

Social Services  
Appeal Board

**Annual Report  
2003 - 2004**



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**MINISTER OF  
FAMILY SERVICES AND HOUSING**

Room 357  
Legislative Building  
Winnipeg, Manitoba, CANADA  
R3C 0V8

September 2004

His Honour John Harvard  
Lieutenant-Governor  
Province of Manitoba

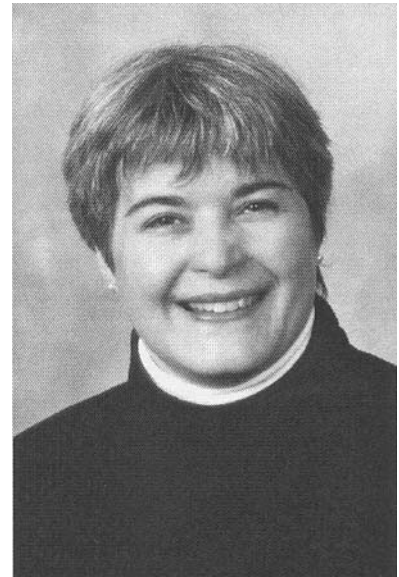
May It Please Your Honour:

I have the pleasure of presenting herewith the Annual Report of the Social Services Appeal Board for the year 2003/2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Melnick", written over a horizontal line.

Christine Melnick  
Minister, Family Services and Housing





**Social Services  
Appeal Board**

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CANADA

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September 2004

Honourable Christine Melnick  
Minister of Family Services and Housing  
357 Legislative Building

Dear Madam:

Attached is the Annual Report of the Social Services Appeal Board for the fiscal year ending March 31, 2004. This is the second independently produced Annual Report since *The Social Services Appeal Board Act* was proclaimed in February 2002.

The Board is proud of its continued efforts to provide a fair and equitable appeal process for the citizens of Manitoba, and continues to carry out its mandate of providing advice on program and policy issues that arise through appeal hearings.

This document reports the Board's continued good work, and I respectfully submit it to your attention.

A handwritten signature in black ink that reads "Schellenberg".

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David Schellenberg  
Chairperson



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## **Board Membership**

The Social Services Appeal Board (SSAB) consists of 15 members who are appointed by the Lieutenant Governor in Council. Members must represent the social, economic, and cultural diversity of the Province. They must also exhibit knowledge of the social programs and services that have the right of appeal to the Appeal Board. Members cannot be employees of a Minister responsible for an Act in which the right of appeal is granted. Each member is appointed for a term of two years and may be reappointed for two further two-year terms.

Staff that support the activities of the Board are employed by Family Services and Housing.

### **Appeal Board Members during the 2003/04 fiscal year:**

**Chairperson:** David Schellenberg

**Vice-chairs:** Rose Buss  
Pat Chimney

**Members:** Barbara Carroll  
Robert Doherty  
Isabel Dowbiggin  
George Dyck  
Kelley Gibbings  
Paula Keirstead  
Leslie King  
Kana Mahadavan  
Rachel Massicotte  
Linda Shewchuk  
Robert Smith  
Cindy Stroppa

### **Social Services Appeal Board Staff:**

Heather Hamelin, Director  
Judi Moxley, Assistant Director  
Linda Bothorel, Administrative Assistant  
Karen McKane, Administrative Secretary  
Micheline Lafournaise, Administrative Secretary \*

**Legal Counsel:** Lawrie Cherniak

\* Note: Micheline is on term with the Board while Linda is on a secondment.

## **Jurisdiction of the Social Services Appeal Board**

The Social Services Appeal Board is the independent appeal body for the majority of programs and services provided by the Department of Family Services and Housing, as well as municipal assistance programs administered by the municipalities. The Board reports directly to the Minister of Family Services and Housing.

The Social Services Appeal Board is a quasi-judicial board that operates under the principals of natural justice rather than the application of common law. As such, the Board takes into consideration the facts and any relevant laws, but depends ultimately on the exercise of an executive discretion rather than the application of law.

The Board was first established in 1959 by *The Department of Welfare Act*. In 1974, that Act was repealed and the Board continued under the provisions within *The Social Services Administration Act*. On February 18, 2002, *The Social Services Appeal Board (SSAB) Act* was proclaimed.

According to *The Social Services Appeal Board Act*, the Board has the ability to determine its own administrative policies and procedures. A series of information bulletins have been established in order to provide this information to the public.

The Board's decision cannot be overturned by the Minister's office. Only the Board, through a reconsideration of its decision, or the Court of Appeal, may overturn a decision.

There are several different areas that can be appealed. These are summarized below:

### **Adoption Agency Licensing**

Under Section 9 of *The Adoption Act*, an individual may file an appeal with the Appeal Board if the Director refuses to issue a licence for an adoption agency. An individual may also file an appeal if a licence that was previously issued is suspended, cancelled or revoked.

### **Child Care Facility Licensing**

A person who is refused a licence for the operation of a child care facility other than a foster home or whose licence is suspended, cancelled or refused renewal may appeal this decision to the Appeal Board under Section 8(5) of *The Child and Family Services Act*.

## **Child Day Care Licensing and Subsidies**

Section 20 of *The Community Child Day Care Standards Act* allows the Board to hear appeals on the following four issues:

- the refusal to issue a licence to a child day care facility;
- the suspension or revocation of a child day care facility licence;
- the imposition of terms or conditions on a child day care facility licence; or
- the denial or alteration of a child day care subsidy.

## **Financial Assistance Programs**

### ***Employment and Income Assistance Program***

Subsection 9(3) of *The Employment and Income Assistance (EIA) Act* gives an individual the right to appeal to the Appeal Board for the following reasons:

- a) the person was not allowed to apply or re-apply for income assistance or municipal assistance;
- b) the person's request for income assistance or municipal assistance was not decided upon within a reasonable amount of time;
- c) the person's application for income assistance was denied;
- d) the amount of income assistance or municipal assistance was cancelled, suspended, varied, or withheld;
- e) the amount of income assistance or municipal assistance provided was insufficient to meet the person's needs.

The right to appeal decisions respecting both the EIA program and the Municipal Assistance program is provided under Section 9 of *The EIA Act*.

### ***55-PLUS Junior Component***

The Junior Component of the 55-PLUS Program gives the right to appeal if an applicant is told that he or she is not eligible to receive benefits under the 55-PLUS Program. An appeal may also be filed if an individual disagrees with the level of benefits that he or she is receiving under the Program. The right to appeal for these reasons is given under Section 9 of the "Income Supplement for Persons Not Eligible for Old Age Security Benefits (55-PLUS) Regulation" under *The Social Services Administration Act*.

### ***Manitoba Prenatal Benefit***

If an individual disagrees with the assessment or re-assessment of their Manitoba Prenatal Benefit, the individual can appeal this decision under Section 12 of the "Manitoba Prenatal Benefit Regulation" under *The Social Services Administration Act*.

### **Residential Care Facility Licensing**

A person may appeal the Department's decision to deny, suspend or cancel a licence for a residential care facility. An individual may also file an appeal with the Appeal Board if a letter of approval relating to a residential care facility is cancelled or suspended. The right to appeal these decisions is granted under Section 13 of *The Social Services Administration Act*.

### **Vocational Rehabilitation Services Program (Eligibility)**

The Appeal Board hears appeals regarding the Vocational Rehabilitation Services Program. An appeal may be filed when the Director refuses an application on the grounds that the applicant does not meet the eligibility criteria for enrolment. The right to appeal this decision is granted within Section 6 of the "Vocational Rehabilitation of Disabled Persons Regulation" under *The Social Services Administration Act*.

### **Vulnerable Persons Living with a Mental Disability Program (Eligibility and Individual Care Plan)**

The Appeal Board is also responsible for hearing appeals regarding *The Vulnerable Persons Living with a Mental Disability Act*. Section 16 of the Act allows individuals to appeal when a person's eligibility for entrance into the program is in question, or there is a dispute concerning the individual support services plan.



## Financial Information

In 2003/2004, the annual budget for the Social Services Appeal Board was \$358,900. The actual expenditures were \$361,497 for an over expenditure of \$2,597.

This amount is broken down into \$213,900 for staff salaries and benefits, and \$145,000 for operating costs.

The board members' per diem payments are paid from operating expenses. In the 2003/04 fiscal year, the amount spent on board per diems was \$46,880.

