

1981

c 21 Ontario Waste Management Corporation Act, 1981

Ontario

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CHAPTER 21

An Act to establish the Ontario Waste Management Corporation

Assented to July 3rd, 1981

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) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means the Ontario Waste Management Corporation established by section 2;
- (c) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2.—(1) There is hereby established a corporation without share capital under the name of "Ontario Waste Management Corporation".

Incorporation

(2) The Corporation is a Crown agency within the meaning of the *Crown Agency Act*.

Application of
R.S.O. 1980,
c. 106

3. The objects of the Corporation are,

Objects

- (a) to research, develop, establish, operate and maintain facilities for the transmission, reception, collection, examination, storage, treatment and disposal of wastes including sewage; and
- (b) to perform such other duties as may be assigned to it under this or any other Act.

4. The Lieutenant Governor in Council may formulate policies for the Corporation and the Corporation shall follow such policies in carrying out its objects under this Act.

Policies

Transfer of assets and liabilities
R.S.O. 1980, c. 54

5. On the day this section comes into force, all assets and all liabilities of Ontario Waste Management Corp., a corporation incorporated under the *Business Corporations Act* by articles of incorporation filed by Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, are, without compensation, assets and liabilities of the Corporation.

Board of directors

6.—(1) There shall be a board of directors of the Corporation composed of not fewer than seven members who shall be appointed by the Lieutenant Governor in Council.

Chairman and vice-chairman

(2) The Lieutenant Governor in Council shall appoint a chairman and a vice-chairman of the Board from the members of the Board.

Term of office

(3) A member of the Board shall be appointed to hold office for a term not exceeding three years and may be reappointed for successive terms not exceeding three years each.

Quorum

7. A majority of the members of the Board for the time being constitutes a quorum for the transaction of business at meetings of the Board.

Acting chairman

8.—(1) If the chairman is absent or unable to act or if the office of chairman is vacant, the vice-chairman shall act as and have all the powers of the chairman, and in the absence of the chairman and the vice-chairman from any meeting of the Board, the members of the Board present at the meeting shall appoint an acting chairman who shall act as and have all the powers of the chairman during the meeting.

Vacancy

(2) In the event of a vacancy in the office of a member of the Board caused by the death, resignation or incapacity of the member, the Lieutenant Governor in Council may appoint a person to hold office in place of the member for the remainder of the term of the member.

Remuneration of members of Board

9. The members of the Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Removal of member of Board for cause

10. The Lieutenant Governor in Council may remove a member of the Board from office before the expiration of his term for cause and the Lieutenant Governor in Council may appoint a person in place of the member for the remainder of the term of the member.

Staff

11.—(1) The Corporation may employ such persons as are considered necessary from time to time for the proper conduct of the affairs of the Corporation.

(2) The *Public Service Superannuation Act* applies to the permanent and probationary employees of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 28 of that Act.

Application of R.S.O. 1980, c. 419

(3) The Corporation may engage persons under contract other than those employed under subsection (1) to provide professional, technical or other assistance to or on behalf of the Corporation.

Expert assistance

(4) Where the Corporation employs a person previously employed as a civil servant within the meaning of the *Public Service Act*, any attendance credits and vacation credits standing to the credit of the person as a civil servant immediately before his employment by the Corporation shall continue to stand to the credit of the person as an employee of the Corporation.

Attendance and vacation credits
R.S.O. 1980, c. 418

(5) Any benefit or group plan applicable from time to time to civil servants within the meaning of the *Public Service Act* under any Act may be made applicable to the employees of the Corporation by order of the Lieutenant Governor in Council.

Application of employee benefit or group plan of civil servants

12.—(1) The *Corporations Act* does not apply to the Corporation.

Application of R.S.O. 1980, c. 95

(2) The Corporation shall have a seal which shall be adopted by by-law.

Corporate seal

(3) The Corporation has all the capacity and powers of a natural person, except as limited by this Act.

