

1980

c 285 Ministry of Natural Resources Act

Ontario

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CHAPTER 285

Ministry of Natural Resources Act

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Mining and Lands Commissioner;
- (b) "deputy commissioner" means a deputy mining and lands commissioner;
- (c) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (d) "Minister" means the Minister of Natural Resources;
- (e) "Ministry" means the Ministry of Natural Resources. 1973, c. 105, s. 1.

2. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council. 1972, c. 4, s. 2.

Duties of
Minister

3. The ministry of the public service known as the Ministry of Natural Resources is continued. 1972, c. 4, s. 3, *revised*.

Ministry
continued

4. The Minister shall preside over and have charge of the Ministry. 1972, c. 4, s. 4.

Minister to
have charge

5.—(1) There shall be,

Staff

- (a) a Deputy Minister of Natural Resources who shall be the deputy head of the Ministry;
- (b) a Surveyor General who shall be appointed by the Lieutenant Governor in Council and who shall perform such duties in connection with the surveying of lands, investigation of water powers, engineering, inspection, research and such other matters as are assigned to him by the Lieutenant Governor in Council or by the Minister.

(2) Such officers, clerks and servants as are required from time to time for the proper conduct of the business of the Ministry may be appointed under the *Public Service Act*. 1972, c. 4, s. 5 (1, 2).

Idem

R.S.O. 1980,
c. 418

Protection
from personal
liability

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Commissioner, a deputy commissioner, or any officer or employee of the Ministry or anyone acting under his authority 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. 1972, c. 4, s. 5 (3); 1973, c. 105, s. 2 (1).

Liability
of Crown
R.S.O. 1980,
c. 393

(4) Subsection (3) 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 (3) to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection (3) had not been enacted. 1972, c. 4, s. 5 (4); 1973, c. 105, s. 2 (2).

Appoint-
ments

6.—(1) The Lieutenant Governor in Council may appoint an officer to be known as the Mining and Lands Commissioner and one or more officers to be known as deputy mining and lands commissioners.

Absence of
Commis-
sioner

(2) In the absence of the Commissioner,

(a) where a deputy commissioner is appointed, he shall perform the duties and exercise the powers of the Commissioner; and

(b) where no deputy commissioner is appointed, the Minister may appoint in writing a person to exercise the powers of the Commissioner to make orders under section 86 of the *Mining Act*.

R.S.O. 1980,
c. 268

Vacancies

(3) In the case of a vacancy in the office of the Commissioner, the deputy commissioner who in point of time is senior in appointment to office shall act as the Commissioner until the vacancy is filled.

Powers, etc.,
of tribunal

(4) Where two or more deputy commissioners are appointed, the Commissioner and two of the deputy commissioners may hear any matter, application or appeal to the Commissioner as a tribunal of three and a hearing by the tribunal shall be deemed to be a hearing before the Commissioner and the decision of the majority shall be the decision of the tribunal.

Seal

(5) The Commissioner shall have a seal of office but no document executed by the Commissioner is invalid by reason of the failure to affix the seal thereto.

Regulations

(6) The Lieutenant Governor in Council may make regulations,

(a) establishing the rules of practice and procedure before the Commissioner or any tribunal provided for in subsection (4);

(b) assigning to the Commissioner authorities, powers and duties of the Minister.

(7) Part VIII of the *Mining Act* applies with necessary modifications to the exercise of authorities, powers and duties assigned to the Commissioner under clause (6) (b). 1973, c. 105, s. 3.

Application of Part VIII
R.S.O. 1980,
c. 268

7.—(1) The Minister may authorize the Deputy Minister or any other officer or employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this or any other Act.

Delegation of powers and duties

(2) The Minister may limit an authorization made under subsection (1) in such manner as he considers advisable.

Limitations

(3) Section 6 of the *Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection (1). 1978, c. 92, s. 1, *part*.

Application of R.S.O. 1980,
c. 147, s. 6

8. The Minister may enter into a contract in respect of any matter that is under his administration under this or any other Act. 1978, c. 92, s. 1, *part*.

Contracts

9.—(1) The Minister may authorize the use of a facsimile of his signature and the Deputy Minister may authorize the use of a facsimile of his signature on any document except an affidavit or a statutory declaration.

Facsimile signatures

(2) A facsimile of the signature of the Minister or the Deputy Minister affixed to a document under an authorization made under subsection (1) shall be deemed to be the signature of the Minister or the Deputy Minister, as the case requires. 1978, c. 92, s. 1, *part*.

Idem

10.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Seal

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed. 1972, c. 4, s. 7.

Idem

11. Affidavits or statutory declarations required under any Act administered by the Minister or intended to be used in reference to any claim, business or transaction in the Ministry or in respect of which the Ministry is

Officers authorized to take affidavits

interested or which affects the revenue of Ontario, under the control of the Ministry, may be taken before any person having authority to administer oaths or before the clerk of any county or district court, or before the Minister or Deputy Minister, or before any person appointed for that purpose by the Minister or Deputy Minister, or before an Ontario land surveyor appointed by the Minister or Deputy Minister to inquire into, take evidence in or report upon any matter pending in the Ministry. 1972, c. 4, s. 8.

Certified
copy of
instrument
to be
evidence

12. A copy of an instrument made or issued under the hand of the Minister or Deputy Minister or of any officer of the Ministry under the authority of any Act administered by the Minister or under the authority of the regulations made under those Acts, purporting to be certified by the Minister, Deputy Minister or officer as a true copy of such instrument is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the instrument and its contents without proof of the signature or official position of the person purporting to have made the certificate. 1972, c. 4, s. 9.

Advisory
committees

13. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees. 1972, c. 4, s. 10.

Annual
report

14. 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. 1972, c. 4, s. 11.