

EC2013-1

EXECUTIVE COUNCIL ACT
MINISTER OF ENVIRONMENT, LABOUR AND JUSTICE
AND ATTORNEY GENERAL
AUTHORITY TO ENTER INTO AN AGREEMENT
(*CONTRAVENTIONS ACT*
ADMINISTRATION AND ENFORCEMENT 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 Environment, Labour and Justice and Attorney General to enter into an agreement with the Government of Canada, as represented by the Minister of Justice and Attorney General, to set out terms and conditions for administration and enforcement in both English and French of the federal statutes and regulations applicable to Prince Edward Island and included in the *Contraventions Act* and Regulations including prosecution, discharge and enforcement of fines and fees related to summary conviction offences for the period April 1, 2013 to March 31, 2018, such as more particularly described in the draft agreement.

EC2013-2

FINANCIAL ADMINISTRATION ACT
SIGNING AUTHORITY DESIGNATIONS
SECURITIES ISSUANCE
INVESTING AND CASH MANAGEMENT
BANKING RELATED SERVICES
APPROVED

Pursuant to sections 14 and 54 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, the Minister of Finance, Energy and Municipal Affairs (the “Minister”) and Executive Council hereby designate officers of the Department of Finance, Energy and Municipal Affairs and Treasury Board Secretariat to carry out the prescribed functions and activities noted below for the effective and efficient financial administration and management of duties assigned by the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 to the Minister and Department of Finance, Energy and Municipal Affairs and to the Treasury Board.

The Minister of Finance, Energy and Municipal Affairs may assign and/or withdraw delegated authorities for any designated officer, in such a manner as the Minister considers advisable.

In performing the prescribed functions and activities noted below, designated officers must understand the benefits and associated risks of any transaction prior to its undertaking.

SHORT-TERM BORROWING TRANSACTIONS

Pursuant to section 54 of the *Financial Administration Act* R.S.P.E.I 1988, Cap. F-9, Council and the Minister designate the following officers of the Department of Finance, Energy and Municipal Affairs and Treasury Board Secretariat to transact/sign and authorize/countersign, via physical or electronic means, securities issued under authority of section 46 of the Act:

1. TREASURY NOTE /PROMISSORY NOTE / SHORT-TERM SECURITY ISSUANCE – Physical Security

1.1 Authority to transact/sign and authorize/countersign note issuance on behalf of the Minister of Finance, Energy and Municipal Affairs - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

SHORT-TERM BORROWING (Borrowing or Security Issued for 365 Days or Less)			
Transact Authorization List A		Countersign Authorization of Treasury Note / Promissory Note / Short-Term Security List B	
1	Banking Officer	1	Secretary to Treasury Board / Comptroller
2	Investment Officer	2	Deputy Minister of Finance, Energy and Municipal Affairs
3	Investment Accountant		
4	Manager, Debt, Investment and Pensions		

2. TREASURY NOTE /PROMISSORY NOTE / SHORT-TERM SECURITY ISSUANCE – Electronic System

2.1 Authority to transact/sign and authorize/countersign note issuance on behalf of the Minister of Finance, Energy and Municipal Affairs - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

SHORT-TERM BORROWING (Borrowing or Security Issued for 365 Days or Less)			
Transact Authorization List A		Countersign Authorization of Treasury Note / Promissory Note / Short-Term Security List B	
1	Banking Officer	1	Budget Analyst(s)
2	Investment Officer	2	Executive Director Fiscal Management
3	Investment Accountant	3	Secretary to Treasury Board / Comptroller
4	Manager, Debt, Investment and Pensions	4	Deputy Minister of Finance, Energy and Municipal Affairs

LONG-TERM BORROWING TRANSACTIONS

Pursuant to section 54 of the *Financial Administration Act* R.S.P.E.I 1988, Cap. F-9, Council and the Minister designate the following officers of the Department of Finance, Energy and Municipal Affairs and Treasury Board Secretariat to transact/sign and authorize/countersign, via physical or electronic means, securities issued under authority of sections 48 and 49 of the Act:

3. DEBENTURE / PROMISSORY NOTE / LONG-TERM SECURITY ISSUANCE

3.1 Authority to transact/sign and authorize/countersign long-term borrowing or security issued for terms greater than 365 days on behalf of the Minister of Finance, Energy and Municipal Affairs - at least one signatory required from List A and at least two signatories from List B below, and the signatory from List A must be different from the signatories from List B.

LONG-TERM BORROWING (Borrowing or Security Issued for Terms Greater than 365 Days)			
Transact Authorization List A		Countersign Authorization of Debenture / Promissory Note / Long-Term Security List B	
1	Investment Officer	1	Secretary to Treasury Board / Comptroller
2	Manager, Debt, Investment and Pensions	2	Deputy Minister of Finance, Energy and Municipal Affairs
3	Secretary to Treasury Board / Comptroller	3	Minister of Finance, Energy and Municipal Affairs

SHORT-TERM INVESTING TRANSACTIONS

The following officers of the Department of Finance, Energy and Municipal Affairs and Treasury Board Secretariat are authorized on behalf of the Minister to transact/sign and authorize/countersign, via physical or electronic means, securities purchased or sold under authority of section 27 of the said Act:

4. SHORT-TERM INVESTING / CALL LOAN TRANSACTIONS

4.1 Authority to transact/sign and authorize/countersign short-term investing/call loan transactions for terms of 365 days or less for the Operating Fund, Sinking Fund and any other fund - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

SHORT-TERM INVESTING / CALL LOAN TRANSACTIONS (Investing For Terms of 365 Days or Less)			
Transact Authorization List A		Countersign Authorization List B	
1	Banking Officer	1	Investment Officer
2	Investment Officer	2	Investment Accountant
3	Investment Accountant	3	Manager, Debt, Investment and Pensions
4	Manager, Debt, Investment and Pensions	4	Secretary to Treasury Board / Comptroller
		5	Deputy Minister of Finance, Energy and Municipal Affairs

LONG-TERM INVESTING TRANSACTIONS

The following officers of the Department of Finance, Energy and Municipal Affairs and Treasury Board Secretariat are authorized on behalf of the Minister to transact/sign and authorize/countersign, via physical or electronic means, securities purchased or sold under authority of section 27 of the said Act:

5. LONG-TERM INVESTING TRANSACTIONS

5.1 Authority to transact/sign and authorize/countersign long-term investing transactions for terms greater than 365 days for the Operating Fund, Sinking Fund and any other fund - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

LONG-TERM INVESTING TRANSACTIONS (For Terms Greater than 365 Days)			
Transact Authorization List A		Countersign Authorization List B	
1	Investment Officer	1	Investment Accountant
2	Manager, Debt, Investment and Pensions	2	Manager, Debt, Investment and Pensions
3	Secretary to Treasury Board / Comptroller	3	Secretary to Treasury Board / Comptroller
		4	Deputy Minister of Finance, Energy and Municipal Affairs

