

CHAPTER L.10

Legislative Assembly Act

Amended by: 1991, c. 57; 1993, c. 27, Sched.; 1994, c. 38, s. 38; 1996, c. 6, ss. 7-19; 1996, c. 28, s. 4; 1997, c. 16, s. 10; 1997, c. 26, Sched.; 1999, c. 5, s. 3; 1999, c. 6, s. 33; 2000, c. 40, s. 19; 2001, c. 15.

As of July 5, 2001.

Composition of Assembly

1. The Assembly is composed of the number of members that is determined under the *Representation Act, 1996*. 1996, c. 28, s. 4.

Demise of the Crown

2. (1) The Legislature shall not determine or be dissolved by the demise of the Crown, but shall continue, and may meet, convene and sit, proceed and act, in the same manner as if such demise had not happened.

Power to prorogue or dissolve not affected

(2) Nothing in this section alters or abridges the power of the Crown to prorogue or dissolve the Legislature. R.S.O. 1990, c. L.10, s. 2.

Duration of Legislature

3. Every Legislature shall continue for five years from the fifty-fifth day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant Governor. R.S.O. 1990, c. L.10, s. 3.

Yearly session

4. There shall be a session of the Legislature once at least in every year, so that twelve months do not intervene between the last sitting of the Legislature in one session and its first sitting in the next. R.S.O. 1990, c. L.10, s. 4.

Prorogation

5. It is not necessary for the Lieutenant Governor in proroguing the Legislature to name a day to which it is prorogued, nor to issue a formal proclamation for a meeting of the Legislature when it is not intended that the Legislature shall meet for despatch of business. R.S.O. 1990, c. L.10, s. 5.

Qualification of members

6. The persons qualified to sit and vote as members of the Assembly are any persons of the full age of eighteen years who are Canadian citizens resident in Ontario and not disqualified by this or any other Act from election to the Assembly. R.S.O. 1990, c. L.10, s. 6.

Senators and members of House of Commons disqualified

7. (1) No person who on the day of nomination for election to the Assembly is a member of the Senate of Canada or of the House of Commons of Canada is eligible as a member of the Assembly or shall be returned as elected thereto, and if any such person receives a majority of votes at an election, the votes cast for that person shall be thrown away and the returning officer shall return the person having the next greatest number of votes if he or she is otherwise eligible.

Vacation of seat

(2) If a member of the Assembly is elected and returned to the House of Commons of Canada or is appointed to the Senate of Canada, the member's seat in the Assembly is thereupon vacated and a writ shall issue forthwith for a new election to fill the vacancy. R.S.O. 1990, c. L.10, s. 7.

Disqualification of persons holding office under Crown

8. (1) Except as hereinafter specially provided, no person accepting or holding any office, commission or employment in the service of the Government of Canada, or of the Government of Ontario at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada or of the Government of Ontario to which any salary, fee,

wage, allowance, emolument or profit of any kind is attached is eligible as a member of the Assembly or shall sit or vote therein. R.S.O. 1990, c. L.10, s. 8 (1).

Exceptions

(2) Nothing in this section renders ineligible as aforesaid or disqualifies from sitting and voting in the Assembly when not otherwise disqualified,

- (a) a member of the Executive Council or a Parliamentary Assistant;
- (b) an officer or other member of the regular force or reserve force of the Canadian Forces;
- (c) a coroner, notary public or public school supervisory officer;
- (d) any person holding any temporary employment in the service of the Government of Canada requiring special qualifications or professional skill, or a commissioner appointed under the *Inquiries Act* (Canada);
- (e) a member of any commission, board, committee or other body holding office at the nomination of the Lieutenant Governor in Council, but this clause does not apply to members of the Ontario Labour Relations Board, The Liquor Licence Board of Ontario, the Ontario Municipal Board, the Workplace Safety and Insurance Board, the Ontario Securities Commission, the Ontario Farm Products Marketing Commission, the Civil Service Commission, or the Ontario Parole and Earned Release Board. R.S.O. 1990, c. L.10, s. 8 (2); 1997, c. 16, s. 10 (1); 2000, c. 40, s. 19.

Member of Assembly not eligible to hold municipal office

9. (1) Subject to subsection (2), a member of the Assembly is not eligible to hold office as a member of the council of a municipality, including a district, metropolitan or regional municipality, or as a member of a local board, as defined in the *Municipal Affairs Act*, of such a municipality.

Member deemed to have resigned municipal office when election to Assembly published

(2) Every person who is elected a member of the Assembly while holding an office referred to in subsection (1) may continue to hold such office, despite any other Act, until the end of the day on which the return of the election of such person to the Assembly is published in *The Ontario Gazette* under section 82 of the *Election Act*, at which time the member shall be deemed to have resigned such office. R.S.O. 1990, c. L.10, s. 9.

10. REPEALED: 1994, c. 38, s. 38 (1).

11. REPEALED: 1994, c. 38, s. 38 (1).

When disqualification to become operative

12. No disqualification under section 8 on any ground arising before the election shall be held by any court to affect the seat of a member of the Assembly or to disentitle any person to sit or vote therein until the disqualification has been duly found and declared by an election court, but this is not to be construed as affecting the right of the Assembly to expel a member according to the practice of Parliament or otherwise. R.S.O. 1990, c. L.10, s. 12; 1994, c. 38, s. 38 (2).

Effect of election of disqualified person

13. If a person who is disqualified or ineligible or incapable of being elected a member of the Assembly is nevertheless elected and returned, the election and return is void. R.S.O. 1990, c. L.10, s. 13.

Member not disqualified on appointment to Executive Council, etc.

14. Despite anything in any Act, a member of the Assembly who is appointed a member of the Executive Council or a Parliamentary Assistant shall not, by reason of the acceptance of such appointment, vacate his or her seat or be disqualified from sitting or voting in the Assembly. R.S.O. 1990, c. L.10, s. 14.

Disqualification through acceptance of office

15. (1) If a member of the Assembly by accepting any office as in section 8 mentioned is disqualified by law to continue to sit or vote in the Assembly, his or her seat shall be vacated, but the member may be re-elected if he or she is not declared ineligible under this Act. R.S.O. 1990, c. L.10, s. 15 (1); 1994, c. 38, s. 38 (3).

Saving in case of, exchange of offices in Executive Council

(2) Nevertheless, whenever a person holding any of the offices mentioned in section 2 of the *Executive Council Act* and being at the same time a member of the Assembly resigns his or her office and accepts any other of such offices, the member does not thereby vacate his or her seat in the Assembly.

Additional offices in Executive Council

(3) Where a member of the Executive Council holding any one of the offices mentioned in section 2 of the *Executive Council Act* is appointed to hold another office in addition to or in connection with such first-mentioned office, the member does not thereby vacate his or her seat, and any increase or change of emolument arising from the holding of such two offices does not cause a vacancy or render a re-election necessary. R.S.O. 1990, c. L.10, s. 15 (2, 3).

Penalty upon disqualified person sitting or voting

16. (1) Subject to section 12, a person ineligible as a member of or disqualified from sitting or voting in the Assembly who sits or votes therein while ineligible or disqualified shall forfeit the sum of \$2,000 for every day on which he or she so sits or votes, and such sum may be recovered from him or her by any person who sues for it in any court of competent jurisdiction.

Idem

(2) If an action is brought and judgment is recovered against the defendant, no other action shall be brought or proceeding taken against the defendant for any act under this section committed before notice to him or her of the recovery of the judgment.

Staying proceedings in other actions

(3) The court wherein any other action is brought contrary to the intent and meaning of this Act, may upon the defendant's motion, stay the proceedings therein, if the first-mentioned action be prosecuted without fraud and with effect, but no action shall be deemed an action within this section unless so prosecuted. R.S.O. 1990, c. L.10, s. 16.