Capacity and powers of Corporation

13.—(1) The Board may pass by-laws regulating its proceedings, specifying the powers and duties of the officers and employees of the Corporation and generally for the conduct and management of the business and affairs of the Corporation.

By-laws, by Corporation

(2) Except with the approval of the Lieutenant Governor in Council, the Board shall not pass a by-law for borrowing money on the credit of the Corporation or for mortgaging or pledging any of the real or personal property of the Corporation to secure any money borrowed by or any obligation or liability of the Corporation.

Borrowing by-laws

14.—(1) Except with the prior approval of the Lieutenant Governor in Council, the Corporation shall not establish, alter or enlarge an activity, enterprise or facility in respect of wastes on any property other than the property described in the Schedule.

Where approval required to establish, etc., facility

(2) The Lieutenant Governor in Council may attach terms, conditions and limitations to an approval mentioned in subsection (1).

Terms, conditions and limitations

Application of
R.S.O. 1980,
cc. 140, 141,
361

15.—(1) The *Environmental Assessment Act*, section 30 of the *Environmental Protection Act* and section 25 of the *Ontario Water Resources Act* do not apply in respect of the following:

1. An activity, enterprise or facility,

(a) of the Corporation; or

(b) that is ancillary to an activity, enterprise or facility of the Corporation,

in respect of the property described in the Schedule.

2. An activity, enterprise or facility of the Corporation approved by the Lieutenant Governor in Council under section 14.

Limitation

(2) The Corporation shall not establish a facility referred to in paragraph 1 of subsection (1) for the reception, storage, treatment or disposal of waste on any part of the property described in the Schedule unless a report is made under section 16, and the Board concurs, that the part of the property is a safe place for the facility and that the proposal for the facility is technologically sound.

Continued
application

(3) On a day to be named by proclamation of the Lieutenant Governor, subsections (1) and (2) cease to apply except in respect of such activities, enterprises or facilities as may be specified in the proclamation.

Review of
activity or
proposed
activity

16.—(1) The Lieutenant Governor in Council from time to time may appoint one or more persons to review any activity or proposed activity of the Corporation and to report thereon to the Lieutenant Governor in Council.

Powers

(2) Where the Lieutenant Governor in Council by order so declares, the person or persons appointed under subsection (1) shall have the powers of a commission under Part II of the *Public Inquiries Act*, which Part shall apply to such review as if it were an inquiry under that Act.

R.S.O. 1980,
c. 411

Fiscal
year of
Corporation

17. The fiscal year of the Corporation begins on the 1st day of April and ends on the 31st day of March in the following year.

Minister
may require
reports

18. The Minister may require the Corporation to make reports and provide information to the Minister pertaining to any aspect of the business and affairs of the Corporation in such form and at such times as the Minister may specify and the Corporation shall comply with such requirements by the Minister.

19.—(1) The Corporation shall establish and maintain an ^{Accounting system} accounting system satisfactory to the Minister.

(2) The accounts and financial transactions of the Corporation ^{Audit} shall be audited annually by the Provincial Auditor and the Provincial Auditor shall report on the audit to the Minister and the Corporation.

20. The net profits of the Corporation shall be paid into the ^{Profits} Consolidated Revenue Fund at such times and in such manner as the Minister may direct.

21. The Corporation shall, after the close of each fiscal year, ^{Annual report} file with the Minister an annual report upon the affairs of the Corporation signed by the chairman or the vice-chairman of the Corporation and the Minister 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.

22.—(1) This Act, except section 5, comes into force on the ^{Commence-ment} day it receives Royal Assent.

(2) Section 5 comes into force on a day to be named by proc- ^{Idem} lamation of the Lieutenant Governor.

23. The short title of this Act is the *Ontario Waste Manage- ^{Short title} ment Corporation Act, 1981.*

SCHEDULE

Lots 10 to 21, concession 4 and lots 10 to 21, concession 5 in the Town of Haldimand, formerly in the Township of South Cayuga, in The Regional Municipality of Haldimand-Norfolk.

