

1980

c 235 Legislative Assembly Act

Ontario

© Queen's Printer for Ontario, 1980

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Legislative Assembly Act, RSO 1980, c 235

Repository Citation

Ontario (1980) "c 235 Legislative Assembly Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 4, Article 10.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss4/10>

This Statutes is brought to you for free and open access by the Statutes at Osgoode Digital Commons. It has been accepted for inclusion in Ontario: Revised Statutes by an authorized administrator of Osgoode Digital Commons.

CHAPTER 235

Legislative Assembly Act

1. The Assembly shall be composed of as many members as is fixed from time to time by the *Representation Act*. R.S.O. 1970, c. 240, s. 1.

Assembly,
how
composed
R.S.O. 1980,
c. 450

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.

Demise of
the Crown

(2) Nothing in this section alters or abridges the power of the Crown to prorogue or dissolve the Legislature. R.S.O. 1970, c. 240, s. 2.

Power to
prorogue or
dissolve not
affected

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. 1970, c. 240, s. 3.

Duration of
Legislature

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. 1970, c. 240, s. 4.

Yearly
session

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. 1970, c. 240, s. 5.

Prorogation

6.—(1) Subject to subsection (2), the persons qualified to sit and vote as members of the Assembly are any male or female persons of the full age of eighteen years who are British subjects by birth or by naturalization under the laws of Canada from time to time in force, resident in Ontario and not disqualified by this or any other Act from election to the Assembly. R.S.O. 1970, c. 240, s. 6 (1); 1971, c. 98, s. 4.

Qualification
of members

(2) For the purposes of this Act, a female person shall be deemed to be a British subject,

Where
women
deemed
British
subjects

- (a) if she was born a British subject and is unmarried, or is married to a British subject and has not become a subject of a foreign power; or
- (b) if she has herself been personally naturalized as a British subject and has not since become a subject of a foreign power; or
- (c) if she has become a British subject by marriage or by the naturalization as a British subject of her parent while she was a minor, and in either case has done nothing to forfeit or lose her status as a British subject, and has obtained a certificate under the signature of a judge of the Supreme Court or of a county or district court, and the seal of the court, certifying that she is of the full age of eighteen years, has resided in Canada a sufficient length of time and is possessed of all requirements necessary to entitle her, if unmarried, to become naturalized as a British subject, and that she has taken the oath of allegiance to Her Majesty. R.S.O. 1970, c. 240, s. 6 (2).

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 him shall be thrown away and the returning officer shall return the person having the next greatest number of votes if he 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, his seat in the Assembly is thereupon vacated and a writ shall issue forthwith for a new election to fill the vacancy. R.S.O. 1970, c. 240, s. 7.

Disqualifica-
tion 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. 1970, c. 240, s. 8 (1).

(2) Nothing in this section renders ineligible as aforesaid ^{Exceptions} 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 justice of the peace, 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* ^{R.S.C. 1970, c. I-13} (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 Workmen's Compensation Board, the Ontario Securities Commission, The Milk Commission of Ontario, the Civil Service Commission, or the Board of Parole. ^{R.S.O. 1970, c. 240, s. 8 (2); 1972, c. 1, s. 4 (1).}

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 of Assembly not eligible to hold municipal office R.S.O. 1980, c. 303}

(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, notwithstanding 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 130 of the *Election Act*, at which time he shall be deemed to have resigned such office. ^{Member deemed to have resigned municipal office when election to Assembly published R.S.O. 1980, c. 133} 1972, c. 131, s. 1, *part.*

10. Except as authorized by resolution of the Assembly, no person holding or enjoying, undertaking or executing, ^{Disqualification of public contractors}

directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, any contract or agreement with Her Majesty, or with any public officer or ministry, with respect to the public service of Ontario, or under which any public money of Ontario is to be paid for any service, work, matter or thing, is eligible as a member of the Assembly or shall sit or vote therein. R.S.O. 1970, c. 240, s. 9; 1972, c. 1, s. 2.

Exceptions: **11.—(1)** No person is ineligible as a member of the Assembly,

trustees for
estates of
contractors

- (a) by reason of his being interested as an executor, administrator or trustee only, having otherwise no beneficial interest in any such contract or agreement;

share-
holders in
contracting
companies

- (b) by reason of his being a shareholder or stockholder in an incorporated company having any such contract or agreement, unless such contract or agreement is for the building of a public work of Ontario, and such building or work has not been let by tender to the lowest bidder;

lenders of
money to
Government

- (c) by reason of his being a contractor for the loan of money or for securities for the payment of money to the Government of Ontario under the authority of the Legislature after public competition or respecting the purchase or payment of the public stock or debentures of Ontario on terms common to all persons;

holders of
mining
licences, etc.

