

The Canadian Institute's

# ENVIRONMENTAL LAW & REGULATION IN ALBERTA

*Complying With The New Regulatory Framework*

EARN  
CPD  
HOURS

KEYNOTE ADDRESS DIRECTLY FROM:



*The Honourable Diana McQueen*  
Minister  
Alberta Environment and Sustainable  
Resource Development

“*In Alberta, responsible resource management encompasses many different initiatives, including a 50-year plan to support growth, communities and the environment under Alberta's Land-use Framework; a province-wide environmental monitoring, evaluation, and reporting system; and a single oil and gas regulator held to strict energy and environmental standards, while improving efficiency and public safety.*”

## Co-Chairs:



JoAnn Jamieson, Partner  
Lawson Lundell LLP



Peter Miller, Senior Counsel  
Imperial Oil

PLUS! Add value to your learning experience, and ensure you are fully up to date on key foundational skills by attending our pre-forum workshops:

**A** THE FUNDAMENTALS OF ENVIRONMENTAL LAW IN ALBERTA

**B** PROACTIVE STRATEGIES FOR BUILDING SUSTAINABLE RELATIONSHIPS WITH ABORIGINAL GROUPS

*Industry stakeholders are preparing now for the new single regulator to be in place by June 2013. Join us for this timely forum and opportunity to hear from leading industry and private practice experts as well as government representatives on the latest environmental legal and regulatory developments in Alberta.*

- Understand the **new federal/provincial monitoring program**: How does the **new Alberta Energy Regulator** change the application process?
- Gain solutions for compliance with **water regulation and management** and to deal with the consequences of environmentally impairing a water source
- Monitor the impact to industry of the 2012 *Canadian Environmental Assessment Act*
- Prepare for increased scrutiny and **regulation of Hydraulic Fracturing**
- Manage **Aboriginal consultation** under the new Regulator
- Protect your company and clients against **increased environmental enforcement**
- Define the impact of **Cumulative Effects Management** and the impact of LARP



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# THE NEW SINGLE REGULATOR IS TO BE IN PLACE BY JUNE, 2013: PREPARE NOW TO MINIMIZE REGULATORY BREACHES AND LIABILITY THREATS!

As Alberta moves toward a single regulator, it is essential that everyone working in or advising the oil and gas and energy sectors quickly develops an understanding of the new environmental laws and regulations. In this current era of heightened scrutiny and environmental prosecutions, mistakes can lead to **costly delays or de-railed projects, massive monetary fines, potential litigation and damage to a company's reputation.**

The **Canadian Institute's Forum on Environmental Law & Regulation in Alberta** will give you the legal updates and key strategies you need to meet your obligations under Alberta's environmental framework and avoid delays and exposure to liability. Our expert faculty of speakers will give you the information you need to address the most critical issues you are facing today:

- Hear directly from **Minister Diana McQueen**, in a keynote presentation on Balancing Economic Growth and Environmental Sustainability
- Understanding the new **Alberta Energy Regulator**: What it will look like and how the application process will change
- Assessing the impact of the **2012 Canadian Environmental Assessment Act** and how the recent large scale **changes to key environmental legislation** have affected industry
- What **Aboriginal consultation** will look like under the new regulatory regime
- Complying with **water regulation and management** and dealing with the consequences of environmentally impairing a water source
- Preparing for increased scrutiny and regulation of **Hydraulic Fracturing**
- Defining the impact of **LARP, SSRP and Cumulative Effects Management**

PLUS! Be sure to enhance your learning experience by attending the pre forum workshops:

**A** THE FUNDAMENTALS OF ENVIRONMENTAL LAW IN ALBERTA: SUCCESSFULLY NAVIGATING THE MAZE

**B** PROACTIVE STRATEGIES FOR BUILDING SUSTAINABLE RELATIONSHIPS WITH ABORIGINAL GROUPS AND NEGOTIATING SUCCESSFUL CONSULTATION PROGRAMS

Register now! Mark your calendar to ensure you don't miss this valuable opportunity to hear from leading industry and private practice experts as well as government representatives on the **latest environmental legal and regulatory developments in Alberta**. Call **The Canadian Institute** toll free at **1-877-927-7936** or register online at [www.CanadianInstitute.com/EnviroAB](http://www.CanadianInstitute.com/EnviroAB).

