

**EC2010-128****AUTOMOBILE JUNK YARDS ACT  
ENFORCEMENT REGULATIONS**

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

1. A conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1 has the power and authority to enforce the *Automobile Junk Yards Act* R.S.P.E.I. 1988, Cap. A-25. Conservation officer may enforce Act
2. These regulations come into force on March 13, 2010. Commencement

**EXPLANATORY NOTES**

**SECTION 1** provides conservation officers appointed under the *Wildlife Conservation Act* the power and authority to enforce the *Automobile Junk Yards Act*.

**SECTION 2** provides for the commencement of these regulations.

**EC2010-129****APPRENTICESHIP AND TRADES QUALIFICATION ACT  
PROVINCIAL APPRENTICESHIP BOARD  
APPOINTMENT**

Pursuant to clause 4(2)(a) of the *Apprenticeship and Trades Qualification Act* R.S.P.E.I. 1988, Cap. A-15.1 Council made the following appointment:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
as an employer representative	
Jack MacDonald Charlottetown (vice Tracy Warren-Burke, term expired)	13 January 2010 to 13 January 2013

**EC2010-130**

**ENVIRONMENTAL PROTECTION ACT  
CONTAMINATED SITES REGISTRY 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. Subclause 2(a)(iii) of the *Environmental Protection Act Contaminated Sites Registry Regulations (EC656/06)* is amended by the deletion of the words “; and” and the substitution of the words “; or”.**

**2. These regulations come into force on March 13, 2010.**

**EXPLANATORY NOTES**

**SECTION 1** corrects a typographical error in the use of the word “and”. The reference should be to the word “or”.

**SECTION 2** provides for the commencement of these regulations.

**EC2010-131**

**EXECUTIVE COUNCIL ACT  
MINISTER OF HEALTH AND WELLNESS  
AUTHORITY TO ENTER INTO AN AGREEMENT  
(AMENDING ABORIGINAL HEALTH TRANSITION FUND  
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 and Wellness to enter into an amending agreement with the Government of Canada, as represented by the Minister of Health, to amend and extend terms and conditions of the Aboriginal Health Transition Fund Contribution Agreement, to continue activities and functions to improve health services for Aboriginal peoples residing in Prince Edward Island, such as more particularly described in the draft agreement.

**EC2010-132**

**FINANCIAL ADMINISTRATION ACT  
SPECIAL WARRANT  
(SUPPLEMENTARY CAPITAL EXPENDITURE  
FOR FISCAL YEAR 2009/10)  
TOURISM PEI**

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 (Capital) out of the Operating Fund for Tourism PEI as follows:

<b>Account Class</b>	<b>Account Name</b>	<b>Amount</b>
	<b>Capital Improvements</b>	
	Parks	
1130-05004	Major Restoration and Renovations	<u>\$182,600.00</u>

**EC2010-133**

FINANCIAL ADMINISTRATION ACT  
SPECIAL WARRANT  
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2009/10)  
TOURISM PEI

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 Tourism PEI as follows:

<b>Account Class</b>	<b>Account Name</b>	<b>Amount</b>
	<b>CORPORATE SERVICES</b>	
	<b>Park Operations</b>	
0161-03125	Salaries	\$ 66,600.00
	<b>STRATEGY EVALUATION AND INDUSTRY INVESTMENT</b>	
	<b>Industry Investment</b>	
0155-04249	Tourism Grants	100,000.00
	<b>TOURISM MARKETING</b>	
	<b>Marketing</b>	
0182-03010	Professional Services	400,000.00
	<b>Business Development</b>	
1087-03001	Professional Services	60,000.00
1087-03003	Legal Services	<u>30,000.00</u>
	Total	<u>\$656,600.00</u>

**EC2010-134**

HOUSING CORPORATION ACT  
PRINCE EDWARD ISLAND HOUSING CORPORATION  
AUTHORITY TO ENTER INTO AN AGREEMENT  
WITH  
CANADA MORTGAGE AND HOUSING CORPORATION

Pursuant to clause 7(1)(b) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1, Council authorized the Minister of Community Services, Seniors and Labour, as Minister Responsible for the Prince Edward Island Housing Corporation, to enter into an agreement with Canada Mortgage and Housing Corporation, to renew for a further five-year term at an interest rate of two decimal six five (2.65%) percent, a mortgage in the amount of \$2,257,760.50, such as more particularly described in the Agreement Amending and Extending Mortgage document.

**EC2010-135**

INSURANCE ACT  
PRINCE EDWARD ISLAND MUTUAL INSURANCE COMPANY  
DIVIDEND ORDERED

Having under consideration a request from the Prince Edward Island Mutual Insurance Company, and pursuant to subsection 317(3) of the *Insurance Act*, R.S.P.E.I. 1988, Cap. I-4, Council ordered that a dividend in the amount of ten percent (10%) of the one year written premiums be paid from the reserve fund of the Prince Edward Island Mutual Insurance Company to the policy holders of

record as at 31 December 2009, and that the company provide the sum of one million, four hundred and seventy-two thousand, seven hundred and forty-seven dollars (\$1,472,747.00) for payment of the aforesaid dividend.

### EC2010-136

#### LENDING AGENCY ACT WELLNESS INC. AUTHORIZATION

Pursuant to subsection 2(2) of the Lending Agency Act Regulations (EC1999-406) Council authorized the Agency to advance a loan in the amount of one million three hundred thousand (\$1,300,000.00) dollars to Wellness Inc. subject to terms and conditions required by the Board of Directors of the P.E.I. Lending Agency.

### EC2010-137

#### NATURAL AREAS PROTECTION ACT REGULATIONS

#### AMENDMENT

Pursuant to section 7 of the *Natural Areas Protection Act* R.S.P.E.I. 1988, Cap. N-2, Council made the following regulations:

**1. The *Natural Areas Protection Act* Regulations (EC54/89) are amended by the addition of the following after section 9:**

**10.** A conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1 has the power and authority to enforce the Act and these regulations. Conservation officer may enforce Act

**2. These regulations come into force on March 13, 2010.**

#### EXPLANATORY NOTES

**SECTION 1** provides conservation officers appointed under the *Wildlife Conservation Act* the power and authority to enforce the *Natural Areas Protection Act* and regulations.

