



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

TOURISM PEI ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to June 28, 2019. 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).

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

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



TOURISM PEI ACT

Table of Contents

Section	Page
1. Definitions.....	5
1.1 Administration	5
2. Tourism PEI	5
3. Powers.....	5
4. Chief Executive Officer appointed.....	5
5. Delegation	6
6. Agent of the Crown	6
7. Board of Directors.....	6
7.1 Policy direction	8
8. Objects	8
9. Powers.....	8
10. Mandate conferred by Executive Council.....	9
11. Agreements	9
11.1 Audit	9
11.2 Annual report	9
12. Staff.....	10
13. Liability.....	10
14. Expenditures	10
15. Regulations	10
16. Transitional provisions.....	10
17. Consequential amendment	10



TOURISM PEI ACT

CHAPTER T-3.4

1. Definitions

In this Act

- (a) “**Board**” means the Board of Directors of the Corporation established pursuant to subsection 7(1);
- (a.1) “**Chief Executive Officer**” means the Chief Executive Officer appointed under section 4;
- (b) “**Corporation**” means Tourism PEI.;
- (c) “**Minister**” means the Minister of the Crown designated by the Lieutenant Governor in Council to administer this Act. *1999,c.46,s.1; 2018,s.35,s.1.*

1.1 Administration

The Minister is responsible for the administration of this Act and the regulations. *2018,c.35,s.2.*

2. Tourism PEI

Tourism PEI Inc., a body corporate incorporated pursuant to the *Companies Act R.S.P.E.I.* 1988, Cap. C-14 by letters patent dated December 23, 1998, is continued in accordance with this Act as a Crown corporation to be called Tourism PEI. *1999,c.46,s.2.*

3. Powers

The Corporation has the same general powers as conferred upon companies incorporated under the *Companies Act* except where those powers are inconsistent with this Act. *1999,c.46,s.3.*

4. Chief Executive Officer appointed

- (1) The Lieutenant Governor in Council shall appoint a Chief Executive Officer of the Corporation who, under the direction of the Board, shall
 - (a) supervise the administration and management of the Corporation;
 - (b) serve as secretary to the Board; and
 - (c) perform other duties as assigned by the Board or the Lieutenant Governor in Council.

Remuneration

- (2) The Chief Executive Officer shall be paid out of the funds of the Corporation remuneration as may be determined by the Lieutenant Governor in Council. *1999,c.46,s.4; 2018,c.35,s.3.*

5. Delegation

The Minister may delegate the administration of any function of the Corporation upon terms and conditions the Minister may determine. *1999,c.46,s.5.*

6. Agent of the Crown

- (1) The Corporation is for all purposes an agent of the Crown in right of the province of Prince Edward Island and its powers under this Act may be exercised only as an agent of the province.

Property

- (2) Property acquired by the Corporation is the property of the Government of Prince Edward Island, and title thereto may be vested in the name of the Government of Prince Edward Island or in the name of the Corporation. *1999,c.46,s.6.*

7. Board of Directors

- (1) The Lieutenant Governor in Council shall appoint a Board of Directors for the Corporation consisting of not less than seven and not more than nine persons to conduct the affairs and business of the Corporation.

Private sector members

- (2) All of the members appointed under subsection (1) shall be from the private sector, and a majority shall represent the tourism industry.

Representation from counties

- (2.1) In addition to the requirements of subsection (2), the members of the Board shall include at least
- (a) one member who lives and works in Prince County;
 - (b) one member who lives and works in Queens County; and
 - (c) one member who lives and works in Kings County.

Term of office

- (3) A member of the Board shall be appointed for a term of up to four years and may be reappointed for one additional term of up to four years.

Continuation after expiry of term

- (3.1) A member of the Board shall continue to serve after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.

Resignation

- (3.2) A member of the Board may resign at any time by giving notice in writing to the Minister.

Removal

- (3.3) The Minister may recommend to the Lieutenant Governor in Council that a member of the Board be removed from office where the member has failed to attend two or more consecutive meetings of the Board without reasonable excuse.