Disclaimer by member elect

17. (1) A member elect may at any time before his or her election is complained of disclaim his or her seat in the manner hereinafter provided, and the member thereby vacates the seat and ceases to be a member in respect of the seat so disclaimed.

Mode of disclaiming

(2) A member elect who desires to disclaim may transmit by registered mail addressed to the Clerk of the Legislative Assembly, Toronto, or cause to be delivered to the Clerk, a disclaimer signed by the member in the presence of two subscribing witnesses to the following effect:

I,, member elect to the Legislative Assembly for the electoral district of, hereby disclaim all my right or title to sit or vote or in any manner to act as such member.

Transmission of copy of disclaimer

(3) The Clerk of the Assembly shall, on receiving a disclaimer, forthwith send a copy of it to the local registrar of the Ontario Court (General Division) for the area in which is situate the electoral district or any part of the electoral district for which the member so disclaiming was elected. R.S.O. 1990, c. L.10, s. 17.

Resignation before meeting of Legislature

18. If a person returned as elected at a general election wishes to resign his or her seat before the first session of the Legislature thereafter, the person may address and cause to be delivered to any two members elect of the Assembly a declaration that he or she resigns the seat, made in writing and signed before two subscribing witnesses, and the two members upon receiving the declaration shall forthwith address their warrant under their hands and seals to the Chief Election Officer for the issue of a writ for the election of a member for the electoral district in the place of the member so resigning, and the writ shall issue accordingly. R.S.O. 1990, c. L.10, s. 18.

In other cases

19. (1) A member may also resign his or her seat,

- (a) by giving in his or her place in the Assembly notice of his or her intention to resign it, which notice shall be entered immediately by the Clerk of the Assembly upon the Journals of the Assembly; or
- (b) by addressing and causing to be delivered to the Speaker a declaration that the member resigns his or her seat, made in writing and signed before two subscribing witnesses, which declaration may be so made and delivered either during a session of the Legislature or in the interval between two sessions.

Record

(2) An entry of the declaration so delivered to the Speaker shall thereafter be made upon the Journals of the Assembly.

New writ

(3) Immediately after the notice of intention to resign has been entered upon the Journals, or after the receipt of the declaration, as the case may be, the Speaker shall address a warrant under his or her hand and seal to the Chief Election

Officer for the issue of a writ for the election of a member in the place of the member so resigning, and in either case the writ shall issue accordingly. R.S.O. 1990, c. L.10, s. 19.

Where there is no Speaker, or the member is the Speaker

20. If a member wishes to resign his or her seat in the interval between two sessions of the Legislature, and there is then no Speaker, or the Speaker is absent from Ontario, or if the member is the Speaker, the member may address and cause to be delivered to two members the declaration before mentioned, and the two members upon receiving the declaration shall forthwith address their warrant under their hands and seals to the Chief Election Officer for the issue of a writ for the election of a member in the place of the member so resigning, and the writ shall issue accordingly. R.S.O. 1990, c. L.10, s. 20.

Consequences of resignation

21. (1) A member or member elect tendering his or her resignation in any manner hereinbefore provided for shall be deemed to have vacated his or her seat and to have ceased to be a member of the Assembly in respect thereof.

Time for resignation

(2) A member or member elect shall not tender his or her resignation while his or her election is controverted, nor until after the expiration of the time within which an election petition may be filed. R.S.O. 1990, c. L.10, s. 21.

Issue of writ for new election, when election adjudged void

22. Forthwith after receipt by the Clerk of the Assembly of a judgment by the Ontario Court (General Division) under the *Election Act* that the election of a person is void and ordering a new election, the Speaker or, if there is no Speaker or the Speaker is absent from Ontario or is unable to act, the Clerk of the Assembly shall address a warrant under his or her hand and seal to the Chief Election Officer for the issue of a writ for the election of a member for the electoral district the election for which was adjudged to be void, and the writ shall issue accordingly. R.S.O. 1990, c. L.10, s. 22.

Report to Assembly

23. The measures taken under sections 18 to 22 by the Speaker or Clerk of the Assembly shall be reported to the Assembly at the earliest practicable time, and shall be forthwith entered upon the Journals. R.S.O. 1990, c. L.10, s. 23.

Disqualification of persons declared not elected

24. (1) If a person returned as elected appears by the judgment mentioned in section 22 not to have been duly returned or elected, the person shall not thereafter unless re-elected sit or vote in the Assembly.

Rights of persons declared elected

(2) If a person, other than the person returned as elected, appears by the judgment to have been duly returned or elected, the person is thereupon entitled to sit and vote in the Assembly. R.S.O. 1990, c. L.10, s. 24.

Proceedings in case of vacancy by death or acceptance of office

25. (1) If a vacancy occurs in the Assembly by the death of a member, or by his or her accepting an office, commission or employment, unless otherwise provided by this Act, the Speaker, on being informed of the vacancy by a member of the Assembly in his or her place, or by notice in writing under the hands and seals of two members, shall forthwith address a warrant to the Chief Election Officer for the issue of a writ for the election of a member to fill the vacancy, and the writ shall issue accordingly. R.S.O. 1990, c. L.10, s. 25 (1); 1994, c. 38, s. 38 (4).

Proceedings when Speaker is absent from Ontario or there is no Speaker

(2) If any such vacancy occurs, or at any time thereafter, before the warrant for the writ has issued, there is no Speaker, or the Speaker is absent from Ontario, or if the member whose seat is vacated is the Speaker, then two members may address their warrant under their hands and seals to the Chief Election Officer for the issue of a writ for the election of a member to fill the vacancy, and the writ shall issue accordingly. R.S.O. 1990, c. L.10, s. 25 (2).

Filling a vacancy before Legislature meets after a general election

26. (1) A warrant may issue under the hands and seals of two members elect to the Chief Election Officer for the issue of a writ for the election of a member to fill a vacancy arising after a general election and before the first session of the Legislature thereafter, by reason of any of the causes mentioned in section 25, and the writ may issue at any time after such vacancy.

Election being contested not affected

(2) The election to be held under the writ does not affect the right of any person entitled to contest the previous election, and the court shall determine whether the member who has died or whose seat has become vacant as aforesaid, or any other person, was duly returned or elected, which determination, if adverse to the return of such member and in favour of any other

candidate, avoids the election held under this section, and the candidate declared duly elected at the previous election is entitled to take his or her seat as if no subsequent election had been held. R.S.O. 1990, c. L.10, s. 26.

Where vacancy exists in Assembly

27. (1) Where a vacancy occurs in the membership of the Assembly, a writ shall be issued within six months after receipt by the Chief Election Officer of the warrant for the issue of a writ for the election of a member to fill such vacancy.

Non-application of section

(2) This section does not apply where the vacancy occurs in the last year of the legal life of the Assembly.

Writ revoked on dissolution of Legislature

(3) If the Legislature is dissolved after the issue of a writ under subsection (1) and before an election is held under the writ, the writ is revoked on the dissolution of the Legislature. R.S.O. 1990, c. L.10, s. 27.

Election of Speaker and Deputy

28. (1) The Assembly at its first meeting after a general election shall proceed to elect one of its members to be Speaker and one of its members to be Deputy Speaker.

Vacancy in office of Speaker or Deputy

(2) In case of a vacancy in the office of Speaker or Deputy Speaker, the Assembly shall proceed to elect another of its members to fill the vacancy. R.S.O. 1990, c. L.10, s. 28.

Duties

29. (1) The Speaker shall preside at all meetings of the Assembly and shall preside over and have charge of the Office of the Assembly.

Absence of Speaker

(2) In the absence of the Speaker, the Deputy Speaker has all the powers, privileges and duties of the Speaker. R.S.O. 1990, c. L.10, s. 29.

