



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PRIVATE TRAINING SCHOOLS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to February 22, 2020. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PRIVATE TRAINING SCHOOLS ACT

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PRIVATE TRAINING SCHOOLS ACT
CHAPTER P-20.2

INTERPRETATION AND APPLICATION

1. In this Act

- (a) **“Administrator”** means the person who is appointed as the Administrator under subsection 3(1);
- (b) **“Appeal Committee”** means the Appeal Committee appointed under subsection 35(3);
- (c) **“approved occupational training program”** means an occupational training program approved by the Administrator under subsection 11(4);
- (d) **“Department”** means the Department of Education and Lifelong Learning;
- (e) **“Fund”** means the Student Protection Fund established under section 37;
- (f) **“inspector”** means a person who is appointed as an inspector under subsection 22(1), and includes the Administrator;
- (g) **“instructor”** means a person who holds or is deemed to hold an instructor’s authorization;
- (h) **“instructor’s authorization”** means a valid and subsisting instructor’s authorization issued under subsection 17(3) or (4);
- (i) **“license”** means a valid and subsisting license issued under subsection 5(5);
- (j) **“Minister”** means the Minister of Education and Lifelong Learning;
- (k) **“National Occupational Classification”** means the National Occupational Classification published by the Department of Human Resources and Skills Development Canada in 2011, as amended from time to time;
- (l) **“occupation”** means an occupation specified in the National Occupational Classification, but does not include an occupation that is excluded by the regulations;
- (m) **“occupational training program”** means a program of training in the skills and knowledge required to obtain employment in an occupation that
 - (i) when successfully completed by a student, qualifies the student to receive a certificate or diploma in respect of the occupation, and
 - (ii) exceeds either
 - (A) 40 hours of instruction, or
 - (B) \$1,000 in tuition and associated fees;
- (n) **“operator”** means, in respect of a private training school, the person who holds or is deemed to hold a license to operate that private training school;

- (o) **“private training school”** means a school at which occupational training programs are provided by classroom instruction or distance education, pursuant to individual student contracts with students;
- (p) **“register”** means the register of private training schools established and maintained under subsection 4(1);
- (q) **“student”** means a person who has entered or is deemed to have entered into a student contract with an operator;
- (r) **“student contract”** means a written agreement between an operator and a student respecting the provision of an occupational training program to the student;
- (s) **“tuition”** means the total amount a person is required to pay to an operator in respect of an occupational training program, but does not include
 - (i) administrative fees,
 - (ii) application fees,
 - (iii) fees charged for textbooks, equipment, uniforms and other materials required for the occupational training program,
 - (iv) fees charged for housing, meal plans or health insurance, or
 - (v) any other fees charged by the private training school. *2016,c.49,s.1; 2019,c.1,s.3.*

2. Act does not apply

This Act does not apply to

- (a) the University of Prince Edward Island;
- (b) Holland College;
- (c) Maritime Christian College;
- (d) Collège Acadie;
- (e) a school governed by the *Education Act* R.S.P.E.I. 1988, Cap. E-02;
- (f) an institution that does not have a physical presence in the province, as determined in accordance with the regulations; or
- (g) an institution or class of institution prescribed by the regulations. *2016,c.49,s.2.*

ADMINISTRATOR

3. Administrator

- (1) The Minister shall appoint an employee of the Department to be the Administrator of private training schools.

Powers and duties of Administrator

- (2) The Administrator may exercise the powers and shall perform the duties conferred or imposed on the Administrator by or under this Act.

Expert assistance

- (3) The Administrator may retain any expert assistance that he or she considers necessary for the purposes of assessing an application made under this Act or the regulations.



Delegation of powers or duties

- (4) The Administrator may, in writing, delegate to an employee of the Department any of the Administrator's powers or duties under this Act and the regulations. *2016, c.49, s.3.*

REGISTER OF PRIVATE TRAINING SCHOOLS**4. Register of private training schools**

- (1) The Administrator shall establish and maintain a register of private training schools in which shall be entered
- (a) the name, business address and business contact information of each operator;
 - (b) the name and address of each private training school that each operator is authorized to operate under a license;
 - (c) the approved occupational training programs that may be provided at each private training school referred to in clause (b), and the premises at or from which each program may be provided;
 - (d) any terms and conditions imposed by the Administrator on each license of an operator; and
 - (e) the date and circumstances of any suspension, cancellation or reinstatement of each license.

Notification of change in information

- (2) An operator shall notify the Administrator without delay of any change in the information referred to in clause (1)(a), (b) or (c) in respect of the operator.

Removal of name from register

- (3) The Administrator shall remove from the register the name of any operator who ceases to hold a license. *2016, c.49, s.4.*

LICENSE**5. Application for license to operate a private training school**

- (1) A person may apply to the Administrator in accordance with this section for a license to operate a private training school.

Application requirements

- (2) An application for a license to operate a private training school shall be made in the form approved by the Administrator and shall include
- (a) the name, business address and business contact information of the applicant;
 - (b) the financial information and documents required by the regulations;
 - (c) proof satisfactory to the Administrator that the applicant has provided security in an amount and form, and subject to the terms, prescribed by the regulations for the purpose of securing the fulfilment by the applicant of
 - (i) the student contracts entered into by the applicant, and
 - (ii) the obligations of the applicant under this Act and the regulations;

- (d) evidence satisfactory to the Administrator that the applicant holds insurance coverage for the applicant's liability for personal injury and property damage that may not be cancelled except on 30 days prior written notice to the Administrator;
- (e) a description of the occupational training programs that the applicant proposes to offer at the private training school that includes the information required by the regulations;
- (f) the proposed admission requirements for the occupational training programs referred to in clause (e);
- (g) a detailed statement of tuition and all other fees and costs associated with the occupational training programs referred to in clause (e);
- (h) a detailed statement of all other fees and costs to be charged to students, including but not limited to administrative fees and application fees;
- (i) policies that the applicant proposes to establish for the private training school that meet the requirements of the regulations relating to
 - (i) admission of students, including assessment of students' credentials and prior educational experience,
 - (ii) management of student records,
 - (iii) academic standing of students,
 - (iv) the reporting of complaints by students, graduates or other persons, including complaints involving harassment, and
 - (v) the applicant's proposed process for resolving complaints;
- (j) a form of student contract that the applicant proposes to use for the provision of occupational training programs at the private training school that meets the requirements of clause (5)(g);
- (k) a training completion plan satisfactory to the Administrator for each occupational training program that the applicant proposes to offer at the private training school that describes how, if the occupational training program is discontinued for any reason before students complete the program, the students may complete equivalent training in the same occupation;
- (l) a form of any on-the-job training agreement that the applicant proposes to use in connection with the on-the-job training component of an occupational training program that meets the requirements of clause (5)(h);
- (m) the address and a description of the premises at or from which the applicant proposes to provide the occupational training programs referred to in clause (e);
- (n) any other information and documents
 - (i) required by the regulations, or
 - (ii) that the Administrator may require to supplement or support the information provided pursuant to clauses (a) to (l); and
- (o) payment of the application fee specified in the regulations.

Refunds

- (3) An applicant
 - (a) may establish written policies respecting the refund of tuition and fees paid by students that are in addition to and not inconsistent with the policies respecting refunds set out in this Act and the regulations; and
 - (b) shall submit any policies established pursuant to clause (a) with the application required under subsection (2) for the approval of the Administrator.



Criminal record check

- (4) An applicant under this section
- (a) who is an individual shall provide a criminal record check; and
 - (b) that is a corporation shall provide a criminal record check in respect of the chairperson of its board of directors,
- to the Administrator with the application.