We look forward to seeing you in June!



## DISTINGUISHED SPEAKERS

### Co-Chairs:

**JoAnn Jamieson**  
Partner  
**Lawson Lundell LLP**

**Peter Miller**  
Senior Counsel  
**Imperial Oil**

### Speakers:

**The Honourable Diana McQueen**  
Minister  
**Alberta Environment and Sustainable Resource Development**

**Wally Braul**  
Partner  
**Bennett Jones LLP**

**Cindy Chiasson**  
Executive Director  
**Environmental Law Centre**

**Lisa Maria Fox**  
Founder & Executive Director  
**Sustainability Resources Ltd.**  
**Pathways 2 Sustainability**

**Brad Gilmour**  
Partner  
**Bennett Jones LLP**

**John Goetz**  
Partner  
**Dentons Canada LLP**

**Dufferin Harper**  
Partner  
**Blake Cassels & Graydon LLP**

**Michael Massicotte**  
Partner  
**Borden Ladner Gervais LLP**

**Brian McGuigan**  
Partner  
**Eagle Law Group**

**Melanie Paradis**  
Manager, Natural Resources & Aboriginal Affairs, **NATIONAL Public Relations**

**Andy Ridge**  
Director, Water Policy Branch  
**Alberta Environment and Sustainable Resource Development**

**Peter Robinson**  
CEO  
**David Suzuki Foundation**

**Richard C. Secord**  
Partner  
**Ackroyd LLP**

**Katie Slipp**  
**Blake, Cassels & Graydon LLP**

**Judy Stewart**  
Barrister & Solicitor

## WHO SHOULD ATTEND

- Federal, Provincial and Municipal Governments with responsibility for environmental, resource, energy, and aboriginal matters:
  - Legal Counsel/Solicitors
  - Risk Managers
  - Directors and Directors General
  - Policy Advisors
  - Environmental Analysts/Specialists/Coordinators
- Environmental Compliance Managers
- Environmental Assessment Coordinators
- Private practice partners and lawyers advising on environmental, natural resources, energy, and oil and gas law
- Industry representatives from the oil & gas, energy, power, other resource, chemical and agriculture sectors:
  - Legal/General Counsel
- Environmental Compliance Officers
- Regulatory Compliance Officers
- Environmental Coordinators
- Directors/Managers of Environmental Affairs
- Environmental Engineers
- EH&S Specialists
- Aboriginal officials and representatives
- Environmental Consultants
- Environmental service providers

Register at 1-877-927-7936 or [www.CanadianInstitute.com/EnviroAB](http://www.CanadianInstitute.com/EnviroAB)

7:45 REGISTRATION AND COFFEE SERVED

## 8:45 OPENING REMARKS FROM THE CO-CHAIRS:



*JoAnn Jamieson*  
Partner  
Lawson Lundell LLP



*Peter Miller*  
Senior Counsel  
Imperial Oil

## 9:00 KEYNOTE ADDRESS: BALANCING ECONOMIC GROWTH AND ENVIRONMENTAL SUSTAINABILITY



*The Honourable Diana McQueen*  
Minister  
Alberta Environment and Sustainable Resource Development

## 9:45 NEW ALBERTA ENERGY REGULATOR: ASSESSING THE IMPACT ON INDUSTRY

*Brad Gilmour*  
Partner  
Bennett Jones LLP

*Cindy Chiasson*  
Executive Director  
Environmental Law Centre

*Alberta's Responsible Energy Development Act received royal assent in December 2012 and created the Alberta Energy Regulator (AER), a single provincial regulator that will assume the functions of both the Energy Resources Conservation Board (ERCB) and Alberta Environment and Sustainable Resource Development in regulating upstream oil, gas, oil sands and coal developments in the province. This single regulator is meant to have jurisdiction over all projects from the initial application to the reclamation process at the end of the project. AER is expected to be in operation in June 2013.*

- What will the new regulator look like and how will the process for project approvals change?
- Will the new process allow for public engagement and to what extent?
- How will the landowner registry apply to private surface agreements created before the new Act?
- What is the status of Alberta's provincial environmental assessment process under the new regulator?
  - Defining the role of the Ministry in the EIA process
  - What is the effect of the recently released guidance documents?