Illness, etc., of the Speaker or Deputy

30. When the Speaker or the Deputy Speaker finds it necessary to leave the chair during any part of the sittings on any day, he or she may call upon any member to take the chair and to act as Speaker during the remainder of the day unless the Speaker or the Deputy Speaker resumes the chair before the close of the sittings for that day. R.S.O. 1990, c. L.10, s. 30.

Election of Speaker for the day

31. When the Speaker and the Deputy Speaker are not present at the meeting of the Assembly on any day, the Assembly may elect a member to take the chair and act as Speaker for that day. R.S.O. 1990, c. L.10, s. 31.

Election of temporary Speaker

32. If the Speaker and the Deputy Speaker are absent from the chair for a period of forty-eight consecutive hours, the Assembly may elect another of its members to act as Speaker, and the member so elected, during the continuance of the absence of the Speaker and the Deputy Speaker, has all the powers, privileges and duties of the Speaker. R.S.O. 1990, c. L.10, s. 32.

Speaker and Deputy to continue in office following dissolution

33. The persons who hold the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature shall be deemed to be the Speaker and Deputy Speaker, respectively, until a Speaker and Deputy Speaker are elected by the Assembly. R.S.O. 1990, c. L.10, s. 33.

Validity of acts while acting Speaker presides

34. Every bill passed and every order made and thing done by the Assembly while a member is acting as Speaker is as valid and effectual as if done while the Speaker was in the chair. R.S.O. 1990, c. L.10, s. 34.

Power to compel attendance of witnesses, etc.

35. (1) The Assembly may at all times command and compel the attendance before the Assembly or a committee thereof of such persons, and the production of such papers and things, as the Assembly or committee considers necessary for any of its proceedings or deliberations.

Speaker's warrant for attendance, etc.

(2) When the Assembly requires the attendance of a person before the Assembly or a committee thereof, the Speaker may issue a warrant directed to the person named in the order of the Assembly requiring the person's attendance before the Assembly or committee and the production of the papers and things as ordered. R.S.O. 1990, c. L.10, s. 35.

Protection of persons acting under authority

36. No person is liable in damages or otherwise for any act done under the authority of the Assembly and within its legal power or under or by virtue of a warrant issued under such authority, and every such warrant may command the aid and assistance of all sheriffs, bailiffs, constables and others, and every refusal or failure to give such aid or assistance when required is a contravention of this Act. R.S.O. 1990, c. L.10, s. 36.

Privilege of speech, etc.

37. A member of the Assembly is not liable to any civil action or prosecution, arrest, imprisonment or damages, by reason of any matter or thing the member brought by petition, bill, resolution, motion or otherwise, or said before the Assembly or a committee thereof. R.S.O. 1990, c. L.10, s. 37.

Freedom from arrest

38. Except for a contravention of this Act, a member of the Assembly is not liable to arrest or detention for any cause or matter whatever of a civil nature during a session of the Legislature or during the twenty days preceding or the twenty days following a session. R.S.O. 1990, c. L.10, s. 38.

Service of civil process

39. No person shall make a personal service that is required or authorized by law in a civil matter upon another person,

(a) in the Legislative Building;

(b) in a room or place in Ontario in which a duly constituted committee of the Assembly is meeting; or

(c) in an office of a member of the Assembly, other than a constituency office, that is situate outside the Legislative Building, and that is designated by the Speaker for the purposes of this section. R.S.O. 1990, c. L.10, s. 39.

Exemption of members and officers from serving as jurors

40. During the periods mentioned in section 38, members, officers and employees of the Assembly and witnesses summoned to attend before the Assembly or a committee thereof are exempt from serving or attending as jurors in any court of justice in Ontario. R.S.O. 1990, c. L.10, s. 40.

Members not to receive fees for drafting bills, etc.

41. No member of the Assembly shall knowingly accept or receive, either directly or indirectly, any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted or intended to be submitted to the Assembly or a committee thereof. R.S.O. 1990, c. L.10, s. 41.

Barristers, etc., being partners of members not to receive fees for drafting bills, etc.

42. No barrister or solicitor who in the practice of his or her profession is a partner of a member of the Assembly shall knowingly accept or receive, directly or indirectly, any fee, compensation or reward for or in respect of any matter or thing mentioned in section 41. R.S.O. 1990, c. L.10, s. 42.

Penalty

43. Every person contravening section 41 or 42 is liable to a penalty equal to the amount or value of the fee, compensation or reward the person accepted or received and the sum of \$500. R.S.O. 1990, c. L.10, s. 43.

Breach of s. 41 a corrupt practice

44. Any contravention of section 41 is a corrupt practice, and an action alleging the contravention may be commenced within six months after the contravention in the same manner and the procedure shall be the same as in the case of other actions under sections 99 to 111 (Contested Elections) of the *Election Act*. R.S.O. 1990, c. L.10, s. 44.

Vacation of seat

45. If judgment is recovered against a member of the Assembly for any penalty under section 43, or if by a resolution of the Assembly it is declared that a member has been guilty of a contravention of section 41, or if it is adjudged by the Ontario Court (General Division) in an action mentioned in section 44 that a member has been guilty of a contravention of section 41, the member's election becomes void and his or her seat shall be vacated, and a writ shall issue for a new election as if he or she were dead and the member is incapable of being elected to or of sitting in the Assembly during the remainder of the term for which he or she was elected. R.S.O. 1990, c. L.10, s. 45.

Jurisdiction of Assembly

46. (1) The Assembly has all the rights and privileges of a court of record for the purposes of summarily inquiring into and punishing, as breaches of privilege or as contempts and without affecting the liability of the offenders to prosecution and punishment criminally or otherwise according to law, independently of this Act, the acts, matters and things following:

Assaults, insults, libels

1. Assault, insult or libel upon a member of the Assembly during a session of the Legislature or during the twenty days preceding or the twenty days following a session.

Threats

2. Obstructing, threatening or attempting to force or intimidate a member of the Assembly.

Bribery and offering of fee

3. Offering to, or the acceptance by, a member of the Assembly of a bribe to influence the member in his or her proceedings as such, or offering to or the acceptance by a member of any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted to or intended to be submitted to the Assembly or a committee thereof.

Interference with officers

4. Assault upon or interference with an officer of the Assembly while in the execution of his or her duty.

Tampering with witness

5. Tampering with a witness in regard to evidence to be given by the witness before the Assembly or a committee thereof.

False evidence

6. Giving false evidence or prevaricating or misbehaving in giving evidence or refusing to give evidence or to produce papers before the Assembly or a committee thereof.

Disobedience to warrant

7. Disobedience to a warrant requiring the attendance of a witness before the Assembly or a committee thereof, or refusal or neglect to obey a warrant mentioned in section 36.

Presenting false documents

8. Presenting to the Assembly or to a committee thereof a forged or false document with intent to deceive the Assembly or committee.

Falsifying records, etc.

9. Forging, falsifying or unlawfully altering a record of the Assembly or of a committee thereof, or any document or petition presented or filed or intended to be presented or filed before the Assembly or committee, or the setting or subscribing by any person of the name of another person to any such document or petition with intent to deceive.

Taking civil proceeding against member

10. Taking any civil proceeding against, or causing or effecting the arrest or imprisonment of a member of the Assembly in any civil proceeding, for or by reason of any matter or thing brought by the member by petition, bill, resolution, motion or otherwise, or said by the member before the Assembly or a committee thereof.

Arresting member for debt, etc.

11. Causing or effecting the arrest or detention of a member of the Assembly for any cause or matter of a civil nature during a session of the Legislature or during the twenty days preceding or the twenty days following a session.