**SECTION 2** provides for the commencement of these regulations.

### EC2010-138

#### PLANNING ACT SUBDIVISION AND DEVELOPMENT REGULATIONS AMENDMENT

Pursuant to sections 8 and 8.1 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

**1. Section 40 of the *Planning Act* Subdivision and Development Regulations (EC693/00) is amended by the addition of the following after subsection (2):**

(3) A conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1 has the power and authority to enforce subsection (1). Conservation officer may enforce

**2. Section 64 of the regulations is amended by the addition of the following after subsection (2):**

(3) A conservation officer appointed under the *Wildlife Conservation Act* has the power and authority to enforce subsection (1). Conservation officer may enforce

**3. Section 67 of the regulations is amended by the addition of the following after subsection (7):**

(8) A conservation officer appointed under the *Wildlife Conservation Act* has the power and authority to enforce subsections (4), (5) and (7). Conservation officer may enforce

**4. These regulations come into force on March 13, 2010.**

**EXPLANATORY NOTES**

**SECTION 1** provides conservation officers appointed under the *Wildlife Conservation Act* the power and authority to enforce the subsection of the regulations that prohibits development on sand dunes.

**SECTION 2** provides conservation officers appointed under the *Wildlife Conservation Act* the power and authority to enforce the subsection of the regulations that prohibits development on certain off-shore islands.

**SECTION 3** provides conservation officers appointed under the *Wildlife Conservation Act* the power and authority to enforce the subsections of the regulations that prohibit development without a permit in the Morell River Conservation Zone.

**SECTION 4** provides for the commencement of these regulations.

**EC2010-139**

**POLICE ACT  
APPOINTMENTS REGULATIONS  
REVOCATION**

Pursuant to section 14 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11, Council made the following regulations:

- 1. The *Police Act* Appointments Regulations (EC61/93) are revoked.**
- 2. These regulations come into force immediately before the expiry of March 12, 2010.**

**EXPLANATORY NOTES**

**SECTION 1** revokes the Appointments Regulations made under the *Police Act*.

**SECTION 2** provides for the commencement of these regulations.

**EC2010-140**

**POLICE ACT  
DECLARATION RE**

Under authority of section 66 of the *Police Act* Stats. P.E.I. 2006, 4<sup>th</sup> Session, c. 16 Council ordered that a Proclamation do issue proclaiming all sections of the said "Police Act" except Part VI (sections 16 to 19) to come into force effective 13 March 2010.

## EC2010-141

POLICE ACT  
GENERAL REGULATIONS

Pursuant to section 58 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, Council made the following regulations:

## 1. In these regulations

Definitions

- (a) “Act” means the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1; Act
- (b) “approved police training agency” means a police training agency that is declared by the Minister under section 16 to be an approved police training agency; approved police training agency
- (c) “police agency” means a police department, the Atlantic Police Academy, the Security Services Division of the University of Prince Edward Island and, where an agreement entered into under subsection 8(1) of the Act is in force, the Royal Canadian Mounted Police. police agency

## ANNUAL REPORTS

2. The chief officer of a police department shall include the following documents and information in any annual report that the chief officer submits to the Minister under subsection 10(7) of the Act:

Annual reports -  
chief officers

- (a) a copy of every bylaw made, during the preceding calendar year, by the council of the municipality respecting the administration of the police department;
- (b) a copy of the register, as it reads on the expiry of the preceding calendar year, that is required to be kept under subsection 10(6) of the Act, or a copy of any changes made to the register during the preceding calendar year;
- (c) a report stating the number of public complaints received under subsection 21(1) of the Act and the disposition, if any, of these complaints;
- (d) any information pertaining to the police department that the Attorney General is required to make available to the public annually pursuant to subsection 25.3(1), subsection 83.31(1), subsection 195(5) or any other provision of the *Criminal Code* (Canada);
- (e) a report
- (i) listing and describing the training that was offered to the police officers of the police department during the preceding calendar year,
- (ii) listing the names of the police officers who took such training;
- (f) a report
- (i) advising as to the use of force model adopted by the police department during the preceding calendar year,
- (ii) stating the number of occasions on which a member of the police department has failed to comply with that use of force model during the preceding calendar year, and describing the details of each such occasion, and
- (iii) advising of any changes in policy or practice that were made during the preceding calendar year by the police department as a result of any failure referred to in subclause (ii);
- (g) an organizational chart of the police department;
- (h) any other information respecting any aspect of the affairs and operations of the police department during the preceding calendar year that the Minister has requested.

3. The Director of the Atlantic Police Academy shall include the following documents and information in any annual report the Director submits to the Minister under subsection 52(2) of the Act:

Annual reports -  
Director of the  
Atlantic Police  
Academy

- (a) a copy of the register required to be kept under subsection 52(1) of the Act, as it reads on the expiry of the preceding calendar year, or a copy of any changes made to the register during the preceding calendar year;

- (b) a report stating the number of public complaints received under subsection 21(1) of the Act and the disposition, if any, of these complaints;
- (c) a report
  - (i) listing and describing the training that was offered to the instructing officers of the Atlantic Police Academy during the preceding calendar year,
  - (ii) listing the names of the instructing officers who took such training;
- (d) a report
  - (i) advising as to the use of force model adopted by the Atlantic Police Academy during the preceding calendar year,
  - (ii) stating the number of occasions on which an instructing officer has failed to comply with that use of force model during the preceding calendar year, and describing the details of each such occasion, and
  - (iii) advising of any changes in policy or practice that were made during the preceding calendar year by the Atlantic Police Academy as a result of any failure referred to in subclause (ii);
- (e) an organizational chart of the Atlantic Police Academy;
- (f) any other information respecting any aspect of the affairs and operations of the Atlantic Police Academy during the preceding calendar year that the Minister has requested.

4. The person responsible for the management and supervision of the Security Services Division of the University of Prince Edward Island shall, within three months after the end of each calendar year, file with the Minister an annual report for the preceding calendar year, including the following documents and information:

Annual Report,  
Security Services  
Division of UPEI

- (a) a report
  - (i) listing and describing the training that was offered to the security police officers of the University of Prince Edward Island during the preceding calendar year,
  - (ii) listing the names of the security police officers who took such training;
- (b) a report
  - (i) advising as to the use of force model adopted by the Security Services Division of the University of Prince Edward Island during the preceding calendar year,
  - (ii) stating the number of occasions on which a security police officer has failed to comply with that use of force model during the preceding calendar year, and describing the details of each such occasion, and
  - (iii) advising of any changes in policy or practice that were made during the preceding calendar year by the Security Services Division of the University of Prince Edward Island as a result of any failure referred to in subclause (ii);
- (c) an organizational chart of the Security Services Division of the University of Prince Edward Island;
- (d) a list of security police officers whose employment terminated during the preceding calendar year; and
- (e) any other information respecting any aspect of the affairs and operations of the Security Services Division of the University of Prince Edward Island during the preceding calendar year that the Minister has requested.