FOREIGN EXCHANGE (SPOT) TRANSACTIONS

The following officers of the Department of Finance, Energy and Municipal Affairs and Treasury Board Secretariat are authorized on behalf of the Minister to transact/sign and authorize/countersign, via physical or electronic means, foreign exchange (spot) transactions under authority of subsection 14(2) of the said Act:

6. FOREIGN EXCHANGE (SPOT) TRANSACTIONS

6.1 Authority to transact/sign and authorize/countersign foreign exchange (spot) transactions for the Operating Fund, Sinking Fund and any other fund, other government related entities, and pooled fund accounts - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

FOREIGN EXCHANGE (SPOT) TRANSACTIONS			
Transact Authorization List A		Countersign Authorization List B	
1	Banking Officer	1	Investment Accountant
2	Investment Officer	2	Manager, Debt, Investment and Pensions
3	Manager, Debt, Investment and Pensions	3	Secretary to Treasury Board / Comptroller
4	Secretary to Treasury Board / Comptroller	4	Deputy Minister of Finance, Energy and Municipal Affairs

DERIVATIVE TRANSACTIONS

The following officers of the Department of Finance, Energy and Municipal Affairs and Treasury Board Secretariat are authorized on behalf of the Minister to transact/sign and authorize/countersign, via physical or electronic means, derivative transactions issued under authority of subsection 14(2) of the said Act:

7. DERIVATIVE TRANSACTIONS

7.1 Authority to transact/sign and authorize/countersign derivative transactions, such as currency, interest rates and other matters, swap agreements, futures and forward agreements, options agreements, rate agreements and any other master agreement in respect of such agreements, for the Operating Fund, Sinking Fund and any other fund - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

DERIVATIVE TRANSACTIONS			
Transact Authorization		Countersign Authorization	
List A		List B	
1	Investment Officer	1	Manager, Debt, Investment and Pensions
2	Manager, Debt, Investment and Pensions	2	Secretary to Treasury Board / Comptroller
3	Secretary to Treasury Board / Comptroller	3	Deputy Minister of Finance, Energy and Municipal Affairs

BANKING RELATED SERVICES

The following officers of the Department of Finance, Energy and Municipal Affairs and Treasury Board Secretariat are authorized on behalf of the Minister to transact/sign and authorize/countersign, via physical or electronic means the following banking related services under authority of subsection 14(1) and sections 20 and 22 of the said Act:

8. BANK ACCOUNT - OPENING / CLOSING / MAINTENANCE AND ADMINISTRATION

8.1 Authority to transact/sign and authorize/countersign bank account opening, closing and bank account maintenance and administration, for the Operating Fund, other government related entities and pooled fund accounts - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

BANK ACCOUNTS – OPENING / CLOSING / MAINTENANCE AND ADMINISTRATION			
Transact Authorization		Countersign Authorization	
List A		List B	
1	Banking Officer	1	Secretary to Treasury Board / Comptroller
2	Investment Officer	2	Deputy Minister of Finance, Energy and Municipal Affairs
3	Investment Accountant	3	Minister of Finance, Energy and Municipal Affairs

9. BANKING RELATED TRANSACTIONS

9.1 Authority to transact/sign and authorize/countersign banking related transactions such as bank drafts, wire payments, account transfers, cheque verification, stop payment requests, preauthorized payment and debits, online tax filings, and other banking related administration for the Operating Fund, other government related entities, and pooled fund accounts - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

BANKING RELATED TRANSACTIONS			
Transact Authorization		Countersign Authorization	
List A		List B	
1	Banking Officer	1	Budget Analyst(s)
2	Investment Officer	2	Executive Director Fiscal Management
3	Investment Accountant	3	Secretary to Treasury Board / Comptroller
		4	Deputy Minister of Finance, Energy and Municipal Affairs

10. ELECTRONIC / ONLINE BANKING SETUP / ACCESS AND ADMINISTRATION

10.1 Authority to transact/sign and authorize/countersign electronic/online banking setup/access and administration for the Operating Fund, other government related entities and pooled fund accounts - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

ELECTRONIC / ONLINE BANKING SETUP / ACCESS AND ADMINISTRATION			
Transact Authorization		Countersign Authorization	
List A		List B	
1	Manager, Debt, Investment and Pensions	1	Manager, Debt, Investment and Pensions
2	Office of the Comptroller Accountant	2	Office of the Comptroller Accountant
3	Financial System Administration System Administrator	3	Financial System Administration System Administrator
4	Manager of Administration Services	4	Manager of Administration Services

11. BANKING SERVICES – THIRD PARTY VENDORS

11.1 Authority to transact/sign and authorize/countersign banking services provided by third party vendors, such as credit and debit card service and administration providers, for the Operating Fund - one signatory required from List A and one from List B below, and the signatory from List A must be different from the signatory from List B.

BANKING SERVICES – THIRD PARTY VENDORS			
Transact Authorization		Countersign Authorization	
List A		List B	
1	Banking Officer	1	Manager, Debt, Investment and Pensions
2	Investment Officer	2	Secretary to Treasury Board / Comptroller
3	Investment Accountant	3	Deputy Minister of Finance, Energy and Municipal Affairs
		4	Minister of Finance, Energy and Municipal Affairs

Order-in-Council EC2008-733 of December 2, 2008 is hereby rescinded.

EC2013-3

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PAUL G. PACE
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Paul G. Pace of London, Ontario to acquire a land holding of approximately fifty-seven decimal two (57.2) acres of land in Lot 13, Prince County, Province of Prince Edward Island, being acquired from Keith Milligan and Deborah Milligan, both of Tyne Valley, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Paul G. Pace and on all successors in title.

EC2013-4

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DARWIN RUNNING AND CHARLENE RUNNING
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Darwin Running and Charlene Running, both of Ottawa, Ontario to acquire a land holding of approximately seven (7) acres of land in Lot 61, Kings County, Province of Prince Edward Island, being acquired from Lorraine Boychuck of Mount Royal, Quebec PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-5

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MICHAEL DAVID THOMAS TIILI
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Michael David Thomas Tiili of Burnaby, British Columbia to acquire a land holding of approximately one hundred and fourteen (114) acres of land in Lot 52, Kings County, Province of Prince Edward Island, being acquired from Matthew Amond of Stratford, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-6

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101506 P.E.I. INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 101506 P.E.I. Inc. of Summerside, Prince Edward Island to acquire, by way of share purchase, an interest in a land holding of approximately eleven decimal nine eight (11.98) acres of land in Lot 19, Prince County, Province of Prince Edward Island, being acquired from Wayne Parnham of Summerside, Prince Edward Island.

