

**EC2006-157**

FATHERS OF CONFEDERATION BUILDINGS ACT  
 FATHERS OF CONFEDERATION BUILDINGS TRUST  
 APPOINTMENT

Pursuant to Subsection 3(2) of the *Fathers of Confederation Buildings Act* R.S.P.E.I. 1988, Cap. F-6 Council made the following appointment:

NAME	TERM OF APPOINTMENT
William (Bill) Andrew Calgary, Alberta	22 March 2006 to 31 July 2008

**EC2006-158**

NATURAL AREAS PROTECTION ACT  
 AUTHORIZATION PURSUANT TO  
 SECTION 3.1 OF GENERAL REGULATIONS  
 PROVINCIALLY OWNED LAND  
 AT NAUFRAGE, KINGS COUNTY

**WHEREAS** the Government of Prince Edward Island is the owner of Provincial Property No. 115287, at **Naufnage**, Kings County, a portion of which is designated under the *Natural Areas Protection Act* Stats. P.E.I. 1988, c.46;

**AND WHEREAS** the Government of Prince Edward Island, as represented by the Minister of Transportation and Public Works has been authorized to lease the said property for a ten year period to Her Majesty the Queen in Right of Canada as represented by the Department of Fisheries and Oceans Canada for the purpose of depositing clean dredge spoil, an activity prohibited under the *Natural Areas Protection Act* General Regulations (EC54/89);

**AND WHEREAS** pursuant to subsection 3.1(1) of the said *Natural Areas Protection Act* General Regulations the Lieutenant Governor in Council may, in writing, authorize the person responsible for management of a natural area to engage in an otherwise prohibited activity if such activity is necessary in the public interest;

**NOW THEREFORE** Council pursuant to subsection 3.1(1) of the *Natural Areas Protection Act* General Regulations (EC54/89) hereby authorizes the Government of Canada, as represented by the Department of Fisheries and Oceans, its heirs and assigns to deposit clean dredge spoil on Provincial Property No. 115287, at **Naufrage**, SUBJECT TO the following terms and conditions:

1. The landward slope of the sand dune nearest the Gulf of St. Lawrence shall not be disturbed;
2. Only that machinery necessary to prepare the site and deposit and move the dredge spoil shall be allowed to operate on the property;
3. Machinery operation shall use existing road(s) on the property if possible. Construction of new roads shall include no material other than sand from the run, except for the minimum amount of shale that may be needed to fill wet depressions;
4. The road shall be in a "Y" formation with one branch heading toward the northern side of the property and the second heading toward the southern side, and may include areas for vehicles to turn around;
5. If Piping Plovers are present, Department of Fisheries and Oceans Canada shall consult with the Department of Environment, Energy and Forestry and the Canadian Wildlife Service to determine whether restrictions on dredging or deposit of spoil are required;
6. Only clean sand from the run may be deposited on the property. This sand may include kelp or other naturally occurring seaweeds from the run;
7. Dredge material shall be deposited and shaped to mimic natural sand dune formations as much as possible;
8. There shall be no removal of sand from the property;
9. No exotic species shall be planted or released on the property;
10. Department of Fisheries and Oceans Canada shall barricade the access road when not in use to prevent access by all-terrain vehicles and other motorized equipment;
11. Department of Fisheries and Oceans Canada shall monitor the property on a regular basis to ensure no illegal activity. The Department of Fisheries and Oceans Canada is responsible to repair or mitigate any damage resulting from unauthorized or illegal activity;
12. Department of Fisheries and Oceans Canada may post signs on the property for educational or safety purposes;
13. Before the end of the lease agreement, Department of Fisheries and Oceans Canada shall prepare a close-out plan to ensure the long-term stability of the site. This plan shall be prepared to the satisfaction of the Department of Environment, Energy and Forestry;
14. Department of Fisheries and Oceans Canada and the Department of Environment, Energy and Forestry shall meet each autumn for the duration of the lease to review the status of the work and make adjustments as necessary.

**EC2006-159**

MARITIME PROVINCES HARNESS RACING COMMISSION ACT  
MARITIME PROVINCES HARNESS RACING COMMISSION  
APPOINTMENTS

Pursuant to 4 of the *Maritime Provinces Harness Racing Commission Act* R.S.P.E.I. 1988, Cap. M-1.3 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Patrick Murphy Stratford (reappointed)	31 March 2005 to 31 March 2008
Wendell Shaw Summerside (reappointed)	31 March 2005 to 31 March 2009

**EC2006-160**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 850248, LOT 40, KINGS COUNTY  
IDENTIFICATION FOR NON-DEVELOPMENT USE  
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 of non-development made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately eighty-two (82) acres of land, being Provincial Property No. 850248 located in Lot 40, Kings County, Prince Edward Island and currently owned by MoDhaicdh Farms Ltd. of Morell, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal seven five (1.75) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on March 21, 2006.