#### IDENTIFICATION CARDS

5. (1) An identification card issued under subsection 10(3) of the Act to a person who is a member of a police department shall include

Identification card

- (a) the person's full name and date of birth;
- (b) a statement or wording indicating that the person is a police officer;
- (c) the person's badge number;
- (d) the name of the police department of which the person is a member;
- (e) a photograph of the person; and
- (f) the date the identification card is issued.

(2) An identification card issued under subsection 45(6) of the Act for a person who is an auxiliary constable shall include

Auxiliary  
constables

- (a) the person's full name and date of birth;

- (b) a statement or wording indicating that the person is an auxiliary constable;
- (c) the name of the police service the person has been appointed to assist;
- (d) a photograph of the person; and
- (e) the date the identification card is issued.

(3) An identification card issued under subsection 46(6) of the Act for a person who is a security police officer shall include Security police officers

- (a) the person's full name and date of birth;
- (b) a statement or wording indicating that the person is a security police officer;
- (c) the person's badge number;
- (d) the name of the employer of the person;
- (e) a photograph of the person; and
- (f) the date the identification card is issued.

(4) An identification card issued under subsection 48(5), 50(6), or 51(6) of the Act for a person who is an instructing officer, a police cadet or a civilian instructor of the Atlantic Police Academy, as the case may be, shall include Atlantic Police Academy

- (a) the person's full name and date of birth;
- (b) a statement or wording indicating that the person is an instructing officer, a police cadet or a civilian instructor of the Atlantic Police Academy, as the case may be;
- (c) the person's badge number;
- (d) a photograph of the person; and
- (e) the date the identification card is issued.

#### QUALIFICATIONS AND RESTRICTIONS

**6.** A person shall, in order to qualify for appointment under section 16 of the Act as the Police Commissioner and the Deputy Police Commissioner, Commissioner and Deputy Police Commissioner

- (a) be a lawyer with at least 10 years experience who
  - (i) has knowledge of law enforcement issues, and
  - (ii) has experience participating in hearings; or
- (b) be a former judge of the Provincial Court, Supreme Court or Court of Appeal.

**7. (1)** A person shall, in order to qualify for an appointment under subsection 9(2) of the Act, in a permanent capacity, as a chief officer or deputy chief officer of a police department, Chief officers and deputies of police departments

- (a) have the qualifications set out in subsection 8(1);
- (b) have successfully completed the Senior Police Administration Course or the Executive Development Course offered by the Canadian Police College, the Senior Police Management Course offered by the Atlantic Police Academy, or an equivalent police management course offered at an approved police training agency; and
- (c) have at least five years of policing experience.

(2) A person shall, in order to qualify for an appointment under section 47 of the Act, for appointment as the Director of the Atlantic Police Academy, have the qualifications set out in subsection (1). Director of Atlantic Police Academy

**8. (1)** A person shall, in order to qualify for appointment under section 10 of the Act, in a permanent or temporary capacity, as a police officer of a police department, Police officers

- (a) be at least 19 years of age;
- (b) be a Canadian citizen or have Canadian landed immigrant status;
- (c) have graduated from the police cadet training program at the Atlantic Police Academy or from a similar program at an approved police training agency;
- (d) consent to criminal and background checks, including testing and interviews;
- (e) not have been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada), or if found guilty, shall have received a pardon;
- (f) possess a valid class 5 driver's license issued under the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5;
- (g) be physically and mentally able to perform the duties of a police officer, having regard to his or her own safety and the safety of members of the public; and



(h) be of good moral character.

(2) Notwithstanding that a person does not have the qualification required by clause (1)(c), the person may be appointed by the chief officer of a police department under section 10 of the Act, in a permanent or temporary capacity, as a police officer of the police department, if the chief officer believes that the person has a minimum of three years of satisfactory full-time service as a member of any police service in Canada.

Exception,  
permanent or  
temporary  
appointment

(3) Notwithstanding that a person does not have the qualification required by clause (1)(c), the person may be appointed under section 10 of the Act, in a temporary capacity, as a police officer of a police department, if the person

Exception,  
temporary  
appointment

(a) is a police cadet; and

(b) has completed all of the required courses of the police cadet training program at the Atlantic Police Academy.

**9.** A person shall, in order to qualify for employment or hiring under section 17 of the Act as an investigator,

Investigator

(a) have all the qualifications set out in subsection 8(1); and  
(b) have at least five years of policing experience.

**10.** (1) Subject to subsection (2), a person shall, in order to qualify for appointment under section 45 of the Act as an auxiliary constable, have all of the qualifications set out in clauses 8(1)(a) and (b) and (d) to (h).

Auxiliary  
constables

(2) An auxiliary constable shall not

Restrictions,  
auxiliary constables

(a) carry a firearm;

(b) carry a prohibited or restricted weapon or device as defined in section 84 of the *Criminal Code* (Canada), unless he or she has successfully completed the prescribed training in the use of that weapon or device; or

(c) identify himself or herself as a police officer.

**11.** A person shall, in order to qualify for appointment under clause 46(3)(a) of the Act as a security police officer,

Security police  
officers

(a) have all the qualifications set out in subsection 8(1); and  
(b) be employed by the Security Services Division of the University of Prince Edward Island.

**12.** A person shall, in order to qualify for appointment under section 48 of the Act as an instructing officer, have all the qualifications set out in subsection 8(1).

Instructing officers

**13.** A person shall, in order to qualify for appointment under section 50 of the Act as a police cadet, meet all the requirements set out in clauses 8(1)(a) and (b) and (d) to (h).

Police cadets

**14.** A person shall, in order to qualify for appointment under section 51 of the Act as a civilian instructor, have all of the qualifications set out in clauses 8(1)(a) and (b) and (d) to (h).

Civilian instructors

#### OATH OR AFFIRMATION OF OFFICE

**15.** Any oath or affirmation of office required under a provision of the Act shall be sworn before a Commissioner of Oaths and shall include the following statement:

Oath or affirmation  
of office

I, \_\_\_\_\_, born \_\_\_\_\_ (date),  
having been appointed as a \_\_\_\_\_ (chief officer,  
police officer, security police officer, auxiliary constable, director,  
instructing officer, police cadet, or civilian instructor) of the  
\_\_\_\_\_ (name of police service or agency) do solemnly  
swear/affirm (*select one*) that I will diligently, faithfully, and impartially  
perform all the duties of my appointment according to law and I will not,  
except in the discharge of my duties, disclose to any person any matter of  
evidence that may come to my notice during this appointment, so help  
me God/I so affirm (*select one*).

#### APPROVED TRAINING AGENCIES

**16.** The Minister may declare a police training agency to be an approved police training agency for the purposes of these regulations if the Minister is satisfied it is in the public interest to do so.