EC2013-7

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MARVEN STEWART FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Marven Stewart Farms Inc. of Kensington, Prince Edward Island to acquire a land holding of approximately two hundred and eighty-seven decimal eight three (287.83) acres of land in Lots 19 and 25, Prince County, Province of Prince Edward Island, being acquired from Marven Stewart of Kensington, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-8

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MARVEN STEWART FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Marven Stewart Farms Inc. of Kensington, Prince Edward Island to acquire a land holding of approximately fifty-eight decimal five six (58.56) acres of land in Lot 25, Prince County, Province of Prince Edward Island, being acquired from Marven Stewart of Kensington, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-9

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
NEWLAND FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Newland Farms Inc. of Hunter River, Prince Edward Island to acquire a land holding of approximately seventy-one (71) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Ronald Gamester of Wheatley River, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-10

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ROSEWOOD PROPERTIES INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Rosewood Properties Inc. of Bedeque, Prince Edward Island to acquire a land holding of approximately zero decimal four six (0.46) acres of land in Lot 28, Prince County, Province of Prince Edward Island, being acquired from Eldon J. Gallant and Lori Gallant, both of North Wiltshire, Prince Edward Island.

EC2013-11

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WILLARD WAUGH & SONS LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Willard Waugh & Sons Ltd. of Summerside, Prince Edward Island to acquire a land holding of approximately one decimal nine four (1.94) acres of land in Lot 25, Prince County, Province of Prince Edward Island, being acquired from Arnold Muttart Waugh of Summerside, Prince Edward Island.

EC2013-12

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 235044, LOT 22, QUEENS COUNTY
SUBDIVISION RESTRICTION
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition prohibiting subdivision in respect of approximately one hundred (100) acres of land, being Provincial Property No. 235044 located in Lot 22, Queens County, Prince Edward Island and currently owned by North Road Holdings Ltd. of Hunter River R.R. 2, Prince Edward Island.

Council noted that this amendment will permit the subdivision of one lot of approximately six decimal five eight (6.58) acres, and determined that the subdivision restriction shall continue to apply to the new lot and the remaining land.

This Order-in-Council comes into force on January 8, 2013.

EC2013-13

LIQUOR CONTROL ACT
PRINCE EDWARD ISLAND LIQUOR CONTROL COMMISSION
APPOINTMENTS

Pursuant to section 4 of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Robert Lord Fortune Bridge (reappointed)	30 September 2012 to 30 September 2015
Hector MacLeod Alberton (reappointed)	30 September 2012 to 30 September 2015

Further, pursuant to subsection 5(1) of the said Act, Council designated Hector MacLeod as chairperson of the Commission.

EC2013-14PROVINCIAL DEBENTURE ISSUE
MAXIMUM AGGREGATE PRINCIPAL AMOUNT \$200,000,000.00

The Executive Council having under consideration the matter of Provincial Debentures

WHEREAS by virtue of the *Loan Act (No. 2) 2012*, Stats. P.E.I. 2012, c. 16, the *Loan Act 2012*, Stats. P.E.I. 2012, c. 25 (the "*Loan Acts*"), and the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, the Lieutenant Governor in Council is authorized to raise from time to time by way of loan such sums of money as may be deemed expedient for any or all of the purposes mentioned in the said Acts, *inter alia*, for discharging the cost of carrying on public works authorized by the Legislature, for making advances to crown corporations or reporting entities and the payment of any indebtedness of the Province, provided that the principal amount of any securities issued and the amount of temporary loans raised under the authority of these Acts, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole the sum of Four Hundred Million Dollars (\$400,000,000.00); and

WHEREAS the amount of One Hundred and Ninety-three Million, Five Hundred and Thirty-three Thousand, Five Hundred Dollars (\$193,533,500.00) authorized by Order-in-Council Number EC2012-312 has been borrowed under the authority of the *Loan Act 2012*, Stats. P.E.I. 2012, c. 25, and it is now deemed expedient to borrow under the authority of the *Loan Acts*, by the issue and sale of Debentures of the Province from time to time in the maximum aggregate principal amount of Two Hundred Million Dollars (\$200,000,000.00) at such time or times as the Minister of Finance, Energy and Municipal Affairs considers market conditions are favourable; and

WHEREAS by virtue of subsection 49(3) of the *Financial Administration Act*, the Minister of Finance, Energy and Municipal Affairs has the same powers, rights and authority as the Lieutenant Governor in Council has under the authority given to the Lieutenant Governor in Council to raise sums of money; and

WHEREAS by virtue of subsection 49(4) of the *Financial Administration Act*, the Minister of Finance, Energy and Municipal Affairs, on such terms and conditions as the Minister of Finance, Energy and Municipal Affairs considers advisable, may raise sums of money by way of loan, in whole or in part, or through the issue and sale of securities, in whole or in part, that have a term to maturity of more than one year;

THE EXECUTIVE COUNCIL THEREFORE ADVISES THAT under the authority of and pursuant to the provisions of the said *Loan Acts* and the *Financial Administration Act*, the Province may borrow by issue and sale of Debentures of the Province from time to time in the maximum aggregate principal amount of Two Hundred Million Dollars (\$200,000,000.00) at such time or times as the Minister of Finance, Energy and Municipal Affairs considers market conditions are favourable.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the Minister of Finance, Energy and Municipal Affairs shall as soon as practicable, but in no case later than thirty days after the money is received, provide the Lieutenant Governor in Council with a statement of the sums of money raised, the rate of interest or the yield to the investor and such other terms and conditions as the Minister of Finance, Energy and Municipal Affairs considers advisable, including any sinking fund.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the maximum aggregate principal amount of Two Hundred Million Dollars (\$200,000,000.00) of the Debentures, the issue and sale whereof is hereby provided for, is and is declared to be necessary to realize the sum required to be raised by way of loan pursuant to the *Loan Acts* and the *Financial Administration Act*.

EC2013-15

SCHOOL ACT
APPOINTMENT OF TRUSTEES
ENGLISH LANGUAGE SCHOOL BOARD

Pursuant to section 27.1 of the *School Act* R.S.P.E.I. 1988, Cap. S-2.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as chairperson	
Fred Osborne Alexandra	1 January 2013 to 30 June 2014
as members	
Jeff Chapman Souris	1 January 2013 to 30 June 2014
Dr. Jason Doiron Stratford	1 January 2013 to 30 June 2014
Gary Doucette Summerside	1 January 2013 to 30 June 2014
June Jenkins Sanderson Warren Grove	1 January 2013 to 30 June 2014
Linda Lowther Cavendish	1 January 2013 to 30 June 2014
Cindy McCardle Kinkora	1 January 2013 to 30 June 2014
David Mitchell Stratford	1 January 2013 to 30 June 2014
Dr. Margaret Morrison Flat River	1 January 2013 to 30 June 2014
Kent Nicholson Charlottetown	1 January 2013 to 30 June 2014

Colleen Parker
 Alberton
 1 January 2013
 to
 30 June 2014

Lori St. Onge
 Mermaid
 1 January 2013
 to
 30 June 2014

EC2013-16

AN ACT TO AMEND THE SOCIAL WORK ACT DECLARATION RE

Under authority of section 23 of *An Act to Amend the Social Work Act* Stats. P.E.I. 2008, c. 62 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Social Work Act" to come into force effective January 19, 2013.