Service of civil process

12. Making a service upon a person in contravention of section 39.

Jurisdiction given as to inquiring and punishing

(2) For the purposes of this Act, the Assembly possesses all the powers and jurisdiction necessary or expedient for inquiring into, adjudging and pronouncing upon the commission or doing of the acts, matters or things mentioned in subsection (1) and for awarding and carrying into execution the punishment thereof. R.S.O. 1990, c. L.10, s. 46.

Punishment for contravention of s. 46

47. Every person who, upon such inquiry, is found to have committed or done any of the acts, matters, or things mentioned in section 46, in addition to any other penalty or punishment to which he or she may by law be subject, is liable to imprisonment for such time during the session of the Legislature then being held as is determined by the Assembly. R.S.O. 1990, c. L.10, s. 47.

Proceeding on contravention of s. 46 and arrest thereunder

48. (1) Where the Assembly declares that a person has been guilty of a breach of privilege or of a contempt in respect of any of the acts, matters and things mentioned in section 46 and directs that the person be kept and detained in the custody of the sergeant-at-arms attending the Assembly, the Speaker shall issue a warrant to the sergeant-at-arms to take the person into custody and to keep and detain the person in custody in accordance with the order of the Assembly. R.S.O. 1990, c. L.10, s. 48 (1).

Warrant of committal

(2) Where the Assembly directs that the imprisonment shall be in a correctional institution in the City of Toronto, the Speaker shall issue the warrant to the sergeant-at-arms and to the superintendent of such correctional institution commanding the sergeant-at-arms to take such person into custody and to deliver the person to the superintendent of such correctional institution, and commanding the superintendent to receive and keep and detain him or her in custody in accordance with the order of the Assembly. R.S.O. 1990, c. L.10, s. 48 (2); 1997, c. 26, Sched.

Decision of Assembly final

49. The determination of the Assembly upon any proceeding under this Act is final and conclusive. R.S.O. 1990, c. L.10, s. 49.

Protection of persons publishing papers by order of Assembly

50. (1) Any person who is a defendant in a civil proceeding commenced in any manner for or in respect of the publication of any report, paper, vote or proceeding by such person or by the person's servant by or under the authority of the Assembly may bring before the court in which the proceeding is pending (first giving twenty-four hours notice of the person's intention so to do to the plaintiff or the plaintiff's solicitor) a certificate under the hand of the Speaker or of the Clerk of the Assembly, stating that the report, paper, vote or proceeding in respect whereof the proceeding has been commenced was published by such person or by the person's servant by order or under the authority of the Assembly together with an affidavit verifying the certificate.

Stay of proceedings

(2) The court shall thereupon immediately stay the proceeding and it and every writ or process issued therein shall be taken to be finally put an end to, determined and superseded. R.S.O. 1990, c. L.10, s. 50.

Production of papers to court

51. (1) If a civil proceeding is commenced for or in respect of the publication of a copy of such report, paper, vote or proceeding, the defendant at any stage of the proceeding may lay before the court the report, paper, vote or proceeding and the copy with an affidavit verifying the report, paper, vote or proceeding and the correctness of the copy.

Stay of proceedings

(2) The court shall thereupon immediately stay the proceeding and it and every writ or process issued therein shall be taken to be finally put an end to, determined and superseded. R.S.O. 1990, c. L.10, s. 51.

Good faith publication

52. It is a good defence to any civil proceeding against a person for printing any extract from or abstract of any such report, paper, vote or proceeding that the extract or abstract was published in good faith and without malice. R.S.O. 1990, c. L.10, s. 52.

Saving of privileges inherent in Assembly or members

53. Except so far as is provided by section 41, nothing in this Act shall be construed to deprive the Assembly or a committee or member thereof of any right, immunity, privilege or power that the Assembly, committee or member might otherwise have been entitled to exercise or enjoy. R.S.O. 1990, c. L.10, s. 53.

Payment for books ordered by committee

54. Where the Assembly has adopted the report of a committee of the Assembly recommending the purchase of any publication for the use of the members of the Assembly or for other persons, the publication may be purchased by the Treasurer of Ontario and distributed according to the recommendations of the report, and the cost thereof shall be paid out of any sum appropriated by the Legislature for stationery, printing and binding. R.S.O. 1990, c. L.10, s. 54.

Quorum

55. (1) At least 12 members of the Assembly are necessary to constitute a quorum for the transaction of business, and for that purpose the Speaker shall be counted.

Constitutional amendment

(2) The re-enactment of this section by section 3 of the *Legislative Assembly Statute Law Amendment Act, 1999* constitutes an amendment to the constitution of the Province of Ontario. 1999, c. 5, s. 3 (1).

Voting

56. Questions arising in the Assembly shall be decided by a majority of voices, other than that of the Speaker, and, when the voices are equal, the Speaker has a vote. R.S.O. 1990, c. L.10, s. 56.

Condition precedent to appropriations

57. The Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the Consolidated Revenue Fund, or of any tax or impost, to any purpose that has not been first recommended by a message of the Lieutenant Governor to the Assembly during the session in which the vote, resolution, address or bill is proposed. R.S.O. 1990, c. L.10, s. 57.

Commissioners on estate bills

58. The judges of the Ontario Court (General Division) are by virtue of their office commissioners to report under the Rules of the Assembly in respect of estate bills. R.S.O. 1990, c. L.10, s. 58.

Power of committees to examine on oath

59. Any standing or special committee of the Assembly may require that facts, matters and things relating to the subject of inquiry be verified or otherwise ascertained by the oral examination of witnesses, and may examine witnesses upon oath, and for that purpose the chair or any member of the committee may administer the oath in Form 1. R.S.O. 1990, c. L.10, s. 59.

Affidavits

60. Where witnesses are not required to be examined orally, an affirmation, declaration or affidavit, that is required to be made or taken by or according to any rule or order of the Assembly, or by the direction of any committee, and in respect of any matter or thing pending or proceeding before the committee, may be made and taken before the Clerk of the Assembly, the clerk of the committee, a commissioner for taking affidavits or a justice of the peace. R.S.O. 1990, c. L.10, s. 60.

Annual salary of members

61. (1) Every member of the Assembly shall be paid an annual salary of \$78,007 or such other amount as is determined under this section. 2001, c. 15, s. 1.

Salary review

(1.1) The Integrity Commissioner appointed under the *Members' Integrity Act, 1994* shall, at such intervals as he or she considers appropriate, review the salary paid to members under subsection (1) and determine the appropriate salary. 2001, c. 15, s. 1.

Report

(1.2) Following each review, the Integrity Commissioner shall prepare a report setting out the amount of the salary that he or she has determined. 2001, c. 15, s. 1.

Tabling

(1.3) The Integrity Commissioner shall cause a copy of the report to be delivered to the Speaker who shall, at the first opportunity, cause it to be tabled in the Assembly and published in *The Ontario Gazette*. 2001, c. 15, s. 1.

Effective date

(1.4) If the report provides for a salary change, the change takes effect on the day that the report is delivered to the Speaker and if the report so provides, an increase is retroactive to the date set out in the report. 2001, c. 15, s. 1.

Computation

- (2) For the purpose of computing the amount of a member's salary, a member shall be deemed to have been a member,
- (a) beginning on the polling day on which the member is elected; and
 - (b) when the Legislature of which he or she is a member is dissolved, ending on the day before the polling day that follows the dissolution, or ending upon his or her death, whichever occurs first. 1996, c. 6, s. 7.