### **Actual Expenditures\*** 09-1D Social Services Appeal Board

<b>Expenditures by Sub-appropriation</b>	<b>Actual 2003/04 \$000</b>	<b>FTE</b>	<b>Estimate 2003/04 \$000</b>	<b>Variance Over(Under)</b>
Total Salaries and Employee Benefits	257.0	4	213.9	43.1*
Total Other Expenditures	104.5		145.0	(40.5)**

\* Amounts are expressed as thousands of dollars

\*\* Due to computer coding requirements, the Board per diems are actually entered in as a salary expense which results in an over expenditure in salaries and under expenditure in operating costs each year.

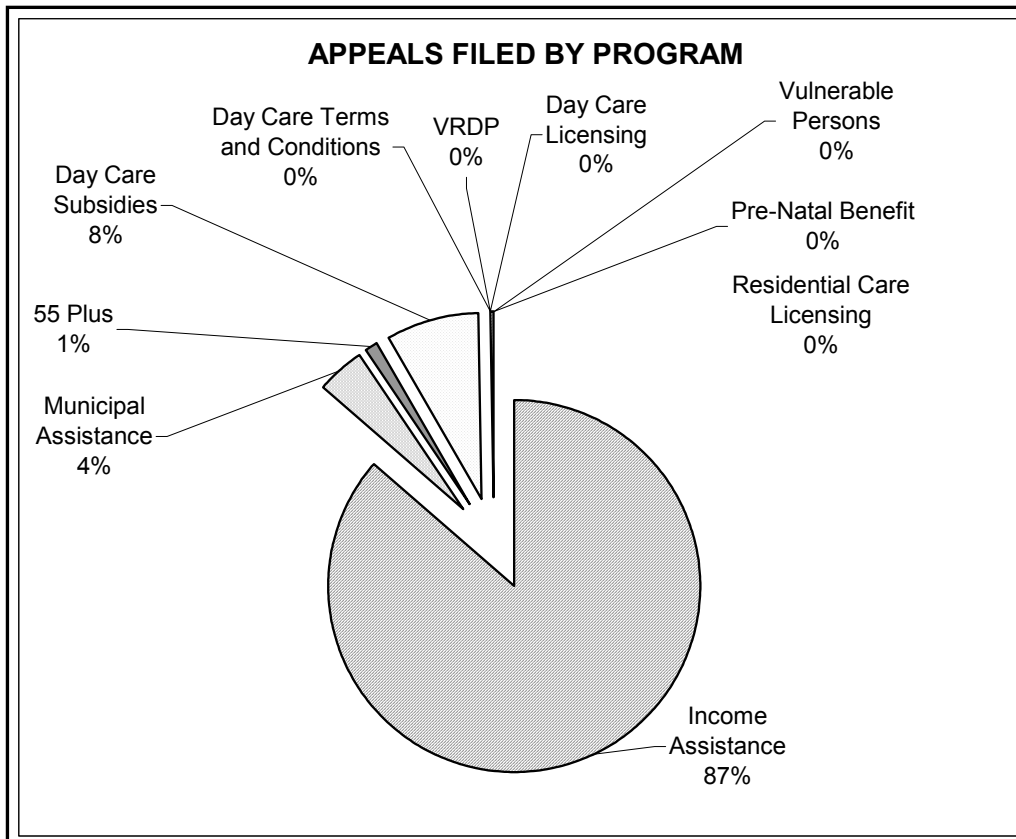
## Appeal Activity

In the **2003/2004** fiscal year, there were a total of 777 appeals filed compared to 714 the previous fiscal year.

### Appeals filed by Program:

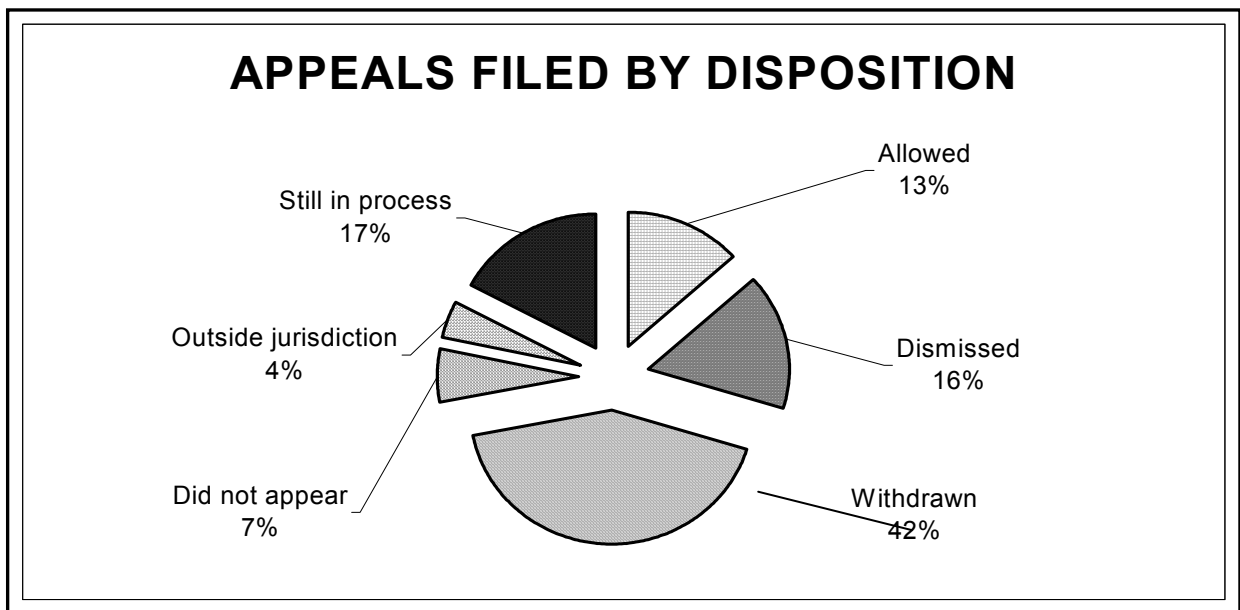
The 777 appeals broken down by program area are as follows:

Income Assistance	672
Municipal Assistance	31
55 PLUS-Junior Component	9
Day Care Subsidies	63
Day Care Licensing	0
Day Care Terms and Conditions	0
Vocational Rehabilitation for Disabled Persons (VRDP)	1
Vulnerable Persons	0
Pre-Natal Benefit	1
Residential Care Licensing	0
Adoption Agency Licensing	0



**Appeals filed by Disposition:**

	<b>2003/2004</b>	<b>%</b>	<b>2002/2003</b>	<b>%</b>
Allowed	<b>103</b>	13	95	13
Dismissed	<b>128</b>	16	149	21
Withdrawn	<b>327</b>	42	318	45
Did not appear	<b>51</b>	7	66	9
Outside jurisdiction	<b>35</b>	5	49	7
Still in process	<b>133*</b>	17	37	5



**Withdrawn appeals:**

Resolved	289
Abandoned	33
Clarified	5

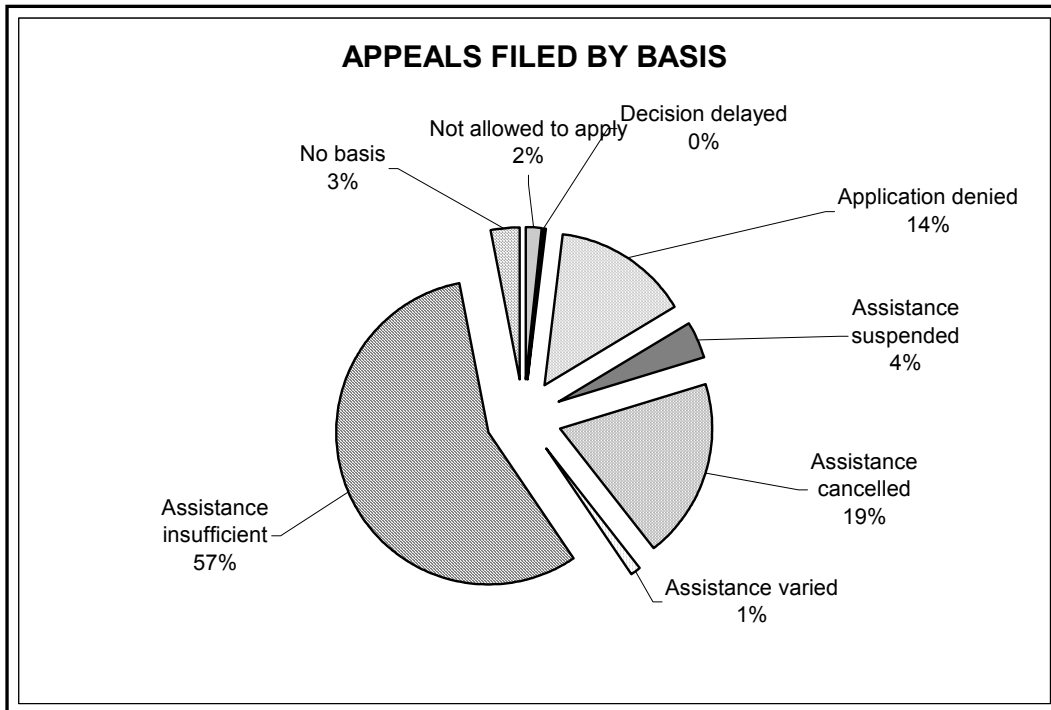
Thus, the **327** that were withdrawn combined with the **103** that were allowed results in **430** or 55% of total appeals whose outcome was in favour of the appellants.