EC2013-17

SOCIAL WORK ACT CERTIFICATION REGULATIONS

Pursuant to section 8 of the *Social Work Act* R.S.P.E.I. 1988, Cap. S-5, after consultation with the Prince Edward Island Association of Social Workers, the Prince Edward Island Social Work Registration Board made, and the Lieutenant Governor in Council approved, the following regulations:

1. In these regulations,

- | | |
|---|--------------------------|
| (a) "Act" means the <i>Social Work Act</i> R.S.P.E.I. 1988, Cap. S-5; | Definitions |
| (b) "refresher program" means a training program to review and update basic education in professional social work, that is approved by the Board. | Act
refresher program |

2. A person seeking a certificate shall submit to the Registrar a written application in the form set out in Schedule 1 to these regulations that includes

- | | |
|--|-----------------------------|
| (a) a description of the person's basic professional educational program, including name and location of the school, years attended, the nature of the curriculum, and the duration and character of the practical experience component; | Application for certificate |
| (b) proof of successful completion of the educational program, with evidence of examination results if requested; | |
| (c) evidence of any related or subsequent educational qualifications; | |
| (d) a description of any further practical training; | |
| (e) an outline of the type, duration and dates of active professional practice, if applicable; | |
| (f) evidence of current registration in another jurisdiction, if applicable; | |
| (g) a statement of evaluation, by the Canadian Council of Social Work Regulators, of equivalency to Canadian education standards, if applicable; | |
| (h) evidence of successful completion of a refresher program, if applicable; | |
| (i) such other information or evidence as the Registrar may request for the purpose of amplifying or substantiating any of the preceding requirements; and | |
| (j) the fee required for processing an application. | |

3. To ensure there is no lapse in time between the expiry of the certificate of a social worker and the issuance of a subsequent certificate to the social worker, the social worker shall apply for a subsequent certificate at least six weeks before the expiry of his or her current certificate.

4. For the purpose of assessing an application, the Board or the Registrar may request and take into account detailed information from the

Further information

applicant and from other persons or bodies concerning the applicant's professional education credentials and experience, including verification of course-work, examination results, standing with another regulatory body or professional organization, and circumstances of previous practice.

5. The written information or copy thereof submitted in connection with an application and any written report on the applicant's eligibility shall

Keeping of application information

(a) be the property of the Board and shall be retained by the Registrar for at least one year following the decision on granting a certificate;

(b) during that time be available for inspection by the applicant and his or her authorized representative; and

(c) not be accessible to any person other than the applicant or his or her representative, the Registrar, the Board or its designate without the express consent of both the applicant and the Board.

6. Where an applicant does not meet the professional education requirement in clause 9(1)(a) of the Act, the Board may accept as equivalent the successful completion of a course of study that is recognized by the Canadian Council of Social Work Regulators as equivalent to the requirement in clause 9(1)(a) of the Act.

Equivalency

7. For the purpose of meeting the practical training requirement of clause 9(1)(b) of the Act, an applicant shall successfully have completed the equivalent of at least three months of practical field activity in social work, whether as a component of or subsequent to completing the degree program required under clause 9(1)(b) of the Act or an equivalent accepted by the Board under section 5, under the direct supervision of a social worker considered by the Board to be suitably qualified professional.

Practical training

8. (1) For the purpose of determining professional competency under clause 9(1)(c) of the Act, the Board may accept the results of the examinations by which the applicant qualified to graduate from the applicant's educational program.

Examination

(2) If the examinations of a recognized professional education program are not acceptable to the Board, the Board may administer or have administered to an applicant an examination to assess the professional competency of the applicant and the Board shall ensure that the applicant is informed in advance as to the general form, content and assessment criteria to be used for the examination.

Idem

9. (1) Subject to subsections (2) and (3), for the purposes of meeting the requirement of currency of professional knowledge and skills under clause 9(1)(d) of the Act, an applicant shall have either

Currency

(a) successfully completed the degree program required under clause 9(1)(b) of the Act or an equivalent accepted by the Board under section 5 less than five calendar years before making the application; or

(b) where the applicant's successful completion of the degree program or equivalent referred to in clause (a) occurred five or more years before making the application,

(i) actively practised as a social worker for at least 900 hours within the five years, or 450 hours within the three years immediately preceding the making of the application, or

(ii) successfully completed a refresher program within the three years immediately preceding the making of the application.

(2) A social worker or former social worker who applies for a certificate shall further demonstrate to the satisfaction of the Board that he or she has maintained currency of professional knowledge and skills by

Additional requirements

(a) reading, on a regular basis, professional journals or comparable reference material; and

(b) successfully completing the requirements for continuing professional education set out in section 10 of and Schedule 2 to these regulations.

(3) Where a social worker or former social worker fails to meet the requirements in subsection (2), the Board may require the social worker

Alternative requirements

or former social worker to, within such period of time as may be specified by the Board, do either or both of the following:

- (a) successfully complete a continuing professional education program set out in Schedule 2 to these regulations;
- (b) pass an examination administered or approved by the Board.

10. (1) A social worker must complete 25 hours of continuing professional education in each year as set out in Schedule 2 to these regulations. Continuing education requirements

(2) Each social worker must submit with his or her annual application for a certificate a signed statement of compliance with the requirements of this section respecting continuing professional education. Statement of compliance

(3) Each social worker must keep a record of his or her continuing professional education activities and must provide the record to the Registrar on request. Records

(4) Failure to comply with the requirements set out in subsection (1) is deemed to be a complaint for the purposes of section 13 of the Act. Consequences of failure to comply

Private Practice of Social Work

11. (1) A social worker may apply for an endorsement authorizing the social worker to engage in the practice of social work as a private practitioner in accordance with this section. Endorsement as private practitioner

(2) A social worker who wishes to apply for an endorsement referred to in subsection (1) shall Qualifications

- (a) be a registered social worker in good standing and authorized to engage in the practice of social work in Prince Edward Island;
- (b) hold the degree of Master or Doctor of Social Work;
- (c) have a minimum of four years, or the equivalent hours, within the most recent ten years, of paid experience relevant to the area of specialization in which the social worker proposes to practise
 - (i) in a position for which the primary professional designation is social work or for which a social work qualification is required or preferred, and
 - (ii) that was clinically supervised or supervised by a practising social worker with experience in that area of specialization;
- (d) provide two letters of reference from qualified professionals who have experience in that area of specialization;
- (e) meet the requirements of the Act and these regulations respecting continuing professional education.

(3) In addition to the requirements of sections 2 to 9 of these regulations, an applicant for a certificate as a private practitioner of social work shall also provide proof satisfactory to the Registrar that the applicant has Application for certificate, private practitioner

- (a) current liability insurance; and
- (b) access to professionals in the area of the applicant's specialization for the purposes of peer consultation when necessary.

