

1980

c 57 Cancer Act

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CHAPTER 57

Cancer Act

PART I

THE ONTARIO CANCER TREATMENT AND RESEARCH FOUNDATION

1. The corporation known as The Ontario Cancer Treatment and Research Foundation, referred to in this Act as the Foundation, is continued. ^{Foundation continued} R.S.O. 1970, c. 55, s. 1.

2.—(1) The Foundation shall consist of not fewer than ^{Members} seven members who shall be appointed by the Lieutenant Governor in Council and who shall hold office during pleasure.

(2) The Lieutenant Governor in Council may fill any ^{Vacancies} vacancies that occur from time to time in the membership of the Foundation.

(3) Five of the members of the Foundation constitute a ^{Quorum} quorum for the transaction of business. R.S.O. 1970, c. 55, s. 2.

3.—(1) The Lieutenant Governor in Council may appoint ^{Chairman, vice-chairman} one of the members to be chairman of the Foundation and another of the members to be vice-chairman of the Foundation.

(2) The chairman shall preside at all meetings of the ^{Presiding officer} Foundation at which he is present and in his absence the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present shall elect one of themselves to preside. R.S.O. 1970, c. 55, s. 3.

4. Subject to the approval of the Lieutenant Governor in Council, the Foundation may appoint an ^{Advisory medical board} advisory medical board consisting of such persons representative of the medical faculties of the University of Toronto, Queen's University, The University of Western Ontario and the University of Ottawa, and of radiotherapists, surgeons, pathologists, internists, physicists and the medical profession generally as the Foundation considers appropriate. R.S.O. 1970, c. 55, s. 4, *revised*.

Object

5. The object of the Foundation is to establish and conduct a program of research, diagnosis and treatment in cancer, including,

- (a) the establishment, maintenance and operation of research, diagnostic and treatment centres in general hospitals or elsewhere;
- (b) the transportation of patients and escorts to its treatment centres or to the hospital of the Institute for diagnosis, treatment or investigation;
- (c) the establishment, maintenance and operation of hostels in connection with its treatment centres or the hospital of the Institute;
- (d) the laboratory and clinical investigation of cancer problems;
- (e) the co-ordination of facilities for treatment;
- (f) the adequate reporting of cases and the recording and compilation of data;
- (g) the education of the public in the importance of early recognition and treatment;
- (h) the providing of facilities for undergraduate and post-graduate study;
- (i) the training of technical personnel; and
- (j) the providing and awarding of research fellowships. R.S.O. 1970, c. 55, s. 5.

Agreements

6. Subject to the approval of the Lieutenant Governor in Council, the Foundation may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out the object of the Foundation. R.S.O. 1970, c. 55, s. 6.

Information to be confidential

7.—(1) Any information or report respecting a case of cancer furnished to the Foundation by any person shall be kept confidential and shall not be used or disclosed by the Foundation to any person for any purpose other than for compiling statistics or carrying out medical or epidemiological research.

Liability

(2) No action or other proceeding for damages lies or shall be instituted against any legally qualified medical practi-

tioner or any licensed dental surgeon or any hospital in respect of the furnishing to the Foundation of any information or report with respect to a case of cancer examined, diagnosed or treated, by such medical practitioner or dental surgeon or at such hospital. 1972, c. 34, s. 1.

8. The Foundation may employ a director and officers,^{Staff} clerks and servants and may engage the services of experts and other persons and may pay such director, officers, clerks, servants, experts or other persons such remuneration as it considers proper out of its funds. R.S.O. 1970, c. 55, s. 7.

9. Subject to the approval of the Lieutenant Governor in^{By-laws} Council, the Foundation may make such by-laws, rules or regulations as are considered expedient for the administration of its affairs. R.S.O. 1970, c. 55, s. 8.

10. The funds of the Foundation consist of moneys received^{Funds} by it from any source including moneys appropriated for its use by the Parliament of Canada or the Legislature of Ontario, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it considers proper. R.S.O. 1970, c. 55, s. 9.

11. The members of the Foundation and its medical ad-^{Expenses}visory board shall be paid such amounts for travelling and other expenses as the Foundation, subject to the approval of the Lieutenant Governor in Council, may determine from time to time. R.S.O. 1970, c. 55, s. 10.

12. The accounts of the Foundation shall be audited^{Audit} annually by the Provincial Auditor or by such qualified auditor as the Lieutenant Governor in Council designates, in which event the costs of the audit shall be paid out of the funds of the Foundation. R.S.O. 1970, c. 55, s. 11.

13.—(1) The Foundation shall after the close of each^{Annual report} fiscal year make a report upon its affairs during the preceding year to the Minister of Health and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Foundation during the preceding year. R.S.O. 1970, c. 55, s. 12 (1).

(2) The Minister of Health shall submit the report to the^{Idem} Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 55, s. 12 (2); 1972, c. 1, s. 78 (1).