Chief Executive Officer - secretary

- (4) Repealed by 2018,c.35,s.4(4).



Designation of chair

- (5) The Lieutenant Governor in Council shall designate one of the members of the Board appointed under subsection (1) as its chair and another of the members as vice-chair.

Annual meeting

- (5.1) The Board shall meet at least once annually to transact its business.

Meetings

- (6) The chair
- (a) may call additional meetings of the Board as the chair considers necessary; and
 - (b) shall preside at meetings of the Board.

Absence of chair

- (7) In the absence of the chair, the vice-chair
- (a) may exercise all the powers; and
 - (b) shall perform all the duties,
of the chair.

Quorum

- (8) A majority of the members of the Board shall constitute a quorum.

Majority decision

- (9) A decision of the majority of the members of the Board present and constituting a quorum at a meeting is the decision of the Board.

Voting rights

- (9.1) Each member of the Board is entitled to one vote on a matter, but the chair shall exercise the chair's voting rights only to break a tie on a vote.

Remuneration

- (10) The Corporation may pay members of the Board who are not employees in the civil service of Prince Edward Island or Ministers of the Crown
- (a) remuneration for their services;
 - (b) allowances for travelling; and
 - (c) any other expenses as determined by the Lieutenant Governor in Council.

Powers of Board

- (11) The Board shall administer the affairs of the Corporation and may exercise any power and perform any act authorized pursuant to this Act and the regulations.

Bylaws

- (12) The Board may make bylaws, not inconsistent with this Act or the regulations, and implement policies for its internal organization and the regulation of its operations, including bylaws and policies respecting
- (a) the functions of the officers, agents and employees of the Corporation;
 - (b) the appointment of a special committee of the Board, including the task, scope and powers of the committee; and
 - (c) the conduct of the affairs of the Corporation not otherwise provided for in this Act or the regulations. *1999,c.46,s.7; 2018,c.35,s.4.*

7.1 Policy direction

The Minister may issue policy direction to the Board where, in the opinion of the Minister, it is in the public interest to do so, and the Board shall comply with the Minister's policy direction. *2018, c.35, s.5.*

8. Objects

(1) The objects of the Corporation are

- (a) to provide leadership in the development, support and implementation of the government's tourism strategy;
- (b) to provide advice, information, infrastructure and services to the private sector and governments so as to assist in the promotion and development of tourism in Prince Edward Island;
- (c) to provide the strategic leadership to government's efforts to assist, establish and maintain profitable tourism enterprises on Prince Edward Island;
- (d) to provide strategic and operational leadership in government's efforts to
 - (i) gather, interpret, and disseminate tourism market information to be used by private and public sector organizations on Prince Edward Island, and
 - (ii) enhance the competitiveness and wealth-creation capabilities of those organizations;
- (e) to encourage and provide assistance to Prince Edward Island enterprises in the creation, maintenance, or expansion of tourism activity in Prince Edward Island;
- (f) to identify and encourage the development of new forms of tourism enterprise in Prince Edward Island;
- (g) to work with tourism agencies of other jurisdictions in the development of policies and agreements in support of tourism development in Prince Edward Island;
- (h) to encourage Prince Edward Island firms and individuals in the preparation and implementation of sound business plans and marketing strategies;
- (i) to plan and implement an annual tourism marketing plan and strategy to enhance the province as a tourist destination.

"Assistance" clarified

(2) For greater certainty, the assistance referred to in subsection (1) may include, but is not limited to, financial assistance in the form of a grant or contribution. *1999, c.46, s.8; 2018, c.35, s.6.*

9. Powers

Subject to general directions as to tourism policy issued by the Lieutenant Governor in Council, the Corporation may

- (a) provide grants for the purposes of carrying out the objects of this Act;
- (b) borrow, and receive, by way of grant or loan, money from the government or any bank and give as security therefor bills of exchange, promissory notes and other negotiable instruments and securities;
- (c) accept and receive contributions of capital;
- (d) borrow, and receive, by way of grant or loan, money from the Government of Canada, or any department or agency of the Government of Canada, and give as security therefor bills of exchange, promissory notes and other negotiable instruments and securities;