12. The Registrar shall maintain a register of registered social workers who are authorized to engage in the private practice of social work. Private practice registry

13. A social worker shall without delay notify the Registrar of any change of status or change in the information provided in his or her most recent application that may affect the person's eligibility to practise or the Registrar's ability to contact the social worker. Registrar to be informed

FEES

14. The following fees are prescribed: Fees

- (a) issuance of certificate.....\$145
- (b) issuance of certificate, valid for less than four months.....\$ 50
- (c) endorsement.....\$ 50
- (d) examination the actual cost of conducting the examination, plus 10 per cent

Revocation

15. The Certification Regulations (EC359/89) are revoked.

16. These regulations come into force on January 19, 2013.

Commencement

Schedule 1

APPLICATION FOR REGISTRATION

- Part A Identification -

.....

1. Surname First Middle (Birth Name)

Home Address

Postal Code Telephone (home)

Contact Address Telephone (other)

(If different from E-mail

above i.e. student) D.O.B. Y M D (Optional)

2. If currently engaged in social work practice indicate:

Current position/title

Department/Agency/Institution/Other

Date employed Full time Part time Hours per week

Telephone (work) E-mail

Person to whom applicant reports

Position/Title

3. Private Practice Yes No

Company Name Contact Person

Telephone (work) E-mail (work)

Are you prepared to have your contact information available to the Public? Yes..... No

4. Brief description of social work practice (fields, primary clientele, methods, skills most used, other primary characteristics of work performed).

.....

5. Please send correspondence to Home Office

- Part B Education -

1. First degree, if other than a social work degree

Majors Year Graduated

University Location

2. Other non-social work degrees

Degree	Year graduated	University
.....
.....

3. First social work degree (attach copy)

School of Social Work

Number of years attended Year graduated

Short general description of the program's curricular structure (e.g. duration, mix of course work, thesis or major project, areas of concentration, full-time, extension, etc.)

.....

Short general description of program's practicum (e.g. duration, dates, organization(s), professional supervisors' names, nature of work)

.....

4. Additional post-baccalaureate social work education e.g. advanced social work degrees, further university level courses, diploma courses, practicums, research, publications, other structured learning opportunities. Where relevant, please name degree, diplomas, etc,

university or educational context, dates involved, academic and practice contents, thesis, etc.
 a)
 b)
 c)
 d)

5. Social work specializations arising from the above:

6. Copy of CCSWR evaluation of equivalency to Canadian Education Standards for first social work degree provided where relevant. Yes No

- Part C Currency and History of Practice -

In addition to current social work practice reported on page 1, indicate below all full-time and part-time practice including private practice for the last five years or since receipt of your most recent social work degree, whichever is the lesser time.

1. Present position reported on page 1 Yes No

2. Full-time employment prior to present position including private practice:

Organization	Position	From	To	Hours Per Week	Name of Supervisor
.....
.....

3. Part-time employment prior to present position including private practice:

Organization	Position	From	To	Hours Per Week	Name of Supervisor
.....
.....

4. Enhancement of Social Work Competence
 Describe briefly your current plan to enhance your current practice skills and to keep up-to-date with advancement in social work knowledge and practice.

- Part D Good Standing -

- I am a member of good standing with the Prince Edward Island Association of Social Workers. Yes No
- Registered elsewhere (now or previously)?
 If yes, Regulatory/Professional body
 Address
- Have you ever been subject to disciplinary action? Yes No
- Have you ever been convicted of a criminal offence? Yes No
 If yes to 3 or 4, attach explanation(s). Yes No
- The SWRB is authorized to verify my standing with the previous Board I was registered with. Yes No

- Part E Code of Ethics -

I have read, understand and agree to adhere to the Canadian Association of Social Workers Code of Ethics. Yes No

CAUTION: Failure to provide full and reliable information may be cause for the board's withholding of a certificate.

.....
 Date Signature of Applicant

Please note: Before registration with the PEI Social Work Registration Board can be completed, a copy of your transcripts must be sent directly to the Registrar from your graduating University. Please have them sent to:
 81 Prince Street, Charlottetown, PE C1A 4R3

Schedule 2

CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

- 1.** (1) For the purposes of section 10 of these regulations, a program of continuing professional education must contain at least one of the following content areas related to social work practice: Program of continuing professional education
- (a) theories and concepts of human behaviour in the social environment;
 - (b) social work practice, knowledge and skills;
 - (c) social work research, programs or practice evaluations;
 - (d) social work management, administration or social policy;
 - (e) social work ethics;
 - (f) other areas approved by the Board as being important and relevant to current social work practice.
- (2) Social workers may meet the requirements of section 10 of these regulations by means of two or more of the following activities in the content areas referred to in subsection (1): Activities
- (a) academic course work, including credit or non-credit courses designed to increase knowledge or skill in relation to social work practice;
 - (b) articles, presentations or research, including preparatory research and writing and related activities;
 - (c) board meetings, committee work and community service, including contributing volunteer time to social service, community development, advocacy or educational agencies whose activities are related to social work;
 - (d) certificate programs, which include a planned sequence of courses, workshops or both leading to a certificate of completion or competency;
 - (e) conferences and workshops of from one to five days' duration whose theme or topic is related to the field of social work;
 - (f) discussion groups and seminars organized by social workers and based on individual reading and research on an issue or subject relevant to the field of social work;
 - (g) mentoring, where the mentoring relationship is formalized through a learning contract;
 - (h) participation in the activities of professional social work organizations, including committee work, attendance at meetings and planning events on behalf of the organization;
 - (i) peer consultation;
 - (j) public education about the profession of social work, including activities such as giving presentations and staffing information booths;
 - (k) self-directed learning, including reading social work publications, using formalized instructional reading, audio and video packages, Internet research and interactive learning;
 - (l) supervision of social work students, including training and the preparation and supervision of students' field placements for degree programs in the field of social work;
 - (m) training in the workplace related to the practice of social work provided by the employer of a social worker.
- (3) For the purposes of section 10 of these regulations, no more than one-half of the total hours of continuing professional education required may be provided by means of self-directed learning as set out in clause (2)(k). Limitation
- (4) A certificate program referred to in clause (2)(d) must be approved by the Board prior to commencement. Approval by the Board

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of these regulations.

SECTION 2 sets out the requirements for an application for a certificate under section 9 of the Act, including the applicant's educational qualifications, practical training, current registration in another jurisdiction, where applicable, and the appropriate fee set out in section 14.

SECTION 3 requires a social worker to make an application for a subsequent certificate at least six weeks prior to the expiry of the current certificate.

SECTION 4 authorizes the Board or the Registrar, for the purpose of assessing an application for a certificate, to request and consider detailed information from the applicant and other persons respecting the applicant's educational credentials and experience.

