Alberta Regulation 242/2017

Marketing of Agricultural Products Act

ALBERTA BEEF PRODUCERS COMMISSION AMENDMENT REGULATION

Filed: December 4, 2017

For information only: Made by the Alberta Beef Producers on August 4, 2017 and approved by the Agricultural Products Marketing Council on September 14, 2017 pursuant to section 26 of the Marketing of Agricultural Products Act.

1 The *Alberta Beef Producers Commission Regulation* (AR 204/98) is amended by this Regulation.

2 Section 2.01(1) and (2) are amended by striking out "$1.00" **and substituting** "$2.50".

3 This Regulation comes into force on April 1, 2018.

Alberta Regulation 243/2017

Oil and Gas Conservation Act

OIL AND GAS CONSERVATION RULES AMENDMENT REGULATION

Filed: December 4, 2017

For information only: Made by the Alberta Energy Regulator on September 27, 2017 pursuant to section 10(1)(nn) of the Oil and Gas Conservation Act.

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

2 Section 1.020 is amended by adding the following after clause 5.2:

5.201. "Directive 067" means Directive 67: Eligibility Requirements for Acquiring and Holding Energy Licences and Approvals;

3 The following is added after section 1.200:

Part 1.3
Eligibility to Hold Licences or Approvals

Eligibility to hold a licence

1.300(1) An applicant must meet the licence eligibility requirements set out Directive 067 in order to be eligible to hold a licence or approval issued under the Act.

(2) If an applicant meets the licence or approval eligibility requirements of Directive 067 to the satisfaction of the Regulator, the Regulator may grant licence or approval eligibility subject to any restrictions, terms or conditions the Regulator considers appropriate.

(3) If an applicant does not meet the licence or approval eligibility requirements of Directive 067 to the satisfaction of the Regulator, the Regulator may refuse to grant licence or approval eligibility.

(4) The Regulator may revoke or restrict the licence or approval eligibility of an applicant if the applicant fails to acquire licences or approvals under the Act within a year of the day of the licence or approval eligibility being granted by the Regulator.

(5) A licensee or approval holder must continue to meet the licence or approval eligibility requirements of Directive 067.

(6) The Regulator may restrict a licensee's or approval holder's eligibility to hold a licence or approval if a licensee or approval holder does not meet the licence eligibility requirements of Directive 067.

4 Section 18.015 is amended by striking out "February 28, 2018" **and substituting** "February 28, 2023".

Alberta Regulation 244/2017

Pipeline Act

PIPELINE RULES AMENDMENT REGULATION

Filed: December 4, 2017

For information only: Made by the Alberta Energy Regulator on September 27, 2017 pursuant to section 3(1)(v) of the Pipeline Act.

1 The *Pipeline Rules* (AR 91/2005) are amended by this Regulation.

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

(h.1) "Directive 067" means Directive 67: Eligibility Requirements for Acquiring and Holding Energy Licences and Approvals;

3 The following is added after section 2:

Eligibility to hold a licence

2.1(1) An applicant must meet the licence eligibility requirements set out Directive 067 in order to be eligible to hold a licence under the Act.

(2) If an applicant meets the licence eligibility requirements of Directive 067 to the satisfaction of the Regulator, the Regulator may grant licence eligibility subject to any restrictions, terms or conditions the Regulator considers appropriate.

(3) If an applicant does not meet the licence eligibility requirements of Directive 067 to the satisfaction of the Regulator, the Regulator may refuse to grant licence eligibility.

(4) The Regulator may revoke or restrict the licence eligibility of an applicant if the applicant fails to acquire licences under the Act within a year of the day of the licence eligibility being granted by the Regulator.

(5) A licensee must continue to meet the licence eligibility requirements of Directive 067.

(6) The Regulator may restrict a licensee's eligibility to hold a licence if a licensee does not meet the licence eligibility requirements of Directive 067.

Alberta Regulation 245/2017

Administrative Procedures and Jurisdiction Act

DESIGNATION OF CONSTITUTIONAL DECISION MAKERS AMENDMENT REGULATION

Filed: December 5, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 427/2017) on December 5, 2017 pursuant to section 16 of the Administrative Procedures and Jurisdiction Act.

1 The *Designation of Constitutional Decision Makers Regulation* (AR 69/2006) is amended by this Regulation.

2 Section 1(b) is amended by renumbering subclause (i) as subclause (i.1) and by adding the following before subclause (i.1):

(i) an arbitrator or arbitration board referred to in Part 2, Division 14.1 of the *Labour Relations Code*;

3 Section 4 is repealed.

Alberta Regulation 246/2017

Employment Standards Code

EMPLOYMENT STANDARDS AMENDMENT REGULATION

Filed: December 6, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 441/2017) on December 5, 2017 pursuant to section 138 of the Employment Standards Code.

1 The *Employment Standards Regulation* (AR 14/97) is amended by this Regulation.

2 Section 1.1 is amended by striking out "2(3)(i)" **and substituting** "2.1(4)(b)".

3 Section 2 is amended

(a) in subsection (1)(b) by repealing subclauses (viii) and (ix) and substituting the following:

(viii) a person who is employed by a dealer or adviser as defined in the *Securities Act* as a representative for the purposes of making trades in securities or derivatives for the benefit of that dealer or adviser,

(ix) an individual holding an insurance agent's certificate of authority under section 454 or 470 of the *Insurance Act* who is compensated for activities performed under that certificate entirely by way of commission income,

(b) in subsection (2) by repealing clauses (b), (e), (j), (k) and (m) and substituting the following:

(b) a member or candidate within the meaning of the *Chartered Professional Accountants Act*,

(e) a person who is registered as a regulated member of, and has a practice permit issued by, the registrar of the Alberta College and Association of Chiropractors, or a professional corporation that is registered on the record of professional corporations of that College and has an annual permit, under the *Health Professions Act*,

(j) a person who is registered as a regulated member of, and has a practice permit issued by, the registrar of the College of Podiatric Physicians of Alberta, under the *Health Professions Act*,

(k) a person who is registered as a regulated member of, and has a practice permit issued by, the registrar of the College of Alberta Psychologists, under the *Health Professions Act,*

(m) a member within the meaning of the *Agrology Profession Act* or a person registered with the Alberta Institute of Agrologists as an agrologist in training,

4 Section 3(g) and (h) are repealed and the following is substituted:

(g) a person who is employed by a dealer or adviser as defined in the *Securities Act* as a representative for the purposes of making trades in securities or derivatives for the benefit of that dealer or adviser,

(h) an individual holding an insurance agent's certificate of authority under section 454 or 470 of the *Insurance Act* who is compensated for activities performed under that certificate entirely by way of commission income,

5 Section 4(c) and (d) are repealed and the following is substituted:

(c) a person who is employed by a dealer or adviser as defined in the *Securities Act* as a representative for the purposes of making trades in securities or derivatives for the benefit of that dealer or adviser,

(d) an individual holding an insurance agent's certificate of authority under section 454 or 470 of the *Insurance Act* who is compensated for activities performed under that certificate entirely by way of commission income,

6 Section 5.1 is amended by striking out "Section 63(1)" **and substituting** "Section 63".

7 Section 8 is amended

(a) by repealing clauses (d) and (e) and substituting the following:

(d) a person who is employed by a dealer or adviser as defined in the *Securities Act* as a representative for the purposes of making trades in securities or derivatives for the benefit of that dealer or adviser,

(e) an individual holding an insurance agent's certificate of authority under section 454 or 470 of the *Insurance Act* who is compensated for activities performed under that certificate entirely by way of commission income,

(b) by repealing clause (g)(iii) and substituting the following:

(iii) in a work experience program approved by the Minister of Advanced Education,

8 Section 11(3)(c) is repealed and the following is substituted:

(c) an individual 13, 14 or 15 years of age employed when the individual is required to attend school,

9 The following is added after section 11:

Faulty work

11.1 For the purpose of section 12(3)(a) of the Act, "faulty work" includes any act or omission of an employee that results in a loss to the employee's employer.

10 Sections 13 and 13.1 are repealed and the following is substituted:

Unauthorized deductions

13 No employer may make a deduction from or receive payment out of earnings for the furnishing, use, repair or laundering of any uniforms or special articles of wearing apparel that the employer requires the employee to wear during the employee's hours of work.

11 The following is added before the heading to Part 3:

Part 2.1
Hours of Work
Averaging Agreements

Definitions

13.2 In this Part,

(a) "averaging agreement" means an hours of work averaging agreement under section 23.1 of the Act;

(b) "averaging period" means the number of weeks over which hours of work will be averaged;

(c) "flexible averaging agreement" means an averaging agreement entered into under section 13.4(1);

(d) "flexible time" means time worked that exceeds the scheduled hours in a day and is not overtime under section 13.41.

Division 1
Hours of Work
Averaging Agreements

Threshold

13.3 An employee is entitled to overtime under an averaging agreement if the employee's hours of work

(a) exceed

(i) 8 hours on a work day, if the hours scheduled for that day are less than 8 hours, or

(ii) the daily scheduled hours, if 8 or more hours are scheduled,

or

(b) exceed

(i) 44 hours in a week, or

(ii) an average of 44 hours in a week, if the averaging period exceeds one week in a multi-week averaging period.

Requirement to pay

13.31(1) An employee who has worked overtime is entitled to be paid the greater of

(a) the total of the employee's overtime hours calculated in accordance with section 13.3(a) for the averaging period, and

(b) overtime hours calculated in accordance with section 13.3(b).

(2) Overtime is payable in accordance with section 8(1) of the Act but if the calculation in subsection (1)(b) exceeds the amounts already paid under subsection (1)(a), the difference in overtime is payable 10 consecutive days after the end of the pay period in which the averaging period ends.

Work schedules

13.32(1) An averaging agreement between an individual employee and an employer must specify the employee's work schedule for the averaging period.

(2) An averaging agreement affecting a group of employees must specify the work schedule for the employees bound by the agreement.

(3) An averaging agreement referred to in subsection (2) must not specify more than one work schedule.

(4) A work schedule must identify all work days and the number of hours to be worked on each of those work days.

Change in schedule

13.33(1) An employer may from time to time make a temporary change to an employee's work schedule that was not requested by the employee, if the change is made with at least 2 weeks' notice to the employee before the change is to take effect.

(2) If an employer makes a change under subsection (1) but does not provide the required notice, any hours that exceed 8 hours in a work day that were not set out in the current work schedule are overtime hours for which overtime is payable.

(3) Subsection (1) does not apply if the employer's change to the employee's work schedule is made because

(a) an accident has occurred,

(b) urgent work is necessary, or

(c) of other unforeseen or unpreventable circumstances.

Missed shifts

13.34 If within the same averaging period an employee makes up a shift on an unscheduled work day because of having been absent on a scheduled work day, the employee is entitled to be paid the employee's regular wage rate and any applicable overtime pay in accordance with the originally scheduled shift.

Termination or no longer bound

13.35 Where, before the end of an averaging period, an employee's employment terminates or an employee is no longer bound by the agreement before the end of an averaging period, the employee's overtime hours for that averaging period are to be calculated as if the employee had worked the remainder of the scheduled shifts in the averaging period.

Cancellation

13.36(1) Either party to an averaging agreement may cancel the agreement with 30 days' notice given to the other party.

(2) A group of employees may cancel an averaging agreement only if a majority of the employees to which the agreement applies consent.

(3) The cancellation of the averaging agreement takes effect at the end of the averaging period in which the 30 days' notice ends.

(4) The parties to an averaging agreement may, at any time, renegotiate the agreement, including to cancel the agreement.

(5) Where a collective agreement provides otherwise, the cancellation of the averaging agreement must be in accordance with the collective agreement.

Copies of agreements

13.37(1) The employer shall, as soon as possible after entering into an averaging agreement, or an amendment to the agreement, affecting a group of employees but before the commencement of the agreement or the amendment takes effect, post the agreement

(a) on the employer's website, if the employer has a website, and

(b) in one or more conspicuous places in the workplace where the agreement can be viewed by the employees affected by the agreement.

(2) In addition to subsection (1), the employer shall,

(a) as soon as possible after entering into an averaging agreement but before the commencement of the agreement, or

(b) when an averaging agreement is amended, as soon as possible after the amendment is entered into but before the amendment takes effect,

provide a copy of the agreement, whether the agreement was with a group of employees or an individual employee, to each employee who is a party to the agreement.

(3) Where, during the term of an averaging agreement, a new employee becomes bound by the agreement, the employer shall, as soon as possible after the employee becomes bound by the agreement, provide a copy of the agreement to the employee.

(4) Where a collective agreement provides otherwise, the cancellation of the averaging agreement must be in accordance with the collective agreement.

Division 2
Flexible Averaging Agreements

Flexible averaging agreements

13.4(1) At the request of an employee who regularly works at least 35 hours per week, and where, if applicable, authorized by a collective agreement, an employer and an employee may enter into a flexible averaging agreement that specifies a daily overtime threshold, which may exceed the employee's scheduled hours of work.

(2) An agreement under subsection (1) must specify

(a) a daily overtime threshold not exceeding 10 hours, and

(b) an averaging period not exceeding 2 weeks.

Threshold

13.41 An employee is entitled to overtime under a flexible averaging agreement if the employee's hours of work

(a) exceed the daily overtime threshold referred to in section 13.4(2)(a), or

(b) exceed

(i) 44 hours in a week, or

(ii) an average of 44 hours in a week, if the averaging period is 2 weeks.

