

EC2008-139

EXECUTIVE COUNCIL ACT
 MINISTER OF HEALTH
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (HEALTH CARE STRATEGIES AND POLICY CONTRIBUTION PROGRAM
 CONTRIBUTION AGREEMENT)
 WITH
 THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Health to enter into an agreement with the Government of Canada, as represented by the Minister of Health, to set out terms and conditions of funding during the period November 1, 2007 to March 31, 2010 of an initiative under the Health Care Strategies and Policy Contribution Program to assist the province in continuing to meet the patient wait times guarantee in radiation therapy, such as more particularly described in the draft agreement.

EC2008-140

FINANCIAL ADMINISTRATION ACT
 SPECIAL WARRANT
 (SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2007-08)
 DEPARTMENT OF HEALTH

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for the Department of Health as follows:

Account Class	Account Name	Amount
Queen Elizabeth Hospital		
0568-03124	Salaries	\$ 125,000.00
0568-03010	Professional and Contract Services	36,000.00
0568-02999	Materials, Supplies and Services	14,000.00
0568-02805	Equipment	<u>211,300.00</u>
	Total	<u>\$386,300.00</u>

Further, Council noted that this amount will be fully offset by revenue from the federal government under the terms of the Health Care Strategies and Policy Contribution Program.

EC2008-141

LENDING AGENCY ACT
P.E.I. LENDING AGENCY
BOARD OF DIRECTORS
APPOINTMENTS

Pursuant to section 4 of the *Lending Agency Act* R.S.P.E.I. 1988, Cap. L-8.2, Council made the following appointments:

NAME	TERM OF APPOINTMENT
Louis McIsaac Fairview (vice Jean Viaene, term expired)	4 March 2008 to 31 December 2010
Ivan Shreenan Blooming Point (vice Norman Gallant, term expired)	4 March 2008 to 31 December 2010

EC2008-142

PROVINCIAL COURT ACT
JUSTICES OF THE PEACE
APPOINTMENTS

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 Council appointed the following persons as Justices of the Peace, each for a term of three years, effective 4 March 2008:

S.A. Campbell
C. Currie
V.J. Downe
J.J. Gallant
C. Gardiner
J.D. Hammer
B.A. MacDonald
B.D. MacLean

EC2008-143

VICTIMS OF FAMILY VIOLENCE ACT
DESIGNATION – JUSTICES OF THE PEACE
APPROVED

Under authority of section 14 of the *Victims of Family Violence Act*, R.S.P.E.I. 1988, Cap. V-3.2, Council designated the following persons justices of the peace to hear and determine applications pursuant to the Act within the Province of Prince Edward Island for a period of three years, effective 4 March 2008:

S.A. Campbell
C. Currie
V.J. Downe
J.J. Gallant
C. Gardiner
J.D. Hammer
B.A. MacDonald
B.D. MacLean

EC2008-144

PUBLIC DEPARTMENTS ACT
ACTING MINISTER
APPOINTMENTS

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

Honourable Allan Campbell to be Acting Minister of Education and Acting Attorney General from March 8 through March 14, 2008, during the absence from the Province of Honourable Gerard Greenan.

Honourable Doug Currie to be Acting Minister of Education and Acting Attorney General commencing on March 15, 2008 and continuing for the remainder of the absence from the Province of Honourable Gerard Greenan.

EC2008-145

PUBLIC DEPARTMENTS ACT
TRANSFER ORDER

Pursuant to subsection 5(1) of the *Public Departments Act* R.S.P.E.I. 1988, Cap. P-29, Council transferred powers, duties and functions related to the control and supervision of the Pensions and Benefits Section from the Prince Edward Island Public Service Commission to the Fiscal Management Division of the Department of the Provincial Treasury.

For budget purposes, this transfer is deemed to have come into force effective 1 April 2007.

EC2008-146

TOBACCO TAX ACT
DECLARATION RE

Under authority of section 36 of the *Tobacco Tax Act* Stats. P.E.I. 2007, 1st Session, c. 19, Council ordered that a Proclamation do issue proclaiming the said "Tobacco Tax Act" to come into force effective March 15, 2008.

EC2008-147

TOBACCO TAX ACT
GENERAL REGULATIONS

Pursuant to section 33 of the *Tobacco Tax Act* R.S.P.E.I. 1988, Cap. T-3.11, Council made the following regulations:

- | | |
|---|-------------|
| 1. In these regulations | Definitions |
| (a) "Act" means the <i>Tobacco Tax Act</i> R.S.P.E.I 1988, Cap. T-3.11; | Act |
| (b) "carton" means a container in the form of wrapper or paperboard box in which 15 or fewer packages of cigarettes are packed or in which 200 or fewer pre-proportioned tobacco sticks are packed; | carton |
| (c) "case" means a container in which | case |
| (i) 25 or more cartons of cigarettes are packed, | |
| (ii) 20 or more kits of pre-proportioned tobacco sticks are packed, | |
| or | |
| (iii) 10 or more packages of fine-cut are packed; | |
| (d) "cigarettes" includes pre-proportioned tobacco sticks; | cigarettes |