**Basis of Appeal:**

Of the **777** appeals filed during the **2003/04** fiscal year, the basis for appeal were as follows:

Not allowed to apply	11
Decision delayed	2
Application denied	92
Assistance suspended	25
Assistance cancelled	123
Assistance varied	7
Assistance insufficient	362
No basis	20

Note: Data for the remaining 135 files was not yet processed and is unavailable.



### **Allowed Appeals:**

For the **2003/2004** fiscal year, there were **103** appeals allowed. Disposition of the allowed appeals is as follows:

Provincial Income Assistance	97
Municipal Assistance	6

### **Reason for Appeals:**

Of the **777** appeals received for **2003/2004**, the most common reasons for filing appeals were as follows:

Medical eligibility	122
Non-cooperation with employment expectations	76
Financial resources	62
Health needs	38
Shelter costs	36

These five main reasons apply to **334** appeals, or **42.9%** of the total.

### **Requests for Reconsideration:**

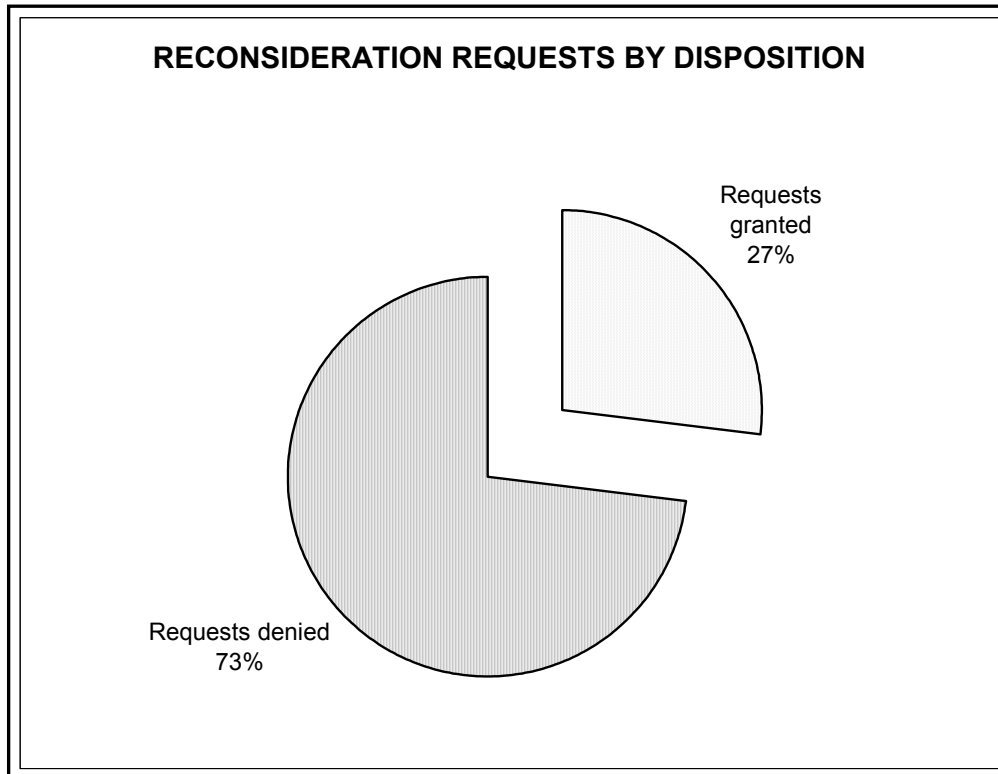
	<b>2003/04</b>	<b>2002/03</b>
<b>Total requests received</b>	<b>26</b>	<b>28</b>
From appellant	23	25
From respondent	2	3
Board initiated	1	0

**Program breakdown of Reconsideration Requests:**

	<b><u>2003/04</u></b>	<b><u>2002/03</u></b>
Income Assistance	24	26
Municipal Assistance	2	0
Prenatal Benefit	0	1
Day Care Subsidy	0	1

**Disposition of Reconsideration Requests:**

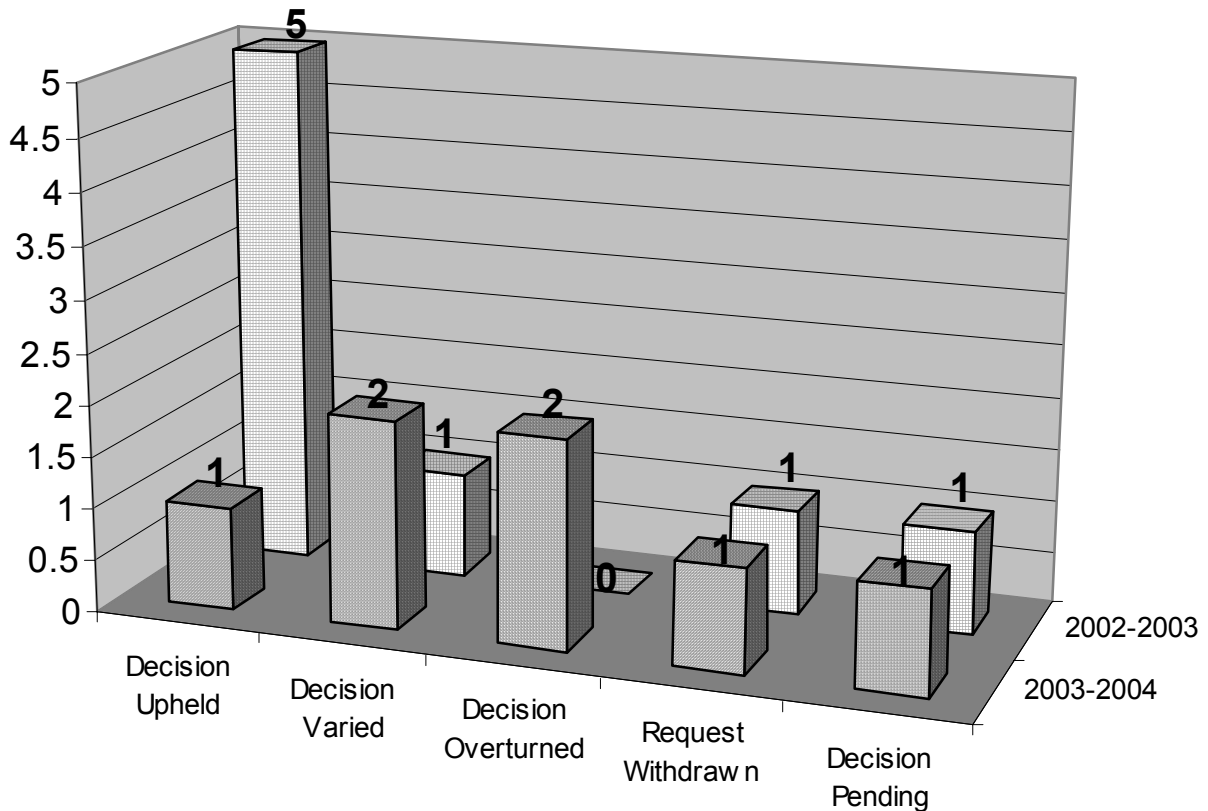
	<b><u>2003/04</u></b>	<b><u>2002/03</u></b>
Requests granted	7	8
Requests denied	19	13
Withdrawn	0	3
Pending	0	2
Not eligible	0	2



**Of the Requests Granted:**

	<u>2003/04</u>	<u>2002/03</u>
Decision Upheld	1	5
Decision Varied	2	1
Decision Overturned	2	0
Request Withdrawn	1	1
Decision Pending	1	1

**Outcome of Reconsideration Requests  
Granted**



## **2003/2004 Summary of Advisory Role**

*The Social Services Appeal Board Act* enables the Appeal Board to advise and make recommendations to the Minister about social services provided under the designated Acts. In order to fulfill this mandate, the Board meets on a quarterly basis to discuss issues that have arisen during the course of appeal hearings. In addition, the Board may form ad hoc committees to examine a specific issue in more detail.