Issuance of license

- (5) The Administrator shall issue to an applicant a license to operate a private training school where the Administrator is satisfied that
- (a) the applicant has submitted an application in accordance with this section;
 - (b) the applicant will operate the private training school in accordance with this Act and the regulations;
 - (c) the applicant has adequate financial resources and administrative capacity for the effective operation of the private training school;
 - (d) the security referred to in clause (2)(c) meets the requirements of the regulations;
 - (e) the insurance referred to in clause (2)(d) meets the requirements of the regulations;
 - (f) the occupational training programs to be provided by the applicant under the license will be provided in a competent manner and meet the requirements of this Act and the regulations;
 - (g) the student contract proposed to be used in connection with the provision of occupational training programs at the private training school is in a form approved by the Administrator and includes
 - (i) information respecting the occupational training program that will be delivered to the student in exchange for the required tuition fee,
 - (ii) the student's tuition and fee schedule,
 - (iii) a consent form satisfactory to the Administrator authorizing the release of the student's personal information to the Administrator for the purposes of the administration of this Act and the regulations,
 - (iv) a statement that the contract is subject to this Act and the regulations, and
 - (v) any other information required to be included in the student contract by the regulations;
 - (h) the on-the-job training agreement proposed to be used in connection with the on-the-job training component of an occupational training program is in a form approved by the Administrator and includes the information required by the regulations;
 - (i) the policies referred to in clause (2)(i) meet the requirements of the regulations and any policies established under subsection (3) comply with this Act and the regulations;
 - (j) the training completion plan referred to in clause (2)(k) is adequate to provide for the completion of students' training in the event that an occupational training program is discontinued prior to completion;
 - (k) the premises at or from which occupational training programs will be provided as indicated on the application are suitable for the purpose and the operator undertakes to ensure that the premises meet all requirements established by law;
 - (l) the criminal record check of the applicant, or, if the applicant is a corporation, the criminal record check of its chairperson, and the other information provided by the

- applicant provide reasonable grounds for the belief that the private training school will be operated in accordance with applicable provincial laws;
- (m) the issuance of the license, based on the information provided by the applicant and the criteria set out in subsection (7), is in the public interest; and
 - (n) the applicant meets any other requirements respecting policies and procedures set out in the regulations.

License for one or more premises

- (6) Where an applicant proposes to provide an occupational training program at more than one premises, the Administrator may, under subsection (5), issue to the applicant a license to operate a private training school at one or more of the premises specified in the application.

Public interest criteria

- (7) For the purpose of determining whether it is in the public interest to issue a license to an applicant under subsection (5), the Administrator shall consider
 - (a) whether sufficient information has been provided by the applicant to allow the Administrator to conduct a proper assessment of the quality of the applicant's proposed occupational training programs;
 - (b) whether any of the applicant's proposed occupational training programs are in respect of occupations for which employers or regulatory bodies normally require prospective employees or members of the regulated occupation or profession to have a university degree or a degree from an institution other than a university; and
 - (c) whether any of the applicant's proposed occupational training programs would likely jeopardize public health or safety. *2016, c.49, s.5.*

6. Refusal to issue license

- (1) The Administrator may refuse to issue a license to an applicant where the Administrator
 - (a) is satisfied that the applicant has contravened or failed to comply with a provision of this Act or the regulations; or
 - (b) is not satisfied that all of the requirements specified in subsection 5(5) are met.

Notice of refusal and right to appeal

- (2) Where the Administrator refuses under subsection (1) to issue a license to an applicant, the Administrator shall, within seven days of the refusal, serve on the applicant,
 - (a) a written notice of and the reasons for the refusal; and
 - (b) a written notice of the applicant's right under subclause 35(1)(a)(i) to appeal the refusal. *2016, c.49, s.6.*

7. Powers of Administrator

The Administrator may

- (a) at the request of an operator, cancel the operator's license for a private training school; and
- (b) without prior notice to the operator, cancel or suspend the operator's license for a private training school whose operation has become insolvent or falls within the provisions of the *Bankruptcy and Insolvency Act (Canada)*. *2016, c.49, s.7.*



8. Information on license

- (1) The Administrator shall, when issuing a license, include the following information on the license:
 - (a) the name, business address and business contact information of the operator to whom the license is issued;
 - (b) the name and address of the private training school to which the license applies;
 - (c) the approved occupational training programs that may be provided at the private training school to which the license applies, and the premises at or from which each program may be provided;
 - (d) any terms and conditions imposed on the license by the Administrator under subsection (3) that are in effect;
 - (e) any other information required to be included on the license by the regulations.

Replacement

- (2) If any of the information referred to in subsection (1) changes, the Administrator may issue to the operator a replacement license under subsection 5(5) that includes the new information.

Terms and conditions

- (3) The Administrator may, at any time, impose any terms and conditions that the Administrator considers appropriate on a license.

Terms and conditions effective when served

- (4) The imposition of terms and conditions on a license under subsection (3) is not effective until notice of the imposition and the right to appeal the terms and conditions under clause 35(1)(b) is served on the operator affected by it. *2016, c.49, s.8.*

9. License not transferable

- (1) No person shall transfer a license to any person.

Compliance

- (2) An operator shall comply with all of the terms and conditions that apply to the operator's license. *2016, c.49, s.9.*

10. Posting of license

- (1) An operator shall post a copy of the operator's license in a prominent place at each premises at which the operator provides an approved occupational training program authorized by the license.

Administrator may issue copies

- (2) The Administrator may issue copies of a license to an operator for the purposes of subsection (1).

Prohibition

- (3) No person shall
 - (a) cover, deface or alter; or
 - (b) remove, without the permission of the Administrator, a copy of a license posted under subsection (1). *2016, c.49, s.10.*

APPROVAL OF OCCUPATIONAL TRAINING PROGRAMS

11. Application for approval of occupational training program

- (1) An applicant for a license to operate a private training school under subsection 5(1), or an operator, may apply to the Administrator for approval of an occupational training program or an amendment to an existing approval in accordance with this section.

Application for approval of amendment

- (2) An operator shall apply to the Administrator for approval of an amendment to an approved occupational training program where
- (a) changes have been made by the operator to an approved occupational training program that, in the opinion of the Administrator, result in a change of 25 per cent or more in
 - (i) curriculum,
 - (ii) instructional time or the way in which instruction is delivered to the student, or
 - (iii) the total amount of tuition and fees charged over the duration of the approved occupational training program; or
 - (b) the occupational training program has not been offered by the operator within the previous 5 years.

Application requirements

- (3) An application for approval of an occupational training program, or for approval of an amendment to an approved occupational training program, shall be made in the form approved by the Administrator and shall include:
- (a) the financial information required by the regulations;
 - (b) a description of the occupation or occupations, as listed in the National Occupation Classification, that a graduate of the occupational training program would be qualified to enter, and evidence of the demand in the labour market for persons qualified in those occupations;
 - (c) a description of the proposed content of the occupational training program, the methods of instruction and the instructional materials or equipment proposed to be used;
 - (d) the proposed admission requirements for, and duration of, the occupational training program;
 - (e) the maximum number of students proposed to be enrolled in the occupational training program and the maximum number of students proposed to be enrolled per instructor;
 - (f) the criteria proposed to be used to evaluate the progress of students of the occupational training program;
 - (g) the fees proposed to be charged for the occupational training program;
 - (h) a sample of the diploma, certificate or other credential to be awarded for successful completion of the occupational training program;
 - (i) a training completion plan for the occupational training program that
 - (i) describes how, if the occupational training program is discontinued for any reason before students complete the program, students may complete equivalent training in the same occupation, and
 - (ii) meets the requirements of the regulations;



- (j) any other information and documents
 - (i) required by the regulations, or
 - (ii) that the Administrator may requireto supplement or support the information provided pursuant to clauses (a) to (k); and
- (k) payment of the approval fee specified in the regulations.

