

EC2023-986

**CERTIFIED FISHERIES ORGANIZATIONS SUPPORT ACT
GENERAL REGULATIONS
AMENDMENT**

Pursuant to section 10 of the *Certified Fisheries Organizations Support Act* R.S.P.E.I. 1988, Cap. C-2.1, Council made the following regulations:

1. **Section 1 of the *Certified Fisheries Organizations Support Act* General Regulations (EC394/04) is amended by the deletion of the words “\$250” and the substitution of the words “\$500”.**
2. **These regulations come into force on January 1, 2024.**

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Certified Fisheries Organizations Support Act* General Regulations (EC394/04) to increase the amount of the annual support fee from \$250 to \$500.

SECTION 2 provides for the commencement of the regulations on January 1, 2024.

EC2023-987

**CORRECTIONAL SERVICES ACT
REGULATIONS
AMENDMENT**

Pursuant to section 17 of the *Correctional Services Act* R.S.P.E.I. 1988, Cap. C-26.1, Council made the following regulations:

1. **Section 1 of the *Correctional Services Act* Regulations (EC616/92) is revoked and the following substituted:**
 1. **Definitions**

In these regulations,

 - (a) **“Act”** means the *Correctional Services Act* R.S.P.E.I. 1988, Cap. C-26.1;
 - (b) **“health care professional”** means a medical practitioner or a registered nurse licensed to practise in the province;
 - (c) **“program”** means the employment, recreational, vocational, academic, rehabilitative or community service activities included in the daily routine of an inmate, which may be of an individual or a group nature;

- (d) **“rules”** means the rules set out in subsection 22(2);
- (e) **“search”** means the procedure used to detect the presence of and prevent the accumulation of contraband on the inmate’s person while within a correctional centre and adjacent property including
 - (i) a strip search that requires the removal of an inmate’s clothing and includes a visual inspection of the naked body of the inmate and an inspection of all clothing and other articles in immediate possession of the inmate,
 - (ii) a body cavity search requiring the internal inspection of an inmate’s body cavities by authorized medical personnel,
 - (iii) a frisk or scan search requiring the correctional officer to pass hands or a scanner, or both, thoroughly over the inmate’s clothes, and
 - (iv) a cell search requiring thorough searches of an inmate’s cell, its contents and the adjacent security area for contraband;
- (f) **“segregation area”** means an area so designated within a correctional centre to be used for increased security, protective custody and detention of inmates for disciplinary purposes.

2. Subsection 5(1) of the regulations is amended

- (a) **by the revocation of clause (a) and the substitution of the following:**
 - (a) ensure that an inmate who is unconscious or who appears to be in need of immediate medical attention shall not be admitted to the correctional centre unless the inmate has been examined by a medical practitioner and the medical practitioner has completed and signed the form provided, confirming that, in the opinion of the medical practitioner, the inmate is not in need of immediate medical attention;
 - (b) in clause (e), by the deletion of the word “stripping” and the substitution of the word “removal”;
- (c) **by the revocation of clause (f) and the substitution of the following:**
 - (f) cause to be made a complete record of all property, clothing and money in the inmate’s possession, signed by the inmate and witnessed by an officer to indicate that the record is accurate, or signed by two officers on behalf of the inmate if the inmate is unable or refuses to sign;
- (d) **in clause (h), by the deletion of the words “showered and”.**

3. Section 15 of the regulations is amended

- (a) **in subclauses (e)(i) and (ii), by the deletion of the words “young offender” and the substitution of the word “youth”;**
- (b) **in subclause (f)(iii), by the deletion of the word “therefore” and the substitution of the words “for it”;**
- (c) **in clause (t), by the deletion of the words “they are” and the substitution of the words “the officer is”;**
- (d) **in clause (w), by the addition of the words “of Justice and Public Safety” after the word “Department”; and**
- (e) **in clause (y), by the deletion of the words “his or her” wherever they occur and the substitution of the words “the inmate’s”.**

4. Clause 16(1)(e) of the regulations is amended by the deletion of the word “therein” and the substitution of the words “in the correctional centre”.

