

THE ADDICTIONS FOUNDATION ACT

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

Definitions

1 In this Act,

"**board**" means the board of governors of the foundation; (« conseil »)

"**foundation**" means The Addictions Foundation of Manitoba as incorporated; (« Fondation »)

"**minister**" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act. (« ministre »)

S.M. 1993, c. 42, s. 3.

Continuation of corporation

2 The Addictions Foundation of Manitoba is continued as a body corporate consisting of:

- (a) the members of the foundation at the date this Act comes into force;
- (b) such other persons as are, from time to time, members of the board; and
- (c) members of committees appointed under subsection 5(6).

S.M. 1993, c. 42, s. 4.

Aims and objects

3(1) The aims and objects of the foundation are

- (a) to assist individuals with problems involving the abuse or misuse of alcohol and other drugs and substances to make the most effective use possible of the existence and potential facilities and services for the treatment and rehabilitation of those with chemical dependencies available through the foundation or through other agencies, groups and associations;
- (b) to disseminate information respecting the recognition, prevention and treatment of the abuse or misuse of alcohol and other drugs and substances, and respecting the services provided by the foundation and other agencies, groups and associations concerned with chemical dependencies; and
- (c) to initiate, sponsor, conduct and promote a program of research in the field of prevention of chemical dependency and the treatment and rehabilitation of individuals with chemical dependencies, and experimentation in methods of treating and rehabilitating individuals with problems involving the abuse or misuse of alcohol and other drugs and substances.

Furtherance of aims and objects

[3\(2\)](#) For furtherance of its aims and objects, the foundation may

(a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of, and consultation with individuals with chemical dependencies;

(b) enter into agreements

(i) with hospitals and other institutions respecting the accommodation, care and treatment of individuals with chemical dependencies, and

(ii) with universities, colleges, hospitals, schools and other institutions respecting experimentation in, and study of methods of treatment of individuals with chemical dependencies;

(c) seek to co-ordinate the efforts of all agencies, private and public, that, by their activities, may contribute to the furtherances of the aims and objects of the foundation; and

(d) make grants to institutions to which clause (b) refers for the purpose of providing and carrying out such accommodation, care, treatment, experimentation and study.

Board of governors

[4\(1\)](#) The affairs of the foundation shall be administered in all things by a board of governors.

Membership of board

[4\(2\)](#) The board shall be composed of 15 persons appointed by the Lieutenant Governor in Council from among the citizens of the province at large who, in the opinion of the minister, have been or are active in or interested in the problem of addiction.

Quorum and authority to act

[4\(3\)](#) A majority of the members of the board constitute a quorum thereof, and a vacancy on the board does not impair the authority of the remaining members to act for the board.

Appointment of chairman

[4\(4\)](#) The Lieutenant Governor in Council shall appoint one of the members of the board as chairman; and he shall hold office for a term of one year and thereafter until his successor is appointed.

Term of office

[4\(5\)](#) Unless he sooner resigns or is removed from office, or unless an earlier date of retirement is fixed in the order in council appointing him, each member of the board shall, subject to subsection (6), hold office for a period of three years from the date his appointment becomes effective, and thereafter until his successor is appointed.

Filling vacancies

[4\(6\)](#) Where a member of the board, other than an ex officio member, ceases to be a member prior to the expiration of his term of office, any person appointed to fill the vacancy so created, unless he sooner resigns or is removed from office and unless a shorter period is fixed in the order in council appointing him, shall hold office for the remainder of the term of office of the person in whose place he is appointed, and thereafter until his successor is appointed.

Re-appointment

[4\(7\)](#) A member of the board whose term of office has expired is eligible for re-appointment.

Remuneration and expenses

[4\(8\)](#) From the funds of the foundation, each member of the board shall be paid such remuneration as is fixed by the Lieutenant Governor in Council and any reasonable travelling and out-of-pocket expenses necessarily incurred by him in discharging his duties as a member of the board.

