



1980

c 195 Healing Arts Radiation Protection Act

Ontario

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CHAPTER 195

Healing Arts Radiation Protection Act

1.—(1) In this Act,

Interpre-
tation

(a) “Appeal Board” means the Health Facilities Appeal Board under the *Ambulance Act*;

R.S.O. 1980,
c. 20

(b) “Commission” means the Healing Arts Radiation Protection Commission established under section 15;

(c) “Director” means the Director of X-ray Safety appointed under section 19;

(d) “inspector” means an inspector appointed under section 20;

(e) “owner”, when used with reference to an x-ray machine, means the owner or other person who has the management and control of the x-ray machine;

(f) “Minister” means the Minister of Health;

(g) “regulations” means the regulations made under this Act;

(h) “x-ray equipment” includes x-ray imaging systems, processing equipment and equipment directly related to the production of images for diagnosis or directly related to irradiation with x-rays for therapy;

(i) “x-ray machine” means an electrically powered device the purpose and function of which is the production of x-rays for the irradiation of a human being for a therapeutic or diagnostic purpose;

(j) “x-rays” means artificially produced electromagnetic radiation with peak energy greater than five kilovolts.

(2) In this Act, a reference to the installation of an x-ray machine includes a reference to the shielding of the area in which the x-ray machine is installed. 1980, c. 67, s. 1.

- Administration of Act **2.** The Minister is responsible for the administration of this Act. 1980, c. 67, s. 2.
- Approval of installation **3.—**(1) No person shall install an x-ray machine unless the Director has issued written approval for the installation.
- Issuance of approval (2) Subject to subsection (3), any person who applies in accordance with this Act and the regulations for written approval for the installation of an x-ray machine and,
- (a) submits to the Director the plans, specifications and information prescribed by the regulations;
 - (b) who meets the requirements of this Act and the regulations; and
 - (c) pays the prescribed fee,
- is entitled to be issued the written approval.
- Criteria (3) The Director may refuse to approve a proposed installation of an x-ray machine where,
- (a) the proposed installation will not comply with this Act or the regulations;
 - (b) the application therefor is incomplete;
 - (c) the plans, specifications and information required by this Act and the regulations in respect of the installation of the x-ray machine have not been submitted to the Director or are incomplete; or
 - (d) any fees due are unpaid.
- Installation (4) Where the Director has issued written approval for the installation of an x-ray machine, no person shall install the x-ray machine other than in accordance with the plans, specifications and information on the basis of which the Director issued the written approval.
- Revocation of approval (5) Subject to section 10, the Director may revoke an approval where it was issued on mistaken or false information.
- Approval of change (6) Where the Director has given written approval for the installation of an x-ray machine and the x-ray machine has been installed in accordance with the plans, specifications and other information on the basis of which the Director issued the approval, no person shall change the installation without the written approval of the Director for the change.

(7) Subsections (1) to (5) apply with necessary modifications in respect of a change in an installation of an x-ray machine and, for the purpose, changing an installation of an x-ray machine shall be deemed to be installing an x-ray machine. 1980, c. 67, s. 3. Application of subs. (1-5)

4.—(1) The owner of an x-ray machine shall not operate the x-ray machine or cause or permit the x-ray machine to be operated for the irradiation of a human being unless the x-ray machine, the location of the x-ray machine and the name and business address of the owner of the x-ray machine are registered with the Director. Registration

(2) Upon the application of the owner of an x-ray machine and upon payment of the fee prescribed by the regulations, the Director shall register the x-ray machine, its location and the name and business address of the owner thereof. Application

(3) An owner of an x-ray machine registered with the Director who changes his business address shall give written notice of the change to the Director within fifteen days of the occurrence of the change. Notice of change

(4) An owner of an x-ray machine who is registered with the Ministry immediately before the coming into force of this Act shall be deemed to have registered with the Director under subsection (1). Transitional

(5) The Director may require a person mentioned in subsection (4) to file with the Director plans, specifications and information in respect of the x-ray machine and its installation and every such person shall file the plans, specifications and information when so required. 1980, c. 67, s. 4. Filing of material