Approved police  
training agency

17. These regulations come into force on March 13, 2010.

Commencement

#### EXPLANATORY NOTES

**SECTION 1** sets out the definitions that apply to these regulations.

**SECTION 2** sets out the documents and information that the chief officer is to include in any annual report submitted to the Minister.

**SECTION 3** sets out the documents and information that the Director of the Atlantic Police Academy is to include in any annual report submitted to the Minister.

**SECTION 4** sets out the documents and information that the person responsible for the management and supervision of the UPEI Security Services Division is to include in any annual report submitted to the Minister.

**SECTION 5** outlines the information that is to be included on an identification card issued to a person who is a member of a police department, an auxiliary constable, a security police officer, or an instructing officer, a police cadet, or a civilian instructor of the Atlantic Police Academy.

**SECTION 6** sets out the qualifications necessary to qualify for appointment as the Police Commissioner and the Deputy Police Commissioner.

**SECTION 7** sets out the qualifications necessary to qualify for appointment as the chief officer or deputy chief officer of a police department or the Director of the Atlantic Police Academy

**SECTION 8** sets out the qualifications necessary to qualify for appointment, in a permanent or temporary capacity, as a police officer of a police department.

**SECTION 9** sets out the qualifications necessary to qualify for employment or hiring by the Police Commissioner as an investigator.

**SECTION 10** sets out the qualifications necessary to qualify for appointment as an auxiliary constable and the restrictions placed on auxiliary constables.

**SECTION 11** sets out the qualifications necessary to qualify for appointment as a security police officer employed by the UPEI Security Services Division.

**SECTION 12** sets out the qualifications necessary to qualify for appointment as an instructing officer.

**SECTION 13** sets out the qualifications necessary to qualify for appointment as a police cadet.

**SECTION 14** sets out the qualifications necessary to qualify for appointment as a civilian instructor.

**SECTION 15** outlines the oath or affirmation of office required to be sworn before a Commissioner of Oaths before a person is appointed to any police service or agency.

**SECTION 16** provides that the Minister may declare a police training agency to be an approved one for the purposes of these regulations.

**SECTION 17** provides for the commencement of these regulations.

**EC2010-142****POLICE ACT  
CODE OF PROFESSIONAL CONDUCT AND DISCIPLINE  
REGULATIONS**

Pursuant to section 58 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, Council made the following regulations:

- 1. (1)** In these regulations,
- |   |   |
|---|---|
| <p>(a) “Act” means the <i>Police Act</i> R.S.P.E.I. 1988, Cap.P-11.1;</p> <p>(b) “discipline authority” means,</p> <p style="padding-left: 20px;">(i) in relation to a police officer of a police department, the chief officer of the police department, the municipal council responsible for the police department or its designate, or the Police Commissioner,</p> <p style="padding-left: 20px;">(ii) in relation to an instructing officer, the Director of the Atlantic Police Academy or the Police Commissioner,</p> <p style="padding-left: 20px;">(iii) in relation to a security police officer employed by the University of Prince Edward Island, the person responsible for the management and supervision of the Security Services Division or his or her designate, or the Police Commissioner,</p> <p style="padding-left: 20px;">(iv) in relation to a chief officer of a police department, the municipal council responsible for the police department or its designate, or the Police Commissioner, and</p> <p style="padding-left: 20px;">(v) in relation to the Director, the President of Holland College or his or her designate or the Police Commissioner;</p> <p>(c) “police agency” means a police department, the Atlantic Police Academy, or the Security Services Division of the University of Prince Edward Island;</p> <p>(d) “police officer” means a member of a police department, an instructing officer of the Atlantic Police Academy, or the Director of the Atlantic Police Academy;</p> <p>(e) “security police officer” means a security police officer who is employed by the University of Prince Edward Island.</p> | <p>Definitions</p> <p>Act</p> <p>discipline authority</p> <p>police agency</p> <p>police officer</p> <p>security police officer</p> <p>Code</p> |
|---|---|
- (2) For greater certainty, a reference in the Act or in these or other regulations made under the Act to the “Code of Professional Conduct and Discipline”, or to the “Code”, is a reference to these regulations.

**STANDARDS OF CONDUCT**

- 2.** Every police officer and security police officer shall
- |   |                             |
|---|-----------------------------|
| <p>(a) respect the rights of all persons;</p> <p>(b) maintain the integrity of the law, law enforcement and the administration of justice;</p> <p>(c) perform his or her duties promptly, impartially and diligently, in accordance with the law and without abusing his or her authority;</p> <p>(d) avoid any actual, apparent or potential conflict of interest;</p> <p>(e) ensure that any improper or unlawful conduct of any police officer or security police officer is not concealed or permitted to continue;</p> <p>(f) be incorruptible, never accepting or seeking special privilege in the performance of his or her duties or otherwise placing himself or herself under any obligation that may prejudice the proper performance of his or her duties;</p> <p>(g) act at all times in a manner that will not bring discredit on his or her role as a police officer or security police officer; and</p> <p>(h) treat all persons or classes of persons equally, regardless of age, colour, creed, ethnic or national origin, family status, marital status, physical or intellectual disability, political belief, race, religion, sex, sexual orientation or source of income.</p> | <p>Standards of conduct</p> |
|---|-----------------------------|

**BREACHES OF THE CODE**

- 3.** A police officer or security police officer commits a breach of the Code if he or she does any of the following:
- |  |                           |
|--|---------------------------|
| <p>(a) engages in discreditable conduct as described in section 4;</p> <p>(b) neglects his or her duties as described in section 5;</p> <p>(c) engages in deceitful behaviour as described in section 6;</p> | <p>Breach of the Code</p> |
|--|---------------------------|