SECTION 5 authorizes the Board to retain the information provided in connection with an application for at least one year following the decision made in respect of the application, and provides that during that

period the information may be inspected by the applicant and the applicant's representative but shall not be available to others, except the Registrar and the Board or its designate without the express consent of the applicant and the Board.

SECTION 6 authorizes the Board, where an applicant does not meet the educational requirements of clause 9(1)(a) of the Act, to accept a course of study recognized as equivalent by the Canadian Council of Social Work Regulators.

SECTION 7 sets out the requirements respecting practical training that an applicant for a certificate must meet for the purposes of clause 9(1)(b) of the Act.

SECTION 8 provides that for the purposes of determining professional competency under clause 9(1)(c) of the Act, the Board may accept the results of the applicant's graduation examinations. The section further provides that if the Board does not consider the examinations of the applicant's educational program acceptable, the Board may administer an examination to the applicant to assess professional competency, and if the Board does so it must notify the applicant in advance respecting the general form, content and assessment criteria to be used.

SECTION 9 sets out the requirements for currency of professional knowledge and continuing professional education that an applicant must have for the purposes of clause 9(1)(d) of the Act.

SECTION 10 sets out the annual requirements for continuing professional education for social workers and requires each social worker to keep a record of continuing professional education activities and submit a statement of compliance with the social worker's annual application for a certificate. The section further provides that failure by a social worker to comply with the requirements for continuing professional education is deemed to be a complaint against the social worker for the purposes of section 13 of the Act.

SECTION 11 authorizes a social worker to apply for an endorsement to practice as a private practitioner, and sets out the requirements for the application, including requiring that the social worker hold a degree of Master or Doctor of Social Work, have a minimum of four years' experience in the area of specialization, be registered and in good standing, hold current liability insurance and meet the requirements for continuing professional education.

SECTION 12 requires the Registrar to maintain a register of social workers who are authorized to engage in private practice.

SECTION 13 requires a social worker to immediately notify the Registrar respecting any change in the social worker's status or the information that appears on the most recent application form that would affect the person's eligibility to practice or the Registrar's ability to contact the social worker.

SECTION 14 sets out fees for the purposes of the Act and these regulations.

SECTION 15 revokes the current Certification Regulations.

SECTION 16 provides for the commencement of these regulations.

SCHEDULE 1 sets out the Application Form for the purposes of the Act and these regulations.

SCHEDULE 2 sets out the types of continuing professional education activities that meet the requirements of section 10 of these regulations.

EC2013-18

**SOCIAL WORK ACT
STANDARDS AND DISCIPLINE REGULATIONS**

Pursuant to section 8 of the *Social Work Act* R.S.P.E.I. 1988, Cap. S-5, and after consultation with the Prince Edward Island Association of Social Workers, the Prince Edward Island Social Work Registration Board made, and the Lieutenant Governor in Council approved, the following regulations:

1. In these regulations:

- | | |
|--|-------------------------|
| (a) “Act” means the <i>Social Work Act</i> R.S.P.E.I. 1988, Cap. S-5; | Definitions
Act |
| (b) “agreement” means an agreement between a complainant and an affected social worker made pursuant to subsection 8(2); | agreement |
| (c) “Discipline Committee” means
(i) an Investigation Committee, or
(ii) a Hearing Panel. | Discipline
Committee |

STANDARDS

2. (1) A social worker shall practise social work in accordance with generally accepted standards of practice and procedures that are consistent with a combination of Standard of practice

- (a) the social worker’s professional training in social work;
- (b) current professional theory as taught in recognized schools of social work and as reflected in professional journals and reports;
- (c) customary practices in social work generally evident among social workers in Canada;
- (d) such code of ethics as may be adopted by the Board; and
- (e) such standards of practice as may be adopted by the Board.

(2) A copy of the code of ethics and standards of practice referred to in clauses (1)(d) and (e) shall be made available for public inspection during regular business hours in the office of the Registrar and shall be posted on the Board’s website. Copies available for inspection

3. (1) Pursuant to subclause 1(h)(v) of the Act, unprofessional conduct by a social worker includes: Unprofessional conduct

- (a) acting in a conflict of interest as set out in subsection (2);
- (b) attempting to work with a client when the social worker knows or ought to know that the client’s problems are beyond the social worker’s competence or expertise;
- (c) failure to provide a client with timely and appropriate referrals;
- (d) permitting, in circumstances within the social worker’s control, a person who is not a social worker to perform the functions of a social worker, except where otherwise permitted under the Act;
- (e) failing to maintain appropriate client records or compiling client records containing false or misleading information;
- (f) engaging in the practice of social work while impaired by alcohol or drugs;
- (g) failing to explain the purpose and expected results of a plan of intervention for a client;
- (h) utilizing misleading advertising respecting the social worker’s practice;
- (i) utilizing research methods in social work which are not generally recognized in the profession in Canada;
- (j) performing an act associated with social work practice that would generally be recognized by the profession as dishonourable or seriously offensive or harmful to a client;
- (k) purporting to have a qualification or special expertise which the social worker does not in fact possess and which has not been recognized by the Board;
- (l) failing to co-operate with an inquiry or investigation duly authorized by the Board;
- (m) failing to comply with a decision of a Hearing Panel or a decision or an order of the Board;

(n) failing to abide by the terms and conditions of an agreement approved by the Board.

(2) It is a conflict of interest for a social worker to be involved in a situation that, Conflict of interest

(a) results, through the professional practice of the social worker, in monetary or other personal gain other than that earned directly from the provision of social work services;

(b) results, through the professional practice of the social worker, in monetary gain for a person who referred a client to the social worker; or

(c) puts the professional integrity of or the rendering of professional services by the social worker at risk of being controlled by or detrimentally influenced by persons or factors other than the professional judgment of the social worker respecting the client.

DISCIPLINE

4. An Investigation Committee may

- (a) determine its own procedures in an investigation;
- (b) make oral or written inquiries of any person who may have information relevant to the investigation;
- (c) interview the affected social worker;
- (d) require the affected social worker or any other social worker to produce for examination any documents, records or other materials that are in his or her possession or under his or her control that may be relevant to the investigation;
- (e) copy and keep copies of any documents, records or other materials produced under clause (d);
- (f) investigate any matter in addition to the complaint that arises in the course of the investigation and that may constitute unprofessional conduct; and
- (g) investigate multiple complaints concerning an affected social worker severally or in combination.

Powers of
Investigation
Committee

5. Where an Investigation Committee makes a decision pursuant to subsection 13.3(2) of the Act, the written copy of the decision required by subsection 13.3(3) of the Act shall set out the particulars of the allegations of unprofessional conduct against the affected social worker, whether alleged in the complaint or arising from an investigation. Decision to include
particulars

6. If an affected social worker does not make a written request for a referral to the Hearing Panel pursuant to subsection 13.3(4) of the Act within the allotted time period, the decision of the Investigation Committee shall be final. Final decision

7. Where the Board appoints a Hearing Panel and refers a complaint to a Hearing Panel under subsection 13.3(5) of the Act, the Board shall appoint legal counsel to carry the complaint and adduce evidence at the hearing. Carriage of
complaint

8. Where an Investigation Committee reviews a complaint in accordance with clause 13.3(1)(b) of the Act, the Investigation Committee shall limit its review to a review of Limit of review

- (a) the complaint;
- (b) any response made by the affected social worker regarding the complaint; and
- (c) the Registrar's reasons for the decision to dismiss the complaint.