The following is a summary of the issues brought to the attention of the Minister during the 2003/2004 fiscal year.

- Within the Employment and Income Assistance program, if an individual acquires deemed income by giving away or selling property at less than market value, this income is applied against that individual's monthly benefit amount. The Board expressed concern that these deductions were often applied indefinitely, and as a result, caused hardship for many years after the deduction was first implemented.
- The Board also recommended to the Minister that the current policy of not covering over-the-counter medications be reviewed. The Board was concerned that because many items can be purchased without a prescription, a person must use their basic needs amount to purchase these items. The Board had recommended that physicians be required to indicate on prescriptions whether the item be considered a necessary health need, and if so, that the Department be responsible for providing additional funds to cover the expense. The current process of applying for exceptional drug status is often cumbersome and not easily understood.
- The Board identified a policy gap in a situation where two persons were rent sharing accommodations that did not include all utilities. The Department's current policy is to reconcile utility costs on a yearly basis, however, people in rent-sharing situations are not allowed any funds for utilities. The Board found this policy discriminatory.
- The Board has found that many clients are unaware of the utility reconciliation process. In a few instances, clients have tried to limit their utility consumption in order to save funds for other purposes, only to discover at the end of the year that a significant overpayment has been placed on their file. The Board had suggested that a sentence be added to the budget letters indicating that actual utility costs are covered. However, if the amounts in the budget vary significantly from the actual bills, then the clients should speak to their workers.



- The Board became concerned about the process for collecting overpayments after a couple separates. Under the current practice, the Department continues to collect the overpayment from the active file, and the other spouse bears no responsibility for repaying the overpayment. The Minister has asked the Board to develop specific recommendations regarding this issue, and an ad hoc committee was formed to research and provide a recommendation to the Minister. This recommendation will be forwarded to the Minister in the 2004/05 fiscal year.
- The Board acknowledges that the basic social assistance rate was recently increased by \$20 per month and applauds the government for this move. The Board has recommended to the Minister that many of the rates for “special needs” items also be revised to reflect current rates. For example, the reimbursement rate for medical transportation has remained at 13 cents a kilometer for the past 12 years, and single beds have remained at \$150 since the mid 1980’s.
- The Board recommended to the Minister, with respect to the 55 Plus Program, that an increase in rates or eligible income be applied to citizens who lived in Northern Manitoba. Almost all other income support programs within the Department provided allowances for the higher cost of living in the Northern part of the province.
- The Board has made two recommendations to the Minister in the area of Child Day Care: 1) that the Director of Provincial Services be granted greater flexibility to back date child subsidy claims when exceptional circumstances are warranted; and 2) that the income exemption levels be raised to reflect increases in the cost of living.

## **SELECTED OVERVIEWS AND CASE SUMMARIES**

### **Sample #1**

**Program: Employment and Income Assistance (EIA)**

**Basis of Appeal: Income Assistance Insufficient**

**Appeal Detail: Medical Eligibility**

**Decision: Allowed**

The most frequent issue under appeal in the EIA program continues to be eligibility for enrollment as a person with a disability under section 5(1)(a)(i) of *The Employment and Income Assistance Act*.

The Department's current process for determining eligibility centres on receiving information from a person's medical doctor and submitting this medical information, along with a recommendation, to a medical panel. The medical panel, consisting of a medical doctor and one EIA staff person, reviews the medical information and the recommendation from the case coordinator to determine the person's eligibility for medical benefits. The length of time for which this eligibility is to be in effect is also reached at this time.

According to subsection 5(1) of *The Employment and Income Assistance Act*, a person will qualify for benefits as a person with a disability:

- (a) who, by reason of age or by reason of physical or mental ill health, or physical or mental incapacity or disorder that is likely to continue for more than 90 days
  - (i) is unable to earn an income sufficient to meet the basic necessities of himself and his dependants, if any;

Therefore, a diagnosis in and of itself does not qualify a person for disability, but rather it must be documented that the illness or incapacity will last longer than 90 days and render a person incapable of being gainfully employed. Information from doctors is often brief and based on limited contact with the individual.

Many of the appeals revolve around a person's capacity to be employed, however, the following case sample was unique in that the eligibility issue was mainly concerned with the time frame in which the individual would be unemployable.

## **Case Details**

A young man had been enrolled as a person with a disability for seven months due to clinical depression. The new medical information that was provided by the doctor indicated that he should be able to return to work in 8-10 weeks. The Department determined that as the period of unemployment was less than 90 days, he was not eligible for assistance as a person with a disability. When the 10-week period was near completion, another note from the doctor was provided stating that he was still not capable of employment. The appellant filed a second appeal three months later when another medical assessment was returned in October stating that he would be capable of returning to work in December. Again, the Department rejected assistance under the disability category as the period of unemployment was less than 90 days.

## **Decision**

In reviewing the decision of the Department, the Board looked at the total length of time for which the appellant was unable to work. The first medical report indicated he would be able to return to work in 8-10 weeks. The Board believed that medical eligibility should have been extended at that time to the end of the 10 week period as there was no break in his non-employable status. As a result, the total period of unemployability was seven months plus ten weeks, far exceeding the required 90 days. The Board ordered the Department to reinstate the disability benefits back dated to the date they were cancelled. It was felt that the doctor was being overly optimistic in encouraging his patient to return to work as quickly as possible. Therefore, the Board ordered the Department not to cancel the disability benefits until his doctor had indicated he was capable of returning to work. The subsequent medical report in October indicated that he would be capable of working in December. As these reports were similar and the period of unemployability was continuous, the Board believed that eligibility to the end of December should have been granted. The Board ordered the Department to reinstate the disability benefits for a period of six months, retroactive to the date they were discontinued.

## **Sample #2**

**Program: Employment and Income Assistance**  
**Basis of Appeal: Income Assistance Insufficient**  
**Appeal Detail: Medical Eligibility**  
**Decision: Allowed**

In the following case, the issue centred on whether the medical information submitted did, in fact, support that the person was not capable of employment.

### **Case Details**

This appeal involved a man who had been enrolled as a person with a disability since April 2003 due to Hepatitis C and chronic knee pain. At the time of enrollment, his physician indicated on the medical summary that he was unemployable and that the expected duration of his condition was "indefinite." When the new medical information was provided, the physician stated that the expected duration of the knee condition and the Hepatitis C would be "years." In addition, the report from the Specialist indicated that based on both conditions, it would be "difficult for him to work." Despite these statements that appeared to support the appellant's inability to work, the Department denied him medical eligibility. He was advised to reapply when he started the treatment for his Hepatitis C.

### **Decision**

In rendering the decision to allow this appeal, the Board weighed heavily the fact that both reports from the physician indicated the expected duration of both conditions would be long term, and the specialist's report stated it would be difficult for him to work. The Board questioned the decision of the Medical Panel to disregard that information when making their decision, and believed that the reports supported the appellant's application for medical eligibility. Therefore, the Board allowed this appeal and the Department was ordered to enroll the man on disability for a period of one year to allow him time to address all of his medical conditions.

### **Sample #3**

**Program: Employment and Income Assistance**  
**Basis of Appeal: Income Assistance Insufficient**  
**Appeal Detail: Child Care Costs**  
**Decision: Allowed**

### **Case Details**

This case involved a single mother with two children with disabilities who required specialized care. The woman lived in a small rural town which had limited child care options. She worked part-time in the evenings and was unable to find anyone who could provide the specialized child care that her children required. As a result, she was requesting funds to pay her mother to look after her children in the evenings. The Department indicated that both her children were under the age of six, and as such, she did not have any work expectations. Child care costs are only provided as part of a supported plan. The Department also advised that under section 7(1) of "The Employment and Income Assistance Regulation", child care expenses were not to be paid to a person related to an income assistance recipient or applicant.

### **Decision**

When the Board reviewed this decision, they felt that regardless of the age of her children, any efforts that she was making to reduce her dependency on income assistance and gain work experience should be supported. The Board determined that the combination of living in a small town and having two children with special needs presented special circumstances. Section 7(2) of *The Employment and Income Assistance Act* authorizes the Minister to allow payments for child care to relatives under special circumstances. The Board allowed the appeal and ordered the Department to provide the amount of \$30 per evening to the woman's mother for child care expenses.