- (e) acquire, take and hold by purchase, lease, donation, mortgage or otherwise, real and personal property;
- (f) sell, convey, lease, mortgage or otherwise dispose of real property or any part thereof and for such purposes execute any agreement, deed, lease, mortgage, pledge, lien or conveyance;
- (g) make improvements to land and buildings;
- (h) attach covenants as prescribed by regulation on any land sold, leased or conveyed by the Corporation ensuring that the use of the land will be reserved to its highest and best use in terms of agriculture, fishing, forestry, wildlife, industry, tourism, or any rural development purpose;
- (i) convey any of its real property to any department or agency of the government;
- (j) establish companies for the purposes of investing in Prince Edward Island tourism enterprises;
- (k) acquire, hold, deal with and dispose of shares and stocks, as if the Corporation were an individual, subject to the approval of the Lieutenant Governor in Council;
- (l) invest its surplus funds in such securities, or in such manner, as the Corporation may determine;
- (m) do any other things as may be required to be done and exercise any other powers required to be exercised for the purposes of carrying out the provisions and intent of this Act. *1999,c.46,s.9.*

10. Mandate conferred by Executive Council

The Corporation shall carry out any mandate entrusted to it by the Lieutenant Governor in Council to achieve any project of importance to the tourism industry of the province. *1999,c.46,s.10.*

11. Agreements

For the purpose of carrying into effect the objects of the Corporation or any project, the Corporation may enter into and carry out agreements with any person including any body corporate and any agency of the Crown in right of Canada or of any province. *1999,c.46,s.11.*

11.1 Audit

- (1) 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.

Appointment of auditor

- (2) The Board may appoint a qualified auditor for the purposes of subsection (1). *2018,c.35,s.7.*

11.2 Annual report

- (1) Not later than September 30 in each year, the chair of the Board, with the assistance of the Chief Executive Officer, shall prepare and submit for the approval of the Board an annual report respecting the activities of the Corporation during the fiscal year ending on March 31 in that year, which shall include
 - (a) the audited financial statements of the Corporation's accounts for that fiscal year; and

- (b) if the chair considers it appropriate to do so, a statement respecting any matter pertaining to the activities and operations of the Corporation that, in the opinion of the chair, should be brought to the attention of the Minister and the Legislative Assembly.

Submission of annual report

- (2) Where the Board approves the annual report referred to in subsection (1), the Board shall submit the report to the Minister, who shall
- (a) lay the report before the Legislative Assembly if it is then in session; or
- (b) if it is not then in session, lay the report before the Legislative Assembly within 15 sitting days following the commencement of the next session. *2018,c.35,s.7.*

12. Staff

- (1) The Corporation may employ such administrative, accounting, clerical and professional staff and may contract with such consultants and professional specialists as the Chief Executive Officer considers necessary to carry out the functions of the Corporation.

Application of Civil Service Act

- (2) The *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 shall not apply to any person employed by the Corporation except casual or seasonal employees.

Application of Civil Service Act

- (3) Where any functions of the Corporation are assumed by the Department of Economic Growth, Tourism and Culture, section 25 of the *Civil Service Act* shall apply. *1999,c.46,s.12; 2000,c.5,s.3; 2010,c.14,s.3; 2015,c.28,s.3; 2019,c.1,s.3.*

13. Liability

No person acting under the authority of this Act or the regulations is personally liable for any loss or damage suffered by any person by reason of any act done by the person in good faith in the exercise or purported exercise of the person's functions. *1999,c.46,s.13.*

14. Expenditures

The Corporation shall obtain the prior approval of Treasury Board for any expenditure above an amount set by the Lieutenant Governor in Council during the annual budget process. *1999,c.46,s.14.*

15. Regulations

The Lieutenant Governor in Council may make regulations. *1999,c.46,s.15.*

16. Transitional provisions

Repealed by *2018,c.35,s.8. 1999,c.46,s.16; 2018,c.35,s.8.*

17. Consequential amendment

Amendment. *1999,c.46,s.17.*

