

1974

c 95 The Ministry of Community and Social Services Amendment Act, 1974

Ontario

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Bibliographic Citation

The Ministry of Community and Social Services Amendment Act, 1974, SO 1974, c 95

Repository Citation

Ontario (1974) "c 95 The Ministry of Community and Social Services Amendment Act, 1974," *Ontario: Annual Statutes*: Vol. 1974, Article 97.

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CHAPTER 95

**An Act to amend
The Ministry of Community and
Social Services Act**

Assented to December 10th, 1974

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

1. Section 1 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "Board of Review" means the Social Assistance Review Board referred to in section 7*b*;

.

(c) "regulations" means the regulations made under this Act.

2. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 56, section 1, is amended by adding thereto the following subsections:

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any other 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 good faith of his duty.

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 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 a like manner as if subsection 3 had not been enacted.

s. 41.
enacted

3. The said Act is amended by adding thereto the following section:

Delegation
by Minister

4a. Where, under this or any other Act, a power is conferred or a duty is imposed upon the Minister or upon another officer or an employee of the Ministry, such power or duty may be exercised and discharged by any other person or class of persons whom the Minister appoints in writing, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his appointment.

s. 6b (c).
re-enacted

4. Clause *c* of section 6b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is repealed and the following substituted therefor:

(c) authorizing,

- (i) the council of a municipality or the council of the band to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities or the councils of two or more bands or the council of one or more municipalities and bands to appoint a joint recreation committee with the approval of the Minister,
- (ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,
- (iii) joint recreation committees or recreation committees in municipalities or on reserves to appoint area recreation committees and area recreation directors,
- (iv) two or more municipalities or bands to enter into agreements,
- (v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and
- (vi) where territory without municipal organization is within the jurisdiction of two boards, such boards or a board and the council of one or more bands to appoint, with the approval of the Minister, a joint recreation

committee for such territory without municipal organization as may be agreed upon by the two boards or a board and the council of one or more bands, as the case may be,

for the purposes of programs of recreation, and, for the purposes of this clause, "band", "council of the band", and "reserve" have the same meaning as in the *Indian Act* (Canada) and "board" means a board as defined in *The Schools Administration Act*.

R.S.C. 1970,
c. I-6
R.S.O. 1970,
c. 424

5. Section 6e of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 149, section 2, is amended by inserting after "including" in the fourth line "items".

s. 6e,
amended

6. The said Act is further amended by adding thereto the following sections:

ss. 7b-7d,
enacted

7b.—(1) The Board of Review established under *The Family Benefits Act* is continued under the name of the Social Assistance Review Board and shall conduct such hearings and perform such duties as are assigned to it by or under this or any other Act.

Board of
Review

(2) The Board of Review shall be composed of not more than such number of members as is prescribed by the regulations who shall be appointed by the Lieutenant Governor in Council.

Members of
Board

(3) One of the members of the Board of Review shall be appointed by the Lieutenant Governor in Council to be chairman of the Board of Review and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairmen of the Board.

Chairman
and vice-
chairmen

(4) The members of the Board of Review shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Remunera-
tion

(5) Each member of the Board of Review shall hold office for three years.

Term of
office

(6) The chairman of the Board of Review may authorize one or more members of the Board to conduct a hearing and such member or members has or have all the powers of the Board for the purpose of such hearing and any decision of such member or members shall be a decision of the Board.

One or more
members may
conduct
hearing

Staff

(7) Such officers, clerks and servants as are from time to time considered necessary by the Lieutenant Governor in Council for the proper conduct of the business of the Board of Review may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

Sittings

(8) Sittings of the Board of Review may be held at such places in Ontario and at such times as the Board considers most convenient for the proper discharge and speedy dispatch of its business.

Vice-
chairman

(9) Where,

(a) the chairman of the Board of Review is absent or is unable to act, a vice-chairman designated by the chairman; or

(b) the office of the chairman of the Board of Review is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman including the power to complete any unfinished matter.

Members to
continue

(10) The members, chairman and vice-chairman of the Board of Review who were appointed under section 11 of *The Family Benefits Act* and who were in office immediately before this Act comes into force shall continue in office and shall be deemed to be the members referred to in subsection 2, and the chairman and vice-chairman referred to in subsection 3, respectively, until the expiration of the respective terms for which they were appointed or until the respective office of each becomes vacant.

R.S.O. 1970,
c. 157

Hearings
in camera
1971, c. 47

7c.—(1) Notwithstanding *The Statutory Powers Procedure Act, 1971*, all hearings of the Board of Review shall be heard *in camera*.

Members
holding
hearing
not to have
taken part
in prior
considera-
tion of
matter

(2) Subject to subsection 3, members of the Board of Review holding a hearing,

(a) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and

(b) 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.

(3) The Board of Review may seek legal advice from an adviser independent from the parties, and members of the Board may at any time consult with other members of the Board.

(4) The oral evidence taken before the Board of Review at a hearing shall be recorded,

(a) by notes taken by or under the supervision of the member or members of the Board conducting the hearing; or

(b) in such other manner as such member or members may direct, in which case copies or a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

(5) The findings of fact of the Board of Review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

(6) No member of the Board of Review shall make any decision of the Board pursuant to a hearing under this section 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 Board shall be given unless all members so present take part in the decision.

(7) Where a request for a hearing has been made and the Board of Review is satisfied that there may be financial hardship to a party or witness attending the hearing, the Board shall pay the party or witness travelling and living expenses necessary to enable his attendance at the hearing of the Board.

7d. The Lieutenant Governor in Council may make regulations designating the number of members of the Board of Review and prescribing its procedures.

7. This Act comes into force on the day it receives Royal Assent.

8. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1974*.