Work schedules

13.42(1) A flexible averaging agreement must specify the employee's work schedule for the averaging period.

(2) A work schedule must identify all work days and the number of hours to be worked on each of those work days.

Flexible time

13.43(1) Where an employee works flexible time, the employer must provide the employee with time off with pay at the regular wage rate.

(2) Time off under subsection (1) must be taken before the end of the next averaging period.

(3) If time off with pay is not provided in accordance with subsection (1) or (2), the employer must pay the flexible time owed at the employee's regular wage rate.

Requirement to pay overtime

13.44(1) An employee who has worked overtime is entitled to be paid the greater of

(a) the total of an employee's overtime hours calculated in accordance with 13.41(a) for the averaging period, and

(b) overtime hours calculated in accordance with 13.41(b).

(2) Overtime is payable in accordance with section 8(1) of the Act but if the calculation in subsection (1)(b) exceeds the amounts already paid under subsection (1)(a), the difference in overtime is payable 10 consecutive days after the end of the pay period in which the averaging period ends.

Time off with pay instead of overtime pay

13.45(1) The parties to a flexible averaging agreement may also agree that wholly or partly instead of overtime pay, the employer will provide and the employee will take time off with pay.

(2) An agreement under subsection (1) is deemed to include at least the following provisions:

(a) instead of overtime pay, time off, calculated at 1.5 hours off for each overtime hour, with pay, will be provided, taken and paid at the employee's wage rate at a time that the employee could have worked and received wages from the employer;

(b) if time off with pay instead of overtime pay is not provided, taken and paid in accordance with clause (a), the employee will be paid overtime pay at an overtime rate of at least 1.5 times the employee's wage rate for the overtime hours worked;

(c) instead of overtime pay, time off with pay will be provided, taken and paid to the employee within 6 months of the end of the pay period in which it was earned unless the agreement is

part of a collective agreement and the collective agreement provides for a longer period within which the time off with pay is to be provided and taken.

Termination of employment or employee no longer bound

13.46 Where, before the end of an averaging period, an employee's employment terminates or an employee is no longer bound by the flexible averaging agreement, the employee's overtime hours for that averaging period are to be calculated as if the employee had worked the remainder of the scheduled shifts in the averaging period.

Cancellation

13.47(1) Either party to a flexible averaging agreement may cancel the agreement with 30 days' notice given to the other party.

(2) The cancellation of the flexible averaging agreement takes effect at the end of the averaging period in which the 30 days' notice ends.

(3) The parties to a flexible averaging agreement may at any time, renegotiate the agreement, including to cancel the agreement.

(4) Where a collective agreement provides otherwise, the cancellation of the flexible averaging agreement must be in accordance with the collective agreement.

Copy of agreement

13.48 Subject to a collective agreement, an employer shall,

(a) as soon as possible after entering into a flexible averaging agreement but before the commencement of the agreement, and

(b) when a flexible averaging agreement is amended, as soon as possible after the amendment is entered into but before the amendment takes effect,

provide a copy of the flexible averaging agreement to the employee who is a party to the agreement.

12 Section 43(1)(a) and (2) are amended by striking out "(AR 290/89)" **and substituting** "(AR 317/2002)".

13 Section 43.72 is repealed and the following is substituted:

Substitution for Act provisions

43.72(1) For persons to whom this Division applies, this Division applies in substitution for sections 16, 17, 20 and 21 of the Act.

(2) Persons to whom this Division applies are exempted from the application of section 23.1 of the Act.

14 The following is added after Division 10:

Division 11
Farming and Ranching Operations

Application of Division

43.8 This Division applies to employees and employers to which section 2.1(1) of the Act applies.

Substitution for Act provisions

43.81 For persons to whom this Division applies, this Division applies in substitution for sections 19, 28 and 29 of the Act.

Days of rest

43.82 Every employer must allow each employee at least 4 days of rest in each period of 28 consecutive work days.

General holiday pay – not working on the general holiday

43.83 If an employee does not work on a general holiday, the employer shall pay the employee general holiday pay of an amount that is at least 4.2% of the employee's wages, vacation pay and general holiday pay earned in the 4 weeks immediately preceding a general holiday.

General holiday pay – working

43.84 If an employee works on a general holiday, the employer shall pay the employee an amount that is at least the employee's wage rate multiplied by the number of hours worked that day, and

(a) provide the employee with one day's holiday on a day that would normally be a work day for the employee, to be taken within 30 days of the general holiday or at a later time agreed to, in writing, by the employer and employee, and pay the employee general holiday pay in an amount that is at least 4.2% of the employee's wages, vacation pay and general holiday pay earned in the 4 weeks immediately preceding the general holiday on which the employee worked, or

(b) provide the employee with general holiday pay of an amount that is at least 4.2% of the employee's wages, vacation pay and general holiday pay earned in the 4 weeks immediately preceding the general holiday on which the employee worked.

15 The following is added after Part 3:

Part 3.1
Variances and Exemptions

Application for variance or exemption

43.85(1) An application for a variance or exemption under section 74 of the Act must contain the content and be in the form required by the Director.

(2) An application for an order to vary or exempt under section 74.1 of the Act must contain the content and be in the form required by the Minister.

Variances under section 74 of the Act

43.86(1) The Director may issue a variance or exemption with respect to any of the following:

(a) section 16(1) of the Act by extending the maximum hours of work from 12 consecutive hours to no more than 16 consecutive hours;

(b) section 19(2) of the Act by extending the maximum period of 24 consecutive work days to a number of days the Director considers appropriate in the particular circumstances;

(c) section 23.1 of the Act by extending the averaging period to no longer than 26 weeks;

(d) section 11(1) of this Regulation by reducing the minimum hours of pay to not less than 30 minutes but not more than 2.5 hours.

(2) Where the Director issues a variance referred to in subsection (1)(a), the Director may also extend the maximum scheduled daily hours of work from 12 hours per day to no more than 16 hours per day under section 23.1(3)(d)(i) of the Act.

(3) Before issuing a variance, the Director shall consider the following:

(a) the applicant's compliance history relating to employment standards legislation and occupational health and safety legislation;

(b) the rationale for the request;

(c) whether there is support for the proposed variation or exemption by

(i) bargaining agents, if any, representing employees to which the application relates, and

(ii) where employees are not represented by a bargaining agent, the employees to which the application relates;

(d) any effect the variance could have on the safety, health or welfare of the public or the employees to which the application relates.

(4) If a variance or exemption is issued under this section, it may only be to the extent necessary to avoid serious interference with the ordinary working of the employer's business, undertaking or other activity.

Notice to employees and employers of orders under section 74.1 of the Act

43.87(1) Before making an order to vary or exempt the application of one or more provisions of the Act or this Regulation under section 74.1 of the Act, the Minister shall consider the following:

(a) the applicant's employment standards and occupational health and safety compliance history;

(b) the rationale for the request;

(c) whether there is support for the proposed variation or exemption by

(i) bargaining agents, if any, representing employees to which the application relates, and

(ii) where employees are not represented by a bargaining agent, the employees to which the application relates.

(2) The Minister shall determine, on a case by case basis, how affected employers and employees, and the bargaining agents if applicable, are to be notified of the Minister's order to vary or exempt the application of one or more provisions of the Act or the regulations or to amend or revoke an order to vary or exempt.

16 Part 5 is repealed and the following is substituted:

Part 5
Employment of Individuals Under 18 Years of Age

Artistic endeavours

51 For the purposes of section 65 of the Act, "artistic endeavour" means work in

(a) recorded entertainment, such as film, radio, video or television, including television and radio commercials,

(b) voice recording for video and computer gaming, and

(c) live performances, including theatre and musical performances.

13 and 14 year olds

52(1) This section applies in respect of individuals who are 13 and 14 years of age.

(2) No employer may employ an individual

(a) for longer than 2 hours outside of normal school hours on a day during which the individual is required to attend school, or

(b) for longer than 8 hours on a day during which the individual is not required to attend school.

(3) During the period of time from 9:00 p.m. to the following 6:00 a.m., no employer may employ an individual and no individual may work in any employment.

15, 16 and 17 year olds

53(1) During the period of time from 9:00 p.m. to 12:01 a.m., no employer may employ an individual who is 15, 16 or 17 years of age and no such individual may work in any employment on or in connection with any of the following premises unless the individual works with and is in the continuous presence of at least one other individual who is at least 18 years old:

(a) the premises of any retail business selling

(i) food or beverages, whether alcoholic or not, or

(ii) any other commodities, goods, wares or merchandise;

(b) the premises of a retail business in which gasoline, diesel fuel, propane or any other product of petroleum or natural gas is sold;

(c) a hotel, motel or other place that provides overnight accommodation to the public.

(2) During the period of time from 12:01 a.m. to 6:00 a.m., no employer may employ an individual who is 16 or 17 years of age and no such individual may work in any employment on or in connection with any of the premises specified in subsection (1).

(3) With respect to the employment of an individual who is 16 or 17 on premises not specified in section 53(2) during the period of time from 12:01 a.m. to 6:00 a.m., no employer may employ an individual and no individual may work in any employment unless

(a) a parent or guardian of the individual gives the prospective employer written consent to the employment, and

(b) during the employment the individual works with and is in the continuous presence of at least one individual who is at least 18 years old.

(4) During the period of time from 12:01 a.m. to 6:00 a.m., no employer may employ an individual who is 15 years of age in any employment and no such individual may work in any employment.

(5) Section 65.3(2) of the Act does not apply to a work experience program approved by the Minister of Advanced Education or the Minister of Education.

Consultation on light work

54(1) For the purpose of establishing a list of the types of employment that are light work for the purpose of Part 2, Division 9 of the Act, the Director shall, in the manner determined by the Director, consult with any individuals or organizations that the Director considers may have an interest in or be affected by the types of employment to be considered light work, including employers, individuals under 18 years of age, parents, government departments, unions and labour advocacy organizations.

(2) The Director shall determine

(a) the frequency of future consultations which must be no less than every 3 years, and

(b) the manner in which the consultation is to occur.

Permit conditions

54.01 A permit issued under this Part with respect to an individual who is 12 years old or younger must include a condition that the employer must pay the individual for a minimum number of hours of work determined by the Director.

Other conditions

54.02(1) The Director is authorized to impose conditions on the employment of an individual who is under 18 years of age whenever the Director considers it necessary to do so.

(2) The employer of an individual referred to in subsection (1) who is subject to the conditions shall comply with them.

17 The heading to Part 5.1 is repealed and the following is substituted:

Part 5.1
Job-protected Leaves

18 Section 54.1 is amended

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

Classes of persons included in the definition of family member

54.1(1) In this section,

(a) "adult interdependent partner" does not include a spouse or common-law partner;

(b) "common-law partner" means a common-law partner as defined in section 53.9(1)(a) of the Act;

(c) "partner" means a spouse, a common-law partner or an adult interdependent partner.

(b) in subsection (2) by striking out "53.9(b)(iv)" **and substituting** "53.9(1)(b)(iv);

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

(3) For the purpose of personal and family responsibility leave, "family member", in relation to an employee, means

(a) a spouse or common-law partner of the employee,

(b) a child of the employee or a child of the employee's spouse or common-law partner,

(c) a parent of the employee,

(d) a child of the employee's parent,

(e) a grandparent of the employee,

(f) a grandchild of the employee,

(g) a current or former foster parent of the employee,

(h) a current or former foster child of the employee,

(i) a current or former ward of the employee,

(j) a current or former guardian of the employee,

(k) the adult interdependent partner of the employee,

(l) a child of the employee's adult interdependent partner, and

(m) any other person living with the employee as a member of the employee's family.

(4) For the purpose of bereavement leave, "family member" means a family member for the purpose of compassionate care leave.

19 The following is added after section 54.1:

Medical certificates

54.2(1) For the purpose of "medical certificate" as defined in section 1(1)(p) of the Act, a nurse practitioner is authorized for the purpose of that definition, and the authorization applies with respect to the signing of any medical certificate referred to in the Act.

(2) In this section, "nurse practitioner", means a regulated member of the College and Association of Registered Nurses of Alberta under the *Health Professions Act* authorized to use the title "nurse practitioner" who holds a practice permit issued under that Act and who is not under suspension, or an individual who has a similar status under similar legislation in a jurisdiction outside Alberta.

Changes to leaves resulting from EI amendments

54.3 Pursuant to section 138(1)(a.6) of the Act,

(a) the following is substituted for section 46(1) of the Act:

46(1) The maternity leave to which a pregnant employee is entitled is a period of not more than 16 weeks starting at any time during the 13 weeks immediately before the estimated date of delivery.

(b) the following is substituted for section 50(1) of the Act:

50(1) Subject to subsection (2), an employer must grant parental leave to an employee as follows:

(a) in the case of an employee entitled to maternity leave under this Division, other than an employee described in section 46(1.1), a period of not more than 62 consecutive weeks immediately following the last day of maternity leave;

(b) in the case of a parent who has been employed by the same employer for at least 90 days, a period of not more than 62 consecutive weeks within 78 weeks after the child's birth;

(c) in the case of an adoptive parent who has been employed by the same employer for at least 90 days, a period of not more than 62 consecutive weeks within 78 weeks after the child is placed with the adoptive parent for the purpose of adoption.

(c) the critical illness of child leave in Part 2, Division 7.4 of the Act is substituted by the critical illness leave set out in Schedule 3.