- (d) improperly discloses information as described in section 7;
  - (e) commits corrupt practice as described in section 8;
  - (f) abuses his or her authority as described in section 9;
  - (g) improperly uses and cares for a firearm as described in section 10;
  - (h) damages police agency property as described in section 11;
  - (i) misuses intoxicating liquor or drugs in a manner prejudicial to duty as described in section 12;
  - (j) is convicted of an offence as described in section 13;
  - (k) engages in insubordinate behaviour as described in section 14;
  - (l) is a party to a breach of the Code as described in section 15; or
  - (m) engages in workplace harassment as described in the Schedule.
4. (1) A police officer or security police officer of a police agency engages in discreditable conduct if
- Discreditable  
conduct
- (a) the police officer or security police officer, while on duty, acts in a manner that is
    - (i) prejudicial to the maintenance of discipline in the police agency, or
    - (ii) likely to bring the reputation of the police agency into disrepute;
  - (b) the police officer or security police officer, while on duty, is oppressive or abusive to any person;
  - (c) the police officer or security police officer, while off duty, asserts or purports to assert authority as a police officer or security police officer and does an act that would constitute a breach of the Code if done while the police officer or security police officer is on duty;
  - (d) the police officer or security police officer, while on or off duty,
    - (i) contravenes a provision of
      - (A) the Act,
      - (B) the Code or any other regulations made under the Act, or
      - (C) a standard, guideline or directive made under the Act,
    - (ii) withholds or suppresses a complaint or a report concerning a complaint,
    - (iii) fails to report to a police officer or security police officer whose duty it is to receive the report, or to a Crown Attorney, any information or evidence, either for or against any prisoner or defendant, that is material to an alleged offence under an Act of the Legislature, an Act of another province or territory of Canada or an Act of the Parliament of Canada,
    - (iv) tampers with information that is material to a proceeding or potential proceeding under Part VII or Part VIII of the Act, or
    - (v) fails to disclose
      - (A) to an investigator or a chief officer, as the case may be, information that is material to a proceeding or a potential proceeding under Part VII of the Act, or
      - (B) to an investigator or the Police Commissioner, as the case may be, information that is material to a proceeding or a potential proceeding under Part VIII of the Act.
- (2) Notwithstanding clause (1)(a), a police officer or security police officer does not engage in discreditable conduct if he or she engages in the conduct in the bona fide execution of the police officer's or security police officer's role as a representative of a certified police union, association or federation.
- Exception re  
conduct as a  
representative of  
union or association
- (3) Notwithstanding subclause (1)(d)(v), a police officer or security police officer who is being investigated or who acts as a representative of a police officer or security police officer who is being investigated does not engage in discreditable conduct if he or she fails to provide an investigator with any information or assistance requested by the investigator.
- Exception re  
conduct as  
representative of  
officer
5. A police officer or security police officer neglects his or her duties if
- Neglect of duty
- (a) the police officer or security police officer, without lawful excuse, fails to promptly and diligently
    - (i) obey or carry out any lawful order from a superior officer, or
    - (ii) perform his or her duties as a police officer or security police officer;
  - (b) the police officer or security police officer fails to work in accordance with the policies and procedures of the police agency with which he or she is employed;

- (c) the police officer or security police officer leaves an area, detail or other place of duty without due permission or sufficient cause or, having left an area, detail or other place of duty with due permission or sufficient cause, fails to return promptly; or
- (d) the police officer or security police officer is absent from or late for duty without reasonable excuse.
- 6.** A police officer or security police officer engages in deceitful behaviour if the police officer or security police officer, with intent to deceive, falsify or mislead, Deceitful behaviour
- (a) destroys, mutilates, conceals, alters, expunges or adds to all or any part of an official document, record or report; or
- (b) makes a false, misleading or inaccurate statement pertaining to his or her duties.
- 7.** (1) A police officer or security police officer improperly discloses information if the police officer or security police officer Improper disclosure of information
- (a) except as required in the performance of his or her duties, as authorized by his or her supervisor or as required by due process of law,
- (i) discloses information that is acquired by the police officer or security police officer in the course of his or her duties,
- (ii) gives notice directly or indirectly to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons, or
- (iii) removes or copies an official document, record or report of any police agency; or
- (b) makes, signs or circulates a petition or statement, in respect of a matter concerning any police agency,
- (i) knowing that all or any part of the petition or statement is false, or
- (ii) having reckless disregard as to the truth of the petition or statement.
- (2) Notwithstanding subclause (1)(a)(i), a police officer or security police officer does not improperly disclose information if, during the course of an investigation into a complaint under Part VII or Part VIII of the Act, the police officer or security police officer provides the investigator with any information and assistance requested by the investigator. *Idem*
- 8.** A police officer or security police officer commits corrupt practice if Corrupt practice
- (a) the police officer or security police officer fails to properly account for, or to make a prompt and true return of, any money or property received by the police officer or security police officer in the course of his or her duties;
- (b) without adequate reason, the police officer or security police officer uses or attempts to use his or her position as a police officer or security police officer for personal advantage;
- (c) the police officer or security police officer accepts a bribe;
- (d) the police officer or security police officer agrees to be under a pecuniary or other obligation to any person in a manner that might affect the proper performance of his or her duties; or
- (e) the police officer or security police officer directly or indirectly solicits or receives a gratuity, gift, benefit or testimonial that might affect the proper performance of his or her duties.
- 9.** A police officer or security police officer abuses his or her authority if the police officer or security police officer Abuse of authority
- (a) without lawful authority, detains, arrests or searches a person;
- (b) uses unnecessary force on a person;
- (c) while on duty, uses language or acts in a manner that is discourteous, uncivil, abusive or insulting to a person or that tends to demean or show disrespect to a person on the basis of that person's age, colour, creed, ethnic or national origin, family status, marital status, physical or intellectual disability, political belief, race, religion, sex, sexual orientation or source of income;
- (d) harasses, intimidates or retaliates against a complainant.
- 10.** A police officer or security police officer of a police agency improperly uses and cares for a firearm if the police officer or security police officer Improper use and care of firearms

- (a) when on duty, has in his or her possession any firearm other than one that is issued by the police agency to the police officer or security police officer;
- (b) when on duty, other than when on a firearm training exercise, discharges a firearm, whether intentionally or by accident, and does not report to a superior officer the discharge of the firearm as soon as is practicable; or
- (c) fails to exercise sound judgment and restraint in respect of the use and care of a firearm.
- 11.** A police officer or security police officer of a police agency damages police agency property if the police officer or security police officer
- Damage to police agency property
- (a) without reasonable excuse, loses, destroys or causes any damage to
- (i) any police agency property, or
- (ii) any property the care of which has been entrusted to the police officer or security police officer in the course of his or her duties; or
- (b) fails to report to a superior officer any loss or destruction of or any damage to any property referred to in clause (a), however caused.
- 12.** A police officer or security police officer misuses intoxicating liquor or drugs in a manner prejudicial to duty if
- Misuse of intoxicating liquor or drugs in a manner prejudicial to duty
- (a) the police officer or security police officer, on reporting for or while on duty, is unfit for duty as a result of drinking intoxicating liquor, using a drug for non-medical purposes or misusing a prescription drug; or
- (b) the police officer or security police officer, without proper authority, makes any use of, or receives from any other person, an intoxicating liquor or a non-medical drug while on duty.
- 13.** A police officer or security police officer of a police agency is guilty of a breach of this Code if the police officer or security police officer is convicted of an offence under an Act of the Legislature, an Act of another province or territory of Canada or an Act of the Parliament of Canada that renders the police officer or security police officer unfit to perform his or her duties or that is likely to bring the reputation of the police agency into disrepute.
- Conduct constituting an offence
- 14.** A police officer or security police officer engages in insubordinate behaviour if the police officer or security police officer
- Insubordination
- (a) is insubordinate by word, act or demeanour to a superior officer; or
- (b) without lawful excuse, disobeys, omits or neglects to carry out any lawful order.
- 15.** A police officer or security police officer is a party to a breach of the Code if the police officer or security police officer aids, abets, counsels or procures another police officer or security police officer to commit a breach of the Code or is an accessory after the fact to a breach of the Code.
- Party to a breach of the Code