Approval of occupational training program or amendment

- (4) The Administrator shall approve an occupational training program or an amendment to an approved occupational training program if the Administrator is satisfied that
 - (a) the applicant has submitted an application in accordance with subsections (1) and (3) or subsections (2) and (3), as applicable;
 - (b) where the applicant is an operator, the applicant has complied with this Act and the regulations;
 - (c) one or more occupations exist that a graduate of the occupational training program would be qualified to enter, and a demand exists in the labour market for persons qualified in those occupations;
 - (d) the admission requirements for the occupational training program
 - (i) are appropriate to the occupation for which the occupational training program is offered and for the employment of graduates of the occupational training program in that occupation, and
 - (ii) require the successful completion of
 - (A) grade 10 in the province, or education requirements that the Administrator considers equivalent, unless industry standards require a higher level of education, or
 - (B) any other education requirements for the occupational training program approved in writing by the Administrator;
 - (e) the curriculum for the occupational training program is current and relevant to the occupation for which the occupational training program is offered;
 - (f) the occupational training program will provide students the skills and knowledge required to obtain employment in the occupation for which the occupational training program is offered; and
 - (g) the occupational training program or the proposed amendment meets any other requirements of the regulations. *2016,c.49,s.11.*

12. Refusal to approve

- (1) The Administrator may refuse to approve an occupational training program, or an amendment to an approved occupational training program, where the Administrator
 - (a) is satisfied that the operator has contravened or failed to comply with a provision of this Act or the regulations; or
 - (b) is not satisfied that all of the requirements specified in subsection 11(4) are met.

Notice of refusal and right to appeal

- (2) Where the Administrator refuses under subsection (1) to approve an occupational training program, or an amendment to an approved occupational training program, the Administrator shall, within seven days of the refusal, serve on the operator
 - (a) a written notice of and the reasons for the refusal; and
 - (b) a written notice of the operator's right under subsection 35(1) to appeal the refusal.

Standards

- (3) An operator shall ensure that curriculum and instructional materials used in an occupational training program reflect provincial or, where applicable, national educational and industry standards for the subject or occupation concerned.

Idem

- (4) The Administrator may engage the services of industry and curriculum experts to conduct evaluations of occupational training programs to determine whether they reflect the proper standards. *2016,c.49,s.12.*

13. Program review

- (1) The Administrator shall review an approved occupational training program every three years to ensure that
- (a) the program content remains current and relevant to the occupation;
 - (b) the occupational training program conforms to industry and educational standards; and
 - (c) the method of delivery is appropriate.

Information required

- (2) For the purposes of the review referred to in subsection (1), the operator shall provide to the Administrator in respect of the occupational training program a detailed description of
- (a) the curriculum;
 - (b) the method of delivery;
 - (c) the instructional schedule; and
 - (d) the program tuition and fees.

Assessment by Administrator

- (3) The Administrator may, in order to ensure that an occupational training program is properly assessed,
- (a) request that an operator provide additional information, including but not limited to the operator's business plan and current financial statements; or
 - (b) consult an industry or curriculum expert in accordance with subsection 12(4).

Application to review

- (4) Subsections 11(3) and (4) and section 12 apply to a review of an occupational training program under this section.

Grounds for refusal

- (5) The Administrator may refuse to approve an occupational training program reviewed under this section on any grounds on which the Administrator may withhold the initial approval of an occupational training program and, for greater certainty, may refuse to approve the occupational training program because
- (a) it is no longer current or relevant to the occupation for which it is offered; or
 - (b) the occupational training program, in the opinion of the Administrator, will not provide students the skills and knowledge required to obtain employment in the occupation for which it is offered.



Order to operator

- (6) In addition to the notice required under subsection 12(2), where the Administrator intends to refuse to approve an occupational training program under this section, the Administrator may issue an order to the operator directing the operator to remedy the deficiencies in the occupational training program within the time specified in the order.

Effect of order

- (7) Despite clause 43(1)(a), an operator to whom an order under subsection (6) has been issued may continue to provide the occupational training program to the students currently enrolled during the time specified in the order, but shall not enrol any new students in the occupational training program until it has been approved by the Administrator.

Final decision

- (8) On or before the time specified in the order, the Administrator shall assess the occupational training program and may approve it or refuse to approve it, and shall provide notice to the operator in accordance with subsection 12(2).

Appeal

- (9) A refusal by the Administrator to approve an occupational training program under subsection (8) may be appealed under subsection 35(1). *2016, c.49, s.13.*

DUTIES OF OPERATOR

14. Notice to Administrator

- (1) An operator shall, at least 30 days before the event, notify the Administrator in writing of
- (a) any change in the operator's business address;
 - (b) if the operator is a partnership, any change in the members of the partnership; and
 - (c) if the operator is a corporation,
 - (i) any change in the officers or directors of the corporation,
 - (ii) any continuance, amalgamation or other fundamental change involving the corporation, or
 - (iii) any transfer of the shares of the corporation that would be sufficient to allow the person acquiring the shares to make a change to the corporation's board of directors.

Idem

- (2) An operator shall, at least 60 days before the event, notify the Administrator of any change to an approved occupational training program that involves
- (a) the instructional time to be provided to students of the occupational training program; or
 - (b) the tuition or fees to be charged to students of the occupational training program.

Information to be provided

- (3) An operator shall provide to the Administrator on request
- (a) enrolment statistics for the private training school; and
 - (b) information relating to the operation of the private training school specified by the Administrator.

Idem

- (4) An operator shall provide to the Administrator on request evidence satisfactory to the Administrator that the operator continues to hold the insurance coverage required under clause 5(2)(d). 2016, c.49, s.14.

15. Student records

- (1) An operator shall establish and maintain a record for each student enrolled in an approved occupational training program at the private training school that includes
- (a) the name and date of birth of the student;
 - (b) the address and telephone number of the student;
 - (c) an alternate contact person for the student;
 - (d) the approved occupational training program in which the student is enrolled, including the date of commencement and the expected date of completion;
 - (e) the student's qualifications for enrolment;
 - (f) reports and transcripts respecting the status and progress of the student in the occupational training program;
 - (g) an up-to-date account of fees and other charges paid or owing by the student;
 - (h) the student's source of funding for the payment of fees and other charges;
 - (i) disciplinary measures imposed on the student, if any;
 - (j) a copy of the signed consent form referred to in subclause 5(5)(g)(iii); and
 - (k) a copy of the signed student contract.

Retention of records

- (2) An operator shall retain
- (a) records containing a student's personal information for not less than 5 years from the date the student graduated or left the approved occupational training program; and
 - (b) transcripts for not less than 25 years from the date the student graduated or left the approved occupational training program.

Transcripts

- (3) An operator shall provide, at a reasonable cost, within 10 working days of a request by a student or former student, an official transcript that includes
- (a) the student's grades or results in the approved occupational training program; and
 - (b) the student's ongoing status in the approved occupational training program.

Records to be provided to Administrator

- (4) An operator shall, without delay, provide to the Administrator any financial or student record or other information requested by the Administrator for the purposes of the administration of this Act and the regulations.

Idem, transcripts

- (5) An operator shall provide copies of student transcripts to the Administrator
- (a) annually; or
 - (b) at any other time, on the request of the Administrator.



Statutory declaration

- (6) The Administrator may require any information provided under subsection (4) to be verified by statutory declaration. *2016, c.49, s.15.*

16. Discontinuance of approved occupational training program

An operator shall, at least 60 days before suspending or discontinuing an approved occupational training program,

- (a) give notice of the suspension or discontinuance to the Administrator;
- (b) provide to the Administrator a list of the names and addresses of any students enrolled in the approved occupational training program; and
- (c) provide evidence satisfactory to the Administrator that the operator has, in respect of each student referred to in clause (b), fulfilled the requirements of this Act, the regulations and the student contract between the student and the operator in respect of the suspension or discontinuance. *2016, c.49, s.16.*

INSTRUCTOR'S AUTHORIZATION**17. Application for instructor's authorization**

- (1) A person may apply to the Administrator for an instructor's authorization.

