008 pursuant to section 84 of the Real Estate Act.

1 The *Exemption Regulation* (AR 111/96) is amended by this Regulation.

2 The title is amended by adding “REAL ESTATE” before “EXEMPTION”.

3 Section 2 is amended

- (a) in subsection (2) by repealing clauses (b), (c), (d) and (e);

(b) in subsection (3) by repealing clause (a).

4 Section 3 is amended by striking out “2009” and substituting “2018”.

5 This Regulation comes into force on the coming into force of the *Real Estate Amendment Act, 2007*, SA 2007 c39.

Alberta Regulation 133/2008
Health Professions Act
CONSULTATION REGULATION

Filed: July 22, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 354/2008) on July 21, 2008 pursuant to section 134 of the Health Professions Act.

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Definitions

1 In this Regulation,

- (a) “Act” means the *Health Professions Act*;
- (b) “affected college” means a college with which the Minister is required to consult in accordance with this Regulation before making a recommendation to the Lieutenant Governor in Council under section 135.1(1), 135.2(1), 135.3 or 135.4(8) of the Act.

Requirements of consultation

2(1) Before the Minister makes a recommendation to the Lieutenant Governor in Council under section 135.1(1), 135.2(1), 135.3 or

135.4(8) of the Act in respect of an affected college, the Minister must send to the president of the affected college a written notice

- (a) advising the affected college of the purpose for which the Minister is making the recommendation,
- (b) inviting the affected college to provide the Minister with input as to the substance and form of the recommendation, and
- (c) specifying the time in which the affected college must provide its input to the Minister, which must not be less than 30 days from the date the Minister sends the notice.

(2) If the affected college has not provided input to the Minister before the expiry of the period specified by the Minister under subsection (1)(c), the consultation requirement in section 135.1(1), 135.2(1), 135.3 or 135.4(8), as the case may be, of the Act is nevertheless deemed to have been satisfied.

Expedited recommendation

3 Despite section 2, if the Minister considers it necessary to make a recommendation to the Lieutenant Governor in Council on an expedited basis to address a matter of patient safety, quality of care, public interest or critical workforce shortage, the Minister may consult with the affected college in such a manner as the Minister considers reasonable and practicable in the circumstances.

Consideration of input

4 The Minister must consider, but is not bound by, the input of the affected college.

Validity of order or regulation

5 If there has been substantial compliance with this Regulation, an order under section 135.1(1), 135.2(1) or 135.4(3) or (5) of the Act or a regulation under section 135.3 or 135.4(1) of the Act is not invalid because of a technical irregularity.

Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2018.

Coming into force

7 This Regulation comes into force on the coming into force of section 1(33) and (34) of the *Health Professions Statutes Amendment Act, 2007*.

Alberta Regulation 134/2008
Medical Profession Act
CONSULTATION REGULATION

Filed: July 22, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 355/2008) on July 21, 2008 pursuant to section 108 of the Medical Profession Act.

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Definition

1 In this Regulation, “Act” means the *Medical Profession Act*.

Requirements of consultation

2(1) Before the Minister makes a recommendation to the Lieutenant Governor in Council under section 108(1) or 109(1) of the Act, the Minister must send to the president of the council a written notice

- (a) advising the College of the purpose for which the Minister is making the recommendation,
- (b) inviting the College to provide the Minister with input as to the substance and form of the recommendation, and
- (c) specifying the time in which the College must provide its input to the Minister, which must not be less than 30 days from the date the Minister sends the notice.

(2) If the College has not provided input to the Minister before the expiry of the period specified by the Minister under subsection (1)(c),

the consultation requirement in section 108(1) or 109(1), as the case may be, of the Act is nevertheless deemed to have been satisfied.

Expedited recommendation

3 Despite section 2, if the Minister considers it necessary to make a recommendation to the Lieutenant Governor in Council on an expedited basis to address a matter of patient safety, quality of care, public interest or critical workforce shortage, the Minister may consult with the College in such a manner as the Minister considers reasonable and practicable in the circumstances.