## 10:45 NETWORKING COFFEE BREAK

## 11:00 PROJECT DEVELOPMENT: ASSESSING THE EFFECT OF REGULATORY REFORM ON FIRST NATION AND MÉTIS CONSULTATION IN ALBERTA

*JoAnn Jamieson*  
Partner  
Lawson Lundell LLP

*Brian McGuigan*  
Partner  
Eagle Law Group

*The Alberta Energy Regulator does not have jurisdiction over the Crown's consultations with First Nations which furthers the uncertainty that has resulted from the recent delegation of some of the procedural aspects of consultation to industry.*

- How has the Alberta government revised its consultation protocol and who is responsible for issues related to Crown consultation?
- What is the role of the regulator in the consultation process?
  - When can a tribunal consider whether a consultation process is adequate or not?
  - What are the courts saying about the role of the regulator in the consultation process?
- How are treaty rights dealt with in the new environmental review framework?
- How to comply with consultation requirements when undertaking exploration activities
  - Balancing consultation requirements with the need to protect proprietary information

## 12:00 NETWORKING LUNCHEON

## 1:15 IDENTIFYING TRENDS AND PREPARING FOR INCREASED REGULATION OF HYDRAULIC FRACTURING

*Wally Braul*  
Partner  
Bennett Jones LLP

- Where is the regulatory framework heading with respect to fracking?
- Assessing the potential impact of the ERCB's draft regulations related to sub-surface issues associated with fracking activities in Alberta
- Analyzing recent civil actions brought against government and industry for alleged environmental contamination caused by fracking
- Reviewing disclosure requirements for fracking fluids
- First Nation legal challenges in Northeast BC
- How are other jurisdictions regulating fracking activities and the content of fracking fluids?
  - Emerging issues in other provinces
  - Learning from the U.S. experience
  - How do BC and Alberta fracking rules compare with those found in the US

## 2:15 PROTECTING AGAINST THE CONSEQUENCES OF ENVIRONMENTALLY IMPAIRING A WATER SOURCE: COMPLYING WITH WATER REGULATION AND MANAGEMENT IN ALBERTA

*Andy Ridge*  
Director, Water Policy Branch  
Alberta Environment and Sustainable Resource Development

*Judy Stewart*  
Barrister & Solicitor

- Assessing the new Alberta Monitoring Evaluation and Reporting Commission and program
  - What is the primary function of the Commission?
  - How are different monitoring and reporting structures being dovetailed into one?
- Discussing the recommended changes to improve the water allocation transfers and how those changes would impact industry
- Understanding the concept of "protected water"
- Examining sector water conservation and efficiency plans
- Grappling with the shift from top down government to governance by multi-stakeholders: How the governance networks emerge within the current legal system

## 3:15 NETWORKING COFFEE BREAK



3:30 ENVIRONMENTAL ACTIVISM AND THE EFFECT ON PROJECT PLANNING & APPROVALS

Peter Robinson  
CEO  
David Suzuki Foundation

Peter Miller  
Senior Counsel  
Imperial Oil

Melanie Paradis  
Manager  
Natural Resources & Aboriginal Affairs  
NATIONAL Public Relations

*Energy and oil and gas development affects land, water, air and the rights of multiple stakeholders and Aboriginal communities. With the continued media focus on the environmental impact of Alberta's oil sands and the ongoing activism surrounding the Keystone XL and Northern Gateway pipeline projects, the social licence to operate is becoming a primary focus for industry. Environmental activism and Aboriginal opposition, at best, delays production schedules and, at worst, derails entire projects. Gain the perspective of key stakeholders and hear what you have to do to successfully manage your projects while addressing environmental concerns.*