Application requirements

- (2) An application for an instructor's authorization shall be made in a form approved by the Administrator and shall include
- (a) the name, address and contact information of the applicant;
 - (b) the name and address of the private training school that employs the instructor;
 - (c) the name and a description of the course or occupational training program that the applicant proposes to instruct;
 - (d) information and documents that meet the requirements of the regulations respecting the applicant's qualifications and experience;
 - (e) the employment references required by the regulations;
 - (f) a criminal record check;
 - (g) any other information and documents
 - (i) required by the regulations, or
 - (ii) that the Administrator may require to supplement or support the information provided pursuant to clauses (a) to (f); and
 - (h) payment of the application fee specified in the regulations.

Issuance of instructor's authorization

- (3) The Administrator shall issue an instructor's authorization to an applicant if the Administrator is satisfied that
- (a) the applicant has submitted an application in accordance with subsections (1) and (2);
 - (b) the applicant is qualified to instruct the course or occupational training program for which the application is made; and
 - (c) the criminal record check of the applicant does not provide reasonable grounds for the belief that issuance of the authorization is not in the public interest.

Temporary authorization

- (4) Notwithstanding the requirements of this section, the Administrator may issue a temporary instructor's authorization in respect of an approved occupational training program to an applicant if the Administrator is satisfied that, because of extraordinary or unforeseen circumstances, a qualified instructor is not available to instruct the occupational training program.

Expiry

- (5) A temporary instructor's authorization expires 90 days after the date on which it was issued and may be renewed. *2016, c.49, s.17.*

18. Refusal to issue instructor's authorization

- (1) The Administrator may refuse to issue an instructor's authorization to an applicant where the Administrator
- (a) is satisfied that the applicant has contravened or failed to comply with a provision of this Act or the regulations; or
 - (b) is not satisfied that all of the requirements specified in subsection 17(3) are met.

Notice of refusal and right to appeal

- (2) Where the Administrator refuses under subsection (1) to issue an instructor's authorization to an applicant the Administrator shall, within seven days of the refusal, serve on the applicant,
- (a) a written notice of and the reasons for the refusal; and
 - (b) a written notice of the applicant's right, under subsection 35(1), to appeal the refusal. *2016, c.49, s.18.*

19. Instructor's authorization

- (1) The Administrator shall, when issuing an instructor's authorization, include the following information on the instructor's authorization:
- (a) the name and address of the instructor;
 - (b) the name and address of the private training school that employs the instructor;
 - (c) the courses or approved occupational training programs that the instructor is authorized to instruct;
 - (d) any terms and conditions imposed by the Administrator on the instructor's authorization;
 - (e) any other information required to be included on the instructor's authorization by the regulations.

Notification of change in information

- (2) An operator shall notify the Administrator without delay of any change in the information referred to in clause (1)(a) or (b) in respect of the instructor.

Replacement

- (3) If any of the information referred to in subsection (1) changes, the Administrator may issue to the instructor a replacement instructor's authorization that includes the new information. *2016, c.49, s.19.*



20. Terms and conditions

- (1) An instructor's authorization is subject to any terms and conditions specified in the regulations.

Instructor's authorization not transferable

- (2) No person shall transfer an instructor's authorization to any person.

Compliance

- (3) The holder of an instructor's authorization shall comply with all of the terms and conditions that apply to the instructor's authorization.

Termination of employment

- (4) An instructor's authorization is deemed to be cancelled upon termination of the instructor's employment with the private training school referred to in clause 17(2)(b) and the instructor shall *re-apply* for a new authorization prior to instructing in another private training school. *2016, c.49, s.20.*

LABORATORY ASSISTANTS

21. Laboratory assistants

- (1) An operator may employ laboratory assistants to assist in providing occupational training programs in a private training school to a maximum ratio of one laboratory assistant for each instructor.

Supervision

- (2) A laboratory assistant shall be under the constant supervision of an instructor while engaged in duties under subsection (1).

Qualifications

- (3) A laboratory assistant shall
- (a) be at least a high school graduate, or have equivalent standing; and
 - (b) be a graduate of a training program, or have at least three years' work experience, in the occupation in which he or she is assisting.

Information to Administrator

- (4) An operator shall provide to the Administrator the names, resumes and expected period of employment of each laboratory assistant.

Verification

- (5) The Administrator may disallow the employment of a laboratory assistant who does not meet the requirements of subsection (3) as an assistant in the provision of an occupational training program. *2016, c.49, s.21.*

INSPECTIONS

22. Appointment of inspectors

- (1) The Minister may appoint one or more employees of the Department as inspectors.

Administrator an inspector

- (2) By virtue of the Administrator's office, the Administrator is an inspector for the purposes of this Act.

Inspections as necessary

- (3) For the purposes of ensuring compliance with this Act and the regulations, an inspector may, at any reasonable time, enter and inspect any premises
- (a) in respect of which a license has been issued, or an application for a license has been made, under this Act;
 - (b) at or from which occupational training programs are provided; or
 - (c) in which the inspector believes on reasonable grounds there is a record or document relevant to the administration of this Act or the regulations.

Idem

- (4) In carrying out an inspection under this section, an inspector may
- (a) make any examination or inquiry that the inspector considers necessary to determine whether this Act or the regulations are being complied with;
 - (b) question a person on matters relevant to the inspection;
 - (c) observe the provision of occupational training programs to students;
 - (d) take photographs and make recordings;
 - (e) require any person to produce for inspection or copying any record or other document relevant to the administration of this Act or the regulations;
 - (f) use any computer system in the premises that is owned by the operator and used in the operation of the private training school to examine any data contained in or available to the computer system, and reproduce any record from the data in the form of a printout or other output; and
 - (g) use any copying equipment at the place to make copies of any record or other document, or, after providing a receipt, remove any record or other document for the purpose of making copies.

Return of record or document without delay

- (5) Where an inspector removes a record or document for the purpose of making copies under clause (4)(g), the inspector shall return the record or document to the person from whose keeping it was removed without delay.

Entry of dwelling-place

- (6) An inspector shall not enter a dwelling-place for the purpose of an inspection under this section without the consent of the occupant unless under the authority of a warrant issued under subsection (7).

Authority to issue warrant

- (7) A justice may issue a warrant authorizing the inspector named in the warrant to enter a dwelling-place subject to such conditions as may be specified in the warrant where, on ex parte application, the justice is satisfied by information on oath from the inspector that
- (a) the conditions for entry described in subsection (3) exist in relation to the dwelling-place;
 - (b) entry to the dwelling-place is necessary for any purpose relating to the administration of this Act or the regulations; and



- (c) entry to the dwelling-place has been refused or there are reasonable grounds for believing that entry will be refused.

Use of force

- (8) An inspector who executes a warrant shall not use force in the execution of a warrant issued under subsection (7) unless the use of force is specifically authorized in the warrant.

Evidence of appointment

- (9) An inspector carrying out an inspection under this section shall, on request, produce evidence of his or her appointment.

Report

- (10) An inspector shall report the results of the inspection to the Administrator.

Order

- (11) The Administrator may issue an order to an operator based on the results of an inspection that
- (a) requires the operator to rectify any problems or omissions noted during the inspection; and
 - (b) specifies the time within which the operator shall comply with the order. *2016,c.49,s.22.*

23. Assistance and information

An operator or a person in charge of a premises referred to in subsection 22(3) and every person found there shall

- (a) give the inspector all reasonable assistance to enable the inspector to carry out his or her duties and functions under this Act; and
- (b) provide the inspector any information relevant to the administration of this Act or the regulations as the inspector may reasonably require. *2016,c.49,s.23.*

24. Obstruction or failure to cooperate

No person shall obstruct, attempt to obstruct or fail to cooperate with an inspector in the exercise of his or her functions under this Act or the regulations. *2016,c.49,s.24.*

RESOLUTION OF COMPLAINTS

25. Complaint filed with Administrator

- (1) Any person may make a complaint in respect of the operation of a private training school by filing a written complaint with the Administrator in the form approved by the Administrator.