## **Sample #4**

**Program: Child Day Care Subsidy**  
**Basis of Appeal: Subsidy Insufficient**  
**Appeal Detail: Backdating of Application**  
**Decision: Dismissed**

In the past year, the Board saw a dramatic increase in the number of Child Day Care Subsidy Appeals. The majority of these appeals involved parents who had not submitted their subsidy application on time and were requesting that the Department backdate their subsidy eligibility. The following example provides a summary of an appeal of this nature.

### **Case Details**

This appeal concerned a woman whose day care subsidy had expired in August 2003. She indicated at the hearing that she dropped off a subsidy application at the subsidy office in September 2003. However, the subsidy office had no record of receiving an application form until late January 2004. She indicated that the child care facility continued to bill her the amount of \$2.40 per day, and she was unaware that she was not being subsidized. The Child Day Care office backdated the effective date of the subsidy for two billing periods to December 7, 2003. This left the parent responsible for the full cost of care for the period of August 26, 2003 to December 7, 2003.

### **Decision**

In reviewing the Department's decision, the Board looked at whether the Department had correctly notified the parent that her subsidy had expired, and whether the Director utilized maximum discretion. The Board determined that the parent had been properly notified of her expiry date and had been sent a reminder notice that the subsidy was about to expire. The Department also notified the child care facility with each billing report that the child day care office was not covering the subsidy. The Board also acknowledged that the parent was familiar with the application and approval process as she had been receiving subsidy for many years. Therefore, the Board felt that the parent should have pursued the issue after several weeks had passed without receiving a subsidy approval notice. The Child Day Care office's policy states that late applications will be back dated to the beginning of the current billing period, and in exceptional circumstances, the director can back date for a further billing period. There are no provisions for any further backdating under any circumstances. The Board concluded that the Department did administer the subsidy in accordance with the legislation, regulations, and policies and the appeal was dismissed. However, as was mentioned in the Advisory Role section, the Board has recommended that this discretion be extended.

## **Sample #5**

**Program: 55 Plus, A Manitoba Income Supplement**

**Basis of Appeal: Benefit Denied**

**Decision: Dismissed**

The 55 PLUS Program provides quarterly income supplements to low-income Manitobans who are 55 years of age and over. The program has two components. The first, or Senior Component, is available for persons who are eligible to receive certain levels of benefits from the federal Old Age Security programs. People in this category are 65 years of age and older and do not have the right to appeal decisions with respect to their eligibility.

The second, or Junior Component, is for persons 55 years of age or older who do not receive either Old Age Security Benefits or assistance from a municipality or province. Because eligibility is income based, a yearly application for benefits is required. The level of benefits is determined by a pro-rated formula and there is very little room for discretion in determining a person's eligibility for benefits, except in situations where income or circumstances vary from year to year. This component of the program allows the right of appeal.

### **Case Details**

This appeal involved a person who lived in Northern Manitoba and had applied for, and been denied, benefits under the 55 Plus Program.

The appellant argued that he lived in Northern Manitoba where the cost of living was much higher. Therefore, the income test for eligibility under the 55 Plus Program should be higher than the allowable income for southern residents of the province. Many other programs, such as Employment and Income Assistance and Child Day Care Subsidy, allow for a higher cost of living when establishing rates for Northern residents.

### **Decision**

The Board agreed with the appellant's argument, however, the Board is obligated by the "Social Services Appeal Board Regulation" to make all decisions in accordance with the legislation and regulations. As "The Income Supplement for Person Not Eligible for Old Age Security Benefits, (55 Plus) Regulation" does not specify higher income allowances for northern residents, the Board did not have the authority to make this determination. Therefore, the Board dismissed the appeal, however, as was previously stated in the advisory section, the Board recommended to the Minister that an increase to the eligible income levels for Northern residents be implemented.

## **Sample #6**

Under Section 22(1) of *The Social Services Appeal Board Act*, a party to the appeal or the appeal board may reconsider all or part of its order. The following demonstrates a reconsideration, which was initiated by the board members themselves.

**Program:** Employment and Income Assistance  
**Basis of Appeal:** Income Assistance Insufficient  
**Original Decision:** Dismissed  
**Reconsideration:** Previous decision was overturned and the appeal was allowed

This appellant had appealed the Department's decision not to provide coverage for the cost of purchasing over the counter vitamin D and calcium supplements. The appellant had received a prescription from his doctor advising that these supplements were mandatory to counteract the negative depletion of this vitamin and mineral caused by his medication. At the hearing, the appellant had requested that the panel members call his doctor to discuss why he required the Vitamin D and calcium supplements. However, the Board felt that they had sufficient information with which to make a well-informed decision.

In its original decision, the Board upheld the Department's decision to deny coverage for these items as they were considered over the counter medication. As such, the Department had made its decision based on written policies and practices. Subsequent to the hearing, the panel members discussed that perhaps they should have granted the appellant's request for his doctor to speak to the Board. As they wanted to ensure they had given the appellant every opportunity to present his case, the Board requested that the decision be reconsidered and arrangements were made to have the doctor provide testimony to the panel at a new hearing.

As a result of the doctor's testimony, the panel was convinced that these supplements were vital to the appellant's health care. The doctor had testified that prescription alternatives were available to the over the counter supplements, however, these would have been much more expensive. Therefore, the Board overturned its original decision and ordered the Department to provide coverage for these supplements. In addition, the Board recommended to the Minister that in situations where a doctor has written a prescription for over the counter medication, additional funds be added to a person's budget to cover these costs.



**CHAPTER S167****THE SOCIAL SERVICES  
APPEAL BOARD ACT****TABLE OF CONTENTS**

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**CHAPITRE S167****LOI SUR LA COMMISSION  
D'APPEL DES SERVICES SOCIAUX****TABLE DES MATIÈRES**

## Article

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## CHAPTER S167

### THE SOCIAL SERVICES APPEAL BOARD ACT

(Assented to July 6, 2001)

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

#### DEFINITIONS AND PURPOSE

##### Definitions

**1** In this Act,

**"appeal board"** means the Social Services Appeal Board referred to in section 3; (« Commission d'appel »)

**"designated Act"** means

- (a) *The Adoption Act*,
- (b) *The Community Child Day Care Standards Act*,
- (c) *The Employment and Income Assistance Act*,
- (d) *The Social Services Administration Act* or a regulation under that Act,

## CHAPITRE S167

### LOI SUR LA COMMISSION D'APPEL DES SERVICES SOCIAUX

(Date de sanction : 6 juillet 2001)

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative du Manitoba, édicte :

#### DÉFINITIONS ET OBJET

##### Définitions

**1** Les définitions qui suivent s'appliquent à la présente loi.

« **comité** » Comité d'appel de la Commission d'appel. ("panel")

« **Commission d'appel** » La Commission d'appel des services sociaux indiquée à l'article 3. ("appeal board")

« **fonctionnaire désigné** » Personne qui, en vertu d'une loi désignée, peut rendre une décision ou donner un ordre à l'égard duquel la loi désignée prévoit un droit d'appel à la Commission d'appel, ou la personne à qui est délégué un tel pouvoir. ("designated officer")

(e) *The Vulnerable Persons Living with a Mental Disability Act*,

(f) any other Act or regulation designated as a designated Act in the regulations; (« loi désignée »)

**"designated officer"** means a person who has authority under a designated Act to make a decision or order for which there is a right of appeal under the designated Act to the appeal board, or the person to whom that authority is delegated; (« fonctionnaire désigné »)

**"minister"** means the minister appointed by the Lieutenant Governor in Council to administer this Act; (« ministre »)

**"panel"** means a panel of the appeal board. (« comité »)

### Purpose

2 The purpose of this Act is to give Manitobans a fair, impartial and informal appeal process from decisions relating to various social services and programs.

## APPEAL BOARD

### Social Services Appeal Board

3 The Social Services Advisory Committee, which was established under *The Social Services Administration Act*, is continued under this Act as the Social Services Appeal Board.

### Members

4(1) The appeal board is to consist of 15 members appointed by the Lieutenant Governor in Council.

