



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **GRAIN ELEVATORS CORPORATION ACT**

## PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King'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](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## GRAIN ELEVATORS CORPORATION ACT

### CHAPTER G-5

#### 1. Definitions

In this Act

- (a) “**Board**” means the Board of Directors of the Corporation;
- (b) “**Corporation**” means the Prince Edward Island Grain Elevators Corporation;
- (c) “**Minister**” means the Minister of Agriculture. *1977, c.13, s.2; 1983, c.1, s.6; 1993, c.29, s.4; 1997, c.20, s.3; 2004, c.36, s.3; 2009, c.73, s.2; 2012, c.17, s.2; 2015, c.28, s.3; 2019, c.1, s.3; 2023, c.20, s.2.*

#### 2. Corporate body

- (1) There is hereby established a Prince Edward Island Grain Elevators Corporation which shall be a corporate body and shall exercise the functions conferred on the Corporation under this Act.

##### Board of directors

- (2) The affairs and business of the Corporation shall be conducted by a board of directors comprised of not less than five and not more than seven directors appointed by the Lieutenant Governor in Council with not less than two of such directors being grain producers, and not less than one of such directors being a livestock producer.

##### Officers of Board

- (3) The Lieutenant Governor in Council shall designate one of the directors as president, vice-president, and secretary-treasurer respectively of the Corporation.

##### Quorum

- (4) A quorum at a meeting of the directors shall be a majority of the directors holding office.

##### Salary and expenses

- (5) Directors shall be paid such salary and given such remuneration for expenses as the Lieutenant Governor in Council may establish by order-in-council. *1977, c.13, s.3; 1988, c.28, s.1.*

#### 3. Corporation is agent of the Government

- (1) The Corporation is for all its purposes an agent of the Government and its powers under this Act may be exercised only as an agent of the Government, but notwithstanding the *Public Works Act R.S.P.E.I. 1988, Cap. P-34* the Corporation may buy, sell, lease, mortgage, or otherwise dispose of or encumber real property in its own name.

##### Contractual powers

- (2) The Corporation may, on behalf of the Government, contract in its corporate name without specific reference to the Government.



**Responsibilities of Board**

- (3) The Board
- (a) is responsible to the Minister in the performance of the Board's duties and in the exercise of the Board's powers imposed or conferred on it under this Act; and
  - (b) is subject to the supervision and direction of the Minister in all policy matters.

**Powers of Minister**

- (4) The Minister may attend meetings of the Board as a Board member by virtue of the Minister's office. *1977, c.13, s.4; 2022,c.62,s.32; 2022,c.45,s.1.*

**4. Employment of staff**

- (1) The Corporation may hire and remove from office such persons as it considers necessary to enable it to carry out its duties under this Act, and without limiting the generality thereof, may hire such administrative, accounting, legal and secretarial personnel, including inspectors, as the Board may consider necessary.

**Status of employees and pension contributions**

- (2) The Corporation and persons employed by it are not subject to the *Civil Service Act R.S.P.E.I. 1988, Cap. C-8* but persons employed by the Corporation may contribute to and receive benefits from the Civil Service Superannuation Fund under the *Public Sector Pension Plan Act R.S.P.E.I. 1988, Cap. P-32.11*, as if they were civil servants.

**Job classifications, and consultation and negotiation**

- (3) The Board may establish job classifications, and terms and conditions of employment for its employees, and may consult and negotiate with any bargaining agent certified as such under the *Labour Act R.S.P.E.I. 1988, Cap. L-1* representing some or all of its employees. *1977, c.13, s.5.*

**5. Bylaws of Corporation**

The Board may pass bylaws not inconsistent with this Act to regulate

- (a) the functions and duties of all its agents, officers, employees and servants;
- (b) the time and place for the holding of meetings of the Board, the calling of meetings of the Board, voting at such meetings and the procedure in all things at such meetings; and
- (c) generally, the conduct in all other particulars of the affairs

of the Corporation, not otherwise provided for in this Act. *1977, c.13, s.6.*

**6. Head office**

- (1) The head office of the Corporation shall be in the City of Charlottetown.

**Seal**

- (2) The Corporation shall have a seal that shall be adopted by resolution or bylaw.