Consideration of input

4 The Minister must consider, but is not bound by, the input of the College.

Validity of order or regulation

5 If there has been substantial compliance with this Regulation, an order under section 108(1) of the Act or a regulation under section 109(1) of the Act is not invalid because of a technical irregularity.

Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2018.

Coming into force

7 This Regulation comes into force on the coming into force of section 2 of the *Health Professions Statutes Amendment Act, 2007*.

Alberta Regulation 135/2008

Public Health Act

BODIES OF DECEASED PERSONS REGULATION

Filed: July 22, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 356/2008) on July 21, 2008 pursuant to section 66 of the Public Health Act.

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Schedules

Definitions

1 In this Regulation,

- (a) “body” means a dead human body or the remains of a dead human body;
- (b) “common carrier” means a railcar, boat, aircraft, motor vehicle or other conveyance used for the transportation of goods for the payment of a fee, but does not include a vehicle owned or operated by a funeral director;
- (c) “container” means a hermetically sealed container, casket or impervious body bag;
- (d) “disposition” means the burial, cremation or other disposition of a body authorized under the *Cemeteries Act*;
- (e) “funeral director” means a person who holds a funeral director licence under section 19 of the *General Regulation* (AR 226/98);
- (f) “handling” means, with respect to a body, the examination, preparation, transportation or disposition of the body;
- (g) “hermetically sealed container” means a container that is sealed by welding, soldering or the use of gaskets and suitable screws and is used to enclose a body;
- (h) “label” means an impermeable card that is attached
 - (i) to a body, and

- (ii) to a container;
- (i) “responsible person” means any person who, in the course of carrying out the responsibilities of that person’s occupation, is involved in or is supervising the handling of a body;
- (j) “specified communicable disease” means a communicable disease specified in Schedule 1 or 2.

Routine handling of all bodies

2 A responsible person in respect of a body must

- (a) comply with the practices set out in Schedule 3,
- (b) to the extent of his or her professional knowledge and responsibilities, provide any relevant information regarding the safe handling of a body to a subsequent responsible person or other person handling the body, if applicable, and
- (c) make relevant inquiries of the previous responsible person, if applicable.

Routine handling of bodies not known to be infected with specified communicable disease

3(1) This section applies in addition to section 2 in respect of the handling of bodies that are not known to be infected with a specified communicable disease.

(2) A responsible person in respect of a body referred to in subsection (1) must ensure that the body is enclosed in a container as soon as practically possible after the time of death.

(3) The container used under subsection (2) must be suitable to the condition of the body to contain all body fluids.

(4) The body may be removed from a container in which it is transported when it has reached the funeral home or place where it will be prepared for disposition.

Handling of bodies infected with Schedule 2 communicable disease

4(1) This section applies in addition to sections 2 and 3 in respect of the handling of bodies that are infected with a communicable disease specified in Schedule 2.

(2) A responsible person in respect of a body referred to in subsection (1) must ensure that

- (a) the body and the container in which the body is placed are labelled in accordance with section 6,
- (b) the body is transported by a common carrier or a vehicle owned or operated by a funeral director, and
- (c) the common carrier or vehicle in which the body is transported is cleaned and disinfected in accordance with Schedule 3 after transport of the body.

Handling of bodies infected with Schedule 1 communicable disease

5(1) This section applies in addition to section 2 in respect of the handling of bodies that are infected with a communicable disease specified in Schedule 1.

(2) A responsible person in respect of a body referred to in subsection (1) must ensure that

- (a) the body is not embalmed,
- (b) contact with the body is as limited as practically possible,
- (c) the body is enclosed in a hermetically sealed container as soon as practically possible after the time of death,
- (d) the body and the hermetically sealed container are labelled in accordance with section 6,
- (e) the body is transported by a common carrier or a vehicle owned or operated by a funeral director,
- (f) the common carrier or vehicle in which the body is transported is cleaned and disinfected in accordance with Schedule 3 after transport of the body, and
- (g) the body is interred or cremated in the hermetically sealed container.