5.—(1) No person shall operate an x-ray machine for the irradiation of a human being unless the person meets the qualifications and requirements prescribed by the regulations. Use of x-ray machine

(2) The following persons shall be deemed to meet the qualifications prescribed by the regulations: Persons deemed to be qualified

1. A legally qualified medical practitioner.
2. A member of the Royal College of Dental Surgeons of Ontario.
3. A person registered as a chiropodist under the *Chiropody Act* on the 1st day of November, 1980.
4. A person registered as a chiropodist under the *Chiropody Act* after the 1st day of November, 1980, who is a graduate of a four-year course of instruction in

R.S.O. 1980, c. 72

chiroprody accredited by the Council on Education of The Canadian Association of Chiroprodists.

R.S.O. 1980,
c. 127

5. A person registered as a chiropractor under the *Drugless Practitioners Act*.

6. A person registered as an osteopath under the *Drugless Practitioners Act*.

R.S.O. 1980,
c. 430

7. A radiological technician registered under the *Radiological Technicians Act*.

8. A person registered as a dental hygienist by the Council of the Royal College of Dental Surgeons of Ontario.

Transitional

(3) Subsection (1) does not apply before the 1st day of January, 1984, or such later date as may be named by proclamation of the Lieutenant Governor in respect of a person who, prior to the coming into force of this section, was operating an x-ray machine for the irradiation of human beings. 1980, c. 67, s. 5.

Instructions
required

6. No person shall operate an x-ray machine for the irradiation of a human being unless the irradiation has been prescribed by,

(a) a legally qualified medical practitioner;

(b) a member of the Royal College of Dental Surgeons of Ontario;

(c) a person registered as a chiroprodist under the *Chiroprody Act* on the 1st day of November, 1980;

(d) a person registered as a chiroprodist under the *Chiroprody Act* after the 1st day of November, 1980, who is a graduate of a four-year course of instruction in chiroprody accredited by the Council on Education of The Canadian Association of Chiroprodists;

(e) a person registered as a chiropractor under the *Drugless Practitioners Act*; or

(f) a person registered as an osteopath under the *Drugless Practitioners Act*. 1980, c. 67, s. 6.

Causing or
permitting
use of
x-ray
machine

7. On and after the 1st day of January, 1984, or such later date as may be named by proclamation of the Lieutenant Governor, no person shall cause or permit any other person to operate an x-ray machine for the irradiation of a human being unless the other person meets the qualifications and requirements prescribed by the regulations. 1980, c. 67, s. 7.

8. No person shall operate an x-ray machine for the irradiation of a human being, unless the x-ray machine meets the standards prescribed by the regulations. 1980, c. 67, s. 8. X-ray machine standards

9.—(1) The owner of an x-ray machine that is installed for the purpose of the irradiation of human beings shall designate a person who meets the qualifications prescribed by the regulations and who is, Radiation protection officer

(a) a legally qualified medical practitioner;

(b) a member of the Royal College of Dental Surgeons of Ontario;

(c) a person registered as a chiropodist under the *Chiropody Act* on the 1st day of November, 1980; R.S.O. 1980, c. 72

(d) a person registered under the *Chiropody Act* after the 1st day of November, 1980 who is a graduate of a four-year course of instruction in chiropody accredited by the Council of Education of The Canadian Association of Chiropodists;

(e) a person registered as a chiropractor under the *Drugless Practitioners Act*; or R.S.O. 1980, c. 127

(f) a person registered as an osteopath under the *Drugless Practitioners Act*,

as the radiation protection officer for the facility in which the x-ray machine is installed.