4:30 CONCLUDING REMARKS FROM THE CO-CHAIRS, FORUM ADJOURNS

DAY 2 – THURSDAY, JUNE 6, 2013

8:00 COFFEE SERVED

8:30 OPENING REMARKS FROM THE CO-CHAIRS

LEGISLATIVE REVIEW: THE REALITY OF REGULATORY CHANGE

8:45 PART ONE: IMPACT OF THE NEW CANADIAN ENVIRONMENTAL ASSESSMENT ACT

Dufferin Harper  
Partner  
Blake, Cassels & Graydon LLP

*The 2012 Canadian Environmental Assessment Act (CEAA) was intended to streamline the environmental review process by cutting down on the amount of time allowed for environmental assessments and reducing duplication between the federal government and the provinces. Learn whether this goal has been met and what you need to do to ensure compliance with the new legislation*

- Identifying the projects that are now subject to environmental review under the new Act
  - How is an environmental assessment initiated?
  - Are projects that did not trigger an assessment under the old Act now subject to review?
  - What is the impact on projects where the assessment was initiated under the old legislation?
- How has the federal government's role changed with respect to assessments and where have the provincial government's responsibilities changed?

9:45 REGULATING AIR EMISSIONS & ENSURING COMPLIANCE

John Goetz  
Partner  
Dentons Canada LLP

Michael Massicotte  
Partner  
Borden Ladner Gervais LLP

- What are the reporting guidelines for base line emissions in Alberta?
- Update on federal announcements regarding climate change
  - Understanding and complying with the coal fired emissions regulation
  - Preparing for regulations curbing emissions in the oil and gas sector
- Determining the success of the Alberta Greenhouse Reduction Program
- Defining the regulatory issues associated with Carbon Capture and Storage and the status of CCS projects in Alberta
- Evaluating the success of carbon credits
- Identifying trends and developments in carbon markets in other jurisdictions

10:45 NETWORKING COFFEE BREAK

11:00 PART TWO: UNDERSTANDING THE EFFECT OF THE CURRENT AND PENDING CHANGES TO THE FISHERIES ACT, THE SPECIES AT RISK ACT AND THE NAVIGABLE WATERS ACT

*2012 saw the federal government make the most extensive revisions to federal environmental legislation in decades. The government's stated goal was to streamline the process for project approvals and avoid duplication between different levels of government. Learn what the changes to three key pieces of legislation have actually accomplished.*

- Review of the legislative changes and their impact on industry
  - Complying with the new requirements
  - Identifying and preparing for additional changes
  - What are the implementation timelines?
- Who is responsible for enforcement under *The Fisheries Act*?
  - Is there a new duty to report?
  - Are there new penalty provisions and how are they being applied?
- How the amendments to the *Species at Risk Act* have affected the Woodland Caribou issue with respect to project development

12:00 NETWORKING LUNCHEON

1:15 DEFINING THE IMPACT ON INDUSTRY OF CUMULATIVE EFFECTS MANAGEMENT: APPROVAL OF THE LOWER ATHABASCA REGIONAL PLAN AND WHAT'S HAPPENING IN THE REST OF THE REGIONS

Lisa Maria Fox  
Founder & Executive Director Sustainability Resources Ltd.  
Pathways 2 Sustainability

Regional Plans, Land Use and the role of Watershed Councils: WPACs in Alberta are developing plans for managing our watersheds while government creates regional land use plans. How do these planning processes align and what does this mean for the future of Alberta's land and water management policies?

Katie Slipp  
Blake, Cassels & Graydon LLP

- Examining the scope of LARP
  - How has it affected existing oil and gas leases in the conservation area?
  - Has it caused the cancellation of projects and how are companies being compensated?
- What is the effect of cumulative effects management on *in situ* projects?
  - Review of recent court challenges
- How does LARP address the Woodland Caribou issue?

## CONTROLLING RISK AND LIMITING LIABILITY IN THE REMEDIATION AND RECLAMATION OF CONTAMINATED AND/OR ABANDONED SITES

Richard C. Secord  
Partner  
Ackroyd LLP

- Update on Alberta Environment's Contaminated Sites Directive
- Overcoming the challenges of re-developing urban lands
- How do historical issues affect current licence holders of wells within municipalities?
  - Who is responsible for abandoned wells?
  - What is a company's liability with respect to a site where land use has changed?
- Who is liable for a remediated site after the property is sold if there are problems?

