

EC2007-739**AUDIT ACT
AUDITOR GENERAL
SPECIAL ASSIGNMENT**

Under authority of clause 14(d) of the *Audit Act*, R.S.P.E.I. 1988, Cap. A-24, Council requested that the Auditor General undertake a special investigation into the financial relationship and transactions between the Province and Natural Organic Food Group PEI Inc. (NOFG PEI) and the related company NOFG Quebec.

EC2007-740**ENVIRONMENTAL PROTECTION ACT
HOME HEAT TANKS REGULATIONS
AMENDMENT**

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. Section 14 of the *Environmental Protection Act* Home Heat Tanks Regulations (EC241/07) is amended**(a) by the revocation of subsection (3) and the substitution of the following:**

(3) Notwithstanding anything to the contrary in subsection (2), a person may, subject to subsection (3.1), deliver petroleum to a home heat tank that does not have an identification tag permanently affixed to the tank's vent pipe if the person finds, after making a visual inspection of the home heat tank, that the tank does not constitute an immediate hazard. Exception

(3.1) A person shall not deliver petroleum to a home heat tank under subsection (3), if the delivery is made after the date set out on a notice sent by the Department to fuel oil suppliers under subsection (3.3). No subsequent delivery after date on notice

(3.2) Where a person delivers petroleum to a home heat tank under subsection (3), Notice to owner and Department

(a) the person shall notify the fuel oil supplier who employs the person, as soon as possible, that such a delivery of petroleum has been made; and

(b) the fuel oil supplier who employs the person who made the delivery of petroleum shall

(i) notify the owner of the home heat tank, in writing, within one working day from the date the fuel oil supplier received notice of the delivery, that petroleum cannot be delivered to the home heat tank 120 days after the date of delivery unless the tank is inspected and tagged by a licensee as required under subsection (2), and

(ii) notify the Department, in writing, within one working day from the date the fuel oil supplier received notice of the delivery, that petroleum has been delivered to the home heat tank and that there is no identification tag permanently affixed to the tank's vent pipe.

(3.3) Where the Department has been notified, in writing, by a fuel oil supplier under subsection (3.2) that a home heat tank does not have an identification tag permanently affixed to the tank's vent pipe and that petroleum has been delivered to the home heat tank under subsection (3), the Department shall notify all fuel oil suppliers, in writing, of Notification to suppliers

(a) the location of home heat tank; and

(b) the last date on which petroleum may be delivered to the home heat tank, which shall be 120 days after the date of the petroleum delivery referred to in the written notice.

(b) by the revocation of subsection (4) and the substitution of the following:

(4) Where a person attempting to deliver petroleum to a home heat tank finds that Notice to owner and
Minister

(a) the home heat tank does not comply with subsection (1) or (2); and

(b) the delivery of petroleum to the home heat tank cannot be made under subsection (3),

the person or the fuel oil supplier who employs the person shall

(c) give notice to the owner of the home heat tank, as soon as possible, that

(i) the home heat tank does not comply with subsection (1) or (2), and

(ii) the person is prohibited by these regulations from delivering petroleum to that home heat tank; and

(d) report the person's finding to the Minister within one working day of discovering that the home heat tank does not comply with subsection (1) or (2).

2. These regulations come into force on December 22, 2007.

EXPLANATORY NOTES

SECTION 1 authorizes an exemption for the delivery of petroleum to a home heat tank where no identification tag is permanently affixed to the tank's vent pipe as long as the tank does not constitute an immediate hazard. Where the delivery of petroleum takes place in respect of such home heat tanks, notice provisions are added to the regulations to inform the owners of such tanks that the delivery of petroleum has taken place and that such tanks must be inspected and tagged by a licensee; the Department is to be informed of such deliveries, and fuel oil suppliers are to be informed of the location of such home heat tanks and the last date on which petroleum may be delivered.

SECTION 2 provides for the commencement of these regulations.

EC2007-741

HIGHWAY TRAFFIC ACT COMMERCIAL VEHICLE DRIVERS HOURS OF SERVICE REGULATIONS AMENDMENT

Pursuant to section 148 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

1. Section 1 of the *Highway Traffic Act* Commercial Vehicle Drivers Hours of Service Regulations (EC713/06) is amended

(a) in clause (d), by the deletion of the semicolon and the substitution of a period; and

(b) by the revocation of clause (e).

2. Section 3 of the regulations is amended

(a) in clause (b), by the deletion of the word "includes" and the substitution of the word "means";

(b) by the revocation of clause (d); and

(c) in clause (f), by the deletion of the word "includes" and the substitution of the word "means".

3. The Schedule to the regulations is amended

(a) by the revocation of the heading immediately before section 3; and

(b) by the revocation of section 3.

4. These regulations come into force on December 22, 2007.

EXPLANATORY NOTES

The amendment revokes a definition and clause in the regulations and a provision in the Schedule to the regulations that are no longer needed.

EC2007-742

PRINCE EDWARD ISLAND LANDS PROTECTION ACT EXEMPTION REGULATIONS AMENDMENT

Pursuant to clause 17(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

1. The *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* are amended by the addition of the following after section 33:

34. Any land holding that is designated as a natural area under the *Natural Areas Protection Act* R.S.P.E.I. 1988, Cap. N-2 is exempt from the application of section 2 of the Act. Land designated as a natural area

2. These regulations come into force on December 22, 2007.

EXPLANATORY NOTES

SECTION 1 adds a provision that exempts land holdings that are designated as natural areas from the application of section 2 of the Act. Section 2 of the Act establishes the maximum land holding a person may have.

SECTION 2 provides for the commencement of these regulations.

EC2007-743

PRINCE EDWARD ISLAND LANDS PROTECTION ACT STATEMENT OF REASONS FOR AN EXEMPTION IN RESPECT OF LAND DESIGNATED AS A NATURAL AREA

Pursuant to subsection 17(2) of the *Prince Edward Island Lands Protection Act*, R.S.P.E.I., Cap. L-5, Council authorized the following statement to be tabled in the Legislative Assembly:

STATEMENT

1. Description of the undertaking in respect of which the exemption was granted:

An amendment was made to the *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* to exempt any land holding designated as a natural area under the *Natural Areas Protection Act*, R.S.P.E.I. 1988, Cap. N-2 from the application of section 2 of the *Prince Edward Island Lands Protection Act*.

2. Reasons for exemption:

The amendment exempts any property designated as a “natural area” from the calculation of a person or corporation’s aggregate land holding pursuant to section 2 of the *Prince Edward Island Lands Protection Act*.

Clause 1(b) of the *Natural Areas Protection Act* states,

”“natural area” mean a parcel of land designated as such under section 3 that

- (i) contains natural ecosystems or constitutes the habitat of rare, endangered or uncommon plant or animal species,
- (ii) contains unusual botanical, zoological, geological, morphological or palaeontological features,
- (iii) exhibits exceptional and diversified scenery,
- (iv) provides haven for seasonal concentrations of birds and animals, or
- (v) provides opportunities for scientific and educational programs in aspects of the natural environment.”

A designation pursuant to the *Natural Areas Protection Act* effectively eliminates any development potential of the land and preserves for posterity, aesthetic, scenic and natural areas in the province. This exemption recognizes the contribution of private land owners in this regard and may encourage further designations, thereby increasing the percentage of lands designated as natural areas within the province.

The amendment was approved via Order-in-Council EC2007-742 dated 11 December 2007.