Vice-chairman

[4\(9\)](#) The board may adopt rules governing its own procedure; and it may appoint, from among its members, a vice-chairman who shall act as chairman if there is a vacancy in the office of chairman, or during the absence or incapacity of the chairman, or at any other time at the request of the chairman or the minister.

S.M. 1993, c. 42, s. 5.

General by-laws

[5\(1\)](#) The board may make such by-laws, not inconsistent with this Act, as may be deemed expedient

- (a) for the administration of the affairs of the foundation and the achievement of its aims and objects;
- (b) prescribing the powers and duties of the board and of the officers and employees of the foundation;
- (c) respecting the date and place of the annual meeting of the members of the foundation;
- (d) respecting the calling of special meetings of the members of the foundation;
- (e) respecting the regular meetings and special meetings of the board, and the notice thereof that shall be given;
- (f) respecting the notice to be given of each annual or special meeting of the members of the foundation, including the manner in which, and time when, such notice shall be given.

Appointment of treasurer

[5\(2\)](#) The board shall, at its first regular meeting in each year, by resolution appoint a member of the board to be treasurer of the foundation; and the person so appointed shall, during his term of office, have custody of the funds of the foundation.

Appointment of executive director and staff

[5\(3\)](#) The board may appoint an executive director of the foundation, and such other clerical and office help as may be necessary.

Duties and remuneration

[5\(4\)](#) Persons appointed under subsection (3) shall perform such duties, and be paid such remuneration from the funds of the foundation, as may be prescribed by the board; but, in the case of the executive director, no remuneration shall be paid to him unless the amount thereof has been approved by the minister.

Technical assistance

[5\(5\)](#) Subject to the approval of the minister, the foundation may engage the services of such technical, professional, and other expert personnel as the board may deem expedient for carrying out the aims and objects of the foundation.

Committees

[5\(6\)](#) The board may, by resolution, establish such committees as it may deem expedient for the purpose of carrying out the aims and objects of the foundation; and persons appointed to any such committee may, but need not necessarily, be members of the board.

Approval of by-laws by minister

[5\(7\)](#) All by-laws of the board shall be submitted by it to the minister for approval, and shall not have effect until approved in writing by order of the Lieutenant Governor in Council.

Head office

[6](#) The head office of the foundation is in the City of Winnipeg.

Fiscal year

[7](#) The fiscal year of the foundation is the period of 12 months ending on March 31 in each year.

Funds of the foundation

[8\(1\)](#) The funds of the foundation consist of moneys received by it from any source, including moneys granted to it under section 13; and, subject as herein provided, the foundation may disburse, expend, or otherwise deal with any of its funds in such manner as the board deems advisable.

Deposit of funds

[8\(2\)](#) Subject to subsections (3) and (4), the funds of the foundation shall be deposited in a bank.

Investment

[8\(3\)](#) Such part of the funds of the foundation as are not immediately required for the purposes thereof may be invested in securities in which trustees are permitted to invest under clause 64(2)(a), (b), or (c) of *The Trustee Act*.

Trust funds

[8\(4\)](#) Funds donated to the foundation under a trust or otherwise and specifically authorized or required to be invested shall be invested as required by the trust instrument or the terms of the donation, or, if there is no such requirement, as authorized by subsection (3).

Acquiring real and personal property

[9\(1\)](#) For the purpose of carrying out its aims and objects, the foundation may,

(a) subject to the prior approval of the minister,

(i) acquire by purchase or lease, and hold, any land or buildings; and

(ii) erect buildings; and

(b) acquire by purchase, lease, or donation, such equipment, instruments, appliances, materials, and other things, as the board may deem necessary;

and, subject as aforesaid, may pay from the funds of the foundation the cost of acquiring by purchase or lease or erecting any such buildings or land or any things to which clause (b) refers.

Transfers, etc., of property

[9\(2\)](#) All transfers, assignments, or conveyances, of property by the foundation shall be executed by and on behalf of the foundation in such manner as the board from time to time, by by-law, prescribes.