(2) The owner of a portable x-ray machine shall designate a person who meets the qualifications prescribed by the regulations and who is described in clause (1) (a), (b), (c), (d), (e) or (f) as the radiation protection officer for the portable x-ray machine. Idem, portable x-ray machine

(3) Subsection (2) does not apply in respect of a portable x-ray machine that is operated only in a facility for which a radiation protection officer has been appointed under subsection (1), but the radiation officer is responsible in respect of the portable x-ray machine in accordance with subsection (4). Exception

(4) A radiation protection officer for a facility is responsible, Responsibilities

(a) for ensuring that every x-ray machine operated in the facility is maintained in safe operating condition; and

(b) for such other matters related to the safe operation of each x-ray machine in the facility as are prescribed by the regulations. 1980, c. 67, s. 9.

Proposal to refuse to issue or to revoke an approval

10.—(1) Where the Director proposes to refuse to issue or to revoke an approval under section 3 for the installation or for a change in the installation of an x-ray machine, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant or the person to whom the approval was issued, as the case may be.

Notice

(2) A notice under subsection (1) shall inform the applicant or person to whom the approval was issued that he is entitled to a hearing by the Appeal Board if, within fifteen days after the notice under subsection (1) is served on him, he gives written notice to the Director and the Appeal Board requiring a hearing by the Appeal Board and he may so require such a hearing.

Powers of Appeal Board

(3) Where a hearing is required under subsection (2), the Appeal Board shall appoint a time for and hold the hearing and may direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Appeal Board considers the Director ought to take in accordance with this Act and the regulations and, for such purposes, the Appeal Board may substitute its opinion for that of the Director. 1980, c. 67, s. 10.

Parties

11.—(1) The Director, the applicant or other person who has required the hearing and such other persons as the Appeal Board may specify are parties to proceedings before the Appeal Board under this Act.

Notice of hearing

(2) Notice of a hearing shall afford the applicant or other person who has required the hearing a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the approval of the Director.

Examination of documentary evidence

(3) Any party to proceedings under section 10 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Appeal Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Appeal Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording
of evidence

(6) The findings of fact of the Appeal Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Findings
of fact

R.S.O. 1980,
c. 484

(7) No member of the Appeal Board shall participate in a decision of the Appeal Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Appeal Board shall be given unless all members so present participate in the decision.

Only members
at hearing to
participate
in decision

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Appeal Board within a reasonable time after the matter in issue has been finally determined. 1980, c. 67, s. 11.

Release of
documentary
evidence

12.—(1) Any party to the proceedings before the Appeal Board under this Act may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Appeal to
court

(2) Where any party appeals from a decision or order of the Appeal Board, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal.

Record to
be filed
in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Minister
entitled to
be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm, alter or rescind the decision of the Appeal Board and may exercise all powers of the Appeal Board to direct the Director to take any action which the Appeal Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Appeal Board, or the court may refer the matter back to the Appeal Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1980, c. 67, s. 12.

Powers of
court on
appeal

13.—(1) The Director or an inspector may make a written order directed to any one or more of,

Order by
Director or
inspector

- (a) the owner of an x-ray machine;
- (b) any person who operates the x-ray machine; or
- (c) the radiation protection officer for the facility in which the machine is installed or, in the case of a portable x-ray machine, the radiation protection officer for the portable x-ray machine,

requiring the taking of such action as, in the opinion of the Director or inspector, upon reasonable and probable grounds, is necessary in order to achieve compliance with this Act or the regulations, or both, or is necessary or advisable to protect the health or safety of any patient or member of the public in or near the premises where the x-ray machine is operated.

Notice of proposal to make order

(2) The Director or the inspector who proposes to make an order under subsection (1) shall serve notice of the proposal, together with written reasons therefor, on the person to whom he proposes to direct the order.

Notice requiring hearing

(3) A notice under subsection (2) shall inform the person that he is entitled to a hearing by the Appeal Board if he gives notice in writing to the Director and the Appeal Board, within fifteen days after the notice under subsection (2) is served on him, requiring a hearing and he may so require such a hearing.

Power of Director or inspector where no hearing

(4) Where a person served with notice under subsection (2) does not require a hearing in accordance with subsection (3), the Director or inspector may carry out the proposal stated in his notice.