Complaint forwarded by operator

- (2) Where a person delivers a written complaint referred to in subsection (1) to the operator of a private training school, the operator shall within 7 days forward the complaint to the Administrator.

Dismissal

- (3) Within 7 days of the receipt of a complaint, the Administrator shall dismiss the complaint if, in the opinion of the Administrator, it is
- (a) frivolous or vexatious;

- (b) not made in good faith; or
 - (c) not within the jurisdiction of the Administrator,
- and notify the complainant and the operator of the dismissal and the reasons for it.

Notice to operator

- (4) Where the Administrator decides not to dismiss a complaint under subsection (3), the Administrator shall
- (a) advise the operator of the private training school named in the complaint that a complaint alleging a violation of the Act or the regulations has been received;
 - (b) disclose to the operator the information received respecting the alleged violation referred to in clause (a); and
 - (c) advise the operator of the operator's right to file a written response.

Resolution or order

- (5) Within 14 days of receipt of the complaint, or 7 days of the Administrator's decision not to dismiss the complaint under subsection (3), whichever is earlier, the Administrator shall
- (a) attempt to informally resolve the complaint;
 - (b) dismiss the complaint; or
 - (c) hold a hearing in respect of the complaint.

Notice

- (6) Where the Administrator decides to hold a hearing under clause (5)(c), the Administrator shall provide notice of the time and place to the complainant and the operator.

Right to be heard

- (7) Both the complainant and the operator have a right to appear and to be heard at the hearing referred to in subsection (6).

Order

- (8) At the conclusion of the hearing, the Administrator may
- (a) dismiss the complaint; or
 - (b) make an order doing one or more of the following:
 - (i) giving clear directions to the operator of the private training school to take specified actions,
 - (ii) imposing conditions or restrictions on the operator's license,
 - (iii) reinstating a dismissed student pending the completion of an appeal under section 35,
 - (iv) imposing restrictions on the operator's advertising in respect of the private training school,
 - (v) directing the operator of the private training school to reimburse all or a portion of the tuition fees and other costs paid by a student or other person to the student or the other person,
 - (vi) directing the release of all or a portion of the security posted by the operator in payment of the amount owed to the student or other person referred to in subclause (v),
 - (vii) granting any other remedy that the Administrator considers just and reasonable in the circumstances, or
 - (viii) suspending or cancelling an operator's license.



Decision in writing

- (9) The decision or order of the Administrator under subsection (8) shall be in writing, shall be sent or given to the complainant and the operator of the private training school by registered mail or personal service, and shall contain written notice of the complainant's or operator's right, under subsection 35(1), to appeal the decision or order. *2016, c.49, s.25.*

ORDER**26. Order of Administrator**

- (1) Where the Administrator has reasonable grounds to believe that an operator has not complied with a provision of this Act, the regulations or a student contract, the Administrator may, in writing, make one or more orders listed in clause 25(8)(b) that the Administrator considers appropriate in the circumstances.

Notice of order and right to appeal

- (2) On making an order under subsection (1), the Administrator shall serve on the affected operator
- (a) written notice of and reasons for the order; and
 - (b) written notice of the operator's right under clause 35(1)(e) to appeal the order.

Order not effective until served

- (3) An order made under subsection (1) is not effective until notice of the order is served on the operator affected by it.

Order revoked

- (4) The Administrator shall revoke an order made under subsection (1) or clause 25(8)(b) if the Administrator is satisfied that the order is no longer necessary. *2016, c.49, s.26.*

SUSPENSION, CANCELLATION OR CLOSURE**27. Suspension or cancellation of license**

- (1) The Administrator may suspend or cancel a license issued to an operator if the Administrator is satisfied that
- (a) any of the requirements described in clauses 5(2)(c) to (l) are no longer met;
 - (b) the operator has not provided an approved occupational training program to students under the authority of the license for a period of at least two years; or
 - (c) the operator has contravened or failed to comply with a provision of this Act or the regulations or an order made by the Administrator under subsection 25(5) or section 26.

Suspension or cancellation of approval of occupational training program

- (2) The Administrator may suspend or cancel the approval of an approved occupational training program if the Administrator is satisfied that
- (a) any of the requirements described in clauses 11(4)(c) to (g) are no longer met;
 - (b) the operator has not actively provided the approved occupational training program for a period of at least two years; or

- (c) the operator has contravened or failed to comply with a provision of this Act or the regulations or an order made by the Administrator under clause 25(8)(b) or section 26. *2016, c.49, s.27.*

28. Records to be provided

- (1) Where a private training school closes for any reason, or the operator's license is cancelled under subsection 27(1), the operator or former operator shall, within 20 days, provide to the Administrator
 - (a) copies of student records for the previous two years;
 - (b) copies of all transcripts;
 - (c) the financial records of the private training school; and
 - (d) the most recent training completion plans.

Collection of personal information

- (2) The provisions respecting the collection of personal information in Division 1 of Part II of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, do not apply to personal information received by the Administrator under subsection (1).

Operator unavailable

- (3) If the operator or former operator of a private training school is unavailable to carry out the requirements of subsection (1), the Administrator may
 - (a) require any person who has possession or control of the records and documents referred to in clauses (1)(a) to (d) to provide the copies of records and documents to the Administrator within 10 business days; or
 - (b) enter the premises of the private training school for the purpose of securing the copies of records and documents referred to in clauses (1)(a) to (d).

Application to Court

- (4) Where an operator or former operator of a private training school refuses to comply with the requirements of subsection (1), or a person referred to in clause (3)(a) who has possession or control of the records and documents refuses to provide copies of them to the Administrator as set out in that clause, the Administrator may apply to a judge of the Supreme Court for an order that the operator, former operator or person comply with any or all of the requirements of subsection (1) or clause (3)(a), as the case may be, within the time specified in the order. *2016, c.49, s.28.*

29. Authority of Administrator

- (1) Where the Administrator
 - (a) suspends or cancels the license of an operator under section 27;
 - (b) is satisfied that an operator has contravened or failed to comply with a provision of this Act or the regulations or an order made by the Administrator under clause 25(8)(b) or section 26; or
 - (c) suspends or cancels the approval of an approved occupational training program provided by an operator under section 28,the Administrator may do one or both of the following:
 - (d) realize or negotiate the security referred to in clause 5(2)(c);
 - (e) require that any tuition fees paid in advance to the operator be refunded.



Proceeds of security

- (2) Where the Administrator realizes or negotiates a security under clause (1)(d), the Administrator shall use the proceeds of the security in accordance with the regulations to ensure,
- (a) that students are enabled to complete their training; or
 - (b) where completion of training is not practicable, that tuition or a portion of tuition is refunded in accordance with the regulations to students whose training is incomplete.
- 2016, c.49, s.29.*

30. Suspension or cancellation of instructor's authorization

The Administrator may suspend or cancel an instructor's authorization issued to an instructor if the Administrator is satisfied that

- (a) any of the requirements described in subsection 17(3) are no longer met; or
 - (b) the instructor has failed to comply with a provision of this Act or the regulations.
- 2016, c.49, s.30.*

31. Notice and opportunity to respond

- (1) Before suspending or cancelling a license, an approval of an approved occupational training program or an instructor's authorization, the Administrator shall serve on the affected operator or instructor, as the case may be, 14 days' written notice of
- (a) the Administrator's intention to suspend or cancel the license, approval or instructor's authorization, as the case may be, and the reasons for the intended suspension or cancellation; and
 - (b) the operator's or instructor's opportunity to respond.