- (e) “package of cigarettes” means a container in which no fewer than 20 cigarettes and no more than 30 cigarettes are packed. package of cigarettes
- 2.** No person shall give to any other person tobacco as a premium or prize or otherwise unless the tax has been paid on the retail value of such tobacco. Tobacco as a prize
- 3.** (1) A manufacturer shall not sell or offer to sell unmarked tobacco to a licensed wholesale vendor unless the licensed wholesale vendor is the holder of a valid marking permit. Manufacturers - restrictions on sales of unmarked tobacco
- (2) On or before the fifteenth day of each month, every manufacturer who sells tobacco shall deliver a return to the Minister in a form approved by the Minister in respect of the production, purchases, sales and distribution of tobacco by the manufacturer during the immediately preceding calendar month that shows Returns from Manufacturers
- (a) the amount of marked cigarettes with the indicium “NOVA SCOTIA-NOUVELLE ECOSSE”,
- (i) that the manufacturer is in possession of at the beginning of the month,
- (ii) that the manufacturer has manufactured, produced, imported or otherwise acquired during the month, and
- (iii) that the manufacturer is in possession of at the end of the month;
- (b) total shipments and transfers of marked tobacco with the indicium “NOVA SCOTIA-NOUVELLE ECOSSE” into the Province of Prince Edward Island according to recipient wholesale vendor;
- (c) total shipments and transfers of unmarked tobacco into the Province of Prince Edward Island according to recipient wholesale vendor; and
- (d) such other information or materials as the Commissioner may require.
- 4.** (1) Every package of cigarettes that is intended to be sold in Prince Edward Island to a consumer who is required to pay tax under the Act shall be marked on the tear tape with an indicium that meets the following specifications: Marking packages of cigarettes
- (a) the indicium shall read “CANADA DUTY PAID-DROIT ACQUITTE-NOVA SCOTIA-NOUVELLE ECOSSE”;
- (b) the width of the indicium shall not be less than 4.5 millimetres;
- (c) the background colour of the indicium shall be Pantone Purple U, 100%;
- (d) the colour of the text shall be in process black, 100%;
- (e) the text shall be in Helvetica 8.
- (2) Every package of fine-cut tobacco that is intended to be sold in Prince Edward Island to a consumer who is required to pay tax under the Act shall be marked Marking packages of fine-cut tobacco
- (a) on the tear tape with an indicium that meets the following specifications:
- (i) the indicium shall read “CANADA DUTY PAID-DROIT ACQUITTE-NOVA SCOTIA-NOUVELLE ECOSSE”,
- (ii) the width of the indicium shall be not less than 4.5 millimetres,
- (iii) the background colour of the indicium shall be Pantone Purple U, 100%,
- (iv) the colour of the text shall be in process black, 100%,
- (v) the text shall be in Helvetica 8; or
- (b) on the stamp required under the Excise Act - (Canada), with an indicium that meets the following specifications:
- (i) the indicium shall read “CANADA DUTY PAID-DROIT ACQUITTE-NOVA SCOTIA-NOUVELLE ECOSSE”,
- (ii) the background colour of the indicium shall be Pantone Purple U, 100%,
- (iii) the colour of the text shall be in process black, 100%,
- (iv) the text shall be in Helvetica 8.
- (3) Every carton that is intended to be sold in Prince Edward Island to a consumer who is required to pay tax under the Act shall be marked with an indicium that meets the following specifications: Marking cartons

- (a) the indicium shall read “NS-NE”;
- (b) the width of the indicium shall not be less than 2.9 centimetres;
- (c) the height of the indicium shall not be less than 1.4 centimetres;
- (d) the indicium shall be surrounded by a border that is a thickness of 1.5 point;
- (e) the background colour of the indicium shall be in Pantone Purple U, 100%;
- (f) the colour of the text and border shall be in process black, 100%;
- (g) the text shall be in Helvetica bold 10 upper case lettering.

(4) The indicium referred to in subsection (3) shall be affixed or imprinted, as the case requires, on each end sticker that seals the end flaps of the carton or, if the carton is a paperboard box, at each end of the box. *Idem*

(5) Every case that contains packages of cigarettes and cartons or packages of fine-cut tobacco that are marked or stamped in accordance with this section shall be marked by printing on the case the indicium “NS-NE”. *Marking cases*

(6) The letters “NS-NE” shall be printed on two sides of the case and shall meet the following specifications: *Idem*

- (a) the text shall be in block letters and 38.1 millimetres in height;
- (b) the colouring of the text shall be in process black, 100%.

5. These regulations come into force on March 15, 2008.

Commencement

EXPLANATORY NOTES

SECTION 1 provides definitions for certain words and terms used in the regulations.