- (d) by reason of his being the holder of a mining licence or having a contract or agreement with Her Majesty or with any public officer or ministry with respect to the same or to mines or mining rights, but no such person shall vote on any question affecting such licence, contract or agreement or in which he is interested by reason thereof;

owners and
persons
interested
in certain
newspapers

- (e) by reason of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements are inserted which appear in other newspapers or publications in Ontario, or which is subscribed for by the Government of Ontario, or any ministry thereof, or by any of the public institutions of Ontario, unless such advertisements or subscriptions are paid for out of the public moneys of Ontario at rates greater than usual rates;

- (f) by reason of his holding a licence, permit or permission for cutting timber, or being interested in any such licence, permit or permission, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, or by reason of there being money due or payable to Her Majesty in respect of timber cut, but no such person shall vote on any question affecting such licence, permit or permission or in which he is interested by reason thereof; timber licensees
- (g) by reason of his being the holder of a fishery licence, or having a contract or agreement with Her Majesty or with any public officer or ministry with respect to the same or to fisheries or fishing rights, but no such person shall vote on any question affecting such licence, contract or agreement or in which he is interested by reason thereof; fishery licensees
- (h) by reason of his being a surety or contractor or liable for the payment of money for or on account of the maintenance or tuition of an inmate or pupil of any Government institution; certain sureties or obligors
- (i) by reason of his being a postmaster elsewhere than in a city, town or incorporated village, or interested in a contract for carrying the mail between two or more post offices neither of which is in a city, town or incorporated village or of his being the surety of any such postmaster or contractor; certain postmasters and mail carriers
- (j) by reason of his receiving or having received or agreed to receive compensation with respect to any property taken or purchased by the Crown or by any ministry or commission of the Government of Ontario or with respect to any interest in such property where the amount of such compensation has been fixed by an award made under the *Ministry of Government Services Act* or any other general or special Act of the Legislature, or has been agreed upon and the judge of the county or district in which the property is situate has certified in writing that the amount of compensation is fair and reasonable, but no such person shall vote on any question arising in the Assembly touching such matter; receipt of compensation for land not to disqualify
- (k) by reason of his being a surety for a public officer or Ontario land surveyor or other person required by law to furnish security to the Crown; R.S.O. 1980, c. 279
sureties of public officers

burial of
indigents

- (l) by reason of having received payment from the Crown for the burial of indigents who were resident in territory without municipal organization;

pensions

R.S.O. 1980,
cc. 236, 418,
419, 494

- (m) by reason of his being entitled to or in receipt of any money under the *Legislative Assembly Retirement Allowances Act*, the *Public Service Act*, the *Public Service Superannuation Act* or the *Teachers' Superannuation Act* or under any other Act of the Legislature or the Parliament of Canada that provides a pension, annuity, allowance or other similar payment that is made up in whole or in part of public money;

benefits
common
to others

- (n) by reason of his being entitled to receive on terms common to all persons similarly entitled and of his receiving or agreeing to receive in accordance with such entitlement any service or commodity or any refund, rebate, subsidy, loan or any other such benefit or payment that is authorized under any Act. R.S.O. 1970, c. 240, s. 10 (1); 1972, c. 1, s. 2.

Duty of
sureties who
have been
elected

- (2) A person elected a member of the Assembly who is at the time of his election a surety as aforesaid shall, before he sits or votes therein, take and complete such action as may be requisite to relieve him from any thereafter accruing liability in respect of his suretyship, and no person who is liable as such surety in respect of any accruing matter shall sit or vote in the Assembly. R.S.O. 1970, c. 240, s. 10 (2).

When
disqualifica-
tion to
become
operative

- 12.** No disqualification under section 8 or 10 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 cases provided for by subsection 11 (2), nor as affecting the right of the Assembly to expel a member according to the practice of Parliament or otherwise. R.S.O. 1970, c. 240, s. 11.

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, his election and return is void. R.S.O. 1970, c. 240, s. 12.

Member not
disqualified
on appoint-
ment to
Executive
Council, etc.

- 14.** Notwithstanding anything in any Act, where a member of the Assembly is appointed a member of the Executive Council or a Parliamentary Assistant, he shall not, by reason of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly. R.S.O. 1970, c. 240, s. 13; 1972, c. 1, s. 4 (2).