(3) Despite subsection (2)(b), bodies infected with infectious pulmonary tuberculosis, rabies and suspect, probable or confirmed cases of transmissible spongiform encephalopathies, including classic and variant Creutzfeldt-Jakob disease, may be viewed prior to disposition.

Labels

6(1) Where a person dies with a specified communicable disease, a responsible person must ensure as soon as practically possible that

there are attached to the body, and to the head end of the container, the following labels:

- (a) for bodies infected with a disease specified in Schedule 1, a label bearing the following words in prominent legible letters:

This body is infected with a communicable disease specified in Schedule 1 to the *Bodies of Deceased Persons Regulation* and must be handled in accordance with that Regulation. Do not remove this label and do not open the hermetically sealed container.

- (b) for bodies infected with a disease specified in Schedule 2, a label bearing the following words in prominent legible letters:

This body is infected with a communicable disease specified in Schedule 2 to the *Bodies of Deceased Persons Regulation* and must be handled in accordance with that Regulation. Do not remove this label.

(2) Labels attached in accordance with this section must not be removed.

Disinterment

7(1) Where a body is disinterred and the body is to be transported by common carrier, a responsible person must ensure that the body is enclosed in a hermetically sealed container before delivering the body to the common carrier.

(2) Where a body is disinterred and the body is to be transported other than by a common carrier, a responsible person must ensure that

- (a) the body is enclosed in a container that contains all body fluids, and
- (b) the container is sealed prior to transportation.

(3) Where a body is to be disinterred and the body is known to be infected with a specified communicable disease, a responsible person must ensure

- (a) that, prior to the disinterment, a medical officer of health is notified by telephone, electronic mail or facsimile of the disinterment and the infection with a specified communicable disease,

- (b) that appropriate labels are attached in accordance with section 6 before the body is transported, and
- (c) that the directions, if any, of the medical officer of health are followed.

Waiver or mitigation of the application of this Regulation

8 The application of any provision of this Regulation may be waived or mitigated by a medical officer of health if

- (a) in the opinion of the medical officer of health, no increased risk to the public health will result, and
- (b) the conditions placed on the waiver or mitigation by the medical officer of health, if any, are complied with.

Repeal

9 The *Bodies of Deceased Persons Regulation* (AR 14/2001) is repealed.

Expiry

10 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, 2017.

Coming into force

11 This Regulation comes into force on September 1, 2008.

Schedule 1

Communicable Diseases with Very High Risk of Transmission

The tissue and body fluids of the body carry a very high risk of transmitting infection and therefore require additional precautions as set out in the Bodies of Deceased Persons Regulation.

anthrax
plague
smallpox
infectious pulmonary tuberculosis
rabies

yellow fever
suspect, probable and confirmed cases of transmissible
spongiform encephalopathies, including classic and variant
Creutzfeldt-Jakob disease
viral hemorrhagic fevers

Schedule 2

Communicable Diseases with High Risk of Transmission

The tissue and body fluids of the body may still be capable of transmitting infection and therefore require additional precautions as set out in the Bodies of Deceased Persons Regulation.

acquired immunodeficiency syndrome (AIDS)
hepatitis B
hepatitis C
human immunodeficiency virus infections (HIV)
invasive group A streptococcal infection
typhus

Schedule 3

Required Practices for the Routine Handling of all Deceased Bodies

Hand hygiene

Hands must be washed in all of the following cases:

- (a) after contact with a body, blood, body fluids, secretions or excretions;
- (b) after handling items known or considered likely to be contaminated with blood, body fluids, secretions or excretions;
- (c) immediately after removing gloves;
- (d) before handling any food;
- (e) before leaving work for the day.

The following steps must be followed for hand washing:

- (a) remove jewellery;

- (b) lather with soap and, using friction, cover all surfaces of the hands and fingers for a minimum of 10 seconds;
- (c) rinse under warm running water;
- (d) dry hands with a single use towel;
- (e) turn off faucet without recontaminating hands.