Salary for additional responsibilities

62. (1) The annual salary of a member is increased by the following amount, expressed as a percentage of the annual salary set out in subsection 61 (1), for any one of the following positions that he or she holds:

1. Speaker, 31.2 per cent.
2. Deputy Speaker and Chair of the Committee of the Whole House, 14.8 per cent.
3. Deputy Chair of the Committee of the Whole House, 10.9 per cent.
4. Chair of a standing or select committee, 14 per cent.
5. Vice-chair of a standing or select committee, 8 per cent.
6. Leader of the Opposition, 55.2 per cent.
7. Leader of a recognized party, except the Premier and the Leader of the Opposition, 35.7 per cent.
8. Chair of the caucus of the party from which the Government is chosen or chair of the caucus of the party recognized as the Official Opposition, 12.5 per cent.
9. Chair of a recognized party, except the party from which the Government is chosen and the party recognized as the Official Opposition, 11.3 per cent.
10. House Leader of the party recognized as the Official Opposition, 18.3 per cent.
11. Deputy House Leader of the party recognized as the Official Opposition, 9 per cent.
12. House Leader of a recognized party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, 15.6 per cent.
13. Deputy House Leader of a party described in paragraph 12, 8.2 per cent.
14. Chief Government Whip, 18.3 per cent.
15. Deputy Government Whip, 12.5 per cent.
16. Government Whip, 9 per cent. (A maximum of three Government Whips may be paid the salary increase.)
17. Chief Opposition Whip, 14 per cent.
18. Opposition Whip, 9 per cent. (A maximum of two Opposition Whips may be paid the salary increase.)
19. Chief Party Whip of a recognized party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, 12.6 per cent.
20. Party Whip of a party described in paragraph 19, 8.2 per cent. 1996, c. 6, s. 8; 1999, c. 5, s. 3 (2).

More than one position

(2) If the member holds more than one position listed in subsection (1), he or she is entitled to be paid for the position with the higher salary.

Computation

(3) For the purpose of computing the amounts payable under subsection (1), the individual shall be deemed to have occupied the position,

- (a) beginning on the polling day on which he or she is elected as a member of the Assembly; and
- (b) when the Legislature of which he or she is a member is dissolved, ending on the day before the polling day that follows the dissolution, or ending upon his or her death, whichever occurs first.

Same

(4) Despite subsection (3), if the occupant of the position changes, the successor shall be deemed to have occupied the position from the day following that on which his or her predecessor ceases to occupy the position. 1996, c. 6, s. 8.

Definition

(5) In this section,

“recognized party” means a party that has a recognized membership of at least eight persons who are members of the Assembly. 1999, c. 5, s. 3 (3).

Double-dipping not permitted

63. The annual salary otherwise payable to a member under subsections 61 (1) and 62 (1) shall be reduced by the amount of the allowance or pension that the member receives, if any, under the *MPPs Pension Act, 1996* or a predecessor to that Act for the same period. 1996, c. 6, s. 9.

Tax-free allowances not permitted

63.1 (1) No member is entitled to be paid an allowance for expenses incident to the discharge of his or her duties as a member of the Assembly.

Expenses actually incurred

(2) Nothing in subsection (1) prevents a member from being reimbursed for expenses actually incurred in the discharge of his or her duties as a member.

Status for income tax purposes

(3) For the purposes of the *Income Tax Act* (Canada), no portion of the salary, benefits or expenses paid to a member under this Act is paid as an allowance for expenses incident to the discharge of his or her duties as a member. 1996, c. 6, s. 9.

Cost of accommodation in Toronto

64. (1) Subject to subsection (2), if the principal residence of one of the following individuals is more than 50 kilometres from the seat of government at Toronto, he or she shall be paid the actual cost of his or her accommodation within Toronto:

1. The Leader of the Opposition.
2. The leader of a recognized party within the meaning of subsection 62 (5), except the Premier and the Leader of the Opposition. 1996, c. 6, s. 10; 1999, c. 5, s. 3 (4).

Same

(2) The maximum annual allowance for accommodation under subsection (1) is \$1,000 more than the amount determined by the Board of Internal Economy under subsection 67 (10) for a particular year. 1996, c. 6, s. 10.

65. REPEALED: 1996, c. 6, s. 11.

66. REPEALED: 1996, c. 6, s. 12.

Members' allowance for automobile travel

67. (1) There shall be paid to each member of the Assembly for transportation by private automobile while on business as a member of the Assembly between the member's residence and the seat of government at Toronto or within his or her electoral district an allowance for every kilometre of such transportation in such amount as may be determined from time to time by the Board of Internal Economy.

Expenses, travel to and from Toronto

(2) A member of the Assembly who travels on business as a member of the Assembly between the member's residence and the seat of government at Toronto shall be paid the actual and reasonable cost of transportation for such travel for such number of round trips as may be prescribed by the Board of Internal Economy. R.S.O. 1990, c. L.10, s. 67 (1, 2).

Spouse, etc.

(3) A member referred to in subsection (2) shall be paid the actual and reasonable cost of transportation for such number of round trips between the member's residence and the seat of government at Toronto as may be prescribed by the Board of Internal Economy for the member's spouse or same-sex partner or persons in such relationship to the member as may be prescribed by the Board of Internal Economy. R.S.O. 1990, c. L.10, s. 67 (3); 1999, c. 6, s. 33 (1).

Definitions

(3.1) In subsection (3),

“same-sex partner” means either of two persons of the same sex who live together in a conjugal relationship outside marriage; (“partenaire de même sexe”)

“spouse” means,

- (a) a spouse as defined in section 1 of the *Family Law Act*, or
- (b) either of two persons of the opposite sex who live together in a conjugal relationship outside marriage. (“conjoint”) 1999, c. 6, s. 33 (2).

Cost of transportation re subss. (2, 3)

- (4) Payment for transportation under subsections (2) and (3) shall be made,
- (a) for travel by airplane, on the basis of scheduled airline economy fare;
 - (b) for travel by train, on the basis of first class train accommodation together with the actual and reasonable cost of berths; and
 - (c) for travel by bus, on the basis of bus fare,

together with the actual and reasonable cost of meals and gratuities incurred in the course of the transportation.

Expenses, travel within electoral district

(5) There shall be paid to each member of the Assembly an allowance equal to the actual cost of travel by bus or train by the member while on business as a member of the Assembly within the electoral district represented by the member. R.S.O. 1990, c. L.10, s. 67 (4, 5).

Expenses, certain northern districts

(6) The Board of Internal Economy may authorize the payment of the following expenses to the member of the Assembly representing the electoral district of Algoma-Manitoulin, Kenora-Rainy River, Nickel Belt, Timiskaming-Cochrane, Timmins-James Bay, Thunder Bay-Atikokan or Thunder Bay-Nipigon:

1. The actual cost of transportation by airplane within the electoral district while the member is on business as a member of the Assembly, up to the annual limit established by the Board.
2. The actual cost of accommodation within the electoral district or an electoral district contiguous to it, while the member is on business as a member of the Assembly, up to the annual limit established by the Board.
3. All or part of the actual cost of accommodation within the electoral district, if the cost is incurred by the member due to unusual or special circumstances while he or she is on business as a member of the Assembly, up to the annual limit established by the Board. 1999, c. 5, s. 3 (5).

(7) REPEALED: 1999, c. 5, s. 3 (5).

Same, accommodation in Toronto

(7.1) The Board of Internal Economy may reimburse a member (up to such maximum amount as the Board may determine) for his or her actual costs of accommodation in Toronto if the costs are incurred due to special or unusual circumstances while he or she is on business as a member of the Assembly and if the member is not otherwise entitled under this Act or the *Executive Council Act* to be paid an amount for accommodation in Toronto. 1996, c. 6, s. 13 (1).

Expenses, business travel

(8) A member of the Assembly who travels on business as a member of the Assembly from the member's residence or from the seat of government at Toronto shall be paid the lesser of,

- (a) the total cost incurred by the member for such number of round trip travels as may be prescribed by the Board of Internal Economy; or
- (b) the annual limit prescribed by the Board of Internal Economy.