### Who can be a member

4(2) The members of the appeal board must, in the opinion of the Lieutenant Governor in Council,

(a) be representative of the regional, economic and cultural diversity of Manitoba;

### « loi désignée »

a) *La Loi sur l'adoption*;

b) *la Loi sur les garderies d'enfants*;

c) *la Loi sur l'aide à l'emploi et au revenu*;

d) *la Loi sur les services sociaux* ou ses règlements d'application;

e) *la Loi sur les personnes vulnérables ayant une déficience mentale*;

f) tout autre loi ou règlement désigné par règlement. ("designated Act")

« ministre » Le ministre chargé par le lieutenant-gouverneur en conseil de l'application de la présente loi. ("minister")

### Objet

2 La présente loi a pour objet de mettre à la disposition des Manitobains et Manitobaines un processus d'appel des décisions ayant trait à différents programmes et services sociaux qui soit informel, juste et impartial.

## COMMISSION D'APPEL

### Commission d'appel des services sociaux

3 Le Comité consultatif des services sociaux, établi en vertu de la *Loi sur les services sociaux*, est maintenu en vertu de la présente loi sous l'appellation de Commission d'appel des services sociaux.

### Composition

4(1) La Commission d'appel se compose de 15 membres nommés par le lieutenant-gouverneur en conseil.

### Membres

4(2) De l'avis du lieutenant-gouverneur en conseil, les membres de la Commission d'appel :

a) représentent la diversité régionale, économique et culturelle du Manitoba;

(b) be knowledgeable about social services and programs under designated Acts; and

(c) not be employees under the control of a minister responsible for a designated Act.

#### **Two-year terms**

**4(3)** Each member is to be appointed for a term of two years, and may be reappointed for two further two-year terms.

#### **Reappointing a member**

**4(4)** A member who has served for three terms may be reappointed for a further term, but only if at least one year has passed since the end of his or her last term.

#### **Member continues to hold office**

**4(5)** A member continues to hold office until he or she is reappointed, a successor is appointed or the appointment is revoked.

#### **Remuneration and expenses**

**5** The members of the appeal board are to be paid remuneration and expenses at rates set by the Lieutenant Governor in Council.

#### **Chair and vice-chair**

**6(1)** The Lieutenant Governor in Council must designate one of the members of the appeal board as chair and one or more members as vice-chairs.

#### **Duties of vice-chair**

**6(2)** A vice-chair has the authority of the chair if the chair is absent or unable to act, or when authorized by the chair.

#### **Staff**

**7** Any employees required to enable the appeal board to carry out its responsibilities may be appointed in accordance with *The Civil Service Act*.

#### **Responsibilities of the appeal board**

**8** The appeal board has these responsibilities:

(a) to hear and decide appeals under designated Acts;

(b) at the minister's request, to advise and make recommendations about matters that relate to social services and programs in Manitoba;

b) sont bien informés des services et programmes sociaux que prévoient les lois désignées;

c) ne sont pas au service d'un ministre responsable de l'application d'une loi désignée.

#### **Mandat de deux ans**

**4(3)** Les membres sont nommés pour un mandat de deux ans et peuvent ensuite l'être pour deux autres mandats de deux ans.

#### **Nomination après trois mandats**

**4(4)** Le membre qui a terminé trois mandats peut être nommé de nouveau pour un autre mandat, pourvu qu'au moins une année se soit écoulée depuis la fin de son dernier mandat.

#### **Continuation des mandats**

**4(5)** Les membres exercent leur charge jusqu'à ce qu'ils soient nommés de nouveau, qu'un successeur leur soit nommé ou que leur nomination soit révoquée.

#### **Rémunération et indemnités**

**5** Les membres de la Commission d'appel reçoivent une rémunération et des indemnités aux taux que fixe le lieutenant-gouverneur en conseil.

#### **Présidence et vice-présidence**

**6(1)** Le lieutenant-gouverneur en conseil désigne parmi les membres de la Commission d'appel un président et au moins un vice-président.

#### **Fonctions du vice-président**

**6(2)** En cas d'absence ou d'empêchement du président ou sur autorisation de ce dernier, la présidence est assumée par un des vice-présidents.

#### **Personnel**

**7** Le personnel nécessaire à l'exercice des attributions de la Commission d'appel peut être nommé conformément à la *Loi sur la fonction publique*.

#### **Attributions**

**8** La Commission d'appel :

a) entend et juge les appels interjetés dans le cadre des lois désignées;

b) conseille le ministre et lui fait des recommandations, à sa demande, sur toute question se rapportant aux services et aux programmes sociaux du Manitoba;

(c) on its own initiative, to advise and make recommendations to the minister about social services provided under the designated Acts;

(d) to perform any other duties assigned to it by an Act or regulation or by the minister.

### **Procedural rules**

**9** The appeal board may establish its own rules of practice and procedure and must make them available to the public.

### **Posting information about appeals**

**10** A designated officer must post information about the right to appeal to the appeal board, and about the appeal process, in a visible public location in any office in which decisions are made that can be appealed under a designated Act.

c) peut, de sa propre initiative, conseiller le ministre et lui faire des recommandations à l'égard des services sociaux fournis en vertu des lois désignées;

d) exerce toute autre fonction que lui attribue une loi, un règlement ou le ministre.

### **Règles de procédure**

**9** La Commission d'appel peut établir ses propres règles de procédure, auquel cas elle les rend accessibles au public.

### **Affichage de l'information — appel**

**10** Les fonctionnaires désignés affichent l'information qui se rapporte au droit d'interjeter appel à la Commission d'appel ainsi qu'à la procédure d'appel dans un endroit public bien en vue situé dans un bureau où sont rendues des décisions pouvant faire l'objet d'un appel en vertu d'une loi désignée.

## **PANELS OF THE APPEAL BOARD**

### **Board to sit in panels**

**11(1)** The appeal board must sit in panels of three members when hearing appeals.

### **Assigning members to panels**

**11(2)** The chair is to assign members to sit on panels.

### **Chair of panel**

**11(3)** The chair or a vice-chair is to preside over a panel, or the chair may designate another member of the appeal board to preside.

### **Who is not eligible to be a member of a panel**

**11(4)** A member of the appeal board is not eligible to sit on a panel if he or she

(a) is a relative of a party; or

(b) is not able to be impartial and independent about the outcome of the appeal.

### **Quorum**

**11(5)** A quorum for a panel is the three members referred to in subsection (1).

## **COMITÉS DE LA COMMISSION D'APPEL**

### **Commission d'appel en comité**

**11(1)** La Commission d'appel siège en comité de trois personnes pour entendre les appels.

### **Désignation des membres**

**11(2)** Le président désigne les membres qui siègent aux comités.

### **Président du comité**

**11(3)** Le président ou un des vice-présidents préside les séances des comités. Il est permis au président de désigner un membre pour en assumer la présidence.

### **Personne ne pouvant être membre d'un comité**

**11(4)** Il est interdit à un membre de la Commission d'appel de siéger à un comité :

a) si l'une des parties et lui sont parents;

b) s'il n'est pas en mesure de faire preuve d'impartialité et d'indépendance quant à l'issue de l'appel.

### **Quorum**

**11(5)** Le quorum d'un comité est formé des trois membres que vise le paragraphe (1).

**Jurisdiction of panel**

**11(6)** In considering and deciding an appeal,

(a) a panel has all the jurisdiction of the appeal board and may exercise the board's powers and perform its duties; and

(b) a decision of a majority of the members of a panel is the decision of the appeal board.

**Compétence du comité**

**11(6)** Dans le cadre d'un appel :

a) le comité a la compétence de la Commission d'appel et peut exercer les attributions de celle-ci;

b) la décision rendue par la majorité des membres du comité constitue la décision de la Commission d'appel.

**APPEAL TO THE APPEAL BOARD****Filing an appeal**

**12(1)** A person who has a right to appeal a decision or order to the appeal board under a designated Act may commence an appeal by filing a notice of appeal with the board.

**Time limit for filing**

**12(2)** A notice of appeal must be filed within 30 days after the date of the decision or order, unless the designated Act specifies a different time limit.

**Extending the time limit**

**12(3)** The appeal board may extend the time limit for commencing an appeal, and may do so either before or after the time limit expires.

**Reasons**

**12(4)** A notice of appeal must be in writing and must state the reasons for the appeal.

**Parties**

**13(1)** The parties to an appeal are the person who has a right to appeal to the appeal board and the designated officer under the designated Act.

**Parties to be present**

**13(2)** The appellant and the designated officer or a delegate of the designated officer must be present at the hearing or, if subsection 19(2) applies, must be able to communicate with each other and the appeal board simultaneously.