20 The following is added after section 55:

Part 6.1
Administrative Penalties

Notice of administrative penalty

55.1 A notice of administrative penalty must contain the following information:

(a) the name of the employer that is required to pay the administrative penalty;

(b) the identification of

(i) the provision of the Act or regulations that was contravened, or

(ii) the provision of an authorizing or enforcement instrument that was contravened,

whichever is applicable;

(c) a brief description of the nature of the contravention or failure to comply identified under clause (b);

(d) the amount of the administrative penalty, determined in accordance with Schedule 2, including whether the administrative penalty is a daily amount or a one-time amount to address an economic benefit;

(e) the date the notice of administrative penalty is issued;

(f) the date by which the administrative penalty must be paid;

(g) a statement describing the right to appeal to the appeal body under section 123.1(7) of the Act and particulars of how the appeal is to be made and the time within which it must be made.

Time for payment

55.2(1) Subject to any stay that is in effect under section 123.1(8) of the Act, an employer that is required to pay an administrative penalty shall pay the amount of the administrative penalty on or before the date specified in the notice of administrative penalty.

(2) Unless the notice of administrative penalty specifies a later date, the payment must be made within 21 days of the notice being served.

21 Section 60(2) is amended

(a) by adding "or 92.1" **after** "section 92";

(b) by striking out "revokes, amends or varies" **and substituting** "revokes or amends".

22 Section 61 is amended

(a) by renumbering it as section 61(1);

(b) by striking out "umpire" **wherever it occurs and substituting** "appeal body";

(c) in clause (b) by striking out "umpire's" **and substituting** "appeal body's";

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

(2) The fee for an appeal of an administrative penalty is 10% of the administrative penalty that was imposed or $100, whichever is greater, but the fee must

(a) be refunded to the employer if the notice of administrative penalty is revoked,

(b) be reduced proportionately and the amount of the reduction refunded if the amount payable under the notice of administrative penalty is reduced by the appeal body, or

(c) be increased proportionately and the amount of the increase be paid by the employer to the Crown if the

amount payable under the notice of administrative penalty is increased by the appeal body.

23 Section 62 is amended

(a) in subsection (1)

(i) by striking out "umpire who" **and substituting** "appeal body that";

(ii) by striking out "the umpire" **and substituting** "the appeal body";

(b) in subsection (3)

(i) by striking out "umpire's" **and substituting** "appeal body's";

(ii) by striking out "umpire" **and substituting** "appeal body".

24 The following is added after section 63:

Part 7.1
Service of Documents and Publication of Documents

Division 1
Service of Documents

Service of documents

63.1(1) In this section, "recorded mail" means any form of delivery of notices or other documents by mail or courier in which receipt of the notice or other document must be acknowledged in writing by the addressee or another individual present at the addressee's address.

(2) If a notice or other document is required to be served under the Act on an officer, the Director or the Registrar, the notice or other document must be served in the manner specified in the document, or as otherwise specified by the officer, Director or Registrar.

(3) Subject to subsection (2), a notice or other document that is required to be served under the Act may, in addition to any other method provided by law, be served,

(a) in the case of service on an individual,

(i) by personal service on the individual or by being left for the individual

(A) at an address provided by the individual pursuant to section 82(3) of the Act with an individual present at that address,

(B) at the individual's residence or last known residence or with an individual present at that address who appears to be 18 years of age or older, or

(C) at the individual's workplace or last known workplace with an individual who represents that the individual is in charge of that workplace,

(ii) by ordinary mail or recorded mail sent to the individual

(A) at an address provided by the individual pursuant to section 82(3) of the Act,

(B) at the individual's residence or last known residence, or

(C) at the individual's workplace or last known workplace,

(iii) by fax or e-mail sent to the individual at a fax number or e-mail address

(A) provided by the individual pursuant to section 82(3) of the Act, or

(B) provided by the individual to an officer, the Director or the Registrar for the purposes of service on that individual,

or

(iv) as directed by the Court of Queen's Bench on application,

(b) in the case of service on a corporation,

(i) by being left

(A) with a director or officer of the corporation,

(B) with an individual who represents that the individual is in charge of a place where the corporation carries on business, or

(C) with an individual at the registered office of the corporation or, for an extra-provincial corporation, at the office of the attorney of the corporation,

(ii) by being sent by ordinary mail or recorded mail

(A) to a place of business of the corporation,

(B) to the registered office of the corporation,

(C) to a director of the corporation at the director's residence or last known residence, or

(D) to an address designated by the corporation as its address for service under an enactment of Alberta,

(iii) by fax or e-mail sent to a fax number or e-mail address provided by a representative of the corporation to an officer, the Director or the Registrar for service on that corporation, or

(iv) as directed by the Court of Queen's Bench on application,

(c) in the case of service on a partnership

(i) by being left with any partner of the partnership or an individual who represents that the individual is in charge of a place where the partnership carries on business,

(ii) by being sent by ordinary mail or recorded mail

(A) to a place of business of the partnership,

(B) to a partner of the partnership at the partner's residence or last known residence, or

(C) to an address designated by a partnership as its address for service under an enactment of Alberta,

(iii) by fax or e-mail sent to a fax number or e-mail address provided by a representative of the corporation to an officer, the Director or the Registrar for service on that corporation,

(iv) as directed by the Court of Queen's Bench on application, or

(v) in the case of a partner that is a corporation, by service on a partner in accordance with clause (b),

or

(d) in the case of service on a lawyer or agent representing an individual, corporation or partnership,

(i) by personal service on the lawyer or agent at the lawyer's or agent's place of business or by being left with an individual who represents that the individual is in charge of that place of business,

(ii) by ordinary mail or recorded mail sent to the lawyer's or agent's place of business,

(iii) by fax or e-mail sent to the lawyer's or agent's place of business at a fax number or e-mail address provided by the lawyer or agent, or a representative of the lawyer or agent, or

(iv) as directed by the Court of Queen's Bench on application.

(4) Where it is necessary to prove service of any notice or other document in the course of any proceeding or prosecution under the Act, service is effected

(a) if the notice or other document is served personally or left in accordance with subsection (3)(a)(i), (b)(i), (c)(i) or (d)(i), on the date it is served or left,

(b) if the notice or other document is sent by recorded mail, the date acknowledgment of receipt is signed,

(c) if the notice or other document is sent by fax, on the date the notice or other document is confirmed to have been successfully transmitted,

(d) if the notice or other document is sent by e-mail, on the date the e-mail was sent, or

(e) if the notice or other document is sent by ordinary mail,

(i) 7 days from the date of mailing if the notice or other document is mailed in Alberta to an address in Alberta, or

(ii) subject to subclause (i), 14 days from the date of mailing if the notice or other document is mailed in Canada to an address in Canada,

unless the notice or other document is returned to the sender other than by the addressee, or the addressee proves that he or she did not receive the document.

(5) Service by mail or recorded mail is not invalid only by reason that

(a) the addressee refuses to accept the mail,

(b) the addressee returns the mail,

(c) in the case of recorded mail, the addressee refuses to take delivery of the recorded mail, or

(d) the addressee no longer resides or is otherwise not present at the address and has not provided the postal service with a current or forwarding mailing address.

Division 2
Publication of Documents

Permits

63.2 The Director shall publish, in a form or manner the Director considers appropriate, the following with respect to a permit issued under the Act:

(a) the name of the employer or the name under which the employer carries on business;

(b) the effective date and the duration of the permit.

Variances, exemptions and orders

63.3(1) The Director shall publish, in a form or manner the Director considers appropriate, the following with respect to a variance or exemption granted under section 74 of the Act:

(a) the name of the employer or the name under which the employer carries on business;

(b) the provision of the Act or regulation that was varied or exempted;

(c) the effective date and duration of the variance or exemption.

(2) The Director shall publish, in a form or manner the Director considers appropriate, the following with respect to an order issued under section 74.1 of the Act:

(a) the name of the employer's association or the names of the employers in a group;

(b) the provision of the Act or regulation that was varied or exempted;

(c) the effective date and the duration of the order.

Enforcement actions

63.4(1) In this section, "enforcement action" means

(a) any of the following that have been filed as a judgment with the Court of Queen's Bench under the Act:

(i) an order of an officer or order of the Director;

(ii) a decision of an appeal body or a court;

(iii) a notice of administrative penalty;

(iv) a director's certificate referred to in section 112(4) of the Act;

(b) a conviction arising out of a prosecution under section 133 of the Act.

(2) The Director shall publish, in a form or manner the Director considers appropriate, the following with respect to an enforcement action:

(a) the name of the employer, the name under which the employer carries on business, or the name of the corporate director, as the case may be;

(b) the address of the employer's business in respect of which the order, decision, notice or certificate was filed;

(c) the provision of the legislation that was contravened;

(d) the unpaid earnings that were the subject of the order, decision, notice or certificate;

(e) the amount of any fine or penalty imposed, if applicable;

(f) the date the order, decision, notice or certificate was filed in the court.

(3) Where a person subject to an enforcement action referred to in subsection (1)(a) has satisfied the judgment to which the enforcement action applies, the information published under this section with reference to that enforcement action must be removed.

Part 7.2
Miscellaneous Provisions

Group termination notice

63.5(1) A notice under section 137 of Act is not required if the employees are employed on a seasonal basis or for a definite term or task.

(2) A notice under section 137(3)(b) of the Act may be given to an affected employee personally or by mail, fax or e-mail to an address provided by the employee for the purposes of communication with that employee.

25 Section 66 is amended by striking out "June 30, 2018" **and substituting** "March 1, 2020".

Transitional Provisions

26(1) This section provides for the transitional application of the amendments to the *Employment Standards Code* made by the *Fair and Family-friendly Workplaces Act*.

(2) In subsections (3) to (14),

(a) "Act" means the *Employment Standards Code* as amended by the *Fair and Family-friendly Workplaces Act*;

(b) "former Act" means the *Employment Standards Code* as it read before January 1, 2018.

(3) An employee entitled to a leave who requests a leave under Part 2, Divisions 7 to 7.6 of the Act on or after January 1, 2018 is entitled to the leave even though the circumstances giving rise to the entitlement to the leave occurred before January 1, 2018.

(4) Part 3, Division 2 of the Act applies even though the events that are the subject of an inspection, investigation or inquiry arose before January 1, 2018.

(5) Part 3, Division 3 of the Act applies, except as provided in clauses (a) to (d), even though the events that are the subject of an inspection, investigation or inquiry arose before January 1, 2018:

(a) section 82 of the Act only applies with respect to complaints made on or after January 1, 2018;

(b) if a complaint was filed or an investigation, inspection or inquiry began before January 1, 2018, section 90 of the former Act applies;

(c) if a complaint is filed or an investigation, inspection or inquiry begins after January 1, 2018 but the complaint, investigation, inspection or inquiry relates only to earnings or compensation owing before January 1, 2018, section 90(4) and (5) of the former Act apply;

(d) section 91 of the Act only applies with respect to orders made on or after January 1, 2018.

(6) Part 3, Division 4 of the Act applies to appeals served on the Registrar on or after January 1, 2018.

(7) Part 4, Division 2 of the Act applies to demands issued and served on a third party on or after January 1, 2018 even though the demand relates to an order or decision that was filed before January 1, 2018.

(8) Part 4.1 of the Act applies to contraventions and failures to comply that occur on or after January 1, 2018.

(9) Part 5, Division 1 of the Act applies to contraventions and failures to comply that occur on or after January 1, 2018.

(10) Sections 134, 135 and 136 of the Act apply even though the related complaint, inspection, investigation or inquiry arose before January 1, 2018.

(11) Section 136.1 of the Act only applies to permits, exemptions and variances issued and enforcement actions taken on or after January 1, 2018.

(12) Time off with pay earned under section 23(2)(a) of the former Act that has not been provided, taken or paid before January 1, 2018 must be provided in accordance with section 23(2)(a) of the former Act unless the overtime agreement or overtime agreement that is part of a collective agreement provides for a higher rate.

(13) Sections 65 and 66 of the former Act and Part 5 and section 11(3)(c) of this Regulation do not apply with respect to employees under 18 years of age to which section 2.1(1) of the Act applies.

(14) Subsection (13) applies until section 44 of the *Fair and Family-friendly Workplaces Act* comes into force.

Coming into Force

27(1) This Regulation, except for section 16, comes into force on January 1, 2018.

(2) Section 16 comes into force on the coming into force of section 44 of the *Fair and Family-friendly Workplaces Act.*

28 The Schedule is amended by renumbering it as Schedule 1 and by adding the following after Schedule 1:

Schedule 2

Schedule of Administrative Penalties

The following Table sets out the administrative penalties that may be imposed for a contravention or failure to comply with the provisions of the *Employment Standards Code* and the *Employment Standards Regulation* (AR 14/97).

The Director may increase the minimum penalty set out in the Table based on the circumstances of the contravention or failure to comply, including the number of employees who were affected by the contravention or the failure to comply. The amount of any penalty, other than an amount to address economic benefit, must not exceed the amount referred to in section 123.1(3) of the *Employment Standards Code*.

Under section 123.1(2)(b) of the *Employment Standards Code*, a one-time amount to address economic benefit may be imposed where the Director is of the opinion that the person has derived an economic benefit directly or indirectly as a result of the contravention or failure to comply. The amount cannot exceed the amount of the economic benefit that was derived as a result of the contravention or failure to comply.