SECTION 2 prohibits giving tobacco as a premium or prize unless the tax has been paid on the retail value of such tobacco.

SECTION 3 prohibits a manufacturer from selling unmarked tobacco to a licensed wholesale vendor unless the licensed wholesale vendor holds a valid marking permit. The section also requires a manufacturer to deliver monthly returns to the Minister in respect of the production and sales of tobacco by the manufacturer.

SECTION 4 establishes marking requirements for various types of packages of tobacco.

SECTION 5 provides for the commencement of these regulations.

EC2008-148

REVENUE ADMINISTRATION ACT REGULATIONS AMENDMENT

Pursuant to section 28 of the *Revenue Administration Act* R.S.P.E.I. 1988, Cap. R-13.2, Council made the following regulations:

1. The heading before section 9 of the *Revenue Administration Act* Regulations (EC390/91) is revoked and the following substituted:

PART II

TOBACCO TAX

2. Sections 9 to 13 of the regulations are revoked and the following is substituted:

9. In this Part, “Act” means the *Tobacco Tax Act* R.S.P.E.I. 1988, Cap. T-3.11 and other terms such as “consumer”, “retail licensed vendor” and *Act, defined*

“licensed wholesale vendor” have the same meaning as set out in that Act.

10. (1) The Minister shall allow a licensed wholesale vendor a commission for collecting and remitting the tax to the Minister equivalent to one point five per cent of the amount of the tax collected and remitted by the licensed wholesale vendor, to a maximum of \$12,000 in respect of each fiscal year of the province.

Allowance for
commission

(2) The Minister may refuse to allow a licensed wholesale vendor the commission provided by subsection (1) where the Minister is satisfied that the wholesale vendor has failed to make a return as required under section 11.

Disallowance of
commission

11. (1) On or before the fifteenth day of each month a licensed wholesale vendor shall file a return with the Commissioner, in a form approved by the Commissioner, reporting all sales of tobacco made by the licensed wholesale vendor during the calendar month immediately preceding and shall remit to the Minister the tax collected during the period.

Returns

(2) Notwithstanding subsection (1), a licensed wholesale vendor shall, at any time required by the Commissioner, file a return reporting all sales of tobacco made by the licensed wholesale vendor covering such period as the Commissioner may determine, and shall therewith remit to the Minister the tax collected during that period.

Idem

(3) Unless a consolidated return has been approved by the Commissioner, every licensed wholesale vendor shall make a separate return under this section for each place of business operated by the licensed wholesale vendor.

Idem

(4) Where a licensed wholesale vendor is required to file a return reporting the sales of tobacco and no sales of tobacco are made during the period for which the return is required to be filed, the licensed wholesale vendor shall make a return setting forth that fact.

Idem

12. When a licensed wholesale vendor disposes of or discontinues business, the licensed wholesale vendor must, within ten days thereafter, file a return reporting the sales of tobacco made during the unreported period for which the return is required to be filed, and remit any tax collected.

Disposal of or
discontinuance of
business

3. These regulations come into force on March 15, 2008.

EXPLANATORY NOTES

Section 1 repeals a heading that refers to the *Health Tax Act*.

Section 2 repeals provisions that deal with the administrative issues concerning the collection of the tax on tobacco imposed under the *Health Tax Act*. The section also adds new administrative provisions that deal with the collection of the tax on tobacco that is imposed by the new *Tobacco Tax Act*.

Section 3 provides for the commencement of these regulations.

EC2008-149

HEALTH TAX ACT REGULATIONS REVOCATION

Pursuant to section 20 of the *Health Tax Act* R.S.P.E.I. 1988, Cap. H-3, Council made the following regulations:

1. The *Health Tax Act* Regulations (EC221/57) are revoked.

2. These regulations come into force on March 15, 2008.

EXPLANATORY NOTES

The amendment revokes the *Health Tax Act*, Regulations. These regulations will be replaced by new Regulations made under the *Tobacco Tax Act*.

EC2008-150

**HEALTH TAX ACT
TOBACCO MARKING REGULATIONS
REVOCATION**

Pursuant to section 20 of the *Health Tax Act* R.S.P.E.I. 1988, Cap. H-3, Council made the following regulations:

- 1. The *Health Tax Act* Tobacco Marking Regulations (EC876/95) are revoked.**
- 2. These regulations come into force on March 15, 2008.**

EXPLANATORY NOTES

The amendment revokes the *Health Tax Act*, Tobacco Marking Regulations. These regulations will be replaced by new Regulations made under the *Tobacco Tax Act*.

EC2008-151

**FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY CAPITAL EXPENDITURE
FOR FISCAL YEAR 2007-08)
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS**

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Capital Fund for the Department of Transportation and Public Works as follows:

Account Class	Account Name	Amount
	Land Purchases	
0403-05002	Land	<u>\$4,340,000.00</u>