

1982

c 31 Ministry of Industry and Trade Act, 1982

Ontario

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CHAPTER 31

An Act to establish the Ministry of Industry and Trade

Assented to July 7th, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "Deputy Minister" means the Deputy Minister of Industry and Trade;
 - (b) "Minister" means the Minister of Industry and Trade;
 - (c) "Ministry" means the Ministry of Industry and Trade.
2. There shall be a ministry of the public service to be known Ministry
established as the Ministry of Industry and Trade.
3. The Ministry shall, Objectives
of Ministry
 - (a) stimulate income opportunities through the effective development of industry and trade in goods and services;
 - (b) support the growth of productive employment by expanding domestic and international trade, encouraging investment opportunities, strengthening the competitiveness of the industrial base of Ontario and assisting small business development;
 - (c) advance the interests of the private sector of the economy of Ontario by providing appropriate promotions, assistance, counselling and advocacy to aid in the securing of new markets, the introduction of new technologies, the development of new products and adjustments to changing of world economic conditions;
 - (d) promote the establishment, growth, efficiency and improvement of industry and trade in Ontario;

- (e) develop and carry out such programs and activities as may be appropriate,
 - (i) to assist the adaptation of industry to changing conditions in domestic and export markets, and to changes in the techniques of production and delivery of goods and services,
 - (ii) to identify and assist those industries that require special measures to develop an unrealized potential or to cope with exceptional problems of adjustments; and
- (f) participate with other jurisdictions, with associations and organizations and with public and private enterprises with a view to formulating plans to create, assist and develop the entrepreneurial and material resources of Ontario.

Administration
of Acts

4.—(1) The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to the Minister by the Legislature or by the Lieutenant Governor in Council.

Annual
report

(2) The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Deputy
Minister of
Industry and
Trade

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Industry and Trade who shall be the deputy head of the Ministry.

Idem

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him.

Powers

6. The Minister may, in exercising his powers and carrying out his duties and functions under this Act, assist the private sector by,

- (a) promoting investment and trade opportunities offered by Ontario;
- (b) encouraging the introduction of new technologies, products and processes to improve productivity and competitiveness;
- (c) providing financial assistance and incentives;

- (d) collecting and disseminating information on such aspects of the provincial economy and industries as affect Ontario's industrial base;
- (e) providing direct services to industry for domestic and foreign sales;
- (f) advocating the interests of the business sector within the Government of Ontario, to other Canadian governments and to foreign governments;
- (g) consulting with industry, labour and government authorities to develop programs which help Ontario industry;
- (h) assisting industry in any other manner considered to be proper.

7.—(1) The Minister may, for the purpose of carrying out this Act or of exercising any of his powers or carrying out any of his duties and functions, employ any person who is resident in a country or territory other than Canada or in a province or territory of Canada other than Ontario in the service of the Crown in the country, territory or province in which he is resident.

Employment of persons outside Ontario

(2) A person employed under subsection (1) is not a Crown employee for the purpose of any Act of the Legislature or any regulation made thereunder.

Not Crown employees

8.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may approve any area in Ontario that is considered to require assistance to attract industrial development as an area of equalization of industrial opportunity.

Areas for equalization of industrial opportunity

(2) The Minister shall,

Duties re approval areas

- (a) undertake research and make investigations respecting the areas of equalization of industrial opportunity; and
- (b) prepare and carry out such programs and projects to improve the economic development of areas of equalization of industrial opportunity as may be appropriate and that cannot suitably be undertaken by other ministries, branches or agencies of the Government of Ontario.

9.—(1) The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable for the purpose of carrying out this Act or of exercising any of his powers or carrying out any of his duties and functions or

Authority to enter into and enforcement of contracts and agreements

respecting any public works or property under the control of the Ministry, and any such contract or agreement enures to the benefit of the Crown and may be enforced as if entered into with the Crown.

Delegation
of powers
and duties

(2) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Contracts
and
agreements
R.S.O. 1980,
c. 147

(3) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so by a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Protection
from
personal
liability

10.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Crown
liability
R.S.O. 1980,
c. 393

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

Inspection
of financial
records

11.—(1) The Minister may, on request, inspect any document or record relating to financial assistance given by the Ministry and may require the recipient of such financial assistance to prepare and submit a financial statement setting out the details of the disposition of the assistance.

Offence

(2) No person shall obstruct the Minister or a person acting under the Minister's authority in an inspection under subsection (1).

Penalty

(3) Every person who knowingly contravenes subsection (2) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Idem

(4) Notwithstanding subsection (3), where a corporation is convicted of an offence under subsection (3) the maximum penalty that may be imposed upon the corporation is \$25,000.

12.—(1) The Lieutenant Governor in Council may authorize ^{Seal} a seal for the Ministry.

(2) The seal may be reproduced by engraving, lithographing, ^{Idem} printing or any other method of mechanical reproduction and, when so reproduced, has the same effect as if manually affixed.

13. A reference to the Minister of Industry and Tourism in any Act listed in the Schedule, or in any regulation, order in council, ministerial order, act or thing made or done under any such Act, shall be deemed to be a reference to the Minister of Industry and Trade, so long as the Minister administers such Act, and a reference therein to the Ministry of Industry and Tourism shall be deemed to be a reference to the Ministry of Industry and Trade. ^{References to Minister and Ministry}

14. The public accounts for the fiscal year 1981-82 may show the moneys that were appropriated for the Ministry of Industry and Tourism as expended by that Ministry, notwithstanding the reassignment of powers and duties to the Minister of Industry and Trade under the *Executive Council Act* before the expiration of that fiscal year. ^{Public accounts for 1981-82} ^{R.S.O. 1980, c. 147}

15. Clause 12 (1) (c) of the *Development Corporations Act*, being chapter 117 of the Revised Statutes of Ontario, 1980, is amended by striking out “section 6 of the *Ministry of Industry and Tourism Act*” in the fourth line and inserting in lieu thereof “section 8 of the *Ministry of Industry and Trade Act, 1982*”. ^{R.S.O. 1980, c. 117, s. 12 (1) (c), amended}

16. The *Ministry of Industry and Tourism Act*, being chapter 282 of the Revised Statutes of Ontario, 1980, is repealed. ^{Repeal}

17. This Act comes into force on the 1st day of April, 1982. ^{Commencement}

18. The short title of this Act is the *Ministry of Industry and Trade Act, 1982*. ^{Short title}

SCHEDULE

Development Corporations Act

IDEA Corporation Act, 1981

Massey-Ferguson Limited Act, 1981

Research Foundation Act