Power to expropriate land and erect buildings

14.—(1) Subject to the approval of the Lieutenant Governor in Council, the Foundation may acquire by purchase or lease, or may enter upon, take and use without the consent of the owner thereof, any land and buildings that are considered suitable for the purposes of the Foundation and may erect buildings, acquire and install machinery and equipment and purchase all such instruments, materials and appliances and other matters and things that are considered necessary.

Application of R.S.O. 1980, c. 148

(2) Whenever the Foundation exercises the power to enter upon, take or use lands without the consent of the owner thereof, the *Expropriations Act* applies. R.S.O. 1970, c. 55, s. 13.

Right to acquire patents, etc.

15. Subject to the approval of the Lieutenant Governor in Council, the Foundation may apply for, or acquire by purchase, assignment or otherwise, rights in any patent relating to any remedy for the prevention or cure of cancer and may sell and dispose thereof or of any interest therein, and grant or assign any rights that have been acquired by the Foundation thereunder. R.S.O. 1970, c. 55, s. 14.

Property not liable to assessment

16. The real and personal property, business and income of the Foundation is not subject to taxation for municipal or provincial purposes. R.S.O. 1970, c. 55, s. 15.

PART II

THE ONTARIO CANCER INSTITUTE

Institute continued

17. The corporation known as The Ontario Cancer Institute, referred to in this Act as the Institute, is continued. R.S.O. 1970, c. 55, s. 16.

Members

18.—(1) The Institute shall consist of fifteen persons appointed by the Lieutenant Governor in Council, namely,

- (a) five persons representing the Foundation, one of whom shall be the chairman of the Foundation;
- (b) three persons representing The Governing Council of the University of Toronto;
- (c) one person representing the Board of Trustees of the Toronto General Hospital;
- (d) one person representing the Board of Trustees of The Hospital for Sick Children;
- (e) one person representing the governing body of St. Michael's Hospital;

- (f) one person representing the Board of Governors of The Toronto Western Hospital;
- (g) one person representing the Board of Governors of the Women's College Hospital;
- (h) one person representing the Board of Governors of the Toronto Wellesley Hospital;
- (i) one person representing the Board of Governors of New Mount Sinai Hospital,

who shall hold office during pleasure.

(2) The Lieutenant Governor in Council may fill any ^{Vacancies} vacancies that occur from time to time in the membership of the Institute in accordance with the method of representation prescribed in this section.

(3) Five of the members of the Institute constitute a ^{Quorum} quorum for the transaction of business. R.S.O. 1970, c. 55, s. 17, *revised*.

19. The Lieutenant Governor in Council may appoint one ^{Chairman} of the representatives of the Foundation as chairman of the Institute. R.S.O. 1970, c. 55, s. 18.

20. Subject to the approval of the Lieutenant Governor in Council, the Institute may appoint an advisory medical board ^{Advisory medical board} consisting of legally qualified medical practitioners, scientists and other persons. R.S.O. 1970, c. 55, s. 19.

21. The object of the Institute is to maintain, manage ^{Object} and operate a provincial hospital with facilities for cancer research, diagnosis and treatment. R.S.O. 1970, c. 55, s. 20.

22. Subject to the approval of the Lieutenant Governor ^{Agreements} in Council, the Institute may make agreements with the Foundation or with any university, medical association, hospital or person for the purpose of carrying out the object of the Institute. R.S.O. 1970, c. 55, s. 21.

23. The Institute may employ a director and such staff as ^{Staff} may from time to time be required for the purposes of the hospital and may pay such director and staff such remuneration as it considers proper out of its funds. R.S.O. 1970, c. 55, s. 22.

24. Subject to the approval of the Lieutenant Governor ^{By-laws} in Council, the Institute may make such by-laws, rules or

regulations as are considered expedient for the administration of its affairs. R.S.O. 1970, c. 55, s. 23.

Funds

25.—(1) The funds of the Institute consist of moneys received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it considers proper.

Estimates

(2) The Institute shall annually prepare and submit to the Foundation the estimates of the moneys required for its purposes during the ensuing fiscal year. R.S.O. 1970, c. 55, s. 24.

Expenses

26. The members of the Institute and its medical advisory board shall be paid such amounts for travelling and other expenses as the Institute, subject to the approval of the Lieutenant Governor in Council, determines from time to time. R.S.O. 1970, c. 55, s. 25.

Audit

27. The accounts of the Institute shall be audited annually by the Provincial Auditor or by such qualified auditor as the Lieutenant Governor in Council designates, in which event the costs of the audit shall be paid out of the funds of the Institute. R.S.O. 1970, c. 55, s. 26.

Annual report

28.—(1) The Institute shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister of Health and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year. R.S.O. 1970, c. 55, s. 27 (1).

Idem

(2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 55, s. 27 (2); 1972, c. 1, s. 78 (2).

Property not liable to assessment

29. The real and personal property, business and income of the Institute are not subject to taxation for municipal or provincial purposes. R.S.O. 1970, c. 55, s. 28.