## CLOSING REMARKS BY THE CO-CHAIRS, FORUM CONCLUDES



This program can be applied towards 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the Law Society of Upper Canada. Please note that these CPD hours are not accredited for the New Member Requirement.

This program has been approved by the Law Society of Saskatchewan for 11.0 CPD hours for the conference. Members will also receive 3 additional CPD credit hours for each workshop attended.

The same number of hours may be applied toward your continuing legal education requirements in British Columbia.

The Barreau du Québec automatically recognizes the same number of hours for this training activity, the latter having been accredited by another Law Society subject to MCLE.

Attendance at this program by members of the Law Society of Alberta may be submitted to the Law Society for Continuing Professional Development credits.

Environmental Law & Regulation in Alberta may be eligible for CE credits with other professional designation bodies. We encourage you to check with the membership organizations to which you belong.

## PRE-CONFERENCE WORKSHOPS – TUESDAY, JUNE 4, 2013

9:00 a.m. – 12:00 p.m. (Registration Opens at 8:30 a.m.)

1:00 p.m. – 4:00 p.m. (Registration Opens at 12:30 p.m.)

### A THE FUNDAMENTALS OF ENVIRONMENTAL LAW IN ALBERTA: SUCCESSFULLY NAVIGATING THE MAZE

*The regulatory framework that governs environmental matters in Alberta is complex and constantly changing and it remains a challenge to navigate the maze of rules and departments.*

*This workshop will give you the information and guidance you need to understand and successfully navigate the framework of Alberta's environmental laws and regulations. It will provide up-to-date coverage of key issues including:*

- New legal developments and how they affect you
- Understanding the interaction between laws, regulations, standards, objectives, policies and guidelines
- Where to start if you have a question about water, air, waste or land?
- Defining the role of federal and provincial legislation and agencies
- What is the role of municipalities in environmental regulation?
- Dealing with Investigations, enforcement and prosecutions and best practices for avoiding environmental prosecutions

*This pre-conference workshop is designed as an intensive refresher course which will provide you with a solid foundation so that you can get the most out of the conference sessions that follow. Whether you are new to this area or have considerable experience and can benefit from a refresher course, this workshop will ensure you are up-to-date on the fundamentals of environmental law in Alberta.*

A light lunch will be served to those attending both Workshops A and B.

### Sponsorship & Exhibition Opportunities

Maximize your organization's visibility in front of key decision-makers in your target market. For more information, contact Director of Business Development Daniel Gellman at 416-927-0718 ext. 7389, toll-free 1-877-927-0718 ext. 7389 or by email at [d.gellman@CanadianInstitute.com](mailto:d.gellman@CanadianInstitute.com)

### B

### PROACTIVE STRATEGIES FOR BUILDING SUSTAINABLE RELATIONSHIPS WITH ABORIGINAL GROUPS AND NEGOTIATING SUCCESSFUL CONSULTATION PROGRAMS

Melanie Paradis  
Manager, Natural Resources & Aboriginal Affairs  
NATIONAL Public Relations

*Understanding the relationship of Aboriginal people to the land, resources and the environment is crucial to the development of a successful consultation program and the ultimate success of your project. This interactive workshop will teach you why and how consultations should be part of your environmental planning and management systems and how, by negotiating effectively, you can avoid unnecessary conflicts and costly delays.*

- Understanding Aboriginal traditions and lifestyle
  - The significance of traditional lands and uses
  - The importance of oral tradition and the role of Elders
  - The impact of the Aboriginal relationship to the land on negotiations
- Defining the relationship between government, industry and Aboriginal groups
- Conducting sound pre-negotiation research
  - What critical items you should know before negotiations start
  - Assessing your bargaining strengths and weaknesses
  - Determining the correct community protocols
- How to design your consultation program and avoid common mistakes
- Maximizing cooperation: Finding the best time to start consultations
  - When to hold public meetings
  - What are the roles of legal counsel and industry representatives in the process?
- Developing effective negotiation strategies to move discussions forward
- Managing expectations: Timelines, potential impacts and mitigation issues
- Finding common ground: Best methods for relationship building
- What if negotiations fail? Assessing and managing the risks of going ahead with your project
- Practical exercise: Reviewing a case scenario and preparing for a negotiation