#### DISCIPLINARY AND CORRECTIVE MEASURES

- 16.** If a disciplinary authority considers that one or more disciplinary or corrective measures are necessary in respect of the conduct of a police officer or security officer, the disciplinary authority shall impose on the police officer or security officer a disciplinary or corrective measure listed in section 17 that seeks to correct or educate the police officer or security police officer rather than one that seeks to blame and punish, unless the imposition of a disciplinary or corrective measure that seeks to correct or educate the officer is unworkable or would bring the administration of police discipline into disrepute.
- Principles of discipline and correction
- 17.** A disciplinary authority may impose any one or more of the following disciplinary and corrective measures on a police officer or security officer:
- Disciplinary and corrective measures
- (a) a verbal caution, which shall not be recorded in the record of discipline and shall not form part of the record of discipline;
- (b) a verbal reprimand;
- (c) a written reprimand;
- (d) a direction to undertake professional counselling or a treatment program at no direct cost to the police officer or security police officer;

- (e) a direction to undertake special training or retraining at no direct cost to the police officer or the security police officer;
- (f) a direction to work under close supervision;
- (g) a suspension without pay for a specified period of time not exceeding 160 working hours;
- (h) a reduction in rank;
- (i) dismissal;
- (j) any other disciplinary or corrective measure that may be agreed upon between the disciplinary authority and the police officer or the security police officer.

**18.** Throughout the disciplinary process, including an internal disciplinary process and a disciplinary process resulting from a public complaint, a police officer or security police officer who is alleged to have committed a breach of the Code, has the right to the advice and assistance of

Right to Representation

- (a) a fellow police officer or a fellow security police officer, as the case may be;
- (b) an association representative, if the officer is a member of the Prince Edward Island Police Association;
- (c) a union representative, if the officer belongs to a union; or
- (d) legal counsel.

**19.** (1) If an entry is made in the record of discipline of a police officer or security police officer concerning the imposition on the officer of a disciplinary or corrective measure referred to in section 17, the discipline authority shall cause the entry to be removed from the record of discipline two years after it was made.

Service records of discipline

(2) Once expunged, the entry and the information pertaining to the entry shall not be used against the police officer or security police officer in any manner or form in any matter or proceeding.

*Idem*

(3) The record of discipline of a police officer or security police officer of a police agency shall be maintained by the police agency in a secure location separate from the personnel file of the police officer or security police officer for as long as the police agency determines necessary.

*Idem*

(4) A police officer or security police officer or former police officer or former security police officer has the right to inspect his or her record of discipline.

Right to inspect records

(5) On the request of a police officer or security police officer, or a former police officer or former security police officer, of a police agency to inspect his or her record of discipline, the police agency shall furnish access to the record of discipline within 10 days after the request.

*Idem*

**20.** These regulations come into force on March 13, 2010.

Commencement

## SCHEDULE

### Workplace Harassment

#### Workplace

**1.** (1) The workplace includes but is not limited to the physical worksite, washrooms, cafeterias, training sessions, business travel, conferences, work-related social gatherings, locker rooms and vehicles.

(2) It also includes any place where actions of a police officer or security police officer, whether on duty or not, will have such serious repercussions on the work environment as to seriously affect relationships between police officers or security police officers of a police agency or other employees within a police agency.

#### Protected grounds

**2.** Protected grounds are age, colour, creed, ethnic or national origin, family status, marital status, physical or intellectual disability, political belief, race, religion, sex, sexual orientation, or source of income.

#### Application

**3.** (1) This Schedule applies to the conduct of a police officer or security police officer of a police agency that is directed toward

- (a) another police officer or security police officer or group of police officers or security police officers; or
- (b) an employee within a police agency or group of employees within a police agency.

(2) Managers and supervisors are responsible for taking appropriate action to halt workplace harassment of which they become aware.

**Workplace harassment**

4. Workplace harassment includes personal and sexual harassment, poisoned work environment, abuse of authority and discrimination.

**Personal harassment**

5. Personal harassment means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome and includes objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles or causes personal humiliation or embarrassment.

**Sexual harassment**

6. Sexual harassment means any conduct, comment, gesture, or contact of a sexual nature  
 (a) that might reasonably be expected to cause offence or humiliation; or  
 (b) that might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion.

**Poisoned work environment**

7. A poisoned work environment is characterized by any activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace. A poisoned work environment can exist even if employees agree to participate in demeaning behaviour or voice no objections.

**Abuse of authority**

8. Harassment also includes abuse of authority where a person improperly uses the power and authority inherent in a position to endanger another person's job, undermine the performance of that job, threaten another person's economic livelihood or in any way interfere with or influence another person's career.

**Discrimination**

9. (1) Discrimination includes but is not limited to  
 (a) differential treatment having an adverse impact on a person on the basis of any of the protected grounds;  
 (b) any action or policy that has an adverse impact on a person based on any of the protected grounds; and  
 (c) use of stereotyped images or language, including jokes and anecdotes, which suggest that all or most employees of a particular group of people are the same, thereby denying their individuality as persons, where such conduct has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

(2) Clauses 6(4)(a) and (b) and section 11 of the *Human Rights Act R.S.P.E.I.* 1988, Cap. H-12 apply to clauses (1)(a) and (b).

**EXPLANATORY NOTES**

**SECTION 1** sets out the definitions that apply to these regulations.

**SECTION 2** lists the behaviours police officers and security police officers must adopt in order to comply with the Code.

**SECTION 3** lists the types of behaviours of a police officer or a security police officer which result in the commission of a breach of the Code.