**EC2006-161**

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 the function of information technology services including control and supervision for IT support, operations, and systems delivery from the following departments and crown corporations to the Department of the Provincial Treasury effective 1 April 2006:

Department of Agriculture, Fisheries and Aquaculture  
Department of Community and Cultural Affairs  
Department of Development and Technology  
Department of Education  
Department of Environment, Energy and Forestry  
Department of Health

Department of Social Services and Seniors  
 Department of Transportation and Public Works  
 Tourism PEI  
 Island Waste Management Corporation  
 Prince Edward Island Business Development Inc.  
 Prince Edward Island Liquor Control Commission

Further, Council confirmed the existing responsibility of Provincial Treasury for the delivery of information technology services for various other departments and crown corporations of Government.

**EC2006-162**

**REVENUE TAX ACT**

**REGULATIONS  
 AMENDMENT**

Pursuant to subsections 57(1) and (2) of the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14, Council made the following regulations:

**1. Section 45 of the *Revenue Tax Act* Regulations (EC262/60) is revoked and the following substituted:**

- 45.** (1) The amount of the refund or credit authorized to be provided pursuant to clause 4.8(2)(b) of the Act is the lesser of
- (a) the tax paid pursuant to clause 4.8(2)(a) and section 4 of the Act in respect of the interjurisdictional vehicle referred to in subsection 4.8(2) of the Act; and
  - (b) the amount determined by the formula

$$PT \times M / Y$$

where

- PT is the prorated tax paid for the last vehicle licence period of the interjurisdictional vehicle before it was licensed for use solely within Prince Edward Island;
- M is the number of whole calendar months remaining in that last vehicle licence period on the date the interjurisdictional vehicle was licensed for use solely within Prince Edward Island; and
- Y is the number of whole or partial calendar months in that last vehicle licence period.

Refund or credit on cessation of use for interjurisdictional commercial purpose

- (2) The amount of the refund or credit authorized to be provided pursuant to subsection 4.8(2.1) of the Act is the amount determined by the formula

$$PT \times M / Y$$

where

- PT is the prorated tax paid for the last vehicle licence period of the interjurisdictional vehicle before it ceases to be registered as part of a fleet;
- M is the number of whole calendar months remaining in that last vehicle licence period on the date the interjurisdictional vehicle ceases to be registered as part of a fleet; and

Refund or credit on cessation of registration as part of a fleet

Y is the number of whole or partial calendar months in that last vehicle licence period.

(3) For the purpose of subsections (1) and (2), the number of whole calendar months remaining, and the number of whole or partial calendar months, in the last vehicle licence period shall be determined as if the interjurisdictional vehicle was not licensed for use solely within Prince Edward Island or ceased to be registered as part of a fleet.

Number of whole or partial calendar months

**2. These regulations come into force on April 1, 2006**

### EXPLANATORY NOTES

These amendments are required as a result of changes made to the Act in respect of interjurisdictional vehicles. These amendments provide a formula to calculate the refund or credit of prorated tax payable when, after the payment of the prorated tax in respect of an interjurisdictional vehicle, the interjurisdictional vehicle is licensed for use solely within the Province or is no longer registered as part of a fleet. The refund or credit is calculated based on the number of months remaining in the last vehicle licence period.

**EC2006-163**

### REVENUE TAX ACT

#### REGULATIONS AMENDMENT

Pursuant to subsections 57(1) and (2) of the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14, Council made the following regulations:

**1. Section 1 of the *Revenue Tax Act* Regulations (EC262/60) is amended by the addition of the following after subsection (3):**

(3.1) For the purposes of section 2 of the Act, “Crown in right of the province” means

Crown in right of the province

- (a) any department or division of the public service set out in Schedule A of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9; and
- (b) Tourism PEI, other than Golf Links Prince Edward Island Inc.

**2. These regulations come into force on April 1, 2006.**

### EXPLANATORY NOTES

This amendment provides a definition for the term “Crown in right of the province” that is to be added to the Act effective April 1, 2006 by an amendment enacted in December 2005. The “Crown in right of the province” will be exempt from payment of PST on purchases made after March 31, 2006.