1974

c 20 The Environmental Protection Amendment Act, 1974 (No. 1)

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CHAPTER 20

An Act to amend
The Environmental Protection Act, 1971

Assented to June 18th, 1974

H ER 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 Environmental Protection Act, 1971, being amended chapter 86, as amended by the Statutes of Ontario, 1972, chapter 1, section 69 and 1972, chapter 106, section 1, is further amended by adding thereto the following subsection:

   (2) In this Act, “the Director” means a Director appointed under section 3a.

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

   3a.—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

   (2) The Minister, in an appointment pursuant to subsection 1, may limit the authority of a Director in such manner as the Minister considers necessary or advisable.

3. Section 4 of the said Act is repealed.

4. Subsection 1 of section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 2, is amended by striking out “of the Air Management Branch of the Ministry” in the sixteenth and seventeenth lines.

5. Clause a of section 22 of the said Act is repealed.

6. Section 25 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 94, section 3, is repealed.

7. Section 26 of the said Act is repealed.
8. Section 26b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 94, section 4, is repealed.

9. — (1) Subsection 2 of section 27 of the said Act is amended by striking out "28b" in the second line and by striking out "or, in the case of a permit under section 28b of that Act, by the Director under Part VI of this Act" in the seventh, eighth and ninth lines.

(2) Subsection 4 of the said section 27 is repealed.

10. — (1) Clause a of section 28 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, section 5, is repealed.

(2) Clause aa of the said section 28, as enacted by the Statutes of Ontario, 1972, chapter 106, section 5, is repealed.

11. Sections 33a, 33b, 33c and 33d of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 7, are amended by striking out "Executive" wherever it occurs.

12. Section 33e of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 7, is repealed.

13. — (1) Subsection 1 of section 39 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, section 10, is further amended by striking out "Executive" in the amendment of 1972.

(2) Subsection 2 of the said section 39, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 10, is amended by striking out "Executive" in the first line.

14. Sections 42, 43, 44 and 45 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 12, 13, 14 and 15, respectively, are further amended by striking out "Executive" in the amendments of 1972.

15. Section 46a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 16, is amended by striking out "Executive" wherever it occurs.

16. Clause c of section 49 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 94, section 5, is repealed.

17. Section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 94, section 5, is repealed.

18. Clauses a and b of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 23, are repealed.
19. Section 56b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 23, is repealed.

20. Subsection 1 of section 60 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 24, is amended by striking out "Executive" in the twentieth line.

21. Subsection 3 of section 61a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 94, section 6, is amended by striking out "or the Executive Director, as the case may require" in the fourth and fifth lines.

22. Subsection 3 of section 61b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 94, section 6, is amended by striking out "Executive" in the second line.

23. Section 69 of the said Act is repealed.

24. Section 77a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 27, is repealed.

25. Subsection 1 of section 84 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 94, section 6, is amended by striking out "and the Crown is liable for any damage or actual costs occasioned thereby" in the ninth and tenth lines.

26. Section 91 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 30, is repealed.

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

96a.—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against an employee of the Ministry, a member of the Board or of the Hearing Board or a Crown employee within the meaning of The Public Service Act who is a provincial officer or is acting under the direction of an employee of the Ministry, or such member or provincial officer for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority.

(2) Subsection 1 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 an
28. Section 101 of the said Act is repealed and the following substituted therefor:

101. No person shall knowingly give false information in any application, return or statement made to the Minister, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations.

29. The exercise on or after the 1st day of April, 1974 and before this Act receives Royal Assent of any power, duty or authority under The Environmental Protection Act, 1971, as amended by this Act, by a Director appointed under section 3a of The Environmental Protection Act, 1971, as amended by this Act, that by this Act is vested in such Director shall be deemed to have been exercised under The Environmental Protection Act, 1971, as amended by this Act.

30.—(1) This Act, except sections 8 and 10, shall be deemed to have come into force on the 1st day of April, 1974.

(2) Sections 8 and 10 come into force on a day to be named by proclamation of the Lieutenant Governor.

31. This Act may be cited as The Environmental Protection Amendment Act, 1974.