TABLE

Employment Standards Code/Employment Standards Regulation	Minimum Administrative Penalty for 1st contravention or failure to comply	Minimum Administrative Penalty for 2nd contravention of the 1st contravention, or 1st repetition of a failure to comply, within 3 years	Minimum Administrative Penalty for 3rd or subsequent contravention of the 1st contravention, or 2nd repetition of a failure to comply, within 3 years
LEVEL 1 – Minimum Administrative Penalty ● Part 2, Divisions 1 to 8, except Divisions 7 to 7.6, of the Act; ● Section 79 of Part 3, Division 2 of the Act; ● Section 91 of Part 3, Division 3 of the Act;	$500.00	$1000.00	$2000.00

● Sections 7 to 13 of Part 2 of the Regulation; ● Part 2.1 of the Regulation; ● Part 3, Divisions 1 to 11 of the Regulation; ● Sections 46 to 50 of Part 4 of the Regulation;			
LEVEL 2 – Minimum Administrative Penalty ● Part 2, Divisions 7 to 7.6 of the Act; ● Section 128 of the Act with respect; ● Sections 51 to 54.01 of Part 5 of the Regulation; ● Part 5.1 of the Regulation; ● Schedule 3 of the Regulation;	$1000.00	$2000.00	$4000.00
LEVEL 3 – Minimum Administrative Penalty ● Part 3, Division 1, sections 74 to 74.1 of the Act ● Sections 78 to 78.1 and 81 of Part 3, Division 2 of the Act; ● Sections 125, 127, 128 and 137 of Part 5, Division 1 of the Act.	$1500.00	$3000.00	$6,000.00

Schedule 3

Division 7.4
Critical Illness Leave

Critical illness leave

53.96(1) In this Division,

(a) "child" means a person who is under 18 years of age;

(b) "common-law partner" has the same meaning as in section 53.9(1)(a) of the Act;

(c) "family member " means family member for the purposes of compassionate care leave.

(2) Subject to this section, an employee who has been employed by the same employer for at least 90 days and is a family member of a critically ill child or a critically ill adult is entitled to an unpaid leave

(a) of up to 36 weeks for the purpose of providing care or support to the critically ill child, and

(b) of up to 16 weeks for the purpose of providing care or support to the critically ill adult.

(3) If more than one employee who is employed by the same employer is entitled to leave under this Division with respect to the same critically ill child or critically ill adult, the employer is not required to grant the leave to more than one employee at a time.

(4) If more than one child of the employee is critically ill as a result of the same event, the period during which the employee may take a leave under this Division

(a) begins on the earlier of the dates specified in subsection (5)(b) and (d) on the first medical certificate issued in respect of any of the children that are critically ill, and

(b) ends on the earliest of the following occurrences:

(i) the last day of the work week in which the last of the critically ill children dies;

(ii) the expiry of 36 weeks following the date leave began under clause (a);

(iii) the expiry of the latest period referred to in subsection (5)(c) on the medical certificates for the critically ill children;

(iv) the last day of the work week in which the employee ceases to provide care or support to the last of the critically ill children.

(5) The employee must provide to the employer a medical certificate stating the following:

(a) that the child or adult is critically ill and requires the care or support of one or more family members;

(b) the start date of the period during which the critically child or critically ill adult requires that care or support;

(c) the end date of the period during which the critically ill child or critically ill adult requires that care or support;

(d) if the leave was begun before the certificate was issued, the day leave began.

(6) The employee must provide a copy of the medical certificate under subsection (5) before commencing leave under this Division unless the employee is unable to do so, in which case the employee must provide the certificate as soon as is reasonable and practicable in the circumstances.

(7) An employee who wishes to take leave under this Division must give the employer at least 2 weeks' written notice, which notice must also include the estimated date of the employee's return to work, unless a shorter notice period is necessary in the circumstances, in which case the notice must be provided as soon as is reasonable and practicable in the circumstances.

(8) The employee must inform his or her employer of any change in the estimated date of returning to work.

(9) Subject to subsection (4), leave under this Division may be taken in one or more periods, but no period may be less than one week's duration.

(10) Leave under this Division ends on the earliest of the following occurrences:

(a) the last day of the work week in which the critically ill child or critically ill adult, as the case may be, named in the medical certificate under subsection (5) dies;

(b) the period of

(i) 36 weeks of leave under this Division ends, in the case of a critically ill child, or

(ii) 16 weeks of leave under this Division ends, in the case of a critically ill adult;

(c) the period referred to in the certificate referred to in subsection (5)(c) ends;

(d) the last day of the work week in which the employee ceases to provide care or support to the critically ill child or critically ill adult, as the case may be.

Termination of employment

53.961(1) No employer may terminate the employment of, or lay off, an employee who has started leave under this Division.

(2) Subsection (1) does not apply if an employer suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed, but the obligation of the employer to reinstate the employee or provide the employee with alternative work in accordance with section 53.963 continues to apply.

Notice to return to work

53.962(1) If an employee has been on leave under this Division, he or she must provide at least one week's written notice of the date the employee intends to return to work unless the employer and the employee agree otherwise.

(2) When an employee returns to work under this section, the employer must

(a) reinstate the employee in the position occupied when the leave started, or

(b) provide the employee with alternative work of a comparable nature at not less than the earnings and other benefits that had accrued to the employee when the leave started.

(3) An employee who does not wish to resume employment after the leave under this Division ends must give the employer at least 2 weeks' written notice of the employee's intention to terminate employment.

Suspension of operations

53.963 If the business, undertaking or other activity of an employer is suspended or discontinued in whole or in part during an employee's leave under this Division and the employer has not resumed operations when the leave ends, the employer must, if the operation is subsequently resumed within 52 weeks following the end of the leave,

(a) reinstate the employee in the position occupied at the time the leave started at not less than the earnings and other benefits that had accrued to the employee, or

(b) provide the employee with alternative work in accordance with an established seniority system or practice of the employer in force at the time the employee's leave started, with no loss of seniority or other benefits accrued to the employee.

Leave and vacation conflict

53.964 Notwithstanding section 37(1), if an employee is on leave under this Division on the day by which his or her vacation must be used, any unused part of the vacation must be used immediately after the leave expires or, if the employer and employee agree to a later date, by that later date.

Alberta Regulation 247/2017

Municipal Government Act

EXTENSION OF LINEAR PROPERTY REPEAL REGULATION

Filed: December 13, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 443/2017) on December 13, 2017 pursuant to section 603.1 of the Municipal Government Act.

Repeal

1 The *Extension of Linear Property Regulation* (AR 207/2012) is repealed.

Coming into force

2 This Regulation comes into force on January 1, 2018.

Alberta Regulation 248/2017

Dairy Industry Act

DAIRY INDUSTRY (EXPIRY DATE EXTENSION) AMENDMENT REGULATION

Filed: December 13, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 444/2017) on December 13, 2017 pursuant to section 39 of the Dairy Industry Act.

1 The *Dairy Industry Regulation* (AR 139/99) is amended by this Regulation.

2 Section 82 is amended by striking out "January 31, 2018" **and substituting** "January 31, 2020".

Alberta Regulation 249/2017

Personal Directives Act

PERSONAL DIRECTIVES AMENDMENT REGULATION

Filed: December 13, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 447/2017) on December 13, 2017 pursuant to section 34 of the Personal Directives Act.

1 The *Personal Directives Regulation* (AR 99/2008) is amended by this Regulation.

2 Section 13 is repealed.

Alberta Regulation 250/2017

Child and Youth Advocate Act

CHILD AND YOUTH ADVOCATE AMENDMENT REGULATION

Filed: December 13, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 450/2017) on December 13, 2017 pursuant to section 22 of the Child and Youth Advocate Act.

1 The *Child and Youth Advocate Regulation* (AR 53/2012) is amended by this Regulation.

2 Section 1 is renumbered as section 1.1 and the following is added before section 1.1:

Definition

1 In this Regulation, "Act" means the *Child and Youth Advocate Act*.

3 The following is added after section 1.1:

Reasons review not completed

1.2 When preparing a written report in accordance with section 9.1(4) of the Act, the Advocate must report on the number of reviews that have not been completed for the following reasons:

(a) due to a request made under section 9.1(5) of the Act;

(b) information requests made under the Act that are outstanding;

(c) extraordinary factors that may cause undue hardship to a member of the family and which are case specific.

Collection, use and disclosure of information

1.3(1) The Advocate may collect, use and disclose information, including personal information, from the Registrar of Vital Statistics for the purpose of carrying out the Advocate's responsibilities set out in the Act.

(2) A collection or disclosure of information referred to in this section may occur indirectly, without the consent of the person to whom the personal information belongs.

(3) For the purpose set out in subsection (1), the Registrar of Vital Statistics is authorized to disclose information, including personal information about a person, to the Advocate.

(4) This section does not limit the authority of the Advocate to collect, use or disclose information when authorized to do so by any other law.

Protocol for stays of investigations

1.4 The protocol for making determinations about the staying of an investigation or a review must

(a) establish graduated dispute resolution, and

(b) identify a senior official for the purposes of section 9.1(5) of the Act.

Roster of Indigenous advisors

1.5 The process by which a person may be recruited as a member of the roster of Indigenous advisors must

(a) include competency criteria that identify any skills, knowledge, experience or attributes required of the member, and

(b) base the selection of the person for appointment as a member on assessment of the extent to which the person possesses the identified skills, knowledge, experience or attributes.

Information that may not be provided

1.6(1) A law enforcement agency or the Alberta Crown Prosecution service may withhold information or a record held by the law enforcement agency or the Alberta Crown Prosecution Service which is relevant to an ongoing investigation referred to in section 9(2)(d) of the Act or a review referred to in section 9.1 of the Act, if

(a) the information or record is related to an investigation by a law enforcement agency or a prosecution under any statute in force in Alberta, and

(b) in the opinion of a senior official of a law enforcement agency or the Assistant Deputy Minister responsible for the Alberta Crown Prosecution Service, the disclosure of the record or information could reasonably be expected to interfere with or harm that investigation or prosecution.

(2) A law enforcement agency or the Alberta Crown Prosecution Service must provide the information or record referred to in subsection (1) once the provision of the information or record is no longer reasonably expected to interfere with or harm the investigation or prosecution.

Recommendations arising from investigation report under section 9(2)(d) of the Act

1.7(1) The Advocate may make recommendations arising from an investigation under section 9(2)(d) of the Act that the Advocate considers appropriate with respect to a public body's policies, practices or procedures that may assist in addressing the systemic issues arising from the serious injury or death of the child receiving designated services.

(2) In making recommendations, the Advocate must consider including

(a) relevant research or evidence,

(b) the rationale on which those recommendations are based,

(c) desired outcomes or impacts and how those outcomes or impacts will be measured,

(d) any mitigating measures completed by a public body after the death or serious injury of the child,

(e) which public body is responsible for implementation, and

(f) current measures that are working well.

Recommendations arising from report of mandatory review of death

1.8(1) The Advocate may make recommendations arising from a review under section 9.1 of the Act that the Advocate considers appropriate with respect to a ministry's policies, practices or procedures that may assist in the prevention of similar deaths.

(2) In making recommendations, the Advocate must consider including

(a) relevant research or evidence,

(b) the rationale on which those recommendations are based,

(c) the desired outcomes or impacts and how those outcomes or impacts will be measured,

(d) any mitigating measures completed by a public body after the death or serious injury of the child,

(e) which public body is responsible for implementation, and

(f) current measures that are working well.

Recommendations arising from report of mandatory review of death

1.9 In fulfilling its mandate under section 15.2 of the Act, the Audit Advisory Committee shall advise the Advocate as to whether the Advocate's recommendations meet the criteria set out in sections 1.7 and 1.8.

4 Section 2 is repealed.

5 This Regulation comes into force on the coming into force of the *Child Protection and Accountability Act*.

Alberta Regulation 251/2017

Post-secondary Learning Act

PROGRAMS OF STUDY AMENDMENT REGULATION

Filed: December 13, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 456/2017) on December 13, 2017 pursuant to section 124 of the Post-secondary Learning Act.

1 The *Programs of Study Regulation* (AR 91/2009) is amended by this Regulation.

2 Section 16 is repealed.

Alberta Regulation 252/2017

Alberta Human Rights Act

HUMAN RIGHTS (MINIMUM AGE FOR OCCUPANCY) REGULATION

Filed: December 15, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 457/2017) on December 15, 2017 pursuant to section 5.1 of the Alberta Human Rights Act.

Required occupancy

1 For the purposes of sections 4.2 and 5(4) of the Act, a minimum age for occupancy must not prevent occupancy of a unit or site by the following other individuals:

(a) individuals providing home-based personal or health care services to an occupant of the unit or site;

(b) minors related, by blood, adoption, marriage or by virtue of an adult interdependent partnership, to an occupant of the unit or site, of whom the occupant has, since commencing occupancy of the unit or site, become the primary caregiver due to an unforeseen event;

(c) a surviving spouse or adult interdependent partner of a deceased former occupant of the unit or site who, at the time of death, was cohabiting with the deceased former occupant.

Allowed occupancy

2 For the purposes of sections 4.2 and 5(4) of the Act, a minimum age for occupancy may permit occupancy of a unit or site by any other individual whose occupancy is reasonable and appropriate in the circumstances.

Determining whether a minimum age for occupancy exists

3(1) Words or expressions used in this section and not defined in the Act, have the meanings assigned to them in or under the *Condominium Property Act*.

(2) For the purposes of section 4.2(1) of the Act, a minimum age for occupancy is deemed to be in existence prior to January 1, 2018, for all residential units in a condominium plan or proposed residential units in a proposed condominium plan, if prior to that date

(a) a purchase agreement existed in respect of a unit or proposed unit in that condominium plan or proposed condominium plan, and

(b) that minimum age was set out in proposed bylaws delivered to the purchaser of that unit or proposed unit in accordance with the requirements of the *Condominium Property Act*.