5.(1) Subsection 18(2) of the regulations is amended by the deletion of the word “stripping” and the substitution of the word “removal”.

(2) Subsection 18(3) of the regulations is revoked and the following is substituted:**Search of inmate of opposite sex or gender**

- (3) An officer shall not search an inmate who, in relation to the officer, is of the opposite sex or identifies as the opposite gender except
- (a) where the search is necessary to ensure the safety of an inmate or the safety and security of other persons or property;
 - (b) the search has been authorized by the officer in charge in accordance with the policy of the correctional centre; and
 - (c) the search is conducted in the presence of another officer.

6. Section 22 of the regulations is revoked and the following substituted:**22. Inmates subject to rules**

- (1) Every inmate who is confined to a correctional centre is subject to the rules set out in subsection (2).

Rules

- (2) An inmate shall not
- (a) refuse to perform the work or duty assigned to the inmate or refuse to participate in any programs to which the inmate is assigned unless medically exempt;
 - (b) show conduct of a manner that is detrimental to the welfare of other inmates or employees or to a correctional centre's program;
 - (c) use foul, indecent, vulgar or profane language;
 - (d) disobey a lawful order given by an employee of the correctional centre;
 - (e) possess contraband or deal in contraband with any person;
 - (f) when requested to do so, refuse to stand to the side of the inmate's cell or room door or bed when an inspection or search of any part of a correctional centre is being carried out;
 - (g) possess or consume an intoxicant or drug in any form except a drug prescribed for the inmate by a medical practitioner or another person authorized to prescribe that drug to be consumed or applied as prescribed;
 - (h) fail or refuse to provide a urine sample when required to do so in accordance with section 11;
 - (i) smuggle an article either into or out of the correctional centre;
 - (j) destroy or deface property or deliberately waste food;
 - (k) assault or threaten to assault another person;
 - (l) cause or conspire to cause a disturbance;
 - (m) commit an indecent or offensive act toward another person by gesture, action or in writing;
 - (n) enter an unauthorized area within the confines of the correctional centre;
 - (o) leave the confines of the correctional centre except when escorted by an authorized person or as otherwise authorized to do so;
 - (p) while on approved temporary absence from the correctional centre, contravene any of the conditions stipulated for the temporary absence;
 - (q) disobey or breach a policy or special instructions of the Director or policies of the correctional centre;
 - (r) counsel, aid or abet another inmate to do any act in contravention of the Act or these regulations, a policy or special instructions of the Director or policies of the correctional centre;
 - (s) gamble for exchange of anything of value; or
 - (t) attempt to break any of the rules set out in clauses (a) to (s).

Exception – inmate not convicted

- (3) Clause (2)(a) does not apply to an inmate who has not been convicted or found guilty of an offence, but the inmate
- (a) is required to maintain the inmate's room and living area in a clean and sanitary condition; and