Notice of suspension or cancellation and right to appeal

- (2) On suspending or cancelling a license, an approval of an approved occupational training program or an instructor's authorization, the Administrator shall serve on the affected operator or instructor, as the case may be,
- (a) written notice of and reasons for the suspension or cancellation; and
 - (b) written notice of the right of the operator or the instructor, as the case may be, under clause 35(1)(c), to appeal the suspension or cancellation.

Suspension or cancellation not effective until served

- (3) A suspension or cancellation of a license, an approval of an approved occupational training program or an instructor's authorization is not effective until notice of the suspension or cancellation is served on the operator or instructor affected by it.

Period and conditions of suspension

- (4) The suspension of a license, an approval of an approved occupational training program or an instructor's authorization shall be for a period, and subject to the conditions, specified by the Administrator. *2016, c.49, s.31.*

32. Action without notice

- (1) Notwithstanding the requirements of section 31 with respect to suspension or cancellation of a license, where the Administrator believes on reasonable grounds that immediate action is

necessary to protect the rights or interests of the students of a private training school, the Administrator may without notice

- (a) impose conditions on the operator's license;
- (b) suspend the operator's license for a term not to exceed 30 days; or
- (c) cancel the operator's license.

Grounds for action

- (2) In deciding whether to act under subsection (1), the Administrator may take into account any factors that the Administrator considers relevant, including but not limited to
 - (a) evidence that the operator has contravened or failed to comply with this Act, the regulations or the terms of a student contract;
 - (b) evidence of the operator's negligence, incompetence, mismanagement or misconduct; and
 - (c) whether there is a clearly demonstrable risk involving health, safety, financial loss or loss of employment prospects resulting from the actions or omissions of the operator to one or more students, instructors, staff or clients of the private training school.

Suspension without notice

- (3) Notwithstanding the requirements of section 31 with respect to suspension of an instructor's authorization, where the Administrator suspends or cancels an operator's license under subsection 27(1), all instructors' authorizations in respect of occupational training programs provided under that operator's license are immediately suspended or cancelled also, as the case may be. *2016, c.49, s.32.*

33. Suspension or cancellation of license of operator

- (1) Where the license of an operator is suspended or cancelled under subsection 27(1),
 - (a) the license is invalid; and
 - (b) the operator holding the license shall, without delay after being served with notice of the suspension or cancellation, surrender the license to the Administrator.

Expiry of suspension

- (2) Upon the expiry of the suspension of a license, the Administrator shall issue a replacement license. *2016, c.49, s.33.*

34. Suspension or cancellation of instructor's authorization

- (1) Where an instructor's authorization is suspended or cancelled under section 30,
 - (a) the instructor's authorization is invalid; and
 - (b) the instructor holding the instructor's authorization shall, without delay after being served with notice of the suspension or cancellation, surrender the instructor's authorization to the Administrator.

Expiry of suspension

- (2) Upon the expiry of the suspension of an instructor's authorization, the Administrator shall issue a replacement instructor's authorization. *2016, c.49, s.34.*



APPEAL**35. Appeal**

- (1) A person who is aggrieved by
- (a) a refusal to
 - (i) issue a license under subsection 6(1),
 - (ii) approve an occupational training program or an amendment to an approved occupational training program under subsection 12(1), or on review under subsection 13(5), or
 - (iii) issue an instructor's authorization under subsection 18(1);
 - (b) the imposition of any terms and conditions on the person's license under subsection 8(2) or section 32;
 - (c) the suspension or cancellation of
 - (i) a license under section 27 or 32,
 - (ii) an approval of an approved occupational training program under section 27, or
 - (iii) an instructor's authorization under section 30;
 - (d) the dismissal of a complaint; or
 - (e) an order made by the Administrator under clause 25(8)(b) or 26(1),

may appeal the refusal, imposition, suspension, cancellation, dismissal or order in accordance with this section within 30 days after being served with notice of the refusal, imposition, suspension, cancellation, dismissal or order.

Notice of appeal

- (2) An appeal shall be made by submitting a notice of appeal in the form approved by the Administrator to the Administrator and the Minister that
- (a) requests the appointment of an Appeal Committee;
 - (b) identifies the refusal, imposition, suspension, cancellation, dismissal or order that is the subject of the appeal;
 - (c) includes the appellant's name and current address and telephone number; and
 - (d) states the grounds on which the appeal is based.

Appeal Committee

- (3) The Minister shall as soon as possible after receiving a notice of appeal under subsection (2), appoint an Appeal Committee to hear the appeal and shall forward a copy of the notice of appeal to the Appeal Committee.

Appeal Committee membership

- (4) The Appeal Committee shall consist of not fewer than three members and not more than five members, including
- (a) an operator, a person who is employed in the private occupational training industry or a past or present student of a private training school;
 - (b) an industry expert who is not employed by a private training school; and
 - (c) one or more public representatives.

Chair

- (5) The Minister shall designate one of the members of the Appeal Committee as the chair of the Appeal Committee.

Idem

- (6) The chair of the Appeal Committee shall call the meetings of the Appeal Committee and has an equal vote with the other members.

Time to hear appeal

- (7) The Appeal Committee shall hear the appeal not more than 3 weeks after it receives a copy of the notice of appeal from the Minister. *2016,c.49,s.35.*

36. Right to appear and have representation

- (1) A person who makes an appeal under subsection 35(1) has the right to appear, and have legal or other representation, at the hearing of the appeal.

Rules of natural justice

- (2) An Appeal Committee
- (a) may retain any legal or other assistance that it considers necessary for the purpose of hearing an appeal; and
 - (b) shall hear the appeal in accordance with the rules of natural justice.

Decision of Appeal Committee

- (3) A decision of an Appeal Committee shall be made by a majority vote of the members present at the meeting in which the decision is made.

Idem

- (4) On hearing an appeal, the Appeal Committee may confirm, revoke or vary the terms and conditions imposed by the Administrator or the refusal, suspension, cancellation or order appealed from.

Notice of decision

- (5) The Appeal Committee shall, in writing and not more than 5 days after the date on which it completes the hearing of the appeal, serve on the appellant, the Administrator and the Minister a written notice of its decision and the reasons for the decision.

Decision final

- (6) A decision of the Appeal Committee is final and binding.

Dissolution of Appeal Committee

- (7) An Appeal Committee is dissolved, and the appointments of its members are revoked, 6 days after the date on which it completes the hearing of the appeal for which it was appointed. *2016,c.49,s.36.*



STUDENT PROTECTION FUND

37. Student Protection Fund

- (1) The Minister may establish a Student Protection Fund in accordance with this section and the regulations.

Administration of Fund

- (2) The Minister shall administer the Fund for the purposes set out in subsection (5).

Administrator's role

- (3) The Administrator is responsible to the Minister for the day-to-day operation of the Fund.

Delegation

- (4) The Minister may delegate the financial management of the Fund to a person or entity employed by, located within or under the control of the Minister's department.

Purpose

- (5) The purpose of the Fund is to provide for the completion of training of a student enrolled in an approved occupational training program in a private training school where the student
 - (a) paid tuition in advance in respect of the program and has suffered or will suffer loss as a result of the closure of the school or discontinuation of the occupational training program; or
 - (b) withdrew from the occupational training program within 30 days prior to either
 - (i) the closure of the private training school or discontinuation of the occupational training program, or
 - (ii) the time at which the student became aware of the closure or discontinuation, as determined by the Administrator.

Contributions

- (6) The Fund shall consist of any or all of the following:
 - (a) donations;
 - (b) the prescribed amounts required to be paid into the Fund by operators; and
 - (c) any income from investment of the Fund.

Investment

- (7) The Fund may be invested as authorized under subsection 27(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9.