Coming into force

4 This Regulation comes into force on January 1, 2018.

Alberta Regulation 253/2017

Workers' Compensation Act

MEDICAL PANELS (EXPIRY DATE EXTENSION) AMENDMENT REGULATION

Filed: December 18, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 458/2017) on December 18, 2017 pursuant to section 46.1 of the Workers' Compensation Act.

1 The *Medical Panels Regulation* (AR 290/2006) is amended by this Regulation.

2 Section 13 is amended by striking out "March 31, 2018" **and substituting** "December 31, 2019"**.**

Alberta Regulation 254/2017

Climate Change and Emissions Management Act

CLIMATE CHANGE AND EMISSIONS MANAGEMENT ACT REGULATIONS (EXPIRY DATE EXTENSION) AMENDMENT REGULATION

Filed: December 18, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 462/2017) on December 18, 2017 pursuant to section 60 of the Climate Change and Emissions Management Act.

1 The *Administrative Penalty Regulation* (AR 140/2007) is amended in section 5 by striking out "December 31, 2017" **and substituting** "December 31, 2022".

2 The *Climate Change and Emissions Management Fund Administration Regulation* (AR 120/2009) is amended in section 15 by striking out "December 31, 2017" **and substituting** "December 31, 2022".

3 The *Specified Gas Reporting Regulation* (AR 251/2004) is amended in section 11 by striking out "December 31, 2017" **and substituting** "December 31, 2022".

Alberta Regulation 255/2017

Climate Change and Emissions Management Act

CARBON COMPETITIVENESS INCENTIVE REGULATION

Filed: December 18, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 463/2017) on December 18, 2017 pursuant to sections 5 and 60 of the Climate Change and Emissions Management Act.

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Part 1
Interpretation and Application

Interpretation

1(1) In this Regulation,

(a) "Act" means the *Climate Change and Emissions Management Act*;

(b) "annual forecasting report" means an annual forecasting report under section 14;

(c) "assigned benchmark" means a benchmark assigned under section 8, 10 or 35(3), expressed in tonnes of CO_2e per benchmark unit;

(d) "benchmark" means the emissions intensity allocated for a benchmark unit of a product;

(e) "benchmark unit" means

(i) a benchmark unit for a product set out in the Table in Schedule 2, and

(ii) the unit of measure of a product of a facility, as approved or determined by the director in assigning an assigned benchmark for the product;

(f) "biomass CO_2 emissions" means all emissions of carbon dioxide released from sources located at a facility as a result of the decomposition or combustion of biomass;

(g) "CO_2e" means the 100-year time horizon global warming potential of a specified gas expressed in terms of equivalency to CO_2 as set out in the Standard for Completing Greenhouse Gas Compliance and Forecasting Reports;

(h) "compliance report" means a compliance report under section 12;

(i) "department" means the department administered by the Minister;

(j) "direct emissions" means all specified gases released from sources located at a facility, not including biomass CO_2 emissions, expressed in tonnes on a CO_2e basis;

(k) "emission offset" means an instrument serialized on the Alberta Emission Offset Registry

(i) in respect of a reduction in the release of a specified gas or a sequestration of or a capture of carbon dioxide described in section 16, or

(ii) in respect of a reduction in the release of a specified gas or a sequestration of or a capture of carbon dioxide that occurred before January 1, 2018 described in section 7 of the *Specified Gas Emitters Regulation* (AR 139/2007);

(l) "emission offset project" means a project undertaken to generate emission offsets;

(m) "emission offset project developer" in respect of an emission offset project means the person registered as the owner of the emission offset project on the Alberta Emission Offset Registry;

(n) "emission performance credit" means

(i) an emission performance credit issued under section 17, and

(ii) an emission performance credit issued under section 9 of the *Specified Gas Emitters Regulation* (AR 139/2007);

(o) "emissions intensity" means the quantity of specified gases released in the production of a benchmark unit of a product;

(p) "established benchmark" means a benchmark set out in, or determined in accordance with, the Table in Schedule 2;

(q) "facility" means

(i) a plant, structure or thing where an activity listed in section 2 of the Schedule of Activities to the *Environmental Protection and Enhancement Act* occurs, and

(ii) a site or 2 or more contiguous or adjacent sites that are operated and function in an integrated fashion where an activity listed in any of sections 3 to 11 of the Schedule of Activities to the *Environmental Protection and Enhancement Act* occurs,

including all the buildings, equipment, structures, machinery and vehicles that are an integral part of the activity;

(r) "forecasting facility" means a facility that has total regulated emissions of one megatonne or more in 2016 or a subsequent year;

(s) "Fund" means the Climate Change and Emissions Management Fund established by the Act;

(t) "fund credit" means

(i) a fund credit obtained under section 18, and

(ii) a fund credit obtained under section 8 of the *Specified Gas Emitters Regulation* (AR 139/2007);

(u) "interim compliance report" means an interim compliance report under section 13;

(v) "net emissions" means the net emissions for a facility determined in accordance with section 7;

(w) "net geological sequestration" means the amount of carbon dioxide that is sequestered in a geological formation, less the amount of specified gases, expressed in tonnes on a CO_2e basis, released as a result of the sequestration activity;

(x) "net sequestration" means the amount of carbon dioxide sequestered in a sink, other than a geological formation, less any specified gases, expressed in tonnes on a CO_2e basis, released as a result of the sequestration activity;

(y) "opted-in facility" means a facility designated as an opted-in facility under section 4(4);

(z) "output-based allocation" means the output-based allocation for a facility determined in accordance with section 5;

(aa) "person responsible" means,

(i) where the release of the specified gas occurs at a facility that is the subject of an approval or registration under the *Environmental Protection and Enhancement Act*, the holder of the approval or registration,

(ii) where the release of the specified gas occurs at a facility that is not the subject of an approval or registration referred to in subclause (i) but is the subject of an approval or other authorization issued by the Alberta

Energy Regulator or the Alberta Utilities Commission, the holder of that approval or authorization, or

(iii) where the release of the specified gas occurs at any other facility, the owner of the facility;

(bb) "product" means

(i) an end product or intermediate product produced by a facility, or

(ii) an input, output, process or other thing specified in respect of a facility under subsection (2);

(cc) "production" means the quantity, expressed in the applicable benchmark unit, of

(i) an end product or intermediate product produced by a facility, or

(ii) an input, output, process or other thing specified under subsection (2);

(dd) "renewable electricity facility" means a facility that produces electricity from an energy resource that occurs naturally and that can be replenished or renewed within a human lifespan, including, but not limited to,

(i) moving water,

(ii) wind,

(iii) heat from the earth,

(iv) sunlight, and

(v) sustainable biomass;

(ee) "reporting period" means reporting period one, two, three or four;

(ff) "reporting period one" means the period beginning on January 1 and ending on March 31 of a year;

(gg) "reporting period two" means the period beginning on January 1 and ending on June 30 of a year;

(hh) "reporting period three" means the period beginning on January 1 and ending on September 30 of a year;

(ii) "reporting period four" means the period beginning on January 1 and ending on December 31 of a year;

(jj) "specified gas" means a gas listed in column 1 of Schedule 1;

(kk) "Standard for Completing Greenhouse Gas Compliance and Forecasting Reports" means the Standard for Completing Greenhouse Gas Compliance and Forecasting Reports published by the department, as amended or replaced from time to time;

(ll) "Standard for Establishing and Assigning Benchmarks" means the Standard for Establishing and Assigning Benchmarks published by the department, as amended or replaced from time to time;

(mm) "Standard for Greenhouse Gas Emission Offset Project Developers" means the Standard for Greenhouse Gas Emission Offset Project Developers published by the department, as amended or replaced from time to time;

(nn) "Standard for Verification" means the Standard for Verification published by the department, as amended or replaced from time to time;

(oo) "third party verifier" means a person who has the qualifications referred to in, and is eligible to be a third party verifier under, section 24;

(pp) "total regulated emissions" means the total regulated emissions for a facility determined in accordance with section 7(2);

(qq) "true-up obligation" means the amount by which a facility's total regulated emissions in a reporting period exceeds the facility's output-based allocation for the reporting period;

(rr) "year" means a calendar year unless otherwise specified.

(2) The director may specify an input, output, process or other thing as a product of a facility for the purposes of this Regulation.

(3) For the purposes of this Regulation, a facility is considered to begin commercial operation on January 1 of the year immediately following the year in which the facility first produces a product.

(4) Notwithstanding subsection (3), for the purposes of this Regulation, the director may, if the director considers it appropriate to do so, designate the year of commercial operation that a facility that has undergone an expansion or significant change is in, but the director

may only do so once with respect to a particular expansion or significant change.

(5) In determining whether it is appropriate to make a designation in respect of a facility under subsection (4), the director must consider

(a) the nature and extent of the expansion or significant change undergone by the facility and the technologies employed in the expansion or significant change that affect specified gas emissions, and

(b) any other matter that in the director's opinion is relevant to determining whether it is fair and reasonable to make the designation considering the objective of reducing specified gas emissions.

(6) For the purposes of this Regulation, the person responsible for a facility with respect to a reporting period is the person who is the person responsible for the facility on the last day of the reporting period.

Incorporation of standards

2 Pursuant to section 61 of the Act, the following standards published by the department, as amended or replaced from time to time, are incorporated into and form part of this Regulation:

(a) Standard for Establishing and Assigning Benchmarks;

(b) Standard for Completing Greenhouse Gas Compliance and Forecasting Reports;

(c) Standard for Greenhouse Gas Emission Offset Project Developers;

(d) Standard for Verification.

Application

3(1) This Regulation applies to the following facilities:

(a) a facility that has total regulated emissions of 100 000 tonnes or more in 2003 or a subsequent year;

(b) an opted-in facility.

(2) Notwithstanding subsection (1)(a), if a facility other than an opted-in facility first has total regulated emissions of 100 000 tonnes or more in 2018 or a subsequent year, this Regulation does not begin to

apply to the facility until the year after the year in which the facility first has total regulated emissions of 100 000 tonnes or more.

Opted-in facilities

4(1) In this section,

(a) "competitively impacted facility" means a facility other than a facility described in section 3(1)(a) that competes directly with a facility described in section 3(1)(a);

(b) "emissions-intensive trade-exposed sector" means a sector

(i) that has an emissions intensiveness that equals or exceeds 3% and a trade exposure that equals or exceeds 20%,

(ii) that has an emissions intensiveness that equals or exceeds 15% and a trade exposure that equals or exceeds 10% but is less than 20%, or

(iii) that has an emissions intensiveness that equals or exceeds 30% and a trade exposure that equals or exceeds 0% but is less than 10%;

(c) "emissions intensiveness" in respect of a sector means the full carbon pricing costs of the sector divided by the gross value added for the sector;

(d) "full carbon pricing costs" means full carbon pricing costs as established in accordance with the Standard for Establishing and Assigning Benchmarks;

(e) "sector" means the part of the economy consisting of entities that produce goods or services that are the same or substantially the same;

(f) "trade exposure" means the ratio of A to B

where

A is the total value in dollars of all products produced by the sector in Alberta that are exported from Alberta plus the total value in dollars of all products produced by the sector that are imported into Alberta;

B is the total value in dollars of all products produced by the sector in Alberta plus the total value in dollars of all products produced by the sector that are imported into Alberta.

(2) Subject to subsection (11), a person responsible for a facility may apply to the director for the facility to be designated as an opted-in facility.

(3) An application under subsection (2) must

(a) be submitted in the form and manner prescribed by the director,

(b) include the information required by the director, and

(c) be received by the director on or before June 1 of the year preceding the year in which the designation is intended to be effective.

(4) The director may designate a facility as an opted-in facility if

(a) the application meets the requirements under subsection (3),

(b) the director is satisfied that

(i) the facility is a competitively impacted facility, or

(ii) the facility is in an emissions-intensive trade-exposed sector and that the facility

(A) had total regulated emissions of 50 000 tonnes or more in 2013 or a subsequent year, or

(B) is likely to have total regulated emissions of 50 000 tonnes or more in its second year of commercial operation,

and

(c) the director is satisfied that no benefit is being, or has been, provided in respect of the facility under an initiative of the Government of Alberta, or an agency of the Government of Alberta, that will substantially alleviate the cost of the carbon levy under the *Climate Leadership Act* in respect of the facility.

(5) The director shall notify the person responsible for a facility in writing of the director's decision as to whether to designate the facility as an opted-in facility.

(6) A person responsible for a facility may apply to the director for the designation of the facility as an opted-in facility under subsection (4) to be revoked.

(7) An application under subsection (6) must

(a) be submitted in the form and manner prescribed by the director,

(b) contain the information required by the director, and

(c) be received by the director on or before June 1 of the year preceding the year in which the revocation is intended to be effective.

(8) The director may revoke the designation of a facility as an opted-in facility on the application of the person responsible if

(a) the application meets the requirements under subsection (7), and

(b) in the opinion of the director, it is appropriate for the designation to be revoked taking into consideration the objective of reducing specified gas emissions.

(9) The director shall notify the person responsible for a facility in writing of the director's decision as to whether to revoke the designation of the facility as an opted-in facility.

(10) The person responsible for a facility that has been notified that the designation of the facility as an opted-in facility has been revoked shall submit the compliance report for the last year that the facility was an opted-in facility on or before March 31 of the following year.