Cost of transportation re subs. (8)

(9) For the purposes of subsection (8), the cost of transportation,

- (a) by bus, train and economy flight by scheduled airline shall be the actual cost thereof;
- (b) by rented automobile shall be the cost of the rental, including the cost of a reasonable amount of public liability and collision insurance in relation thereto; and
- (c) by private automobile shall be an allowance for every kilometre of such transportation in such amount as may be determined from time to time by the Board of Internal Economy. R.S.O. 1990, c. L.10, s. 67 (8, 9).

Cost of accommodation in Toronto

(10) A member of the Assembly whose principal residence is more than 50 kilometres from the seat of government at Toronto shall be paid the actual cost of his or her accommodation within Toronto up to such maximum amount for the year as may be determined by the Board of Internal Economy. 1996, c. 6, s. 13 (2).

Exceptions

(10.1) Subsection (10) does not apply with respect to,

- (a) the Speaker;
- (b) ministers of the Crown;
- (c) the Leader of the Opposition; or
- (d) the leader of a recognized party within the meaning of subsection 62 (5), except the Premier and the Leader of the Opposition. 1996, c. 6, s. 13 (2); 1999, c. 5, s. 3 (6).

Other expenses

(10.2) A member of the Assembly shall be paid for such other expenses incurred in the performance of his or her duties as a member as the Board of Internal Economy may authorize, up to such maximum amount as may be determined by the Board. 1996, c. 6, s. 13 (2).

Same

(10.3) The Board of Internal Economy may authorize different maximum amounts to be paid under subsection (10.2) to different members or classes of members. 1999, c. 5, s. 3 (7).

Computation

(11) For the purpose of subsection (10), a member shall be deemed to have been a member from the polling day on which he or she was elected and, when the Assembly of which he or she was a member was dissolved, the member shall be deemed to have been a member until the day preceding the polling day that followed the dissolution, or until his or her death, whichever occurs first.

No expenses following writ of election

(12) Subject to subsection (11), a member is not entitled to any allowance for expenses incurred after the day a writ for a general election is issued until he or she is declared elected or, if a recount is applied for, until he or she is declared elected following the recount. R.S.O. 1990, c. L.10, s. 67 (11, 12).

68. REPEALED: 1996, c. 6, s. 14.

Severance allowance

69. (1) A person who is a member of the Assembly immediately before the Assembly is dissolved or is ended by the passage of time and who does not become a member of the next following Assembly shall be paid a severance allowance equal to one-twelfth of his or her annual salary, at the rate in force immediately before he or she ceases to be a member, for each year of service. R.S.O. 1990, c. L.10, s. 69 (1); 1996, c. 6, s. 15 (1).

Severance allowance on resignation

(2) A member of the Assembly who resigns his or her seat shall be paid a severance allowance equal to one-twelfth of his or her annual salary at the rate in force on the day he or she ceases to be a member, for each year of service. R.S.O. 1990, c. L.10, s. 69 (2); 1996, c. 6, s. 15 (2).

Payment to personal representative on death of member

(3) Where a person who is a member of the Assembly dies, whether before the Assembly is dissolved or is ended by the passage of time or after dissolution or ending of the Assembly but before the polling day that follows the dissolution or ending, an amount equal to one-twelfth of his or her annual salary, at the rate in force on the day of his or her death or immediately before the dissolution or ending, as the case requires, shall be paid to his or her personal representative, for each year of service. R.S.O. 1990, c. L.10, s. 69 (3); 1996, c. 6, s. 15 (3).

Limits

(4) A severance allowance under subsection (1), (2) or (3) shall not be less than one-half nor more than the annual amount of the person's annual salary. R.S.O. 1990, c. L.10, s. 69 (4); 1996, c. 6, s. 15 (4).

Annual salary

(5) For the purposes of this section, the annual salary of a member is the annual salary set out in subsection 61 (1). 1996, c. 6, s. 15 (5).

70. REPEALED: 1996, c. 6, s. 16.

71. REPEALED: 1996, c. 6, s. 17.

72. REPEALED: 1996, c. 6, s. 18.

Appropriations for caucuses

73. For each fiscal year there shall be provided,

- (a) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a recognized party within the meaning of subsection 62 (5), for research purposes, such sums of money as are appropriated therefor by the Legislature;
- (b) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a recognized party within the meaning of subsection 62 (5), for such use as the caucus may determine, such sum of money as is appropriated therefor by the Legislature for each caucus based on the number of members in the caucus;
- (c) for the use of the caucus of the Official Opposition for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of the Official Opposition, an amount appropriated therefor by the Legislature; and
- (d) for the use of the caucus of a recognized party within the meaning of subsection 62 (5), other than the party from which the Government is chosen and the party recognized as the Official Opposition, for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of the party, an amount appropriated therefor by the Legislature. R.S.O. 1990, c. L.10, s. 73; 1999, c. 5, s. 3 (8-10).

Secretary or assistant for each member

74. (1) Every member of the Assembly is entitled to a private secretary or personal assistant and money shall be provided towards the cost of the salaries of such persons out of money appropriated therefor by the Legislature.

Supplies for members

(2) Every member of the Assembly is entitled to office equipment, supplies and services in accordance with standards established by the Speaker. R.S.O. 1990, c. L.10, s. 74.

75. REPEALED: 2001, c. 15, s. 2.

75.1 REPEALED: 2001, c. 15, s. 3.

OFFICE OF THE ASSEMBLY

Office of Assembly

76. The Office of the Assembly shall consist of the Speaker, the Deputy Speaker, the Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms, the Director of Administration and such other employees as may be required from time to time for the proper conduct of the business of the Office of the Assembly. R.S.O. 1990, c. L.10, s. 76.

Clerk of Legislative Assembly, appointment

77. (1) The Lieutenant Governor in Council shall appoint the Clerk of the Legislative Assembly.

Tenure of office

(2) The Clerk of the Legislative Assembly shall hold office during good behaviour but shall be removable from office for cause by the Lieutenant Governor on address of the Assembly.

Appointment of officers and employees

(3) The First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration shall be appointed by the Lieutenant Governor in Council upon such terms and conditions as the Speaker may recommend and the other employees of the Office of the Assembly shall be appointed by the Speaker. R.S.O. 1990, c. L.10, s. 77.

Duties of officers

78. The Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration have such duties as may be provided for, from time to time, in the Standing Orders of the Legislative Assembly or as may be prescribed by the Speaker. R.S.O. 1990, c. L.10, s. 78.

Estimates, submission to Board,

79. (1) The Speaker shall present the estimates of the sums of money that will be required to be provided by the Legislature for the purposes of this Act to the Board of Internal Economy who shall review such estimates and make such alterations as it considers proper, and shall thereafter concur in such estimates.

laid before Assembly

(2) The Speaker shall cause the estimates to be laid before the Assembly. R.S.O. 1990, c. L.10, s. 79.

Legislative Assembly Fund

80. (1) The Speaker shall establish, maintain and be accountable for a fund to be known as the Legislative Assembly Fund.

Bank account

(2) The Speaker shall maintain an account with the Province of Ontario Savings Office or with any bank listed in Schedule I or II to the *Bank Act* (Canada) and designated by the Board of Internal Economy for the deposit of money paid into the Legislative Assembly Fund.

Fiscal year

(3) The fiscal year for the Legislative Assembly Fund shall be the same as the fiscal year for the Consolidated Revenue Fund.

Record

(4) The Speaker shall keep a record of all money received for or disbursed from the Legislative Assembly Fund.

Annual report

(5) The Speaker shall make an annual report to the Board of Internal Economy respecting the receipts and disbursements from the Legislative Assembly Fund. R.S.O. 1990, c. L.10, s. 80.

Money paid into Fund

81. The money required from time to time for the purposes of this Act shall be paid out of money appropriated by the Assembly for the purposes of this Act and shall be paid into the Legislative Assembly Fund by the Treasurer of Ontario upon the requisition, from time to time, of the Speaker. R.S.O. 1990, c. L.10, s. 81.