Waterless antiseptic hand hygiene products may be used as an alternative to soap and water if hands are not visibly soiled. When there is visible soiling, hands must be washed with soap and water. If soap and water are unavailable, hands must be cleansed with detergent-containing towelettes with a 60% alcohol concentration.

Wearing gloves

Clean, non-sterile gloves that are made of or lined with impervious material must be worn

- (a) for contact with blood, body fluids, secretions or excretions,
- (b) for handling items visibly soiled with blood, body fluids, secretions or excretions,
- (c) where contact with blood, body fluids, secretions or excretions is anticipated, and
- (d) by any person with open lesions on the person's hands who handles a body.

Wearing gown or apron

A gown with protective waterproof sleeves or liquid-resistant (plastic) apron must be worn if contamination of clothing with blood, body fluids, secretions or excretions is anticipated.

Gowns must be used to protect uncovered skin and prevent soiling of clothing during procedures and activities likely to generate splashes or sprays of blood, body fluids, secretions or excretions.

Wearing mask, eye protection or face shield

During procedures and activities likely to generate splashes or sprays of blood, body fluids, secretions or excretions, a mask and eye protection or a face shield must be worn to protect the mucous membranes of the eyes, nose and mouth.

Respirators

For known or suspected airborne infections, high efficiency particulate air filter respirators must be worn by a person performing an autopsy or during other procedures which present a possibility of aerosolization.

Shoe covers

Non-slip shoe covers must be worn during procedures and activities likely to generate splashes or sprays of blood, body fluids, secretions or excretions.

Sharps injury prevention

Sharps must be handled as minimally as possible and placed in puncture-proof sharps containers immediately after use.

Decontamination

All blood, body fluids, secretions and excretions must be treated as potentially infectious.

All instruments that come into contact with potentially infectious material must be decontaminated.

Any item that must be disinfected or sterilized must first be cleaned.

Unless they can be cleaned immediately, instruments and small items must be sorted and submerged in water and detergent to prevent organic material from drying on them.

All surfaces that are touched during the handling of a body must be cleaned with a low level disinfectant after each body is handled and when visibly soiled with blood, body fluids, secretions or excretions.

Chemicals that may be used as low level disinfectants include

- (a) quaternary ammonium compounds,
- (b) accelerated hydrogen peroxide products, and
- (c) sodium hypochlorite (1:100 dilution of household bleach).

Low level disinfectants must be used as directed on the product label.

Sterilization

Any reusable instrument or device that penetrates a body must be sterilized, where possible, using one of the following processes, and in accordance with the manufacturer's instructions:

- (a) dry heat;
- (b) 100% ethylene oxide;
- (c) formaldehyde;
- (d) steam.

High level disinfectants

In the event sterilization is not possible, a high level disinfectant may be used for decontamination in accordance with the manufacturer's instructions.

Chemicals that may be used as high level disinfectants include

- (a) 2% glutaraldehyde,
- (b) 6% hydrogen peroxide liquid,
- (c) 0.55% ortho-phthalaldehyde (OPA),
- (d) pasteurization, and
- (e) 0.2% paracetic acid.

Alberta Regulation 136/2008

Police Act

POLICE SERVICE AMENDMENT REGULATION

Filed: July 22, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 357/2008) on July 21, 2008 pursuant to section 61 of the Police Act.

1 The *Police Service Regulation* (AR 356/90) is amended by this Regulation.

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

- (b.1) "person in charge of the investigation" means the officer in charge of an investigating police service under section 46.1(2) of the Act or the head of an integrated investigative unit under section 46.2 of the Act, as the case may be;

3 Section 4 is amended

- (a) **in subsection (1) by striking out "is made permanent" wherever it occurs and substituting "is confirmed";**
- (b) **by adding the following after subsection (6):**

- (7) Notwithstanding subsection (1)(a) and (b), where,
- (a) due to the unanticipated absences of a police officer who is on probation, or
 - (b) because a police officer who is on probation is the subject of an ongoing disciplinary hearing or criminal investigation,

the chief of police has been unable during the probationary period to assess the progress of the police officer, the chief of police may request the police commission to extend the probationary period for up to 6 months, and the commission may in its discretion grant the extension.