Payments out of the Fund

- (8) On the advice of the Administrator, the Minister may make payments out of the Fund to
 - (a) compensate a student for losses incurred in the circumstances set out in subsection (5) by
 - (i) paying for the completion of the student's occupational training program in the manner approved by the Administrator, or
 - (ii) refunding in accordance with the regulations a prescribed portion of the tuition fees paid by the student for the occupational training program;
 - (b) reimburse in accordance with the regulations a sponsor who has paid tuition fees on behalf of a student in respect of an approved occupational training program; and

- (c) pay the expenses of administering and auditing the Fund.

Insufficient money in Fund

- (9) Where the money in the Fund is not sufficient to pay for the completion of an occupational training program or to refund tuition fees in accordance with clauses (8)(a) or (b), any money paid out of the Fund
- (a) shall not exceed the amount of money in the Fund; and
- (b) shall be paid on a *pro rata* basis.

Restriction on payment

- (10) No payment shall be made out of the Fund unless the student or sponsor entitled to the payment assigns to the Administrator all rights in respect of the loss that gave rise to the payment.

Repayment of money received from the Fund

- (11) Where money is paid from the Fund to a student or sponsor, the student or sponsor, as the case may be, is liable to repay to the Fund any money or the value of any other thing received by the student or sponsor from another source on account of the loss that gave rise to the payment.

Annual report

- (12) On or before July 1 in each fiscal year, the Administrator shall prepare and submit to the Minister a report showing the business of the Fund for the preceding fiscal year.

Audit

- (13) The Fund is subject to audit by the Auditor General. *2016,c.49,s.37.*

EVIDENCE

38. Documents admissible

A license, approval of an occupational training program or instructor's authorization that purports to be issued by the Administrator is admissible in evidence as proof of its contents without proof of the office or signature of the Administrator. *2016,c.49,s.38.*

LIMITATION OF LIABILITY

39. Limitation of liability

No action or proceeding lies or shall be instituted for anything done or omitted to be done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations against the following:

- (a) the Minister;
- (b) the Administrator;
- (c) the members of an Appeal Committee;
- (d) an inspector;
- (e) a person acting on behalf of the Minister, the Administrator or an Appeal Committee under the authority of this Act. *2016,c.49,s.39.*



40. Idem

No action shall be brought against a person in respect of a contract relating to the provision of an occupational training program to the person unless the occupational training program was

- (a) provided, or was, under the terms of the contract, to be provided, by an operator; and
- (b) approved by the Administrator under subsection 11(4). *2016, c.49, s.40.*

NOTICES

41. Manner of service

- (1) Any notice, order or other document required to be served on a person under this Act or the regulations is sufficiently served
 - (a) when a copy is personally served on the person to whom it is directed;
 - (b) when a copy is sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt is received;
 - (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person; or
 - (d) in the case of an operator, five days after a copy is sent by registered mail addressed to the operator at the business address shown in the records of the Administrator.

Service on corporation

- (2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is sufficient service on the corporation for the purposes of this Act.

Substituted service

- (3) Where it is impractical for any reason to serve an order in a manner referred to in subsection (1), an ex parte application may be made to a judge of the Supreme Court who may make an order for substituted service that provides for the steps to be taken to bring the matter to the attention of the person to be served. *2016, c.49, s.41.*

OFFENCES

42. Prohibition

- (1) No person shall operate a private training school, or offer or provide an occupational training program, except under the authority of a license.

Use of designation prohibited

- (2) No person shall hold himself or herself out as an operator, or use any designation that implies that the person is entitled to provide an occupational training program, unless the person holds a license. *2016, c.49, s.42.*

43. Occupational training prohibited

- (1) No operator shall provide or permit the provision of an occupational training program to a person
 - (a) unless the occupational training program has been approved by the Administrator;

- (b) unless the operator has entered into a student contract with the person and a copy of the student contract has been given to the person; and
- (c) except at or from premises specified on a license issued to the operator.

Student under 16 years

- (2) No operator shall enter into a student contract with or in respect of a person under 16 years of age without the prior written approval of the Administrator. *2016, c.49, s.43.*

44. Instruction prohibited

- (1) No person shall instruct an occupational training program or a portion of an occupational training program unless the person holds an instructor's authorization in respect of that occupational training program or portion of the occupational training program.

Idem

- (2) No operator shall permit a person to instruct an occupational training program or a portion of an occupational training program unless the person holds an instructor's authorization in respect of that occupational training program or portion of the occupational training program. *2016, c.49, s.44.*

45. Sale of student goods and services

No operator shall sell or permit the sale of goods produced or created by, or services provided by, a student of a private training school operated by the operator unless

- (a) the goods are produced or created or the services are provided in satisfaction of the requirements of the student's approved occupational training program; and
- (b) the fee schedule in respect of the goods or services has first been approved in writing by the Administrator. *2016, c.49, s.45.*

46. Restrictions on operators

- (1) No operator shall
 - (a) contravene or fail to comply with any term or condition imposed on the operator's license by the Administrator or by the regulations; or
 - (b) offer, provide or permit the offering or provision of an occupational training program for a fee while the operator's license is suspended.

Restrictions on instructors

- (2) No instructor shall
 - (a) contravene or fail to comply with any term or condition imposed on his or her instructor's authorization by the regulations; or
 - (b) instruct an occupational training program or a portion of an occupational training program while his or her instructor's authorization is suspended. *2016, c.49, s.46.*

47. False information

No person shall knowingly furnish false information in any application under this Act, or in any statement or return required to be furnished under this Act or the regulations. *2016, c.49, s.47.*



48. False or misleading advertisement

- (1) No operator shall, in an advertisement relating to an occupational training program, make or permit the making of a false or misleading statement.

Responsibility of operator

- (2) An operator shall be responsible for all statements made by instructors or other employees, whether oral or written, in connection with the provision of any occupational training program.

Approval of materials

- (3) An operator shall submit all advertising materials to the Administrator for approval prior to publication.

Prohibited advertisements

- (4) The Administrator may suspend or cancel the license of an operator who uses, authorizes or acquiesces in the use of the following forms of advertising for an occupational training program or a private training school:
 - (a) any advertising that tends to mislead;
 - (b) any advertising that fails to give the name of the private training school and the address at which enquiries may be made;
 - (c) any statement, whether oral or written, that guarantees employment for graduates;
 - (d) any advertising that suggests there is specific demand or positions available for graduates, unless proof is available that the demand exists or that positions are available and that the occupational training program offered will be directly advantageous to persons seeking the positions.

Statement of registration

- (5) No operator shall, in oral statements, electronic information, or advertising, stationery or other printed matter of or relating to a private training school, refer to the Administrator's approval of the school or of any of its occupational training programs except by use of the following words: "Operated under license as a private training school under the *Private Training Schools Act* of Prince Edward Island". 2016,c.49,s.48.

49. Offence and penalty

- (1) Every person who contravenes a provision of sections 42 to 48 or specified provisions of the regulations is guilty of an offence and is liable, on summary conviction,
 - (a) to a fine of not less than \$200 and not more than \$5,000, or to imprisonment for a term of not more than six months, or both; and
 - (b) in the case of a continuing offence, to a fine of not less than \$50 and not more than \$500 for each day that the offence continues.

Officer, director or agent of corporation

- (2) Every officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in, or participates in, the commission of an offence by that corporation is also guilty of the offence and is liable, on summary conviction,
 - (a) to a fine of not less than \$200 and not more than \$5,000, or to imprisonment for a term of not more than six months, or both; and
 - (b) in the case of a continuing offence, to a fine of not less than \$50 and not more than \$500 for each day that the offence continues.