**Advocates**

**14** At the appellant's request, another person may communicate with the appeal board at any time on the appellant's behalf and may be present with the appellant at the hearing.

**APPEL À LA COMMISSION D'APPEL****Appel**

**12(1)** Quiconque a le droit, en vertu d'une loi désignée, d'interjeter appel à la Commission d'appel d'une décision ou d'un ordre peut le faire en déposant un avis d'appel à la Commission.

**Délai pour interjeter appel**

**12(2)** L'avis d'appel est déposé dans les 30 jours qui suivent la date de la décision ou de l'ordre, sauf si la loi désignée prévoit un délai différent.

**Prolongation du délai pour interjeter appel**

**12(3)** La Commission d'appel peut prolonger le délai accordé pour interjeter appel, que ce délai soit expiré ou non.

**Motifs**

**12(4)** L'avis d'appel est par écrit et indique les motifs de l'appel.

**Parties**

**13(1)** Sont parties à un appel la personne qui a le droit d'interjeter appel à la Commission d'appel ainsi que le fonctionnaire désigné qu'indique la loi désignée pertinente.

**Présence des parties**

**13(2)** L'appelant et le fonctionnaire désigné, ou son délégué, doivent être présents à l'audience ou, si le paragraphe 19(2) s'applique, doivent pouvoir communiquer l'un avec l'autre ainsi qu'avec la Commission d'appel de façon simultanée.

**Représentation**

**14** Toute personne peut, à la demande de l'appelant, communiquer avec la Commission d'appel en son nom et être présent à l'audience avec lui.

**Notice to the designated officer**

**15(1)** On receiving a notice of appeal, the appeal board must promptly give a copy of it to the designated officer.

**Designated office must forward documents**

**15(2)** On receiving the notice of appeal, the designated officer must promptly give the appeal board

- (a) all of the documentary evidence on which the designated officer made the decision or order being appealed;
- (b) any documents that the designated officer is specifically required to provide to the board under the designated Act; and
- (c) any other documents the designated officer thinks might be relevant to the appeal.

**Hearing date**

**16(1)** For each appeal, the appeal board must arrange the earliest possible hearing date. The hearing must not be commenced more than 30 days after the board receives the notice of appeal, unless the board at the request of the appellant, grants an extension.

**Notice**

**16(2)** Unless the parties agree to a shorter period of notice, at least six days before the hearing the appeal board must give the parties written notice of the date, time and place of the hearing.

**Parties may examine evidence**

**17** The appeal board must give each party a reasonable opportunity to examine and copy any information that has been submitted to the board for the purpose of the hearing.

**Powers and duties of the board**

**18** The appeal board must inform itself fully of the facts concerning each appeal. For that purpose, the board

- (a) may require the attendance of witnesses and the production of documents in addition to the witnesses called by the parties and the documents produced by the parties; and
- (b) has the powers of a commissioner under Part V of *The Manitoba Evidence Act*.

**Avis au fonctionnaire désigné**

**15(1)** Dès réception d'un avis d'appel, la Commission d'appel en remet rapidement une copie au fonctionnaire désigné.

**Documents à produire**

**15(2)** Dès réception de l'avis d'appel, le fonctionnaire désigné fait parvenir rapidement à la Commission d'appel :

- a) la preuve documentaire sur laquelle il s'est fondé pour rendre la décision ou donner l'ordre faisant l'objet de l'appel;
- b) les documents qu'il est expressément tenu de fournir relativement à l'appel suivant la loi désignée;
- c) tout autre document qui, à son avis, peut être pertinent.

**Date d'audience**

**16(1)** La Commission d'appel fixe, pour chaque appel, une date d'audience qui soit la plus rapprochée possible. L'audience commence au plus tard 30 jours après la réception par la Commission de l'avis d'appel, sauf si celle-ci accorde, à la demande de l'appellant, un délai plus long.

**Avis**

**16(2)** La Commission d'appel avise les parties par écrit de la date, de l'heure et du lieu de l'audience au moins six jours avant celle-ci, à moins que les parties ne conviennent d'une période de préavis plus courte.

**Examen de la preuve par les parties**

**17** La Commission d'appel donne à chaque partie l'occasion d'examiner et de reproduire les renseignements qui lui ont été présentés aux fins de la tenue de l'audience.

**Attributions de la Commission d'appel**

**18** La Commission d'appel s'informe de tous les faits ayant trait à chaque appel. Pour ce faire, elle :

- a) peut exiger la comparution d'un témoin qui n'a pas été appelé et la production d'un document qui n'a pas été produit par une partie;
- b) a les pouvoirs d'un commissaire nommé en vertu de la partie V de la *Loi sur la preuve au Manitoba*.



**Hearing process: rules of evidence do not apply**

**19(1)** The appeal board is not bound by the rules of evidence that apply to judicial proceedings.

**Hearing by teleconference**

**19(2)** A hearing may be held by means of a conference telephone call, or by another method of communication that permits the appeal board and the parties to communicate with each other simultaneously.

**Closed hearing if appellant requests**

**19(3)** The hearing is to be closed to the public if the appellant asks for it to be closed; otherwise it is to be open to the public.

**Adjournment**

**19(4)** The appeal board may adjourn a hearing when it considers it appropriate to do so.

## ORDER OF THE APPEAL BOARD

**Order of the board**

**20(1)** Unless the designated Act states otherwise, after a hearing the appeal board may, by written order,

- (a) confirm, vary or rescind the order or decision of the designated officer;
- (b) make any order or decision that the designated officer could have made; or
- (c) refer the matter back to the designated officer for further consideration by the designated officer in accordance with any direction of the appeal board.

**Reasons**

**20(2)** The appeal board must give written reasons for its order.

**Time limit for making order**

**20(3)** The appeal board must make its order within 15 days after the hearing ends.

**Non-application des règles de preuve**

**19(1)** La Commission d'appel n'est pas liée par les règles de preuve s'appliquant aux poursuites judiciaires.

**Conférence téléphonique**

**19(2)** Il peut être procédé à une audience au moyen d'une conférence téléphonique ou d'un autre moyen de communication permettant à la Commission d'appel et aux parties de communiquer entre elles simultanément.

**Demande de huis clos**

**19(3)** Les audiences se déroulent à huis clos si l'appelant en fait la demande; autrement, elles sont accessibles au public.

**Ajournement**

**19(4)** La Commission d'appel peut, si elle l'estime opportun, ajourner une audience.

## ORDONNANCE DE LA COMMISSION D'APPEL

**Ordonnance de la Commission d'appel**

**20(1)** Sauf indication contraire de la loi désignée, la Commission d'appel peut, par ordonnance écrite :

- a) confirmer, modifier ou annuler l'ordre ou la décision du fonctionnaire désigné;
- b) donner l'ordre ou rendre la décision que le fonctionnaire désigné aurait pu donner ou rendre;
- c) renvoyer l'affaire au fonctionnaire désigné afin que celui-ci la réexamine conformément aux directives qu'elle estime opportunes.

**Motifs**

**20(2)** La Commission d'appel indique par écrit les motifs de l'ordonnance qu'elle rend.

**Délai pour rendre une ordonnance**

**20(3)** La Commission d'appel rend son ordonnance dans les 15 jours qui suivent la fin de l'audience.

**Order given to the parties**

**20(4)** The appeal board must give the parties a copy of the order and inform them of their right to appeal a question of law or jurisdiction to The Court of Appeal.

**Method of giving the order**

**20(5)** The order must be given to the parties personally or by regular lettermail or by another method acceptable to the appeal board and the parties.

**Order must be given effect**

**21** A designated officer must give effect to the order of the appeal board.

**Reconsideration of the order**

**22(1)** At the request of a party to the appeal or on its own initiative, the appeal board may reconsider all or part of its order and may confirm, vary, suspend or rescind its order.

**Time limit for making request**

**22(2)** A written request for a reconsideration, stating the reasons for the request, must be filed with the appeal board within 30 days after the date of the board's order.

**Time limit for deciding request**

**22(3)** The appeal board must, by order, make a decision as to whether an order will be reconsidered, within 15 days after the date the request for a reconsideration is filed.

**Reasons**

**22(4)** The board must give written reasons if it decides not to reconsider an order.

**Remise de l'ordonnance aux parties**

**20(4)** La Commission d'appel donne aux parties une copie de l'ordonnance et les informe de leur droit d'interjeter appel à la Cour d'appel sur une question de droit ou de compétence.

**Ordonnance remise en main propre ou par courrier**

**20(5)** L'ordonnance est remise en main propre aux parties ou leur est envoyée par poste-lettres ordinaire ou par tout autre moyen que la Commission d'appel et les parties estiment acceptable.