- (8) The police commission may, at the request of the chief of police and for the reasons set out in subsection (7)(a) and (b), extend the probationary period for further periods of up to 6 months each to allow the chief of police to assess the progress of the police officer who is on probation.

4 Section 7(1) is amended by striking out “3 months” and substituting “6 months”.

5 Section 10 is amended

- (a) **in subsection (2) by adding** “in the police officer’s own words” **after** “explanatory report”;
- (b) **in subsection (3)(a) by striking out** “by his superior officer to provide an explanatory report” **and substituting** “by the investigator to provide an explanatory report referred to in subsection (2)”;
- (c) **in subsection (4)(a) by striking out** “by his superior officer to provide an explanatory report” **and substituting** “by the investigator to provide an explanatory report referred to in subsection (2)”;
- (d) **by repealing subsection (5) and substituting the following:**

(5) A police officer who is directed by an investigator under subsection (3)(a) or (4)(a) to provide an explanatory report shall do so within 14 days of being notified of the direction.

(6) A statement made under subsection (3) or (4) may be used by the chief of police for the purposes of section 45(3) or (4) of

the Act and by the chief of police or the police officer in charge of the investigating police service for the purposes of section 46.1(4) of the Act.

6 The following is added after section 10:

Interview

10.1(1) The chief of police, when investigating under section 45 of the Act a complaint as to the actions of a police officer, may direct the police officer whose actions may have resulted in the complaint to attend at an interview and answer questions.

(2) Subject to subsection (3), a police officer directed under subsection (1) to attend at an interview shall do so

(a) immediately, or

(b) where there are appropriate grounds for the delay, no later than 24 hours after the request was made.

(3) The chief of police may request that an interview take place at a later time than that set out in subsection (2)(b).

(4) Where practicable, the interview shall be recorded by audiotape or videotape.

Investigations by another police service or an integrated investigative unit

10.2 Where the Minister under section 46.1(2) of the Act has requested or directed another police service, or the head of an integrated investigative unit, to conduct an investigation into a serious incident or complaint, the chief of police shall ensure that, pending the other police service or integrated investigative unit taking charge of the scene of the serious incident or complaint, the scene is secured by the police service in a manner consistent with the policies and usual practice of the police service for serious incidents and complaints.

Segregation of police officers

10.3(1) Where the Minister under section 46.1(2) of the Act has requested or directed another police service, or the head of an integrated investigative unit, to conduct an investigation into a serious incident or complaint, the chief of police shall, to the extent that is practicable, segregate all the police officers involved in the incident or complaint from each other until the investigating police service or the integrated investigative unit has finished interviewing all the officers involved.

(2) A police officer referred to in subsection (1) shall not communicate with any other police officer who was involved in

the incident or complaint concerning the details of the incident or complaint until after the investigating police service or the integrated investigative unit has finished interviewing all the officers involved.

Police officer's notes

10.4(1) In this section and sections 10.5 and 10.6,

- (a) "subject officer" means a police officer who is the subject of a complaint or whose actions may have resulted in a serious or sensitive incident;
- (b) "witness officer" means a police officer who is a witness to or has material information relating to the events complained of or to the serious or sensitive incident.

(2) A witness officer shall complete in full the officer's notes in respect of the serious incident or the actions complained of in accordance with the procedures of the police service and, subject to subsection (5) and section 10, shall provide the notes to the chief of police within 24 hours after a request for the notes is made by the investigating police service or the integrated investigative unit to the chief of police.

(3) Subject to subsection (5) and section 10, the chief of police shall provide copies of a witness officer's notes to the investigating police service or the integrated investigative unit on request and no later than 24 hours after the request was made.