9. The quorum of a Discipline Committee shall be a majority of its members. Quorum

MEDIATION

10. (1) The Board shall not appoint any of the following persons as a mediator under subsection 13.1(1) of the Act: Mediation

- (a) the Registrar;
- (b) a member of the Board;
- (c) a member of a Discipline Committee.

(2) Where a mediator attempts to resolve a complaint in accordance with subsection 13.1(3) of the Act and the complainant and the affected Agreement

social worker agree to a proposed resolution of the complaint, the mediator shall

- (a) ensure that the proposed resolution is recorded in a written agreement that
 - (i) includes all of the terms and conditions agreed to by the complainant and the affected social worker,
 - (ii) includes a deadline for the completion of any actions to be taken by the affected social worker, and
 - (iii) is signed by the complainant and the affected social worker; and
 - (b) submit the agreement referred to in clause (a) to the Board for approval.
- (3) An agreement may provide for the Board to
- (a) issue a written reprimand to the affected social worker;
 - (b) impose conditions on the certificate of the affected social worker;
 - (c) suspend the certificate of the affected social worker; or
 - (d) revoke the certificate of the affected social worker.
- (4) On receipt of an agreement submitted to the Board under clause (2)(b), the Board shall
- (a) approve or reject the proposed resolution in the agreement; and
 - (b) serve on the complainant, the affected social worker and the mediator
 - (i) written notice of the approval, or
 - (ii) written notice of and reasons for the rejection.
- (5) Where the Board approves the proposed resolution of a complaint in an agreement, the Board shall make any order or take any action required for the implementation of the resolution.
- (6) The Board shall provide to the Registrar a copy of any agreement approved by the Board.
- (7) Subject to subsection 11(1), where the Board rejects the proposed resolution of a complaint in an agreement, the mediator may continue to attempt to resolve the complaint.
- 11.** (1) Where a mediator attempts to resolve a complaint in accordance with subsection 13.1(3) of the Act and
- (a) the mediator concludes that mediation is not likely to be successful;
 - (b) the complainant or the affected social worker discontinues mediation; or
 - (c) the complaint is not resolved through mediation within 60 days of the appointment of the mediator by the Board,
- the mediator shall refer the complaint back to the Board and serve notice of and the reasons for the referral on the complainant and the affected social worker.
- (2) Where
- (a) a mediator refers a complaint back to the Board under subsection (1); or
 - (b) an affected social worker fails to comply with the terms and conditions of an agreement approved by the Board
- the Board shall
- (c) where the complaint was referred to the Board by the Registrar for the appointment of a mediator, refer the complaint to an Investigation Committee for investigation and a decision under clause 13.3(2)(a), (c) or (d) of the Act;
 - (d) where the complaint was referred to the Board by an Investigation Committee, following a review of a dismissal, for the appointment of a mediator, refer the complaint back to the same Investigation Committee for investigation and a decision under clause 13.3(2)(a), (c) or (d) of the Act; or
 - (e) where the complaint was referred to the Board by an Investigation Committee, following an investigation, for the appointment of a mediator, refer the complaint back to the same Investigation Committee for a decision under clause 13.3(2)(a), (c) or (d) of the Act.

(3) Statements made by a mediator or a participant to mediation during a mediation process shall be confidential and evidence of or relating to such statements may not be used in any proceedings under the Act or any other Act or in any action, matter or proceeding before a court without the written consent of the affected social worker and the complainant.

Mediation
confidential

(4) For greater certainty, subsection (3) does not apply to the contents of an agreement approved by the Board in the investigation or hearing of a complaint alleging that the affected social worker failed to comply with the terms and conditions of such an agreement.

Application

HEARING

12. (1) Subject to section 13.4 of the Act and to these regulations a Hearing Panel may determine its own procedures at a hearing.

Procedures of
Hearing Panel

(2) For the purpose of discharging the functions of a Hearing Panel, any member of a Hearing Panel may

Powers of members
of Hearing Panel

- (a) administer oaths;
- (b) certify to official acts; and
- (c) by subpoena, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and other evidence at a hearing.

(3) A subpoena issued under these regulations may be enforced as if the subpoena had been issued by the Supreme Court of Prince Edward Island.

Enforceable as if
issued by court

(4) A Hearing Panel may retain any legal or other assistance that it considers necessary for the purposes of conducting a hearing.

Retaining assistance

(5) Subject to subsection 13(3), a Hearing Panel is not bound by the strict rules of evidence or the provisions of the *Evidence Act*.

Rules of evidence

13. (1) A Hearing Panel shall, not less than 30 days before the date set for a hearing, serve written notice of the date, time, place and subject matter of the hearing on

Notice of hearing

- (a) the complainant;
- (b) the affected social worker; and
- (c) the legal counsel appointed under subsection 12(4).

(2) A hearing shall be open to the public unless the Hearing Panel is of the opinion that the possibility of serious harm or injustice to any person justifies all or a portion of the hearing being conducted in camera.

Hearing open to
public

(3) Evidence before the Hearing Panel may be given orally or by declaration under the *Evidence Act* (Canada) or the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11, provided that a true copy of any declaration to be so used, other than a declaration of service of any document, shall be served not less than ten days prior to the hearing on the other party or parties, as the case may be.

Evidence

(4) The legal counsel appointed under subsection 12(4) shall, not less than 10 days before the date set for a hearing, disclose to the affected social worker

Disclosure

- (a) all written or documentary evidence the legal counsel intends to present at the hearing; and
- (b) the identity of each witness the legal counsel intends to call at the hearing and a summary of the evidence of each witness.

(5) The Hearing Panel may, from time to time, adjourn a hearing and serve notice thereof on the affected social worker, the complainant and the legal counsel appointed under subsection 12(4).

Adjournment

(6) An affected social worker has the right to appear, to be represented by legal counsel, and to examine, cross-examine and re-examine witnesses at a hearing.

Right to appear

(7) If the affected social worker fails to appear at the time and place appointed for a hearing or for the resumption of an adjourned hearing after notice has been served, the Hearing Panel may proceed with the hearing in the absence of the affected social worker.

Proceeding in
absence

(8) The Hearing Panel may hear, in addition to any matter referred to it, any matter that arises in the course of its proceedings that may constitute unprofessional conduct on the part of the affected social worker.

Additional matters

(9) Where a Hearing Panel hears an additional matter referred to in subsection (8), the Hearing Panel shall give the affected social worker a reasonable opportunity to respond to the additional matter.