Additional powers

[10\(1\)](#) The foundation may

- (a) receive donations of, and hold, control, and administer property of every kind and description, whether real or personal and wheresoever situated;
- (b) if not in contravention of an express term of the donation under which it is received, convert any property at any time, or from time to time, received or held by the foundation into any other form, and for that purpose sell, dispose of, assign, transfer, lease, or exchange it;
- (c) pass on and entrust to one or more trust companies the custody and management of all or any portion of the property at any time, or from time to time, received or held by the foundation, in such manner and in such portions, as the board deems proper, and enter into agreements with any such companies with regard thereto;
- (d) lease any lands at any time held by the foundation.

Solicitation of funds

[10\(2\)](#) Subject to any Act providing for authorization of, or restrictions upon, the collecting of moneys for charitable purposes, the foundation may solicit contributions and donations to the funds of the foundation either by canvassing persons individually and privately or by public campaign.

Annual audit

[11](#) The accounts and funds of the foundation shall be audited annually by a chartered accountant appointed by the board with the written approval of the minister; and the cost of the audit shall be paid from the funds of the foundation.

Annual report

[12\(1\)](#) The foundation shall annually make a report to the minister respecting the operation of the foundation during the latest preceding fiscal year thereof; and the report shall contain duly audited financial statements of the affairs of the foundation for that fiscal year including

- (a) a balance sheet;
- (b) a statement of revenue and expenditure; and
- (c) a statement of all moneys received and paid out by the foundation during that fiscal year.

Laying report before assembly

[12\(2\)](#) On receipt of the report the minister shall lay it before the Legislative Assembly forthwith if it is then in session, and, if not, at the next succeeding session thereof.

Other reports

[12\(3\)](#) The foundation shall make such further and other reports as may be required by the minister.

Budget

[12\(4\)](#) The foundation shall annually prepare a detailed budget and outline of its program for the coming fiscal year for consideration of, and approval by, the minister.

Annual grant

[13\(1\)](#) In each fiscal year of the foundation, the Minister of Finance may make a grant to the foundation with money that an Act of the Legislature authorizes to be paid to the foundation out of the Consolidated Fund.

Advances on account of grants

[13\(2\)](#) The Minister of Finance, on requisition of the minister, may make advances to the foundation from time to time in any fiscal year on account of its costs of operation; and the advances so made shall be charged against, and deducted from, any grant that may become payable to the foundation under subsection (1) in respect of that fiscal year; and, if in any fiscal year the advances so made exceed the amount of the grants so payable, the excess shall be deducted from any such grants that may become payable to the foundation in respect of any succeeding fiscal year.

S.M. 1998, c. 14, s. 2.

Confidentiality

[14\(1\)](#) Every member of the board and every officer and employee of the foundation and every person engaged in the administration of this Act shall preserve secrecy with respect to all information that comes to the person's knowledge in the course of providing assistance or services to individuals under this Act and shall not communicate any information to any other person except

- (a) in connection with the administration of this Act or when required to do so by any other Act of the Legislature;
- (b) upon the written request or with the written approval of the individual to whom the information relates or the individual's legal representative;
- (c) when there is imminent danger to the individual to whom the information relates or to any other person; or
- (d) when required to do so by a court of competent jurisdiction.

Exception for statistical and research purposes

[14\(2\)](#) The information referred to in subsection (1) may be disclosed in statistical form or for the purpose of enabling research authorized by the foundation if the names and identities of individuals to whom the information relates are not revealed.

S.M. 1993, c. 42, s. 6.

Immunity from action

[15](#) No action or proceeding may be commenced against the foundation, the board, a member of the board or an officer or employee of the foundation or any other person engaged in the administration of this Act for any act done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a power under this Act, or for any neglect or default in the performance or exercise in good faith of the duty or power.

S.M. 1993, c. 42, s. 6.