Powers of Appeal Board where hearing

(5) Where a hearing is required under subsection (3), the Appeal Board shall appoint a time for and hold the hearing and by order may direct the Director or the inspector to carry out his proposal or refrain from carrying out his proposal and to take such action as the Appeal Board considers the Director or the inspector ought to take in accordance with this Act and the regulations and, for such purposes, the Appeal Board may substitute its opinion for that of the Director or the inspector.

Application of ss. 11, 12

(6) Sections 11 and 12 apply with necessary modifications to proceedings under this section. 1980, c. 67, s. 13.

Emergency order

14.—(1) Where the Director or an inspector is of the opinion, upon reasonable and probable grounds, that an emergency exists by reason of danger to the health or safety of any patient or member of the public in respect of an x-ray machine or the installation, operation or maintenance of an x-ray machine, the

Director or inspector may make an oral or written order directed to any one or more of,

- (a) the owner of the x-ray machine;
- (b) any person who operates the x-ray machine;
- (c) the radiation protection officer for the facility in which the x-ray machine is installed or, in the case of a portable x-ray machine, the radiation protection officer for the portable x-ray machine.

(2) An order under subsection (1) may require the person to whom it is directed to stop operating or stop the operation of the x-ray machine either permanently or for a specific period of time. Contents
of order

(3) A person affected by an order under subsection (1) may appeal therefrom in person or by an agent and by telephone or otherwise to the Director, and the Director, after receiving the submissions of the person and of the inspector, shall vary, rescind or confirm the order. Immediate
appeal

(4) Where the Director makes an order under subsection (1) or varies or confirms an order under subsection (3), the Director shall forthwith thereafter serve a written copy of the order or the order as varied or confirmed, together with written reasons therefor, upon the person to whom the order is directed. Written
reasons
for order

(5) An order under subsection (1) or an order as varied or confirmed under subsection (3) shall inform the person to whom it is directed that he is entitled to a hearing by the Appeal Board if he gives to the Director and the Appeal Board, within fifteen days after a copy of the order or the order as varied or confirmed is served on him, notice in writing requiring a hearing and he may so require such a hearing. Notice

(6) Notwithstanding that an appeal is taken against an order under subsection (1) or an order as varied or confirmed under subsection (3), the order is effective at and from the time it is communicated to the person to whom it is directed until it is confirmed, varied or rescinded on appeal and the person shall comply with the order immediately. Effect
of Appeal
Board

(7) Where a hearing is required under subsection (5), the Appeal Board shall appoint a time for and hold the hearing and the Appeal Board by order may confirm, alter or rescind the order of the Director and for such purposes the Appeal Board may substitute its opinion for that of the Director. Powers
of Appeal
Board

(8) Sections 11 and 12 apply with necessary modifications to proceedings under this section. Application
of
ss. 11, 12

Where order
rescinded
by Director

(9) The Director by an order may rescind an order made under subsection (1) or an order as varied or confirmed and in such case shall serve a copy of the order upon the person to whom the order or the order as varied or confirmed was directed. 1980, c. 67, s. 14.

Commission
established

15.—(1) There is hereby established a commission to be known as the Healing Arts Radiation Protection Commission.

Composition

(2) The Commission shall be composed of five persons.

Disquali-
fication

(3) No person who is or has been a member of the governing body of, or who is or has been registered under any Act governing a health discipline or a health practice, shall be a member of the Commission.

Chairman
and vice-
chairman

(4) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate a chairman and a vice-chairman from among the members of the Commission.

Terms of
office

(5) The members of the Commission may be appointed for a term of one, two or three years and members may be reappointed, but in no case shall a member serve for more than six consecutive years.

Vacancy

(6) Every vacancy on the Commission caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of the member.

Remuneration

(7) The members of the Commission shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Staff

R.S.O. 1980,
c. 418

(8) Such employees as are necessary to carry out the duties of the Commission shall be employed under the *Public Service Act*, 1980, c. 67, s. 15.