(4) The person in charge of the investigation referred to in section 10.2 may extend the time within which copies of a witness officer's notes must be provided to the investigating police service or the integrated investigative unit by the chief of police.

(5) A subject officer shall complete in full the officer's notes in respect of the incident or the actions complained of.

(6) A subject officer is not required to provide the officer's notes to the investigating police service or the integrated investigative unit, and no other person may provide the officer's notes to the investigating police service or the integrated investigative unit without the express permission of the subject officer.

Interview

10.5(1) The person in charge of the investigation referred to in section 10.2, or a person acting under the authority of that person, may direct that a witness officer attend at an interview and answer questions.

(2) Subject to subsection (3), a police officer directed under subsection (1) to attend at an interview shall do so

- (a) immediately, or
- (b) where there are appropriate grounds for the delay, no later than 24 hours after the request was made.

(3) The person in charge of the investigation, or a person acting under the authority of that person, may request that an interview take place at a later time than that set out in subsection (2)(b).

(4) Where practicable, the interview shall be recorded by audiotape or videotape.

Status of police officer

10.6(1) The person in charge of the investigation referred to in section 10.2 shall, before directing an interview with a police officer under section 10.5 or requesting copies of the police officer's notes under section 10.4, advise the chief of police and the officer in writing as to whether the officer is considered to be a subject officer or a witness officer.

(2) The person in charge of the investigation shall advise the chief of police and the police officer in writing if, at any time after advising the chief of police and the officer under subsection (1) of the officer's status, the officer in charge decides that an officer formerly considered to be a subject officer is now considered to be a witness officer or an officer formerly considered to be a witness officer is now considered to be a subject officer.

(3) If, after interviewing a police officer who was considered to be a witness officer when the interview was requested or after obtaining a copy of the notes of a police officer who was considered to be a witness officer when the notes were requested, the person in charge of the investigation decides that the police officer is a subject officer, the person in charge shall

- (a) advise the chief of police and the officer in writing that the officer is now considered to be a subject officer,
- (b) give the police officer the original and all copies of the record of the interview, if any, and
- (c) give the chief of police the original and all copies of the police officer's notes.

7 Section 16 is amended

(a) **in subsection (1) by striking out** “the hearing be conducted” **wherever it occurs and substituting** “the hearing or a portion of it be conducted”;

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

(2.1) Notwithstanding subsection (2), a representative of the commission may attend a hearing or any portion of a hearing that is held in private.

8 Section 17(1) is amended by striking out “one of the following” **and substituting** “one or more of the following”.

9 Section 19 is amended

(a) **by striking out subsection (1) and substituting the following:**

Minor contraventions

19(1) Where a matter is disposed of under section 45(4) of the Act without conducting a hearing, the chief of police

(a) may

(i) dismiss the matter, or

(ii) issue an official warning,

or

(b) with the agreement of the cited officer, may

(i) issue a reprimand,

(ii) order the forfeiture of hours of work accumulated through overtime, not to exceed 15 hours, or

(iii) suspend the police officer from duty without pay for a period not to exceed 20 hours of work.

(b) **in subsection (2) by adding** “under subsection (1)(a)(ii)” **after** “an official warning”;

(c) **by repealing subsection (3).**

10 Section 22 is repealed and the following is substituted:

Record of discipline

22 When, and only when,

- (a) a period of 5 years has elapsed from the day that punishment is imposed on a police officer for a contravention of section 5, or
- (b) a period of 3 years has elapsed from the day that an action is taken in respect of a police officer under section 19(1),

if during that time no other entries concerning a contravention of this Regulation have been made on the police officer's record of discipline, any record of the punishment, the contravention or the action taken shall

- (c) be removed from the police officer's record of discipline and destroyed, and
- (d) not be used or referred to in any future proceedings respecting that police officer.