**Fiscal year**

- (3) The fiscal year of the Corporation ends on July 31 in each year. *1977, c.13, s.7; 1979, c.7, s.1; 1987, c.30, s.1; 1993, c.8, s.1.*

**7. Objects**

The objects of the Corporation are

- (a) to stimulate feed grain production in the province;
- (b) to bring uniformity to the industry through marketing of grain produced in the province;
- (c) to provide facilities for the central marketing, drying and storage of grain; and
- (d) to provide distribution outlets for grain producers, livestock feeders and the feed industry. 1988, c.28, s.2.

**8. Powers**

The Corporation has all such powers as may be necessary to enable it to attain its objects, and, in particular, the Corporation may

- (a) plan, construct, maintain and administer grain elevators in the province;
- (b) enter into contracts, undertakings or agreements with any marketing boards, marketing commissions or commodity boards, or the Prince Edward Island Marketing Council, or with any department or agency of the Government of Canada or of the province, respecting grain;
- (c) accept a delegation of statutory powers respecting grain from a body authorized to so delegate;
- (d) buy, sell, lease, release, mortgage or encumber or otherwise alienate real property;
- (e) demolish, remodel, alter, refurnish, improve or enlarge buildings located on land owned or leased by the Corporation;
- (f) pay all the costs, charges and expenses relating to the promotion and establishment of the Corporation;
- (g) borrow money in an amount and in a manner approved by the Lieutenant Governor in Council;
- (h) remunerate any person or firm rendering services to the Corporation;
- (i) draw, make, accept, endorse, issue and negotiate bills of exchange, promissory notes and other negotiable or transferable instruments;
- (j) effect insurance against any and all risk or losses to or for which the Corporation may be subject or liable;
- (k) invest and deal with money of the Corporation not immediately required in such manner as the Board may consider advisable;
- (l) acquire and deal with shares and stocks or securities in or of any corporation or undertaking the acquisition of which may promote or advance the objects of the Corporation;
- (m) enter into working arrangements of all kinds with other associations, firms or persons;
- (n) exercise all the power of a company referred to in section 15 of the *Companies Act* R.S.P.E.I. 1988, Cap. C-14;
- (o) buy, take delivery of, store, transfer, sell, ship or otherwise dispose of grain;
- (p) enter into contracts or agreements for the purchase, sale, handling, storage, transportation, disposition or insurance of grain;
- (q) set, impose, charge and collect fees or tariffs for the use of grain elevators operated by the Corporation from users of the grain elevators, and to set off or retain such fees

- or tariffs from the sale price of any grain sold by the Corporation either in its own right or as a factor or agent;
- (r) do all and any of the things it is authorized to do, either alone or in conjunction with or by or through factors, trustees or agents or as a factor, trustee or agent of a marketing board, marketing commission or commodity board or of a department or agency of the Government of Canada or of the province;
  - (s) do all those things that it considers will achieve successful marketing and storage of grain in the province. *1988, c.28, s.2.*

## 9. Accounts

The Corporation shall

- (a) establish and maintain an accounting system satisfactory to the Minister; and
- (b) render to the Minister detailed statements of its receipts and expenditures in the manner and at the time specified by the Minister. *1977, c.13, s.; 2022, c.76, s.29.*

## 10. Audit by Minister

- (1) All books of accounts, records, bank books and papers of the corporation shall at all times be open to audit and inspection by the Minister or any person authorized by the Minister.

### Audit by General Auditor

- (2) The accounts of the corporation shall be audited by the Auditor General or a qualified auditor appointed by the Board, and the audited statements of those accounts shall be included in the corporation's annual report. *1977, c.13, s.10; 1980, c.10, s.21; 2022, c.76, s.3.*

## 11. Reports by Corporation

The Corporation shall

- (a) annually submit to the Minister a report of its affairs and operations for the preceding twelve months containing its financial statements and other information as the Minister may prescribe, and such reports shall be tabled in the Legislative Assembly by the Minister if the Legislative Assembly is then in session, or within fifteen days of the commencement of the next session of the Legislative Assembly; and
- (b) in addition to the annual report, make to the Minister such other reports of its affairs and operations or of any particular transaction or part of its business as the Minister may require. *1977, c.13, s.11.*

## 12. Accounts in chartered bank

The Corporation shall establish and maintain in its own name one or more accounts in a chartered bank and deposit therein all moneys received by the Corporation and shall pay out of the accounts all administrative and operating costs and expenses of the Corporation. *1977, c.13, s.12.*

## 13. Regulations

The Lieutenant Governor in Council may make regulations respecting any matter necessary and advisable to carry out effectively the intent and purposes of this Act and the objects of the Corporation. *1977, c.13, s.13; 2022, c.76, s.4.*