Duties
of
Commission

16.—(1) The Commission,

- (a) shall advise the Minister on matters relating to the health and safety of persons in respect of irradiation by x-rays;
- (b) is responsible for the continuing development of an X-ray Safety Code;
- (c) shall review the contents of courses in the operation of x-ray machines and x-ray equipment and approve the courses it considers satisfactory;

- (d) shall examine, study and report to the Minister on such matters, including health screening programs involving the use of x-rays, as the Minister may refer to the Commission for the purpose; and
- (e) shall perform such other duties as are assigned to it by or under this or any other Act.

(2) The Commission shall submit an annual report on its activities to the Minister which shall include such additional information as the Minister may require. 1980, c. 67, s. 16. Annual report

17.—(1) The Commission shall establish advisory committees to assist it in the continuing development of an X-ray Safety Code and to assist it in respect of safety in relation to irradiation from x-rays in each of the following disciplines: Advisory committees

1. Chiropody.
2. Chiropractic.
3. Dentistry.
4. Medical radiology.
5. Radiological technology.

(2) Subject to the approval of the Minister, the Commission may establish additional advisory committees to assist it in respect of safety in relation to irradiation from x-rays. Idem

(3) Subject to the approval of the Minister, the Commission shall fix the total number of members of each advisory committee established under subsection (1) or (2). Composition

(4) The members of an advisory committee appointed under subsection (1) or (2) may be paid such remuneration on a daily or other basis, and such necessary expenses, as may be fixed or approved by the Minister. 1980, c. 67, s. 17. Remuneration

18. Subject to the approval of the Minister, the Commission may engage scientific, technical and professional consultants in matters relating to protection from irradiation by x-rays. 1980, c. 67, s. 18. Professional and other assistance

19. The Minister shall appoint an employee of the Ministry of Health as Director of X-ray Safety for the purposes of this Act and the regulations. 1980, c. 67, s. 19. Director of X-ray Safety

Inspectors

20.—(1) The Minister may appoint in writing one or more employees of the Ministry of Health or other persons as inspectors for the purposes of this Act and the regulations and in an appointment may limit the authority of an inspector in such manner as the Minister considers necessary or advisable.

Certificate of appointment

(2) The Minister shall issue to every inspector appointed under subsection (1) a certificate of his appointment.

Production of certificate

(3) Every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request.

Inspection

(4) An inspector at all reasonable times may enter and inspect the premises and may inspect the operations and all records and radiographs where an x-ray machine is installed or operated and may require the production of proof that any person who operates an x-ray machine meets the qualifications and requirements prescribed by the regulations to ensure that the provisions of this Act and the regulations are complied with.

Powers of inspector

(5) Upon an inspection under this section, an inspector is entitled to make tests and examinations to determine whether or not x-ray machines are installed and used in compliance with this Act and the regulations.

Copies

(6) Upon an inspection under this Act, an inspector, upon giving a receipt therefor, may remove any material that relates to the purpose of the inspection in order to make a copy thereof, but the copying shall be carried out with reasonable dispatch and the material in question shall be promptly thereafter returned to the person being inspected.

Admissibility of copies

(7) Any copy made as provided in subsection (6) and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Obstruction

(8) No person shall obstruct an inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of an inspection. 1980, c. 67, s. 20.

Information confidential

21.—(1) Each member of the Commission, each employee of the Commission, each consultant engaged by the Commission, the Director, each inspector appointed under this Act and each person engaged in the administration of this Act and the regulations shall preserve secrecy with respect to all matters that come to his

knowledge in the course of his employment or duties pertaining to the health of any person and shall not communicate any such matter to any other person except as provided in this Act.

(2) A person referred to in subsection (1) may furnish information ^{Exceptions} pertaining to the health of a person,

- (a) in connection with the administration of this Act or any Act of Ontario or of Canada related to the delivery of health services or to safety in relation to irradiation from x-rays or regulations made thereunder;
- (b) in proceedings under this Act or the regulations;
- (c) to the person who provided a service to which the information is related, his solicitor or personal representative, the executor, administrator or committee of his estate, his trustee in bankruptcy or other legal representative; or
- (d) to the person who received the service to which the information is related, his solicitor, personal representative, another person who has lawful custody of or is guardian for the person or other legal representative of the person.