Idem

- (3) Subsection (2) applies whether or not the corporation has been prosecuted or convicted of the offence. *2016, c.49, s.49.*

REGULATIONS

50. Regulations

The Lieutenant Governor in Council may make regulations

- (a) prescribing occupations that are excluded from the definition of “occupation ” for the purpose of clause 1(1);
- (b) prescribing institutions or classes of institutions to which the Act does not apply under clause 2(g);
- (c) respecting the procedures and additional requirements for applications for licenses, approval of occupational training programs, approval of amendments to approved occupational training programs, and instructor’s authorizations, and the information, evidence and supporting material required to be provided with the applications;
- (d) respecting form and terms, and the calculation of the amount, of the security referred to in clause 5(2)(c) and respecting the forfeiture of the security;
- (e) respecting the premises at or from which approved occupational training may be provided, including establishing requirements for accessibility of the premises and the facilities and equipment to be used;
- (f) respecting distance education, including defining the term “distance education” and regulating the provision of an approved occupational training program by distance education;
- (g) respecting the requirements for admission of students, including requirements respecting students’ credentials and prior educational experience and the minimum age of entry to a private training school;
- (h) respecting the required qualifications and experience of instructors;
- (i) respecting continuing education requirements for instructors;
- (j) respecting the suspension or cancellation of licenses, approvals of approved occupational programs and instructor’s authorizations;
- (k) respecting the disclosure of financial and other information, reports and documentation by an operator to the Administrator for the purpose of this Act;
- (l) respecting the Student Protection Fund, including the required rate of contribution to the Fund, the investment of the assets of the Fund, the distribution of payments from the Fund and the reporting requirements in respect of the Fund;
- (m) respecting the financial and student records and accounts that shall be kept by operators and the information, statistics, statements and returns that operators are required to provide to the Administrator;
- (n) respecting the requirements of training completion plans;
- (o) respecting the minimum requirements of the policies an operator is required or authorized to establish under section 5;
- (p) respecting other policies and procedures required to be established by an operator and the required contents of the policies and procedures;
- (q) respecting the required contents of student contracts and on-the-job training agreements;



- (r) respecting the requirements that shall be complied with when a student contract is rescinded;
- (s) respecting the information that shall be provided by an operator to prospective students;
- (t) respecting the issuance of student transcripts, certificates and diplomas by an operator or the Administrator;
- (u) respecting the requirements that shall be met by an operator with respect to the suspension or discontinuance of an approved occupational training program;
- (v) regulating, controlling or restricting advertising in respect of occupational training programs or a private training school;
- (w) prescribing fees to be paid for applications and approvals under this Act;
- (x) respecting tuition and fees that may be charged by operators;
- (y) providing that the contravention of certain provisions of the regulations constitutes an offence;
- (z) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable to facilitate the implementation of this Act;
- (aa) defining any word or expression used but not defined in this Act;
- (bb) further defining any word or expression defined in this Act;
- (cc) deemed necessary or advisable to carry out effectively the intent and purpose of this Act. 2016, c.49, s.50.

TRANSITIONAL

51. “former Act” defined

- (1) In this section, “**former Act**” means the *Private Training Schools Act* R.S.P.E.I. 1988, Cap. P-20.1.

Administrator deemed to be appointed under this Act

- (2) A person appointed under section 2 of the former Act as the Administrator of Private Training Schools whose appointment is in effect immediately before the day this section comes into force is deemed, on the coming into force of this section, to have been appointed as the Administrator under subsection 3(1) of this Act until the time when his or her appointment under the former Act would otherwise have expired if that Act had not been repealed, unless he or she sooner ceases to hold office under this Act.

Registration continues

- (3) The valid certificate of registration of a person who, immediately before the day this section comes into force, is registered under section 4 of the former Act as an owner or operator of a school, is deemed, on the coming into force of this section, to continue according to its terms for a period of twelve months, despite any earlier expiry date specified in the certificate.

Instructor deemed to be authorized under this Act

- (4) A person who, immediately before the day this section comes into force, holds an instructor authorization issued pursuant to the former Act that is in effect, is deemed, on the coming into force of this section, to hold an instructor’s authorization issued under subsection 20(3) of this Act.

Conditions and restrictions continue

- (5) Where a person is deemed, under subsection (4), to hold an instructor's authorization under this Act, the instructor's authorization of the person is subject to any conditions or restrictions to which the instructor authorization of the person was subject under the former Act and the former regulations.

Occupational training program deemed to be approved under this Act

- (6) A program or course of instruction specified in the certificate of registration held by a person under the former Act is deemed, on the coming into force of this section, to be an occupational training program approved by the Administrator under subsection 11(4) of this Act.

Conditions and restrictions continue

- (7) Where a program or course of instruction is deemed, under subsection (6), to be an occupational training program approved by the Administrator under this Act, the occupational training program is approved subject to any conditions or restrictions to which the program or course of instruction was subject under the former Act.

Contract continues in effect

- (8) A contract entered into by an operator and a student pursuant to the former Act that is in effect immediately prior to the coming into force of this section
- (a) continues in force under this Act until it is amended or ceases to have effect under this Act; and
 - (b) is deemed to be student contract entered into by the operator and the student under this Act.

Order of Administrator

- (9) An order of the Administrator issued pursuant to the former Act that is in effect immediately prior to the coming into force of this section is deemed to be an order of the Administrator under this Act and continues in force according to its terms. *2016,c.49,s.51.*

52. Appeal continued under former Act

- (1) Where an appeal was filed with the chairperson of the Appeal Board under subsection 13(2) of the former Act prior to the coming into force of this section, and the appeal has not been dealt with by the Appeal Committee prior to the coming into force of this section, the appeal shall be concluded under the former Act as though this Act had not come into force.

Appeal made after this Act comes into force

- (2) An appeal made after the coming into force of this Act of a decision of the Administrator referred to in subsection 13(1) of the former Act that was made prior to the coming into force of this Act shall be dealt with under this Act. *2016,c.49,s.52.*

53. Appointments expire

The appointments of the persons who were appointed under subsection 6(1) of the former Act as members of the Private Training Schools Advisory Board under that Act and who hold office immediately prior to the coming into force of this section expire on the coming into force of this section. *2016,c.49,s.53.*



CONSEQUENTIAL AMENDMENTS**54. Hairdressers Act**

(1) **The *Hairdressers Act* R.S.P.E.I. 1988, Cap. H-1.01, is amended as provided by this section.**

(2) **Section 1 of the Act is amended**

(a) **in subsection (1), by the repeal of clause (p) and the substitution of the following:**

(p) “student” means a person who is registered in, or a recent graduate of, a hairdressing program offered by

(i) a public school,

(ii) a private training school operated by an operator as defined in the *Private Training Schools Act* R.S.P.E.I. 1988, Cap. P-20.2, or

(iii) a school outside the province that the Council considers to be equivalent to a school or a private training school referred to in subclause (i) or (ii);

(b) **in subsection (2), by the repeal of clause (b) and the substitution of the following:**

(b) providing hairdressing services as part of an occupational training program offered by a private training school operated by an operator as defined in the *Private Training Schools Act*;

(3) **Clause 12(2)(a) of the Act is amended**

(a) **in subclause (i), by the deletion of the words “*School Act*” and the substitution of the words “*Education Act*”; and**

(b) **by the repeal of subclause (ii) and the substitution of the following:**

(ii) a private training school operated by an operator as defined in the *Private Training Schools Act*,

55. Occupational Health and Safety Act

Subsection 21(1) of the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.01, is amended by the deletion of the words “A private training school, as defined in the *Private Training Schools Act* Stats. P.E.I. 1998, c.96” and the substitution of the words “An operator of a private training school under the *Private Training Schools Act* R.S.P.E.I. 1988, Cap. P-20.2”.

56. Tobacco and Electronic Smoking Device Sales and Access Act

Paragraph 4.1(2)(d)(v)(C) of the *Tobacco and Electronic Smoking Device Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1, is repealed and the following substituted:

(C) a private training school operated by an operator as defined in the *Private Training Schools Act* R.S.P.E.I. 1988, Cap. P-20.2;

REPEAL

57. Repeal

The *Private Training Schools Act* R.S.P.E.I. 1988, Cap. P-20.1, and the *Private Training Schools Act* S.P.E.I. 1998, Cap. 96, are repealed.