(11) A person responsible for a facility is not eligible to apply for the facility to be designated as an opted-in facility if

(a) the exemption under section 15(1)(d) of the *Climate Leadership Act* applies in respect of fuel used at the facility, or

(b) the facility is a renewable electricity facility

(i) that has a total nominal capacity of less than 5 megawatts,

(ii) that is part of a renewable electricity program in respect of which a participant has entered into a renewable electricity support agreement under section 7(4) of the *Renewable Electricity Act*, or

(iii) in respect of which, in the opinion of the director, an economic benefit is being provided under a program or other scheme that is attributable to the electricity produced at the facility having been produced from an energy resource referred to in section 1(1)(dd).

Part 2
Output-based Allocation

Output-based Allocation

Determination of the output-based allocation for a facility

5(1) Subject to subsection (2), the output-based allocation for a facility for a reporting period is determined in accordance with the following formula:

$$OBA = \sum_{i} (BE_{i\text{-}Y} \times P_i) + \sum_{j}(BA_{j\text{-}Y} \times P_j) - \mathbf{(}(BE_{E\text{-}Y} \times I_E) + (BE_{Hy\text{-}Y} \times I_{Hy}) + (BE_{IHe\text{-}Y} \times I_{He})\mathbf{)}$$

where

OBA	is the output-based allocation for the facility for the reporting period;
$BE_{i\text{-}Y}$	is the established benchmark for year Y for each product i;
i	is each product of the facility that has an established benchmark;
Y	is the year in which the reporting period occurs;
P_i	is the production for each product i for the facility during the reporting period;
$BA_{j\text{-}Y}$	is the assigned benchmark for year Y for each product j;
j	is each product of the facility that has an assigned benchmark;
P_j	is the production for each product j for the facility during the reporting period;
$BE_{E\text{-}Y}$	is the established benchmark for year Y for electricity;
I_E	is the electricity imported by the facility during the reporting period, expressed in megawatt hours;
$BE_{Hy\text{-}Y}$	is the established benchmark for year Y for hydrogen;
I_{Hy}	

(a) in the case of a facility producing a product with a benchmark unit of "Alberta complexity weighted barrel" is zero, and

(b) in the case of any other facility, is the hydrogen imported by the facility during the reporting period, expressed in tonnes;

BE_{IHe-Y} is the established benchmark for year Y for industrial heat;

I_{He} is the heat imported by the facility during the reporting period, expressed in gigajoules.

(2) If the amount determined under subsection (1) for a reporting period is less than zero, the output-based allocation for the facility for the reporting period is zero.

Duty to not exceed output-based allocation

6(1) The person responsible for a facility that is in its 2nd or a subsequent year of commercial operation shall comply with the requirement that the net emissions for the facility for reporting period four of the year shall not exceed the output-based allocation for the facility for reporting period four.

(2) In addition to complying with subsection (1), the person responsible for a forecasting facility that is in its 2nd or a subsequent year of commercial operation shall comply with the following requirements:

(a) the net emissions for the forecasting facility for reporting period one of the year shall not exceed the output-based allocation for the facility for reporting period one;

(b) the net emissions for the forecasting facility for reporting period two of the year shall not exceed the output-based allocation for the facility for reporting period two;

(c) the net emissions for the forecasting facility for reporting period three of the year shall not exceed the output-based allocation for the facility for reporting period three.

(3) Notwithstanding subsection (1), the person responsible for a renewable electricity facility shall comply with the requirement that the net emissions for the facility for reporting period four of each year the facility is designated as an opted-in facility shall not exceed the output-based allocation for the facility for reporting period four.

Determination of net emissions

7(1) For the purposes of section 6, the net emissions for a facility for a reporting period is determined in accordance with the following formula:

$$NE = TRE - (EO + EPC + FC)$$

where

NE is the net emissions for the facility for the reporting period;

TRE is the total regulated emissions for the facility for the reporting period;

EO is the quantity of specified gases, expressed in tonnes on a CO_2e basis, represented by the emission offsets used by the person responsible for the facility for the reporting period;

EPC is the quantity of specified gases, expressed in tonnes on a CO_2e basis, represented by the emission performance credits used by the person responsible for the facility for the reporting period;

FC is the quantity of specified gases, expressed in tonnes on a CO_2e basis, represented by the fund credits used by the person responsible for the facility for the reporting period.

(2) For the purposes of subsection (1), the total regulated emissions for a facility for a reporting period is determined in accordance with the following formula:

$$TRE = DE - ICO_2 + ECO_2 + UCO_2$$

where

TRE is the total regulated emissions for the facility for the reporting period, expressed in tonnes on a CO_2e basis;

DE is the direct emissions for the facility for the reporting period;

ICO_2 is the amount of carbon dioxide expressed in tonnes imported on site during the reporting period from a different facility to which this Regulation applies;

ECO_2 is the amount of carbon dioxide expressed in tonnes exported from the facility during the reporting period;

UCO_2 is the amount of carbon dioxide expressed in tonnes used by the facility as feedstock for the production of urea during the reporting period.

(3) For the purposes of determining the net emissions for a forecasting facility under subsection (1), the person responsible for the forecasting facility shall use the same ratio of fund credits to the sum of emission offsets and emission performance credits that was included under

section 14(3)(b)(iv) in the latest annual forecasting report submitted for the facility for that year.

(4) The person responsible for a facility shall comply with each of the rules set out in section 19(1), (2), (3) and (4) in determining the net emissions for a facility.

(5) The person responsible for a facility in respect of a reporting period shall determine the net emissions for the reporting period on or before the date on which the compliance report or interim compliance report for the reporting period is required to be submitted.

Assigned Benchmarks

Assignment of assigned benchmark

8(1) If a product of a facility does not have an established benchmark, the director may, if the director considers it appropriate to do so, assign an assigned benchmark for the product and specify the year for which the assigned benchmark is applicable

(a) on the director's own initiative, or

(b) on the application of the person responsible for the facility under section 9.

(2) The director shall give the person responsible for a facility written notice of the assigned benchmarks for the products of the facility that are assigned under this section.

Application for assigned benchmark

9(1) If a product of a facility does not have an established benchmark and an assigned benchmark has not been assigned for the product under section 8(1)(a), the person responsible for the facility may apply to the director for the assignment of an assigned benchmark for the product on or before June 1 of the year in which the person responsible first wants an assigned benchmark for the product to be used in determining the facility's output-based allocation.

(2) An application under subsection (1) must

(a) be submitted in the form and manner prescribed by the director,

(b) include the information required by the director, and

(c) be verified by a third party verifier as required by the director.

(3) The person responsible for a facility shall comply with the rules and other requirements set out in Part 1 of the Standard for Establishing and Assigning Benchmarks in preparing and submitting an application for the assignment of an assigned benchmark.

(4) A third party verifier shall comply with the rules and other requirements set out in Part 1 of the Standard for Verification in providing a verification referred to in subsection (2)(c).

Review of and assignment of new assigned benchmark

10 The director may at any time review an assigned benchmark for a product of a facility and may assign a new assigned benchmark for the product if the director is of the opinion that

(a) the assigned benchmark is inaccurate, or

(b) the product or production process has significantly changed.

Determination of assigned benchmark

11 Each assigned benchmark for a product of a facility must be determined in accordance with the Standard for Establishing and Assigning Benchmarks.

Reports

Compliance report

12(1) The person responsible for a facility that is in its 2nd or a subsequent year of commercial operation in a year shall submit to the director a compliance report for the facility for reporting period four of the year by March 31 of the following year.

(2) Notwithstanding subsection (1), the person responsible for a renewable electricity facility shall submit to the director a compliance report for the facility for reporting period four of each year the facility is designated as an opted-in facility by March 31 of the following year.

(3) The compliance report must

(a) be submitted in the form and manner prescribed by the director,

(b) include the information required by the director,

(c) confirm that the net emissions for the facility for reporting period four does not exceed the output-based allocation for the facility for reporting period four,

(d) be certified by the person responsible in the manner required by the director, and

(e) be verified by a third party verifier.

(4) The person responsible for a facility shall comply with the rules and other requirements set out in Part 1 of the Standard for Completing Greenhouse Gas Compliance and Forecasting Reports in preparing and submitting a compliance report for the facility under this section.

(5) A third party verifier shall comply with the rules and other requirements set out in Part 1 of the Standard for Verification in providing a verification referred to in subsection (3)(e).

Interim compliance report for forecasting facility

13(1) The person responsible for a forecasting facility that is in its 2nd or a subsequent year of commercial operation shall submit to the director an interim compliance report for the facility

(a) for reporting period one of the year on or before May 15 of that year,

(b) for reporting period two of the year on or before August 15 of that year, and

(c) for reporting period three of the year on or before November 15 of that year.

(2) A person responsible for a forecasting facility is not required to submit an interim compliance report for the forecasting facility under subsection (1) for any of the reporting periods in

(a) the first year in which the forecasting facility has total regulated emissions of one megatonne or more,

(b) the year following the first year in which the forecasting facility has total regulated emissions of one megatonne or more, or

(c) the 2nd year following a year in which the forecasting facility has total regulated emissions of less than one megatonne.

(3) The interim compliance report must

(a) be submitted in the form and manner prescribed by the director,

(b) include the information required by the director,

(c) confirm that the net emissions for the facility for the reporting period does not exceed the output-based allocation for the facility for the reporting period,

(d) be certified by the person responsible in the manner required by the director, and

(e) be verified by a third party verifier as required by the director.

(4) The person responsible for a facility shall comply with the rules and other requirements set out in Part 1 of the Standard for Completing Greenhouse Gas Compliance and Forecasting Reports in preparing and submitting an interim compliance report for the facility under this section.

(5) A third party verifier shall comply with the rules and other requirements set out in Part 1 of the Standard for Verification in providing a verification referred to in subsection (3)(e).

Annual forecasting report

14(1) Subject to subsection (2), if a forecasting facility is in its first or a subsequent year of commercial operation in a year, the person responsible for the forecasting facility on September 30 of the year shall, on or before November 30, submit to the director an annual forecasting report with respect to the facility for the following year.

(2) A person responsible for a forecasting facility is not required to submit an annual forecasting report with respect to the forecasting facility under subsection (1) for

(a) the year following the first year in which the forecasting facility has total regulated emissions of one megatonne or more, or

(b) the 2nd year following a year in which the forecasting facility has total regulated emissions of less than one megatonne.

(3) The annual forecasting report must

(a) be submitted in the form and manner prescribed by the director,

(b) include

(i) a forecast of the forecasting facility's total regulated emissions for each reporting period for the following year,

(ii) a forecast of the forecasting facility's production of each product that has an established benchmark or an assigned benchmark for each reporting period for the following year,

(iii) a forecast of the true-up obligation for the forecasting facility for each reporting period for the following year,

(iv) the ratio of fund credits to the sum of emission performance credits plus emission offsets that the person responsible will use to meet the facility's true-up obligation for all reporting periods for the following year, and

(v) any other information required by the director

and

(c) be certified by the person responsible in the manner required by the director.

(4) The person responsible for a forecasting facility may, in accordance with this section, submit a revised annual forecasting report for the remaining reporting periods in a year at the time the person responsible submits an interim compliance report for a reporting period in the year.

(5) The person responsible for a facility shall comply with the rules and other requirements set out in Part 1 of the Standard for Completing Greenhouse Gas Compliance and Forecasting Reports in preparing and submitting an annual forecasting report for the facility under this section.

Part 3
Emission Offsets, Emission Performance Credits and Fund Credits

Emission offset projects

15(1) An emission offset project developer shall comply with the rules and other requirements set out in Part 1 of the Standard for Greenhouse Gas Emission Offset Project Developers

(a) in initiating and implementing an emission offset project, and

(b) in serializing emission offsets.

(2) An emission offset must be verified by a third party verifier.

(3) A third party verifier shall comply with the rules and other requirements set out in Part 1 of the Standard for Verification in verifying an emission offset.

Emission offsets

16(1) A reduction in specified gas emissions or a sequestration of carbon dioxide, other than a geological sequestration, must meet the following requirements for the reduction or sequestration to constitute one or more emission offsets:

(a) the reduction or sequestration must occur in Alberta;

(b) the reduction or sequestration must result from an action taken that is not otherwise required by law at the time the action is taken;

(c) the reduction or sequestration must

(i) result from an action taken on or after January 1, 2002, and

(ii) occur on or after January 1, 2002;

(d) the reduction or sequestration must be real and demonstrable;

(e) the reduction or sequestration must be quantifiable and measurable, directly or by accurate estimation using replicable techniques.

(2) A geological sequestration of carbon dioxide must meet the following requirements for the geological sequestration to constitute one or more emission offsets:

(a) the carbon dioxide that is geologically sequestered must be captured through a dedicated process from sources located at a facility in Alberta;

(b) the carbon dioxide must be stored in a geological formation that is located wholly or partly in Alberta;

(c) the geological sequestration of the carbon dioxide must not be required by law at the time the carbon dioxide is geologically sequestered;

(d) the construction of the infrastructure used to geologically sequester the carbon dioxide must have been initiated on or after January 1, 2002;

(e) the geological sequestration of the carbon dioxide must occur after January 1, 2002;

(f) the quantity of carbon dioxide that is geologically sequestered must be quantifiable and measurable, directly or by accurate estimation using replicable techniques.