The Canadian Institute's

# ENVIRONMENTAL LAW & REGULATION IN ALBERTA

Complying With The New Regulatory Framework



## Top Reasons to Attend

- ✓ ENSURE compliance with water regulation and management
- ✓ DEFINE the impact of LARP and Cumulate Effects Management
- ✓ PREPARE for the new Alberta Energy Regulator
- ✓ GUARD against the threat of increased fines and liability
- ✓ MANAGE and MITIGATE liability associated with site remediation and reclamation

## REGISTRATION FORM

To expedite your registration, please mention your Priority Service Code

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- Email:** CustomerService@CanadianInstitute.com
- Mail:** The Canadian Institute  
1329 Bay Street  
Toronto, Ontario M5R 2C4
- Online:** www.CanadianInstitute.com/EnviroAB

PROGRAM CODE: 471L13-CAL

YES! Register the following delegate for

## ENVIRONMENTAL LAW & REGULATION IN ALBERTA

FEE PER DELEGATE	Register & Pay by May 3, 2013	Register & Pay after May 3, 2013
<input type="checkbox"/> Program (on site)	\$2095	\$2295
<input type="checkbox"/> Program + One Workshop	\$2590	\$2790
<input type="checkbox"/> ELITEPASS*: Program + Both Workshops	\$2985	\$3185
<input type="checkbox"/> Live Webcast (Program Only)		\$1595

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All program participants will receive an online link to access the program materials as part of their registration fee

Please add a copy of the \*Program Proceedings  BINDER or  CD-ROM to my order for \$295 + \$22.95 (S+H) + applicable taxes

\*Program Proceedings are published and shipped 4 weeks from the program

I cannot attend but would like information on purchasing a copy of the Program Proceedings

\*ELITEPASS is recommended for maximum learning and networking value.

## 2 CONTACT DETAILS

NAME \_\_\_\_\_ POSITION \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ PROVINCE \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

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TYPE OF BUSINESS \_\_\_\_\_ NO. OF EMPLOYEES \_\_\_\_\_

APPROVING MANAGER \_\_\_\_\_ POSITION \_\_\_\_\_

## 3 PAYMENT

Please charge my  VISA  MasterCard  AMEX  DISCOVER CARD

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I have enclosed my cheque for \$ \_\_\_\_\_ including applicable taxes made payable to **The Canadian Institute** (GST No. 84221 1153 RT0001)

Wire Transfer (\$CAD)

Please quote the name of the attendee(s) and the program code 471L13 as a reference.

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Address: 150 Bloor St, Suite M100, Toronto, ON

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## ADMINISTRATIVE DETAILS

VENUE: CALGARY MARRIOTT DOWNTOWN  
ADDRESS: 110 9TH AVENUE SE, CALGARY, AB  
TEL.: 403-266-7331, 1-800-896-6878

### Hotel Reservations

For information on hotel room reservations and best available rate, please visit [www.canadianinstitute.com/EnviroAB](http://www.canadianinstitute.com/EnviroAB). The guest room block will be available until Monday, May 6th **OR** until the room block is full, whichever comes first, so please make reservations as soon as possible. For additional assistance, please call the Calgary Marriott Hotel and reference the "Environmental Law & Regulation in Alberta" conference when speaking to reservations.

### Registration Fee

The fee includes the program, all program materials, coffee breaks and lunches.

### Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. **Group discounts available to 4 or more individuals employed by the same organization, who register at the same time. For more information on group rates, please call 1-877-927-7936.**

### Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **The Canadian Institute** in writing no later than 10 days prior to the program date and a credit voucher will be issued to you for the full amount paid. Credit Vouchers are valid for 1 year and are redeemable against any other program by **The Canadian Institute**. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the program date. **The Canadian Institute** reserves the right to cancel any program it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **The Canadian Institute** for changes in program date, content, speakers or venue.

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