Where money required before appropriated

82. (1) When, because the Legislature is adjourned, prorogued or dissolved or because the urgency of other public business prevents the Legislature from considering estimates or supplementary estimates, money is urgently required for the purposes of this Act before it has been appropriated, the Treasurer of Ontario may, subject to the approval of the Lieutenant Governor in Council, advance the required money for the use of the Speaker upon the written request of the Board of Internal Economy, and such money shall be paid into the Legislative Assembly Fund.

Advances repayable out of money to be appropriated

(2) All money advanced by the Treasurer of Ontario under subsection (1) shall be deemed to be an interest free loan repayable from money to be appropriated by the Legislature for the purposes of this Act. R.S.O. 1990, c. L.10, s. 82.

Form of payments out of Fund

83. (1) Every payment out of the Legislative Assembly Fund shall be made by cheque, which shall be signed by the Speaker or the Deputy Speaker and by the Director of Administration or such other person who is for the time being authorized by the Speaker to sign cheques.

Signature

(2) The Speaker may authorize the use of facsimile signatures on cheques to be affixed thereto by printing, lithographing, engraving or by other mechanical means.

Destruction of cancelled cheques

(3) The Speaker, with the approval of the Provincial Auditor, may authorize the destruction, from time to time, of paid and cancelled cheques. R.S.O. 1990, c. L.10, s. 83.

Payment of debts incurred in fiscal year

84. (1) During the period of thirty days next following the end of a fiscal year there may be paid out of the Legislative Assembly Fund an amount, not exceeding the unexpended balance in the Fund at the end of such fiscal year, for the purpose of discharging any debt or obligation that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts or obligations that remain undischarged at the end of such period of thirty days shall be paid out of the Legislative Assembly Fund for the ensuing fiscal year.

Unexpended money to be paid to Treasurer

(2) All money that remains unexpended in the Legislative Assembly Fund after the thirty-day period following the end of a fiscal year shall be paid to the Treasurer of Ontario and become part of the Consolidated Revenue Fund. R.S.O. 1990, c. L.10, s. 84.

Accountable advances

85. (1) Any member of the Assembly or the Chair or Secretary of a committee of the Assembly may apply to the Speaker and the Speaker may authorize an accountable advance out of the Legislative Assembly Fund for the purpose of meeting disbursements for travel or other contingencies, or making payments on account of expenses incurred or to be incurred.

Idem

(2) If, at the termination of the fiscal year in which an advance was made, no accounting or repayment of the advance has been received, such advance shall be accounted for or repaid within fifteen days thereafter. R.S.O. 1990, c. L.10, s. 85.

Audit

86. The accounts and financial transactions of the Office of the Assembly shall be audited annually by the Provincial Auditor. R.S.O. 1990, c. L.10, s. 86.

Board of Internal Economy, composition

87. (1) There shall be a Board of Internal Economy composed of,

- (a) the Speaker, who shall be the chair;
- (b) three commissioners appointed by the Lieutenant Governor in Council from among the members of the Executive Council; and
- (c) three commissioners appointed,
 - (i) one from the caucus of the Government, by that caucus,
 - (ii) one from the caucus of the Official Opposition, by that caucus, and
 - (iii) one from the caucus of the party having the third largest membership in the Assembly other than a party referred to in subclauses (i) and (ii), by that caucus,

and the name of each person appointed shall be communicated to the Speaker within ten days after being appointed.

Names of appointees to be communicated to Assembly

(2) The name and office of each member appointed as a commissioner shall be communicated by message from the Lieutenant Governor in Council to the Assembly.

Quorum

(3) A quorum of the Board consists of the Speaker, one commissioner appointed from among the members of the Executive Council and one other commissioner. R.S.O. 1990, c. L.10, s. 87.

Procedures

88. The Board of Internal Economy may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board. R.S.O. 1990, c. L.10, s. 88.

Board may require monthly statements

89. The Board of Internal Economy may require any office, agency, commission or select committee of the Assembly whose estimates of money required are subject to review by the Board to submit to the Board on a monthly basis statements that set out current expenditures and forecast future expenditures and every such office, agency, commission and select committee shall submit the statements when so required. R.S.O. 1990, c. L.10, s. 89.

Powers and duties of Board

90. The Board of Internal Economy has the power and duty,

- (a) to review estimates and forecasts, analyses of revenues, expenditures, commitments and other data pertaining to the Office of the Assembly and to assess the results thereof;
- (b) to approve the organization and staff establishment for the Office of the Assembly;
- (c) to approve and review administrative policies and procedures in relation to the operation of the Office of the Assembly;
- (d) to advise upon all matters related to the management, administration, accounting and collection and disbursement of money associated with the Legislative Assembly Fund;
- (e) to advise upon the retention and disposal of records except cancelled cheques; and
- (f) to advise upon and give directions in relation to any matter the Board considers necessary for the efficient and effective operation of the Office of the Assembly,

and, if considered desirable, it may report on any of such matters to the Assembly. R.S.O. 1990, c. L.10, s. 90.

Transfer of money within vote

91. The Board of Internal Economy may authorize the transfer of money from one item of the estimates of the Office of the Assembly to another item within the same vote and the Provincial Auditor shall make special mention in his or her report of any transfer under this section. R.S.O. 1990, c. L.10, s. 91.

Regulation of terms and conditions of employment

92. (1) Subject to the approval of the Board of Internal Economy, the Speaker may,

- (a) establish job classifications and salary ranges;
- (b) provide a system of cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;
- (c) provide for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection;
- (d) provide for the granting of leave of absence; and
- (e) prescribe any other terms and conditions of employment,

for employees of the Office of the Assembly.

Application of employee benefits of public servants

(2) The employee benefits applicable from time to time to the public servants of Ontario with respect to the matters referred to in clauses (1) (b), (c) and (d) apply or continue to apply, as the case may be, to the permanent and full-time employees of the Office of the Assembly until a plan or system in relation to the same subject-matter is provided by the Speaker under this Act, and where any such benefits are provided for in regulations made under the *Public Service Act*, the Speaker, or any person authorized in writing by the Speaker, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations. R.S.O. 1990, c. L.10, s. 92.

Pension

93. (1) The Office of the Assembly shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act* as a board whose permanent and full-time probationary employees are required to be members of the Public Service Pension Plan.

Idem

(2) All credits in the Public Service Superannuation Fund of persons appointed as permanent employees of the Office of the Assembly accumulated under the *Public Service Pension Act* before they became employees of the Office of the Assembly, are preserved and continued in accordance with that Act. R.S.O. 1990, c. L.10, s. 93.

Definition

94. In sections 95 to 100,

“senior officer” means the Clerk of the Legislative Assembly, the Director of Administration or the Director of the Legislative Library, Research and Information Services. R.S.O. 1990, c. L.10, s. 94.

Discipline

95. (1) The Speaker may dismiss, suspend or reprimand for misconduct an employee of the Office of the Assembly appointed by the Speaker.

Idem

(2) The Speaker may suspend or reprimand for misconduct an employee of the Office of the Assembly, other than the Clerk of the Legislative Assembly, appointed by the Lieutenant Governor in Council.

Idem

(3) The Speaker may recommend to the Lieutenant Governor in Council the dismissal for misconduct of an employee of the Office of the Assembly, other than the Clerk of the Legislative Assembly, appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. L.10, s. 95.

Recommendation to Speaker

96. (1) The senior officer of a division of the Office of the Assembly may recommend to the Speaker that the Speaker proceed under section 95 in respect of an employee employed in the division.

Notice of proposed recommendation

(2) The senior officer shall give to the employee written notice of the proposed recommendation and shall receive and consider the submissions, if any, of the employee before making such recommendation to the Speaker as the senior officer considers appropriate. R.S.O. 1990, c. L.10, s. 96.