- (b) may consent to participate in regular programs for inmates.
7. (1) **Subsection 24(2) of the regulations is amended by the deletion of the words “the provisions of rule (e)” and the substitution of the words “the provisions of clause 22(2)(e)”.**
- (2) **Subsection 24(5) of the regulations is amended by the deletion of the words “or the Centre Manager’s delegate”.**
- (3) **Clause 24(6)(e) of the regulations is amended by the deletion of the word “thereof”.**
- (4) **Subsection 24(7) of the regulations is amended by the deletion of the word “such” and the substitution of the word “the”.**
8. (1) **Subsection 25(2) of the regulations is amended by the deletion of the words “or the Centre Manager’s delegate”.**
- (2) **Subsection 25(3) of the regulations is amended by the deletion of the words “or the Centre Manager’s delegate”.**
- (3) **Subsection 25(4) of the regulations is amended**
- (a) **by the addition of the words “letters to” after the word “send”; and**
- (b) **by the addition of the word “and” after the word “Canada,”.**
- (4) **Subsection 25(5) of the regulations is revoked and the following substituted:**
- Confidentiality of lawyer-client mail**
- (5) Notwithstanding any other provision of this section, where the Centre Manager can reasonably determine that a letter
- (a) is from an inmate to the inmate’s lawyer, the letter shall be forwarded to the lawyer unopened and without delay; and
- (b) is from an inmate’s lawyer to the inmate, the letter shall be given to the inmate unopened and without delay.
9. **Section 26 of the regulations is amended by the deletion of the words “, or the Centre Manager’s delegate,”.**
10. **Clause 27(a) of the regulations is amended by the deletion of the word “their” and the substitution of the words “the inmate’s”.**
11. **Section 29 of the regulations is amended by the deletion of the word “such” and the substitution of the word “the”.**
12. **Subsection 32(1) of the regulations is amended by the deletion of the words “his or her” and the substitution of the words “the person’s”.**
13. **Subsection 33(2) of the regulations is amended by the deletion of the words “Young offenders” and the substitution of the word “Youth”.**
14. **These regulations come into force on December 2, 2023.**

EXPLANATORY NOTES

SECTION 1 revokes section 1 of the *Correctional Services Act* Regulations (EC616/92) and substitutes a new section 1 that eliminates definitions that have become out of date and establishes the definitions currently needed in the regulations.

SECTION 2 revokes clause 5(1)(a) of the regulations and substitutes a new clause (a) to clarify the process to be followed when an inmate who is unconscious or appears to be in need of immediate medical attention arrives at the correctional centre. The section also revokes clause 5(1)(f) of the regulations and substitutes a new clause (f) to simplify and clarify the procedure to be followed in recording the property in the inmate's possession.

SECTION 3 amends the specified clauses and subclauses of section 15 of the regulations to modernize and clarify the wording and to substitute gender-neutral terminology where necessary.

SECTION 4 amends clause 16(1)(e) of the regulations to modernize the wording.

SECTION 5 amends subsection 18(2) of the regulations to delete the word "stripping" and substitute the word "removal". The section also revokes subsection 18(3) and substitutes a new subsection (3) to establish rules respecting the search by an officer of an inmate who is of the opposite sex, or who identifies as of the opposite gender, to the officer. The search must be necessary to ensure the safety of the specified persons or property, authorized by the officer in charge, and conducted in the presence of another officer.

SECTION 6 revokes section 22 and substitutes new subsections 22(1), (2) and (3). Subsection 22(1) states that all inmates are subject to the rules of behavior set out in subsection 22(2), with a limited exception set out in subsection 22(3). The wording has also been appropriately modernized and clarified where necessary.

SECTION 7 amends subsections 24(2), (5), and (7) and clause 24(6)(e) of the regulations to modernize and clarify the wording.

SECTION 8 amends subsections 25(2), (3) and (4) of the regulations to clarify the wording, and revokes subsection 25(5) and substitutes a new subsection (5) to clarify the confidential nature of mail between a lawyer and a client who is an inmate.

SECTION 9 amends section 26 of the regulations to modernize the wording.

SECTION 10 amends clause 27(a) of the regulations to substitute gender-neutral wording.

SECTION 11 amends section 29 of the regulations to modernize the wording.

SECTION 12 amends subsection 32(1) of the regulations to substitute gender-neutral wording.

SECTION 13 amends subsection 33(2) of the regulations to modernize the wording.

SECTION 14 provides for the commencement of these regulations.

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ISLAND INVESTMENT DEVELOPMENT ACT
 FINANCIAL ASSISTANCE REGULATIONS
 AQUA BOUNTY CANADA INC.
 AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to provide a five-year term loan in the amount of two million, two hundred and eighty thousand, nine hundred and four (\$2,280,904.00) dollars at the applicable market interest rate of six decimal five four (6.54%) percent to Aqua Bounty Canada Inc., for loan renewal, on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.

Order-in-Council EC2018-404 of June 26, 2018 is hereby rescinded.