**SECTION 4** describes the behaviours which constitute discreditable conduct.

**SECTION 5** describes the behaviours which constitute neglect of duty.

**SECTION 6** describes the behaviours which constitute deceitful behaviour.

**SECTION 7** describes the behaviours which constitute improperly disclosing information.

**SECTION 8** describes the behaviours which constitute corrupt practice.

**SECTION 9** describes the behaviours which constitute abuse of authority.

**SECTION 10** describes the behaviours which constitute improper use and care of firearms.

**SECTION 11** describes the behaviours which constitute damaging police agency property.

**SECTION 12** describes the behaviours which constitute misusing intoxicating liquor or drugs.



**SECTION 13** states that the commission of an offence is a breach of the Code in the specified circumstances.

**SECTION 14** describes the behaviours which constitute engaging in insubordinate behaviour.

**SECTION 15** describes the behaviours which constitute being a party to a breach of the Code.

**SECTION 16** states the principles to be applied when considering the imposition of discipline and correction for breach of the Code.

**SECTION 17** lists the disciplinary and corrective measures which may be applied to deal with a breach of the Code.

**SECTION 18** provides that a police officer or security police officer is entitled to the advice and assistance of specified individuals throughout the disciplinary process.

**SECTION 19** contains provisions regarding maintaining, removing and accessing records of discipline.

**SECTION 20** provides for the commencement of these regulations.

**THE SCHEDULE** describes workplace harassment which constitutes a breach of the Code.

### EC2010-143

#### POLICE ACT TRAINING REGULATIONS

Pursuant to section 58 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, Council made the following regulations:

#### 1. In these regulations

- |   |                         |
|---|-------------------------|
| (a) "Act" means the <i>Police Act</i> R.S.P.E.I. 1988, Cap. P-11.1;                                       | Definitions<br>Act      |
| (b) "security police officer" means a security police officer appointed under clause 46(3)(a) of the Act. | security police officer |

#### 2. (1) Each of the following is prescribed, for the purpose of subsection 10(9) of the Act, as an area in which a police officer of a police department must be given an opportunity to take training:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>(a) the <i>Criminal Code</i> (Canada);</li> <li>(b) the Canadian Charter of Rights and Freedoms;</li> <li>(c) the use of <ul style="list-style-type: none"> <li>(i) firearms,</li> <li>(ii) conducted energy weapons,</li> <li>(iii) oleoresin capsicum spray,</li> <li>(iv) batons, and</li> <li>(v) physical control techniques;</li> </ul> </li> <li>(d) motor vehicle pursuits;</li> <li>(e) non-violent crisis intervention;</li> <li>(f) domestic violence intervention;</li> <li>(g) the administration of first aid, including cardio-pulmonary resuscitation;</li> <li>(h) recent changes in the law;</li> <li>(i) the preparation and presentation of evidence in court.</li> </ul> | Police officers,<br>prescribed areas of<br>training |
|--|---|

(2) The chief officer of a police department shall ensure that an opportunity to take training in each area prescribed in subsection (1) is provided, or has been provided, to a police officer of the police department before the police officer is assigned to a duty that may require the police officer to *Idem*

- (a) use a firearm or other weapon or technique referred to in clause (1)(c);
- (b) engage in an activity specified in clauses (1)(d) to (f);
- (c) provide first aid to any person; or
- (d) prepare and present evidence in court.

(3) The chief officer of a police department shall ensure that an opportunity to take an area or type of training prescribed in subsection (1) is provided to each police officer of the police department as frequently as is necessary for the police officer to remain current in the subject matter of those prescribed areas or types of training.

Frequency of training

**3.** (1) Each of the following is prescribed, for the purposes of subsection 46(15) of the Act, as an area in which a security police officer must be given an opportunity to take training:

Security police officer, prescribed areas and types of training

- (a) the *Criminal Code* (Canada);
- (b) the Canadian Charter of Rights and Freedoms;
- (c) the use of
  - (i) oleoresin capsicum spray, and
  - (ii) physical control techniques;
- (d) non-violent crisis intervention;
- (e) domestic violence intervention;
- (f) the administration of first aid, including cardio-pulmonary resuscitation;
- (g) recent changes in the law;
- (h) the preparation and presentation of evidence in court.

(2) The employer of a security police officer shall ensure that an opportunity to take training in each area prescribed in subsection (1) is provided, or has been provided, to the security police officer before the security police officer is assigned to a duty that may require the security police officer to

*Idem*

- (a) use a weapon or technique referred to in clause (1)(c);
- (b) engage in an activity specified in clause (1)(d) or (e);
- (c) provide first aid to any person; or
- (d) prepare and present evidence in court.

(3) The employer of a security police officer shall ensure that an opportunity to take training in an area of training prescribed in subsection (1) is provided to the security police officer as frequently as is necessary for the security police officer to remain current in the subject matter of those prescribed areas of training.

Frequency of training

**4.** (1) Each of the following is prescribed, for the purposes of subsection 52(3) of the Act, as an area in which an instructing officer must be given an opportunity to take training:

Instructing officers, prescribed areas of training

- (a) the *Criminal Code* (Canada);
- (b) the Canadian Charter of Rights and Freedoms;
- (c) the use of
  - (i) firearms,
  - (ii) conducted energy weapons,
  - (iii) oleoresin capsicum spray,
  - (iv) batons, and
  - (v) physical control techniques;
- (d) motor vehicle pursuits;
- (e) non violent crisis intervention;
- (f) domestic violence intervention;
- (g) the administration of first aid, including cardio-pulmonary resuscitation;
- (h) recent changes in the law;
- (i) the preparation and presentation of evidence in court.

(2) The Director of the Atlantic Police Academy shall ensure that an opportunity to take training in each area prescribed in subsection (1) is provided or, has been provided, to each instructing officer of the Academy before the instructing officer is assigned to a duty that may require the instructing officer to

*Idem*

- (a) use a firearm or other weapon or technique referred to in clause (1)(c);
- (b) engage in an activity specified in clauses (1)(d) to (f);
- (c) provide first aid to any person; or
- (d) prepare and present evidence in court.

(3) The Director of the Atlantic Police Academy shall ensure that an opportunity to take training in each area prescribed in subsection (1) is provided to each instructing officer of the Academy as frequently as is necessary for the instructing officer to remain current in the subject matter of those prescribed areas of training.

Frequency of training

**5.** These regulations come into force on March 13, 2010.

Commencement

### EXPLANATORY NOTES

**SECTION 1** defines the term “Act” for the purposes of these regulations.

**SECTION 2** prescribes areas of training which police officers must be given an opportunity to take before being assigned to a duty for which the training is needed.

**SECTION 3** prescribes areas of training which security police officers must be given an opportunity to take before being assigned to a duty for which the training is needed.

**SECTION 4** prescribes areas of training which instructing officers must be given an opportunity to take before being assigned to a duty for which the training is needed.