Opportunity to respond

14. (1) Where a Hearing Panel imposes conditions on the certificate of the affected social worker, under subclause 13.4(2)(b)(ii) of the Act, the affected social worker shall comply with the conditions.

Compliance with conditions

(2) Where a Hearing Panel suspends the certificate of an affected social worker, under subclause 13.4(2)(b)(iii) of the Act, the Hearing Panel shall specify the term of the suspension.

Terms of suspension

(3) Where a Hearing Panel revokes the certificate of an affected social worker, under subclause 13.4(2)(b)(iv) of the Act, the Hearing Panel shall specify the time period, if any, that must elapse before the affected social worker may apply for a new certificate.

Term of revocation

GENERAL

15. Every social worker shall provide such records or other information to the Registrar, Investigation Committee or Hearing Panel as they may require in the course of a preliminary investigation, investigation or hearing, respectively.

Records

16. Every social worker shall report evidence of unprofessional conduct by another social worker to the Registrar.

Report to Registrar

17. (1) Subject to section 13.6 of the Act, the confidentiality of information obtained in any investigation or hearing shall be maintained by all those with access to such information.

Confidentiality

(2) Notwithstanding subsection (1), the Board may release information respecting complaints to social workers when, in the opinion of the Board, it is in the public interest to do so.

Release of information

(3) The time period for retention of any documentation that is placed on an affected social worker's file under these regulations shall be in accordance with any policy established by the Board or in the discretion of Discipline Committees involved in a particular complaint.

Retention of documents

(4) Notwithstanding subsection (3), where a resolution to a complaint results in the affected social worker's registration being suspended or cancelled, or if conditions are imposed on the affected social worker's practice, the documentation placed on the affected social worker's file under these regulations shall be retained for a period of not less than ten years from the resolution of the complaint.

Idem

18. (1) The Board may compile and publish statistical information respecting social workers, professional services and their use and other information respecting the practice of social workers in the province, provided that clients are not identified without their consent.

Published information

(2) The Board may require social workers to provide information to it for the purposes of these regulations.

Information to be provided

(3) Upon request of the Board under subsection (2), social workers shall provide the information required to the Board.

Provision of information

19. The Standards and Discipline Regulations (EC69/92) are revoked.

Revocation

20. These regulations come into force on January 19, 2013.

Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of these regulations.

SECTION 2 provides for the standards that are required to be observed by social workers in the practice of their profession, including generally accepted standards of practice and a code of ethics, and requires that

copies of the standards of practice and code of ethics be made available to the public.

SECTION 3 sets out types of conduct that when engaged in by a social worker constitute unprofessional conduct or a conflict of interest for the purposes of subclause 1(h)(v) of the Act.

SECTION 4 sets out the powers of an Investigation Committee.

SECTION 5 provides that, where an Investigation Committee makes a decision pursuant to subsection 13.3(2) of the Act, the written copy of the decision shall contain the particulars of the allegations of unprofessional conduct against the affected social worker.

SECTION 6 provides that if an affected social worker does not request a referral to a Hearing Panel within the time allotted under subsection 13.3(4) of the Act, the decision of the Investigation Committee is final.

SECTION 7 provides that where the Board appoints a Hearing Panel and refers a complaint to the Hearing Panel, the Board shall appoint legal counsel to carry the complaint.

SECTION 8 provides that in a review of a complaint under clause 13.3(1)(b) of the Act, an Investigation Committee shall limit its review to the complaint, the affected social worker's response, if any, and the Registrar's reasons for dismissal of the complaint.

SECTION 9 provides that for a Discipline Committee, quorum is a majority of its members.

SECTION 10 provides that, for the purposes of subsection 13.1(1) of the Act, the Board shall not appoint as mediator the Registrar, a member of the Board or a member of a Discipline Committee. The section also provides rules for the mediator and the Board to follow in the event that the complainant and the affected social worker agree to a resolution of the complaint.

SECTION 11 provides that where a mediator concludes that mediation is not likely to be successful, the parties discontinue the mediation, or the mediation has not produced a resolution within 60 days, the mediator shall refer the complaint back to the Board. The section also provides that the Board shall then refer the complaint to the appropriate Investigation Committee for investigation and a decision in accordance with subsection 13.3(2) of the Act. The section also provides that statements made by a mediator or a participant in the mediation shall be confidential.

SECTION 12 provides that a Hearing Panel may determine its own procedures, subject to section 13.4 of the Act and these regulations.

SECTION 13 provides the requirements for service of documents for a hearing. The section also sets out requirements for disclosure of evidence respecting the complaint and the identity of witnesses to be called at the hearing to the affected social worker not less than 10 days before the date of the hearing. The section also provides that a hearing may be adjourned, that an affected social worker may be represented by legal counsel and may examine witnesses, and that if an affected social worker fails to appear at the hearing, the hearing may proceed in the social worker's absence. Finally, the section provides that the Hearing Panel may hear any additional matter that arises in the course of its proceedings that may constitute unprofessional conduct by the affected social worker, and in that case, the affected social worker shall be given a reasonable opportunity to respond to the additional matter.

SECTION 14 requires that where a Hearing Panel imposes conditions on the certificate of an affected social worker under subclause 13.4(2)(b)(ii) of the Act, the affected social worker shall comply with the conditions. The section also provides that where a Hearing Panel suspends or revokes the certificate of an affected social worker under subclause

13.4(2)(b)(iii) or (iv) of the Act, the Hearing Panel shall specify the term of the suspension or revocation.

SECTION 15 requires social workers to provide necessary records or other information to the Registrar, Investigation Committee or Hearing Panel for their respective purposes.

SECTION 16 requires social workers to report evidence of unprofessional conduct by another social worker to the Registrar.

SECTION 17 provides that information obtained in an investigation or hearing shall be confidential, subject to section 13.6 of the Act, which allows the Board to publish all or part of a decision of a Hearing Panel where the Board considers publication to be in the public interest. The section also authorises the Board to release information respecting complaints to social workers where the Board considers the release to be in the public interest. The section also addresses the length of time for which documents relating to a complaint and its resolution shall be retained on the file of an affected social worker.

SECTION 18 authorizes the Board to compile and publish statistical information respecting social workers and the practice of social work on Prince Edward Island, but provides that clients shall not be identified without their consent.

SECTION 19 revokes the current Standards and Discipline Regulations.

SECTION 20 provides for the commencement of these regulations.

EC2013-19

WORKERS COMPENSATION ACT WORKERS COMPENSATION APPEAL TRIBUNAL APPOINTMENTS

Pursuant to subsection 56(7) of the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as a vice-chairperson	
Alanna Taylor Charlottetown	8 January 2013 at pleasure
as employer representatives	
Robert Gallant Wellington (vice Harvey MacKinnon, resigned)	8 January 2013 at pleasure
Fairley Yeo O'Leary (vice Ray Hann, resigned)	8 January 2013 at pleasure