(3) A capture of carbon dioxide must meet the following requirements for the capture to constitute one or more emission offsets:

(a) the carbon dioxide must be captured through a dedicated process from sources located at a facility upgrading or refining bitumen in Alberta;

(b) the capture of the carbon dioxide must not be required by law at the time the carbon dioxide is captured;

(c) the construction of the infrastructure used to capture the carbon dioxide must have been initiated on or after January 1, 2012 and the infrastructure must have been used to capture carbon dioxide before December 31, 2015;

(d) the carbon dioxide must be

(i) captured by infrastructure capable of capturing, and

(ii) stored in geological formations capable of storing

1 000 000 tonnes of carbon dioxide per year;

(e) at least 51% of the volume of carbon dioxide captured through the dedicated process from sources located at a facility upgrading or refining bitumen in Alberta in a year must be sequestered in a geological formation in respect of which a pore space tenure agreement has been entered into with the Government of Alberta on or after January 1, 2011;

(f) the quantity of carbon dioxide that is captured must be quantifiable and measurable, directly or by accurate estimation using replicable techniques;

(g) the captured carbon dioxide must be geologically sequestered in accordance with subsection (2) on or before August 22, 2025;

(h) the amount established under section 18(2) must be less than $80 at the time the captured carbon dioxide is geologically sequestered.

(4) A one-tonne reduction in specified gas emissions, expressed on a CO_2e basis, or a one-tonne net sequestration of carbon dioxide that meets the requirements of subsection (1), constitutes one emission offset.

(5) A net geological sequestration of one tonne of carbon dioxide that meets the requirements of subsection (2) constitutes one emission offset.

(6) The number of emission offsets constituted by a capture of carbon dioxide that meets the requirements of subsection (3) is determined as follows:

(a) if the amount established under section 18(2) is equal to or less than $40 at the time that the captured carbon dioxide is geologically sequestered, the number of emission offsets constituted is calculated in accordance with the following formula:

A x 1

where

A equals the emission offsets constituted by the net geological sequestration of the captured carbon dioxide that meets the requirements of subsection (2);

(b) if the amount established under section 18(2) is more than $40 but less than $80 at the time that the captured carbon dioxide is geologically sequestered, the number of emission offsets constituted is calculated in accordance with the following formula:

A x (80-B)/40

where

A equals the emission offsets constituted by the net geological sequestration of the captured carbon dioxide that meets the requirements of subsection (2);

B equals the amount established under section 18(2).

(7) An emission offset represents one tonne of specified gas emissions, expressed on a CO_2e basis.

Emission performance credits

17(1) If the total regulated emissions of a facility in reporting period four is less than the output-based allocation for the facility for reporting period four, the director shall issue one or more emission performance credits to the person responsible for the facility.

(2) An emission performance credit represents one tonne of specified gas emissions, expressed on a CO_2e basis.

(3) The number of emission performance credits the director shall issue to the person responsible for the facility for the year must be determined in accordance with the following formula:

EPC = OBA - TRE

where

EPC is the number of emission performance credits, expressed in tonnes on a CO_2e basis, the director shall issue to the person responsible;

OBA is the output-based allocation for the facility for reporting period four;

TRE is the total regulated emissions for the facility for reporting period four.

Fund credits

18(1) A person responsible may obtain fund credits by contributing money to the Fund.

(2) The Minister may, by order, establish the amount of money that a person responsible must contribute to the Fund to obtain one fund credit.

(3) A fund credit represents one tonne of specified gas emissions, expressed on a CO_2e basis.

Use of emission offsets, emission performance credits and fund credits

19(1) The following rules apply to the use of emission offsets in determining the net emissions for a facility under section 7:

(a) an emission offset must be held by the person responsible using it;

(b) an emission offset may only be used once;

(c) an emission offset may only be used if it has been verified as required by section 15(2);

(d) an emission offset serialized in respect of a reduction of specified gas, or net sequestration, net geological sequestration or capture of carbon dioxide, that occurred in 2014 or a previous year may only be used for a reporting period in 2020 or a previous year;

(e) an emission offset serialized in respect of a reduction of specified gas, or net sequestration, net geological sequestration or capture of carbon dioxide, that occurred in 2015 or 2016 may only be used for a reporting period in 2021 or a previous year;

(f) an emission offset serialized in respect of a reduction of specified gas, or net sequestration, net geological sequestration or capture of carbon dioxide, that occurs in 2017 or a subsequent year may only be used for a reporting period in a year within the 8-year period after the year in which the reduction, net sequestration, net geological sequestration or capture occurs.

(2) The following rules apply to the use of emission performance credits in determining the net emissions for a facility under section 7:

(a) an emission performance credit created in a year may only be used for a reporting period in a subsequent year;

(b) an emission performance credit must be held by the person responsible using it;

(c) an emission performance credit may only be used once;

(d) an emission performance credit issued in respect of 2014 or a previous year may only be used for a reporting period in 2020 or a previous year;

(e) an emission performance credit issued in respect of 2015 or 2016 may only be used for a reporting period in 2021 or a previous year;

(f) an emission performance credit issued in respect of 2017 or a subsequent year may only be used for a reporting period in a year within the 8-year period after the year in respect of which the emission performance credit is issued.

(3) The following rules apply to the use of fund credits in determining the net emissions for a facility under section 7:

(a) a fund credit may only be used once;

(b) a fund credit obtained on or before March 31 in a year may only be used for a reporting period in the previous year;

(c) a fund credit obtained after March 31 in a year may only be used for a reporting period in that year.

(4) An emission offset, emission performance credit or fund credit may only be used by a person responsible for a facility in determining the net emissions for a facility under section 7 if the emission offset or emission performance credit is held, or the fund credit is obtained, by the person responsible on or before

(a) the date the compliance report or interim compliance report with respect to the reporting period is submitted, or

(b) the date by which the compliance report or interim compliance report is required to be submitted, in the event that the compliance report or interim compliance report is not submitted on or before that date.

(5) For the purposes of determining the net emissions for a facility for a reporting period under section 7, subject to subsection (6), the person responsible for a facility shall not use

(a) emission offsets, and

(b) emission performance credits

for more than a combined maximum of

(c) 50% of the true-up obligation for the facility for a reporting period in 2018,

(d) 55% of the true-up obligation for the facility for a reporting period in 2019, and

(e) 60% of the true-up obligation for the facility for a reporting period in 2020 or a subsequent year.

(6) For the purposes of determining the net emissions for a facility for a reporting period under section 7, the person responsible for a facility shall not use

(a) emission offsets serialized in respect of a reduction of specified gas or net sequestration, net geological sequestration or capture of carbon dioxide that occurred in a year before 2017, and

(b) emission performance credits issued in respect of a year before 2017

for more than a combined maximum of 40% of the true-up obligation for the facility for the reporting period.

No right to emission offsets, fund credits and emission performance credits

20(1) For greater certainty, emission offsets, emission performance credits and fund credits are revocable licences authorizing persons responsible, subject to this Part, to use the emission offsets, emission performance credits and fund credits in determining the net emissions for a facility under section 7.

(2) Nothing in this Regulation ensures or guarantees the availability of emission offsets or emission performance credits.

Part 4
General

Application for exemption

21 The director may, on application, exempt the person responsible for a facility from one or more of the duties imposed on persons responsible under Part 2 or section 19(5) or (6), subject to any terms or conditions the director considers appropriate, for a period not exceeding one year if the director is of the opinion that

(a) for a prolonged period the facility was operated under unusual conditions or was shut down, and

(b) the unusual conditions or shutdown caused a material reduction in the specified gas emissions of the facility during the period.

Director's powers on reviewing applications, etc.

22(1) On reviewing an application, report or information submitted under this Regulation, or on considering emission offsets submitted for serialization by an emission offset project developer pursuant to the Standard for Greenhouse Gas Emission Offset Project Developers, the director may do one or more of the following:

(a) require the person responsible or emission offset project developer to provide additional information;

(b) require verification or further verification by a third party verifier of any information;

(c) collect any additional information or conduct any review that the director considers necessary;

(d) direct the person responsible, or emission offset project developer, to resubmit the application, report, emission offsets or information in accordance with any directions that the director considers necessary.

(2) A third party verifier shall comply with the rules and other requirements set out in Part 1 of the Standard for Verification in providing a verification referred to in subsection (1)(b).

(3) If the director requests or requires information to be provided by a person under subsection (1), the person shall provide to the director the information requested or required.

Additional measurements, metering and monitoring

23 The director may from time to time require a person responsible for a facility to implement new or additional measurements, metering or monitoring for the purpose of determining the output-based allocation for a facility under section 5 or the net emissions for a facility under section 7.

Qualifications and eligibility of third party verifiers

24(1) A person is eligible to be a third party verifier under this Regulation if

(a) the person

(i) is registered as

(A) a professional engineer under the *Engineering and Geoscience Professions Act*, or

(B) a chartered professional accountant under the *Chartered Professional Accountants Act*,

or

(ii) is a member of a profession

(A) in another province or territory of Canada that has substantially similar competence and practice requirements as a profession referred to in subclause (i), or

(B) in a jurisdiction outside of Canada that has substantially similar competence and practice

requirements as a profession referred to in subclause (i) that has been approved by the director,

(b) the person has technical knowledge of

(i) specified gas emission quantification methodologies,

(ii) audit practices, and

(iii) any other matters considered relevant by the director,

and

(c) the person has any other qualifications that the director considers necessary.

(2) A person is not eligible to be a third party verifier for a facility if the person

(a) is the person responsible for the facility or is a director, officer or employee of the person responsible for the facility or of an affiliate, within the meaning of section 2 of the *Business Corporations Act*, of the person responsible, or

(b) is an employee or agent of the Government.

(3) The director may request evidence of a person's qualifications and eligibility as a third party verifier and may determine that the person is not eligible to perform the functions of a third party verifier if the director is not satisfied that the person possesses the necessary qualifications or is eligible.

Records and Forms

Request for confidentiality

25(1) A person responsible for a facility may, in respect of an application under section 4, 9 or 21, a compliance report, interim compliance report, annual forecasting report, any information provided under section 22 or a verification, submit a written request that certain information be kept confidential for a period of 5 years after the date it is submitted or provided on the basis that the information is commercial, financial, scientific or technical information that would reveal proprietary business, competitive or trade secret information about a specific facility, technology or corporate initiative.

(2) The director shall have regard to the following when making a decision on a request for confidentiality made under subsection (1):

(a) whether disclosure of the information could reasonably be expected to harm significantly the competitive position of the person responsible;

(b) whether disclosure of the information could reasonably be expected to interfere significantly with the negotiating position of the person responsible;

(c) whether disclosure of the information could reasonably be expected to result in undue financial loss or gain to any person or organization;

(d) the availability of the information or the means to obtain the information from other public sources;

(e) whether there are any other competing interests that would suggest that disclosure of the information is warranted.

(3) The director may require a person responsible to provide additional reasons, in writing, in support of the request for confidentiality under subsection (1).

(4) The director shall

(a) if the director considers that the request for confidentiality is well founded, approve the request and order that some or all of the information to which the request relates be kept confidential and not be disclosed for 5 years after the date it was submitted or provided, or

(b) refuse the request if the director considers that the request for confidentiality is not well founded.

(5) The director shall, in writing, notify the person responsible of the director's decision under subsection (4) within 150 days after receiving the request for confidentiality.

(6) Where the director is considering a request for confidentiality under this section, the information to which the request relates is prescribed as a class of prescribed information for the purposes of section 59 of the Act until a decision is made.

(7) Where the director makes an order under subsection (4)(a), the information that is the subject of the order is prescribed as a class of prescribed information for the purposes of section 59 of the Act.

Annual report to Information and Privacy Commissioner

26 The director shall provide annually to the Information and Privacy Commissioner, in the form and manner the director considers appropriate, a report setting out the following:

(a) the number of requests received by the director under section 25(1) in the year;

(b) the number of requests approved by the director under section 25(4)(a) in the year.

Access to applications and reports

27(1) Subject to subsections (2) and (3), within a reasonable time after receiving a request in writing for a copy of an application for the assignment of an assigned benchmark, a compliance report or an interim compliance report, the director shall provide a copy of the application or report free of charge to the person requesting it.

(2) The director is not required to provide a copy of an application or report under subsection (1) unless the director is satisfied that the person making the request has first made a request to obtain a copy of the application or report from the appropriate person responsible and that the request was refused or was not satisfied within 30 days after the date of the request.

(3) Subsection (1) does not apply with respect to

(a) prescribed information as defined in section 59 of the Act, or

(b) information pertaining to a matter that is the subject of enforcement proceedings under the Act or this Regulation.

Publication

28 Subject to section 59 of the Act, the director may, in any form and manner the director considers appropriate, publish

(a) an application for the assignment of an assigned benchmark,

(b) a compliance report or an interim compliance report, or

(c) information in an application or report referred to in clause (a) or (b).

Retention of records

29(1) The person responsible for a facility shall retain

(a) all records and information respecting the direct emissions and production of the facility for at least 7 years after the date on which the records or information are created,

(b) a copy of an application for the assignment of an assigned benchmark for the facility together with the records and information on which the application was based for at least 7 years after the year in which the assigned benchmark that was assigned on the basis of the application ceases to be an assigned benchmark for the facility,

(c) a copy of a compliance report submitted in respect of the facility together with the records and information on which the compliance report was based for at least 7 years after the year in which the compliance report was submitted, and

(d) a copy of any information provided under section 22 for at least 7 years after the year in which the information was provided.