**SECTION 5** provides for the commencement of these regulations.

### EC2010-144

### POLICE ACT USE OF FORCE REGULATIONS

Pursuant to section 58 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, Council made the following regulations:

1. In these regulations “Act” means the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1. Act, defined
  
2. (1) Every police department, the Atlantic Police Academy, and the Security Services Division of the University of Prince Edward Island shall, within 90 days after the date these regulations come into force, adopt the most recent version of one of the following use of force models: Use of force models
  - (a) the Incident Management/Intervention Model utilized by the Royal Canadian Mounted Police;
  - (b) the National Use of Force Framework approved by the Canadian Association of Chiefs of Police.
  
- (2) On adopting a use of force model in accordance with subsection (1), a police department, the Atlantic Police Academy, and the Security Services Division of the University of Prince Edward Island shall Provision of copy of adopted use of force model
  - (a) provide a copy of the model adopted to each member of the police department; and
  - (b) advise the Minister of the model adopted.
  
3. (1) Every member of a police department shall comply with the provisions of the specified use of force model that is adopted by the police department. Compliance with use of force model adopted by police department
  
- (2) The Director of the Atlantic Police Academy and every instructing officer shall comply with the provisions of the specified use of force model that is adopted by the Atlantic Police Academy. Compliance with the use of force model adopted by Atlantic Police Academy
  
- (3) Every security police officer of the Security Services Division of the University of Prince Edward Island shall comply with the provisions of the specified use of force model that is adopted by the Security Services Division of the University of Prince Edward Island. Compliance with use of force model adopted by U.P.E.I.
  
4. These regulations come into force on March 13, 2010. Commencement

### EXPLANATORY NOTES

**SECTION 1** defines the term “Act” for the purposes of these regulations.

**SECTION 2** provides for the adoption of a use of force model by police departments, the Atlantic Police Academy and UPEI.

**SECTION 3** requires compliance by specified persons with the use of force model adopted by a police department, the Atlantic Police Academy or UPEI, as the case may be.

**SECTION 4** provides for the commencement of these regulations.

## **EC2010-145**

### **PROVINCIAL DEBENTURE ISSUE MAXIMUM AGGREGATE PRINCIPAL AMOUNT \$100,000,000.00**

The Executive Council having under consideration the matter of Provincial Debentures:

WHEREAS by virtue of the *Loan Act 2008*, Stats. P.E.I. 2008, c. 22, the *Loan Act 2009*, Stats. P.E.I. 2009, c.78, (the "*Loan Acts*") and the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, as amended, 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 two hundred and fifty million dollars (\$250,000,000.00); and

WHEREAS amounts aggregating \$117,165,500.00 authorized by Order-in-Council Numbers EC2008-354 [REISSUED], EC2009-178, and EC2009-489 have been borrowed under the authority of the *Loan Act 2008*, Stats. P.E.I. 2008, c. 22, 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 in the maximum aggregate principal amount of one hundred million dollars (\$100,000,000.00) when the Minister of Finance and Municipal Affairs considers market conditions favourable; and

WHEREAS by virtue of subsection 49(3) of the *Financial Administration Act*, the Minister of Finance 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 and Municipal Affairs, on such terms and conditions as the Minister of Finance and Municipal Affairs considers advisable, may raise sums of money by way of loan, in whole or in part, or through the issue or sale of securities, in whole or in part, that have a term of 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 in the maximum aggregate principal amount of one hundred million dollars (\$100,000,000.00) when the Minister of Finance and Municipal Affairs considers market conditions are favourable.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the Minister of Finance 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 terms as the Minister of Finance and Municipal Affairs considers advisable, including any sinking fund.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the maximum aggregate principal amount of One Hundred Million Dollars (\$100,000,000.00) 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*.

### EC2010-146

#### AN ACT TO AMEND THE WILDLIFE CONSERVATION ACT DECLARATION RE

Under authority of section 22 of *An Act to Amend the Wildlife Conservation Act* Stats. P.E.I. 2008, 2<sup>nd</sup> Session, c. 64 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Wildlife Conservation Act" to come into force effective 13 March 2010.

### EC2010-147

#### WILDLIFE CONSERVATION ACT CONSERVATION OFFICER REGULATIONS

Pursuant to section 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

1. In these regulations, "Act" means the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1. Definition
2. For the purpose of subsection 3.1(2) of the Act, a person has the qualifications for appointment as Chief Conservation Officer or as a conservation officer if he or she has completed Qualifications for appointment
  - (a) both
    - (i) a minimum two year program in renewable resources technology or a related field at a degree or post-secondary diploma level, and
    - (ii) the Holland College Conservation Enforcement training program; or
  - (b) an enforcement training program that the Minister considers to be equivalent to the programs referred to in clause (a).
3. For the purpose of subsection 3.2(1) of the Act, the Minister may appoint a person as a cadet conservation officer if the person is enrolled in Requirements for appointment
  - (a) the Holland College Conservation Enforcement training program; or
  - (b) an enforcement training program that the Minister considers to be equivalent to the Holland College Conservation Enforcement Program.
4. The oath or solemn affirmation of office required to be taken by a conservation officer under subsection 3.1(4) of the Act or by a cadet conservation officer under subsection 3.2(5) of the Act is set out in the Schedule. Oath or solemn affirmation of office
5. An identification card issued to a conservation officer under subsection 3.1(5) of the Act or to a cadet conservation officer under subsection 3.2(6) of the Act shall contain the following: Identification card
  - (a) the name of the Department of Environment, Energy and Forestry;
  - (b) a photograph of the conservation officer or cadet conservation officer;

- (c) a list of the provincial and federal Acts and regulations, or the specified provisions of the Acts and regulations, that the conservation officer or cadet conservation officer has the power and authority to enforce;
- (d) a badge identification number.

6. These regulations come into force on March 13, 2010.

Commencement

## SCHEDULE

### OATH OR AFFIRMATION OF OFFICE

I (A.B.), having been appointed as a conservation officer (or cadet conservation officer) for Prince Edward Island do swear (or affirm) that I will truly, faithfully and impartially perform the duties appertaining to the Ministry according to the best of my skill and ability.

## EXPLANATORY NOTES

**SECTION 1** defines the term “Act”.

**SECTION 2** sets out the qualifications for appointment of the Chief Conservation Officer and a conservation officer.

**SECTION 3** sets out the requirements for appointment of a cadet conservation officer.

**SECTION 4** provides that the oath or solemn affirmation of office of a conservation officer or a cadet conservation officer is set out in the Schedule.

**SECTION 5** sets out the information required to be contained in an information card issued to a conservation officer or a cadet conservation officer.

**SECTION 6** provides for the commencement of these regulations.

Lieutenant Governor

President of the Executive Council