**Exécution de l'ordonnance**

**21** Le fonctionnaire désigné exécute l'ordonnance de la Commission d'appel.

**Réexamen de l'ordonnance**

**22(1)** La Commission d'appel peut, à la demande d'une partie ou de son propre chef, réexaminer, en tout ou en partie, l'ordonnance qu'elle a rendue et la confirmer, la modifier, la suspendre ou l'annuler.

**Délai pour déposer une demande de réexamen**

**22(2)** La demande de réexamen se fait par écrit, est motivée et est déposée à la Commission d'appel dans les 30 jours qui suivent la date de l'ordonnance.

**Délai — décision sur la demande de réexamen**

**22(3)** La Commission d'appel décide, par ordonnance, si l'ordonnance sera réexaminée dans les 15 jours qui suivent la date du dépôt de la demande de réexamen.

**Motifs**

**22(4)** La Commission d'appel donne par écrit les motifs de sa décision dans l'éventualité où elle décide de ne pas réexaminer une ordonnance.

**APPEAL TO COURT OF APPEAL****APPEL À LA COUR D'APPEL****Appeal to Court of Appeal**

**23(1)** Any party to the appeal before the appeal board may appeal the board's order to The Court of Appeal on any question involving the board's jurisdiction or on a point of law, but only after obtaining leave to appeal from a judge of The Court of Appeal.

**Appel à la Cour d'appel**

**23(1)** Avec l'autorisation d'un juge de la Cour d'appel, toute partie à un appel devant la Commission d'appel peut interjeter appel à la Cour d'appel de l'ordonnance de la Commission d'appel sur une question qui touche la compétence de celle-ci ou sur une question de droit.

**Time limit**

**23(2)** An application for leave to appeal must be made within 30 days after the date of the appeal board's order, or within any further time that a judge allows.

**Parties**

**23(3)** The parties to the appeal before the appeal board, and the appeal board, are entitled to be heard on the application for leave to appeal and on the appeal itself.

**Order of Court of Appeal**

**24** The Court of Appeal may

- (a) quash, vary or confirm the order of the appeal board; or
- (b) refer the matter back to the appeal board for further consideration in accordance with any direction of the Court.

**Délaï**

**23(2)** La requête en autorisation d'appel est présentée dans les 30 jours qui suivent la date de l'ordonnance de la Commission d'appel ou dans tout délai supplémentaire que fixe un juge.

**Parties**

**23(3)** La Commission d'appel et les parties à l'appel devant celle-ci ont le droit d'être entendues au sujet de la requête en autorisation d'appel et de l'appel à la Cour d'appel.

**Ordonnance de la Cour d'appel**

**24** La Cour d'appel peut :

- a) infirmer, modifier ou confirmer l'ordonnance de la Commission d'appel;
- b) renvoyer l'affaire à la Commission d'appel afin que celle-ci la réexamine conformément aux directives qu'elle estime opportunes.

## REGULATIONS

**Regulations**

**25** The Lieutenant Governor in Council may make regulations

- (a) designating Acts or regulations for the purpose of the definition "designated Act" in section 1;
- (b) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

## RÈGLEMENTS

**Règlements**

**25** Le lieutenant-gouverneur en conseil peut, par règlement :

- a) désigner des lois ou des règlements pour l'application de la définition de « loi désignée » à l'article 1;
- b) prendre toute autre mesure qu'il estime nécessaire ou utile à l'application de la présente loi.

## ANNUAL REPORT

**Annual report**

**26** Within six months after the end of the government's fiscal year, the appeal board must provide the minister with a report about the board's activities during that fiscal year. The minister shall lay a copy of the report before the Legislative Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.

## RAPPORT ANNUEL

**Rapport annuel**

**26** Dans les six mois qui suivent la fin de l'exercice du gouvernement, la Commission d'appel présente au ministre un rapport sur ses activités pendant l'exercice. Le ministre dépose une copie du rapport devant l'Assemblée législative dans les 15 premiers jours de séance de celle-ci suivant sa réception.

## PROTECTION FROM LEGAL ACTION

**Protection from legal action**

**27** No action or proceeding for damages may be brought against the appeal board or any member of the board because of anything done or omitted in good faith

(a) in the performance or intended performance of a duty under this Act; or

(b) in the exercise or intended exercise of a power under this Act.

## TRANSITIONAL

*Transitional: definitions*

**28(1)** *In this section,*

**"former Act"** means *The Social Services Administration Act, R.S.M. 1987, c. S165; (« ancienne loi »)*

**"former designated Act"** means *a designated Act as it read immediately before the coming into force of this Act. (« ancienne loi désignée »)*

*Appeals already commenced*

**28(2)** *Where on the day this Act comes into force an appeal under a former designated Act to the Social Services Advisory Committee under the former Act has been commenced but not finally disposed of, the appeal shall be continued and completed in accordance with that former designated Act as if this Act had not come into force.*

## CONSEQUENTIAL AMENDMENTS

**29 to 32** **NOTE:** These sections contained consequential amendments to other Acts that are now included in those Acts.

## IMMUNITÉ

**Immunité**

**27** La Commission d'appel et ses membres bénéficient de l'immunité pour les actes accomplis ou les omissions commises de bonne foi dans l'exercice effectif ou censé tel des attributions que leur confère la présente loi.

## DISPOSITIONS TRANSITOIRES

*Définitions transitoires*

**28(1)** *Les définitions qui suivent s'appliquent au présent article.*

**« ancienne loi »** *La Loi sur les services sociaux, c. S165 des L.R.M. 1987. ("former Act")*

**« ancienne loi désignée »** *Loi désignée telle qu'elle était libellée juste avant l'entrée en vigueur de la présente loi. ("former designated Act")*

*Appels commencés*

**28(2)** *Les appels qui sont commencés, en vertu d'une ancienne loi désignée, devant le Comité consultatif des services sociaux visé par l'ancienne loi mais qui ne sont pas terminés au moment de l'entrée en vigueur de la présente loi se poursuivent et sont tranchés conformément aux dispositions de l'ancienne loi désignée comme si la présente loi n'était pas entrée en vigueur.*

## MODIFICATIONS CORRÉLATIVES

**29 à 32** **NOTE :** Les modifications corrélatives que contenaient les articles 29 à 32 ont été intégrées aux lois auxquelles elles s'appliquaient.

**33** NOTE: This section contained consequential amendments to *The Social Services Administration Amendment Act*, S.M. 2000, c. 31, and is not yet proclaimed.

**34** NOTE: This section contained consequential amendments to *The Vulnerable Persons Living with a Mental Disability Act* that are now included in that Act.

**33** NOTE : Les modifications corrélatives que contenait l'article 33 de la *Loi modifiant la loi sur les services sociaux*, L.M. 2000, c. 31, ne sont pas proclamés.

**34** NOTE : Les modifications corrélatives que contenait l'article 34 ont été intégrées à la *Loi sur les personnes vulnérables ayant une déficience mentale* à laquelle elles s'appliquaient.

#### C.C.S.M. REFERENCE AND COMING INTO FORCE

##### C.C.S.M. reference

**35** This Act may be cited as *The Social Services Appeal Board Act* and referred to as chapter S167 of the *Continuing Consolidation of the Statutes of Manitoba*.

##### Coming into force

**36(1)** This Act, except section 33, comes into force on a day fixed by proclamation.

##### Coming into force: section 33

**36(2)** Section 33 comes into force on the day *The Social Services Administration Amendment Act*, S.M. 2000, c. 31, comes into force.

**NOTE:** S.M. 2001, c. 9, except section 33, was proclaimed in force February 18, 2002.

#### CODIFICATION PERMANENTE ET ENTRÉE EN VIGUEUR

##### Codification permanente

**35** La présente loi peut être citée sous le titre : *Loi sur la Commission d'appel des services sociaux*. Elle constitue le chapitre S167 de la *Codification permanente des lois du Manitoba*.

##### Entrée en vigueur

**36(1)** La présente loi, à l'exception de l'article 33, entre en vigueur à la date fixée par proclamation.

##### Entrée en vigueur de l'article 33

**36(2)** L'article 33 entre en vigueur en même temps que la *Loi modifiant la Loi sur les services sociaux*, c. 31 des *L.M. 2000*.

**NOTE :** Le chapitre 9 des *L.M. 2001*, sauf l'article 33, est entré en vigueur par proclamation le 18 février 2002.