(2) In addition to complying with subsection (1), the person responsible for a forecasting facility shall retain

(a) a copy of an interim compliance report submitted in respect of the facility together with the records and information on which the interim compliance report was based for 7 years after the year in which the interim compliance report was submitted, and

(b) a copy of an annual forecasting report submitted in respect of the facility together with the records and information on which the annual forecasting report was based for 7 years after the year in which the annual forecasting report was submitted.

(3) In addition to complying with subsection (1), the person responsible for an opted-in facility shall retain

(a) a copy of the application for the facility to be designated as an opted-in facility together with the records and information on which the application was based for at least 7 years after the year in which the application was made, and

(b) a copy of any application for the designation of the facility as an opted-in facility to be revoked, together with the records and information on which the application was based for at least 7 years after the year in which the application was made.

(4) An emission offset project developer shall retain all records and information associated with an emission offset until the later of

(a) 7 years after the day on which the emission offset is used by a person responsible for a facility to meet an output-based allocation,

(b) 8 years after the day on which the emission offset is serialized in accordance with the Standard for Greenhouse Gas Emission Offset Project Developers, and

(c) the day on which the emission offset may no longer be used under section 19.

(5) Applications, records, reports and information required to be retained under this section must be retained

(a) at the head or principal office, in Alberta, of the person responsible or emission offset project developer, as the case may be, or

(b) at the facility or the location of the emission offset project to which they relate.

Forms

30 The director may prescribe forms for the purposes of this Regulation.

Enforcement

Audits

31 An inspector or investigator may undertake an audit of a person responsible, a facility, an emission offset project developer, an emission offset project or a third party verifier to verify the accuracy of information required to be provided by the Act or this regulation.

Offences

32 A person who

(a) contravenes section 6,

(b) contravenes section 7(3) or (4), 9(2), (3) or (4), 12(1), (2), (3), (4) or (5), 13(1), (3), (4) or (5), 14(1), (3) or (5), 15(1), (2) or (3), 19(5) or (6), 22(2) or 29(1), (2), (3), (4) or (5),

(c) performs the functions of a third party verifier and does not have the qualifications referred to in, or is not eligible to be a third party verifier under, section 24, or

(d) retains a person as a third party verifier who does not have the qualifications referred to in, or is not eligible to be a third party verifier under, section 24.

is guilty of an offence.

Penalties

33(1) A person who is guilty of an offence under section 32(a) is liable to a fine of not more than $200 for every tonne of specified gas expressed on a CO_2e basis by which the net emissions for the facility exceeds the output-based allocation for the facility.

(2) A person who is guilty of an offence under section 32(b), (c) or (d) is liable,

(a) in the case of an individual, to a fine of not more than $50 000, or

(b) in the case of a corporation, to a fine of not more than $500 000.

Due diligence

34 No person shall be convicted of an offence under this Regulation if that person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

Part 5
Transitional, Consequential Amendments, Review and Coming into Force

Transitional

35(1) Notwithstanding section 4(3)(c), in the case of an application under section 4(2) for a facility to be designated as an opted-in facility for 2018, the application must be received by the director on or before June 1, 2018.

(2) Notwithstanding section 9(1), if a product of a facility does not have an established benchmark and an assigned benchmark has not been assigned for the product under section 8(1)(a), the person responsible for the facility may, on or before September 1, 2018, apply to the director in accordance with section 9 for the assignment of an assigned benchmark for the product for 2018.

(3) Notwithstanding section 10, the director may at any time review an assigned benchmark for a product of a facility for 2018 or 2019 and

may assign a new assigned benchmark for the product if the director is of the opinion that a new assigned benchmark is appropriate.

(4) Notwithstanding section 14(1), in the case of a forecasting facility that is in its 2nd or subsequent year of commercial operation in 2018, the person responsible for the facility on January 15, 2018, shall submit the annual forecasting report with respect to the facility for 2018 on or before January 15, 2018.

(5) The designation of a facility as an opted-in facility under the *Specified Gas Emitters Regulation* (AR 139/2007) is not a designation of the facility as an opted-in facility for the purposes of this Regulation.

(6) For greater certainty, the person responsible for a facility to which the *Specified Gas Emitters Regulation* (AR 139/2007) applies shall submit the compliance report required for 2017 under that regulation on or before March 31, 2018.

Transition allocation benchmark

36(1) The Director may assign a transition allocation benchmark for 2018 or 2019 for any product of a facility that has an established benchmark or an assigned benchmark, other than electricity or industrial heat.

(2) Each transition allocation benchmark for a product of a facility must be determined in accordance with the Standard for Establishing and Assigning Benchmarks.

(3) If the Director has assigned a transition allocation benchmark for a product of a facility for 2018 or 2019, then, for the purposes of this Regulation, the formula in section 5(1) shall be read as follows with respect to a reporting period in the year for which the transition allocation benchmark is assigned:

$$OBA = \sum_{i} (BE_{i\text{-}Y} \times P_i) + \sum_{j}(BA_{j\text{-}Y} \times P_j) - ((BE_{E\text{-}Y} \times I_E) +$$

$$(BE_{Hy\text{-}Y} \times I_{Hy}) + (BE_{IHe\text{-}Y} \times I_{He})) + \sum_{k} (BTA_{k\text{-}Y} \times P_k)$$

where

each term that is given a meaning in section 5 has that meaning;

$BTA_{k\text{-}Y}$	is the transition allocation benchmark for year Y for each product k;
k	is each product of the facility that has a transition allocation benchmark assigned under subsection (1);

P_k is the production for each product k for the facility during the reporting period.

Consequential amendments

37 The *Administrative Penalty Regulation* (AR 140/2007) is amended in the Schedule

(a) by adding the following before section 2:

1.1 *Carbon Competitiveness Incentive Regulation*

- sections 6, 7(3) and (4), 9(2), (3) and (4), 12(1), (2), (3), (4) and (5), 13(1), (3), (4) and (5), 14(1), (3) and (5), 15(1), (2) and (3), 19(5) and (6), 22(2) and 29(1), (2), (3), (4) and (5),

(b) in section 3 by adding "(AR 251/2004)" **after** "*Specified Gas Reporting Regulation*".

38 The *Climate Leadership Regulation* (AR 175/2016) is amended

(a) in section 1(1)

(i) in clause (gg) by striking out "*Specified Gas Emitters Regulation*" **wherever it occurs and substituting** "*Carbon Competitiveness Incentive Regulation*";

(ii) by repealing clause (hh);

(b) by repealing section 11(1) and substituting the following:

Exemptions from the carbon levy

11(1) Subject to subsection (4), a consumer is exempt from paying the carbon levy on fuel used in the operation of a specified gas emitter if the emissions from the fuel are included in the determination of the total regulated emissions for the specified gas emitter under section 7(2) of the *Carbon Competitiveness Incentive Regulation.*

39 The *Specified Gas Reporting Regulation* (AR 251/2004) is amended

(a) in section 3

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

(1.1) Where the *Carbon Competitiveness Incentive Regulation* applies to a facility but the person responsible for the facility is not required to submit a specified gas report under subsection (1), the person responsible for the facility shall submit a specified gas report in respect of the release of a specified gas into the environment at the facility.

(ii) in subsection (2)

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

(a.1) must include any other information required by the Director,

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

(b) must disclose

(i) the information referred to in clause (a) in the form and manner required under the Standard, and

(ii) the information referred to in clause (a.1) in the form and manner required by the Director;

(b) in section 9(a) by striking out "3(1)" **and substituting** "3(1) or (1.1)".

Review

40 This Regulation must be reviewed

(a) on or before January 1, 2021, and

(b) on or before January 1 of 2023 and of every 5th year after 2023.

Coming into force

41 This Regulation comes into force on January 1, 2018.

Schedule 1

Specified Gases

Specified Gas	Chemical Formula
Carbon dioxide	CO_2
Methane	CH_4
Nitrous oxide	N_2O
HFC-23	CHF_3
HFC-32	CH_2F_2
HFC-41	CH_3F
HFC-43-10mee	$C_5H_2F_{10}$
HFC-125	C_2HF_5
HFC-134	$C_2H_2F_4$
HFC-134a	CH_2FCF_3
HFC-143	$C_2H_3F_3$
HFC-143a	$C_2H_3F_3$
HFC-152	CH_2FCH_2F
HFC-152a	$C_2H_4F_2$
HFC-161	CH_3CH_2F
HFC-236cb	$CH_2FCF_2CF_3$
HFC-236ea	CHF_2CHFCF_3
HFC-227ea	C_3HF_7
HFC-236fa	$C_3H_2F_6$
HFC-245ca	$C_3H_3F_5$
HFC-245fa	$CHF_2CH_2CF_3$
HFC-365mfc	$CH_3CF_2CH_2CF_3$
Sulphur hexafluoride	SF_6
Perfluoromethane	CF_4
Perfluoroethane	C_2F_6
Perfluorocyclopropane	c-C_3F_6
Perfluoroproprane	C_3F_8
Perfluorobutane	C_4F_{10}
Perfluorocyclobutane	c-C_4F_8
Perfluoropentane	C_5F_{12}
Perfluorohexane	C_6F_{14}
Perfluorodecalin	$C_{10}F_{18}$
Nitrogen triflouride	NF_3

Schedule 2

Established Benchmarks for Products

Definitions

1(1) Subject to subsection (2), in this Schedule,

(a) "bituminous coal" means coal that is recovered or obtained from a coal mine located in the Foothills Natural Region or the Rocky Mountain Natural Region as defined in the Natural

Regions and Sub-regions of Alberta published by the department, as amended or replaced from time to time;

(b) "electricity" means electricity that is exported from a facility;

(c) "hardwood kraft pulp" means wood pulp processed from hardwood species by a sulphate chemical process using cooking liquor;

(d) "industrial heat" means thermal energy that is exported from a facility to

(i) a different facility to which this Regulation applies, or

(ii) a facility at which the exemption under section 15(1)(d) of the *Climate Leadership Act* applies in respect of fuel used at the facility

where the thermal energy is used for an industrial purpose;

(e) "oil sands in situ bitumen" means bitumen recovered from an in situ operation site as defined in the *Oil Sands Conservation Act*, using

(i) steam assisted gravity drainage or cyclic steam stimulation, or

(ii) another recovery technology that, in the opinion of the director, is reasonably comparable to steam assisted gravity drainage or cyclic steam stimulation;

(f) "oil sands mining bitumen" means bitumen that is recovered from a mine site as defined in the *Oil Sands Conservation Act*;

(g) "refining" means any manufacturing or industrial process that occurs at a refinery at which crude oil or bitumen is processed or refined into a transportation fuel;

(h) "softwood kraft pulp" means wood pulp processed from softwood species by a sulphate chemical process using cooking liquor.

(2) If Part 1 of the Standard for Establishing and Assigning Benchmarks includes a definition of a product that is not defined in subsection (1), or includes a further definition of a product that is defined in subsection (1), then the definition or further definition applies to this Schedule unless a contrary intention appears in the Standard.

Table
Established Benchmarks for Products

Product	Established benchmark for 2018 (tonnes of CO_2e per benchmark unit)	Established benchmark for 2019 (tonnes of CO_2e per benchmark unit)	Established benchmark for 2020 (tonnes of CO_2e per benchmark unit)	Established benchmark for 2021 (tonnes of CO_2e per benchmark unit)	Established benchmark for 2022 (tonnes of CO_2e per benchmark unit)	Established benchmark for 2023 and subsequent years (tonnes of CO_2e per benchmark unit) is determined as follows:	Benchmark unit
Ammonia	1.942	1.942	1.935	1.928	1.921	*BE = **BE_{Y-1} - **0.007	Tonne
Ammonium nitrate	0.3260	0.3260	0.3250	0.3240	0.3230	BE = BE_{Y-1} - 0.0010	Tonne
Bituminous coal	0.07053	0.07053	0.06982	0.06911	0.06840	BE = BE_{Y-1} - 0.00071	Tonne
Cement	0.7853	0.7853	0.7823	0.7793	0.7763	BE = BE_{Y-1} - 0.0030	Tonne
Electricity	0.3700	0.3700	0.3663	0.3626	0.3589	BE = BE_{Y-1} - 0.0037	Megawatt hour
Hardwood kraft pulp	0.1768	0.1768	0.1751	0.1734	0.1717	BE = BE_{Y-1} - 0.0017	Air dry metric tonne
Hydrogen	7.970	7.970	7.890	7.810	7.730	BE = BE_{Y-1} - 0.080	Tonne
Industrial heat	0.06299	0.06299	0.06236	0.06173	0.06110	BE = BE_{Y-1} - 0.00063	Gigajoule
Oil sands in situ bitumen	0.3504	0.3504	0.3469	0.3434	0.3399	BE = BE_{Y-1} - 0.0035	m3 of bitumen
Oil sands mining bitumen	0.1954	0.1954	0.1934	0.1914	0.1894	BE = BE_{Y-1} - 0.0020	m3 of bitumen
Refining	3.831	3.831	3.793	3.755	3.717	BE = BE_{Y-1} - 0.038	Alberta complexity weighted barrel (in thousands)
Softwood kraft pulp	0.2416	0.2416	0.2392	0.2368	0.2344	BE = BE_{Y-1} - 0.0024	Air dry metric tonne

Note: The values in the columns for 2020, 2021 and 2022 reflect the application of an annual 1% tightening rate.
*BE is the established benchmark for the year.
**BE_{Y-1} is the established benchmark for the previous year.
*** is the tightening rate.