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ISLAND INVESTMENT DEVELOPMENT ACT
 FINANCIAL ASSISTANCE REGULATIONS
 GREAT GEORGE PROPERTIES LTD.
 AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to provide a five-year term loan in the amount of three hundred and eighty-two thousand, one hundred and thirty-eight (\$382,138.00) dollars at the applicable market interest rate of five decimal five four (5.54%) percent to Great George Properties Ltd., for loan renewal, on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.

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MUSEUM ACT
 PRINCE EDWARD ISLAND MUSEUM AND HERITAGE FOUNDATION
 BOARD OF GOVERNORS
 APPOINTMENT

Pursuant to subsection 5(1) of the *Museum Act* R.S.P.E.I. 1988, Cap. M-14, Council designated Fiep de Bie, Stratford, as chairperson of the Board, effective November 21, 2023 and for the balance of her term as member, expiring August 25, 2026.

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NATURAL PRODUCTS MARKETING ACT
PRINCE EDWARD ISLAND MARKETING COUNCIL
APPOINTMENTS

Pursuant to subsection 2(2) of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as members	
Richard Gallant Stratford (reappointed)	December 22, 2023 to December 22, 2026
Gordon Vessey York (reappointed)	December 22, 2023 to December 22, 2026

Further, pursuant to subsection 2(2.1) of the said Act, Council designated Gordon Vessey as vice-chairperson for the duration of his term.

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PROVINCIAL COURT ACT
JUDICIAL REMUNERATION REVIEW COMMISSION
APPOINTMENTS

Pursuant to subsection 11(2) of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
via clause (a)	
Ronald MacLeod Winsloe (reappointed)	November 21, 2023 to November 21, 2026
via clause (b)	
Honourable Gerard E. Mitchell Charlottetown (reappointed)	November 21, 2023 to November 21, 2026
via clause (c)	
Cleve J. Myers, FCPA, FCA Fairview (reappointed)	November 21, 2023 to November 21, 2026

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REGULATED HEALTH PROFESSIONS ACT
COUNCIL OF THE COLLEGE OF LICENSED PRACTICAL NURSES
OF PRINCE EDWARD ISLAND
APPOINTMENT

Pursuant to subsection 7(4)(b) of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following appointment to the Council of the College of Licensed Practical Nurses of Prince Edward Island:

NAME	TERM OF APPOINTMENT
John Timothy Goddard Charlottetown (reappointed)	December 31, 2023 to December 31, 2026

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REGULATED HEALTH PROFESSIONS ACT
COUNCIL OF THE COLLEGE OF AUDIOLOGY AND
SPEECH-LANGUAGE PATHOLOGY
OF PRINCE EDWARD ISLAND
APPOINTMENT

Pursuant to subsection 7(4)(b) of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following appointment to the Council of the College of Audiology and Speech-Language Pathology of Prince Edward Island:

NAME	TERM OF APPOINTMENT
Glenn Kavanagh Charlottetown (vice Wendy Foote, resigned)	November 21, 2023 to November 21, 2026

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SOCIAL ASSISTANCE ACT
SOCIAL PROGRAMS APPEAL BOARD
APPOINTMENTS

Pursuant to subsection 5(1) of the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3, Council made the following appointments:

NAME	TERM OF APPOINTMENT
Mary Ann Donahoe Cardigan (vice Mary Baird, term expired)	November 21, 2023 to November 21, 2026
Ann Doyle St. Peters Harbour (vice Eric Gallant, term expired)	November 21, 2023 to November 21, 2026
Crystal Gardiner Summerside (vice Loretta Balderson, term expired)	November 21, 2023 to November 21, 2026

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EC2023-996**WORKERS COMPENSATION ACT
WORKERS COMPENSATION BOARD OF
PRINCE EDWARD ISLAND
APPOINTMENT**

Pursuant to subsection 19(2) of the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1, Council made the following appointment:

NAME	TERM OF APPOINTMENT
as employer representative	
Gail Ellis Richmond (reappointed)	December 19, 2023 to December 19, 2026