Notice by Speaker

97. (1) Before acting under section 95 in respect of an employee, the Speaker shall give to the employee written notice of the proposed action.

Content of notice

(2) A notice under subsection (1) shall inform the employee that the employee is entitled to a hearing by a hearing board if the employee gives to the Speaker, within fifteen days after the Speaker's notice is given to the employee, written notice requiring a hearing and the employee may so require such a hearing. R.S.O. 1990, c. L.10, s. 97.

Referral to hearing board

98. (1) Where the employee requires a hearing by a hearing board in accordance with section 97, the Speaker shall refer the matter to a hearing board.

Where hearing not required

(2) Where the employee does not require a hearing by a hearing board in accordance with section 97, the Speaker may carry out the action proposed in the Speaker's notice given to the employee. R.S.O. 1990, c. L.10, s. 98.

Composition of hearing board

99. (1) A hearing board shall be composed of a chair, one member representing the Office of the Assembly and one member representing the employee who required the hearing.

Appointment of chair

(2) The Speaker shall appoint the chair of a hearing board after requesting and considering the views of the chair of the Public Service Grievance Board.

Appointment of member by Speaker

(3) The Speaker shall appoint as a member of the hearing board a senior officer of the Office of the Assembly other than the senior officer of the division in which the employee is employed.

Appointment of member by employee

(4) The Speaker shall give written notice to the employee to appoint a member of the hearing board and the employee within ten days after receiving the notice,

- (a) shall appoint as a member of the hearing board a person who has indicated his or her willingness to act; and
- (b) shall give written notice to the Speaker and to the chair of the hearing board of the name and address of the member.

Where employee fails to appoint member

(5) Where the employee fails to appoint a member of the hearing board or to give the written notice required by subsection (4) within the period of ten days mentioned in that subsection, the Speaker shall appoint as a member such person as the Speaker considers suitable, but a person who is an employee of the Office of the Assembly is not eligible for appointment under this subsection.

Remuneration and expenses

(6) The chair of a hearing board and the member of the hearing board appointed by or for the employee who required the hearing by the hearing board shall be paid such remuneration and expenses on a daily or other basis as the Board of Internal Economy may fix.

Duties of hearing board

- (7) A hearing board shall,
- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
 - (c) determine whether in respect of the allegations so proved the employee is guilty of misconduct.

Recommendation by hearing board

(8) A hearing board that determines that an employee is guilty of misconduct shall recommend to the Speaker the penalty to be imposed under section 95.

Idem

(9) A hearing board that determines that an employee is not guilty of misconduct shall recommend to the Speaker that no penalty be imposed under section 95.

Duty of Speaker

(10) The Speaker shall carry out the recommendation of the hearing board under subsection (8) or (9).

Rules of procedure

(11) The following rules apply to a proceeding before a hearing board:

1. The parties to the proceeding are the Office of the Assembly and the employee whose conduct is the subject of the proceedings.
2. Each party shall afford to the other party an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
3. The chair and members of the hearing board must not have taken part before the hearing in any investigation of the subject-matter of the hearing other than in considering the referral of the matter to the Speaker or to a hearing board.
4. The chair and members of the hearing board shall not communicate directly or indirectly in relation to the subject-matter of the proceeding with any person or with a party or a representative of a party except upon notice to and opportunity for both parties to participate.
5. The hearing board may seek legal advice from a person who is not an adviser to a party, but the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.
6. The oral evidence taken before the hearing board shall be recorded and a party is entitled to a copy of a transcript thereof upon the same terms as in the Ontario Court (General Division).
7. The chair or a member of the hearing board shall not participate in the decision of the hearing board pursuant to the hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties.
8. The hearing board shall, upon the request of the person who produced them, release documents and things put in evidence to the person within a reasonable time after the matter has been concluded by the hearing board. R.S.O. 1990, c. L.10, s. 99.

Notice

100. A notice or document required under sections 95 to 99 is sufficiently given, served or delivered if delivered personally or by registered mail, and there is a rebuttable presumption that a notice or document sent to a person by registered mail addressed to the person at the last address of the person in the records of the Office of the Assembly is delivered to the person on the tenth day after the day of mailing. R.S.O. 1990, c. L.10, s. 100.

Oath of office

101. (1) Every employee of the Office of the Assembly shall, before any salary is paid to him or her, take and subscribe before the Speaker, the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of office and secrecy in Form 2.

Oath of allegiance

(2) Every employee of the Office of the Assembly shall, before performing any duty as a member of the Office of the Assembly, take and subscribe before the Speaker or before the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of allegiance in Form 3. R.S.O. 1990, c. L.10, s. 101.

Speaker deemed an employer

102. The Speaker in his or her capacity as head of the Office of the Assembly shall be deemed to be an employer for the purposes of the insurance plan established under the *Workplace Safety and Insurance Act, 1997*. R.S.O. 1990, c. L.10, s. 102; 1997, c. 16, s. 10 (2).

Part of Legislative Building under Speaker

103. (1) Such parts of the Legislative Building as may be designated by the Lieutenant Governor in Council in addition to the Legislative Chamber shall be under the control of the Speaker and the order in council shall be laid before the Assembly.

Security guidelines

(2) The Speaker shall establish guidelines for the security of the Legislative Chamber and the other parts of the Legislative Building that are under his or her control.

Enforcement

(3) The security of the parts of the Legislative Building designated to be under the control of the Speaker shall be enforced by the same personnel that enforce security in the other parts of the Legislative Building. R.S.O. 1990, c. L.10, s. 103.

Provision of services for Assembly

104. The Speaker may call upon any ministry or agency of the Crown to provide any service or commodity for or on behalf of the Assembly that the Speaker considers necessary and the ministry or agency shall provide such service or commodity upon such terms and conditions as the ministry or agency may require. R.S.O. 1990, c. L.10, s. 104.

Conflict with other Acts

105. In the event of a conflict between any provision of this Act and any provision of the *Management Board of Cabinet Act*, the *Financial Administration Act* or the *Ministry of Treasury and Economics Act*, the provision of this Act prevails. R.S.O. 1990, c. L.10, s. 105.

Act administered by Speaker

106. The Speaker is responsible for the administration of this Act. R.S.O. 1990, c. L.10, s. 106.

Delegation of powers and duties

107. The Speaker may, in writing, delegate to the Deputy Speaker or to any employee in the Office of the Assembly any of his or her powers and duties under sections 76 to 108. R.S.O. 1990, c. L.10, s. 107.

Agreements

108. (1) The Speaker, for and on behalf of the Office of the Assembly, may enter into any agreement that he or she considers advisable for the purposes of carrying out the provisions of this Act.

Agreements enure to benefit of Assembly

(2) Any agreement entered into by the Speaker, or by any person duly authorized by the Speaker, enures to the benefit of the Assembly.

Speaker not personally liable

(3) The Speaker or his or her delegate is not personally liable for any agreement that he or she has entered into under this section.

Actions brought in name of Attorney General

(4) The Speaker, for and on behalf of the Office of the Assembly, may sue in the name of the Attorney General. R.S.O. 1990, c. L.10, s. 108.

FORM 1

(Section 59)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth, and nothing but the truth? So help you God. (omit this phrase in an affirmation).

R.S.O. 1990, c. L.10, Form 1.

FORM 2

(Section 101)

I,, do swear (or solemnly affirm) that I will faithfully discharge my duties as an employee of the Office of the Assembly and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being an employee of the Office of the Assembly.

So help me God. (omit this phrase in an affirmation).

R.S.O. 1990, c. L.10, Form 2.

FORM 3

(Section 101)

I,, so swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law.

So help me God. (omit this phrase in an affirmation).

R.S.O. 1990, c. L.10, Form 3.