11 Section 24 is amended by striking out "public" wherever it occurs.

12 Section 26 is repealed and the following is substituted:

Transitional

26(1) Sections 17(1) and 22, as amended by sections 8 and 10 of the *Police Service Amendment Regulation*, apply to investigations and disciplinary proceedings in respect of complaints made in accordance with the Act on or after the coming into force of the *Police Service Amendment Regulation*.

(2) Sections 10 and 19(1) and (2), as amended by sections 5 and 9 of the *Police Service Amendment Regulation*, apply to investigations and proceedings under the Act in respect of complaints made in accordance with the Act whether commenced but not concluded before or commenced on or after the coming into force of the *Police Service Amendment Regulation*.

13 Section 26.1 is amended by striking out "2009" and substituting "2014".

Alberta Regulation 137/2008
Apprenticeship and Industry Training Act
WATER WELL DRILLER TRADE AMENDMENT REGULATION

Filed: July 23, 2008

For information only: Made by the Alberta Apprenticeship and Industry Training Board on June 27, 2008 pursuant to section 33(2) of the Apprenticeship and Industry Training Act and approved by the Minister of Advanced Education and Technology on July 10, 2008 pursuant to section 33(2) of the Apprenticeship and Industry Training Act.

1 The *Water Well Driller Trade Regulation (AR 310/2000)* is amended by this Regulation.

2 Section 2(a) is amended by striking out “and reclamation” and substituting “, reconditioning and decommissioning”.

Alberta Regulation 138/2008

Municipal Government Act

PROCEEDINGS BEFORE THE BOARD CLARIFICATION REGULATION

Filed: July 30, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 366/2008) on July 30, 2008 pursuant to section 603 of the Municipal Government Act.

Definition

1 In this Regulation, “Act” means the *Municipal Government Act*.

Nature of hearing

2(1) A hearing before the Municipal Government Board under Part 12 of the Act is a hearing de novo.

(2) Despite subsection (1), when hearing an appeal from the decision of an assessment review board or other person under Part 12 of the Act, the Municipal Government Board may also consider, but is not bound by, any matter on the record, including the decision, of the assessment review board or other person, as the case may be.

Repeal

3 This Regulation is made under section 603(1) of the Act and is repealed in accordance with section 603(2) of the Act.

Coming into force

4 This Regulation is deemed to have come into force on January 1, 2008.

Alberta Regulation 139/2008

Provincial Court Act

PROVINCIAL COURT FEES AND COSTS AMENDMENT REGULATION

Filed: July 30, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 395/2008) on July 30, 2008 pursuant to section 9 of the Provincial Court Act.

1 The *Provincial Court Fees and Costs Regulation* (AR 18/91) is amended by this Regulation.

2 The following is added after section 1.1:

Witness fees

1.2(1) The prescribed fee payable to a witness served a notice to attend a hearing is as follows:

- | | |
|---------------------------------------|----------|
| (a) for a non-expert witness, per day | \$10.00; |
| (b) for an expert witness, per day | \$20.00. |

(2) The expense payable to a witness for transportation to attend a hearing is as follows:

- | | |
|---|--|
| (a) subject to clause (b), using a private motor vehicle, | the amount set out in section 15 of the <i>Public Service Subsistence, Travel and Moving Expenses Regulation</i> ; |
|---|--|

- (b) if in a judge's opinion public transportation can be used on a timely basis and an amount should not be paid under clause (a), the actual cost of public transportation.

3 Section 2 is amended by repealing clauses (h) and (i) and substituting the following:

- (h) for the prescribed fee paid to a witness to attend a hearing
 - (i) for a non-expert witness, per day \$10.00;
 - (ii) for an expert witness, per day \$20.00;
- (i) for the expense paid to a witness for transportation to attend a hearing
 - (i) subject to subclause (ii), using a private motor vehicle, the amount set out in section 15 of the *Public Service Subsistence, Travel and Moving Expenses Regulation*;
 - (ii) if in a judge's opinion public transportation can be used on a timely basis and an amount should not be paid under subclause (i), the actual cost of public transportation;