(3) The Director may communicate information of the kind referred to in subsection (2) and any other information related thereto to the statutory body governing the profession or to a professional association of which a person who provides a service referred to in subsection (2) is a member or governing the health practice practised by the person. ^{Exception for professional discipline} 1980, c. 67, s. 21.

22. The Lieutenant Governor in Council may make regula- ^{Regulations} tions,

- (a) prescribing any matter required or authorized by this Act to be, or referred to in this Act as, prescribed by the regulations;
- (b) prescribing classes of or in respect of any matter that is or may be prescribed under the regulations;
- (c) limiting the application of any regulation to any one or more of the classes prescribed under clause (b);
- (d) exempting any class of persons, x-ray machines or facilities from any provision of this Act or the regulations and attaching conditions to any such exemption;

- (e) governing or limiting, or both, the purposes for which any class of persons may operate x-ray machines or any class of x-ray machines;
- (f) prescribing an X-ray Safety Code including,
 - (i) prescribing standards for the installation of x-ray machines,
 - (ii) prescribing standards for darkrooms and dark-room procedures associated with the operation of x-ray machines or any class of x-ray machines,
 - (iii) prescribing standards and procedures for the operation of x-ray machines and x-ray equipment or any class of x-ray machines or x-ray equipment,
 - (iv) prescribing physical standards for persons who operate x-ray machines or x-ray equipment,
 - (v) prescribing standards and procedures for the purpose of minimizing exposure to x-rays of patients and members of the public,
 - (vi) governing the testing of x-ray machines and x-ray equipment including, but not limited to, prescribing tests in respect of x-ray machines and x-ray equipment and requiring persons operating x-ray machines and x-ray equipment and radiation protection officers to perform the tests,
 - (vii) prescribing programs for evaluation of performance of procedures and observance of standards,
 - (viii) prescribing additional duties of radiation protection officers and persons who own or operate x-ray machines,
 - (ix) prescribing standards of design, construction, operation and performance for x-ray machines and x-ray equipment operated in Ontario,
 - (x) requiring compliance with any matter prescribed or governed under subclauses (i) to (ix);
- (g) governing the keeping of records by persons who own or operate x-ray machines and by radiation protection

officers and requiring and governing returns by them to the Director;

- (h) prescribing classes of radiation protection officers and restricting or limiting the types of facilities or x-ray machines or both for which any such class may be designated as radiation protection officers;
- (i) prescribing subject-matters for courses of study in the operation of x-ray machines and x-ray equipment and prohibiting approval by the Commission of any course of study that does not include a subject-matter so prescribed for the course of study;
- (j) prescribing additional duties and powers of the Commission, the Director and inspectors;
- (k) prescribing forms and providing for their use;
- (l) adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;
- (m) prescribing fees for registrations and approvals. 1980, c. 67, s. 22.

23.—(1) Every person who,

Offences

- (a) knowingly furnishes false information in an application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. 1980, c. 67, s. 23.

Corporations

24. Where any provision of this Act or the regulations or any order issued under this Act by the Director is contravened, not-

Proceedings to prohibit continuation or repetition of contravention

withstanding any other remedy or any penalty imposed, the Director may apply to the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or is likely to result in the continuation or repetition of the contravention by the person committing the contravention, and the court may make the order and it may be enforced in the same manner as any other judgment of the Supreme Court. 1980, c. 67, s. 24.

Protection
from
personal
liability

25.—(1) No action or other proceeding for damages shall be instituted against the Director or an inspector for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Crown not
relieved of
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 an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 1980, c. 67, s. 25.

Service

26.—(1) Any notice, order, decision or other document required to be given, served or delivered under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is required to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the address, if any, last known to the Director.

When service
deemed made

(2) Where service is made by registered mail in accordance with subsection (1), the service shall be deemed to be made on the seventh day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice, order, decision or other document until a later date. 1980, c. 67, s. 26.

Commence-
ment

27. This Act does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1980, c. 67, s. 27.