15.—(1) If a member of the Assembly by accepting any office or becoming a party to a contract or agreement as in sections 8 and 10 mentioned is disqualified by law to continue to sit or vote in the Assembly, his seat shall be vacated, but he may be re-elected if he is not declared ineligible under this Act.

Disqualification through acceptance of office

(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 office and accepts any other of such offices, he does not thereby vacate his seat in the Assembly.

Saving in case of, exchange of offices in Executive Council
R.S.O. 1980, c. 147

(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, he does not thereby vacate his 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. 1970, c. 240, s. 14.

additional offices in Executive Council

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 he is so ineligible or disqualified shall forfeit the sum of \$2,000 for every day on which he so sits or votes, and such sum may be recovered from him by any person who sues for it in any court of competent jurisdiction.

Penalty upon disqualified person sitting or voting

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

Idem

(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. 1970, c. 240, s. 15.

Staying proceedings in other actions

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

Disclaimer by member elect

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 him, 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.

Transmis-
sion of copy
of disclaimer

(3) The Clerk of the Assembly shall, on receiving a disclaimer, forthwith send a copy thereof,

- (a) in the case of an election that has taken place in The Regional Municipality of York or The Municipality of Metropolitan Toronto, to the Registrar of the Supreme Court at Toronto;
- (b) in the case of an election that has taken place elsewhere, to the local registrar for the county or provisional judicial district in which the electoral district for which the member so disclaiming or any part thereof is situate, was elected. R.S.O. 1970, c. 240, s. 17 (1-3).

Resignation
before
meeting of
Legislature

18. If a person returned as elected at a general election wishes to resign his seat before the first session of the Legislature thereafter, he may address and cause to be delivered to any two members elect of the Assembly a declaration that he resigns his seat, made in writing under his hand 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. 1970, c. 240, s. 18.

In other
cases

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

- (a) by giving in his place in the Assembly notice of his 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 he resigns his seat, made in writing under his hand 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.

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

(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 his warrant under his 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. ^{New writ} R.S.O. 1970, c. 240, s. 19.

20. If a member wishes to resign his 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 himself the Speaker, he 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. ^{Where there is no Speaker, or the member is himself the Speaker} R.S.O. 1970, c. 240, s. 20.

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

(2) A member or member elect shall not tender his resignation while his election is controverted, nor until after the expiration of the time within which an election petition may be filed. ^{Time for resignation} R.S.O. 1970, c. 240, s. 21.

22. Forthwith after receipt by the Clerk of the Assembly of a judgement by the Supreme Court under Part VIII of 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 his warrant under his 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. ^{Issue of writ for new election, when election adjudged void} R.S.O. 1980, c. 133
s. 22, *revised*.

23. The proceedings taken under sections 18 to 22 by the Speaker or Clerk of the Assembly shall be reported to the ^{Report to Assembly}

Assembly at the earliest practicable time, and shall be forthwith entered upon the Journals. R.S.O. 1970, c. 240, 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, he 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, he is thereupon entitled to sit and vote in the Assembly. R.S.O. 1970, c. 240, 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 accepting an office, commission or employment, or by his becoming a party to a contract as mentioned in section 10, unless otherwise provided by this Act, the Speaker, on being informed of the vacancy by a member of the Assembly in his place, or by notice in writing under the hands and seals of two members, shall forthwith address his 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.

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 himself 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. 1970, c. 240, s. 26.

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 seat as if no subsequent election had been held. R.S.O. 1970, c. 240, s. 27.

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. 1971, c. 101, s. 1, *part*; 1974, c. 72, s. 2.

Where
vacancy
exists in
Assembly

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

Non-
application
of section

(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. 1971, c. 101, s. 1, *part*.

Writ
revoked on
dissolution of
Legislature

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.

Election
of Speaker
and 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. 1974, c. 116, s. 1, *part*.

Vacancy in
office of
Speaker or
Deputy

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.

Duties

(2) In the absence of the Speaker, the Deputy Speaker has all the powers, privileges and duties of the Speaker. 1974, c. 116, s. 1, *part*.

Absence of
Speaker

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 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. 1974, c. 116, s. 1, *part*.

Illness,
etc., of
the Speaker
or Deputy

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. 1974, c. 116, s. 1, *part*.

Election
of Speaker
for the day

Election
of Speaker
pro
tempore

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. 1974, c. 116, s. 1, *part*.

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. 1974, c. 116, s. 1, *part*.

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 himself was in the chair. R.S.O. 1970, c. 240, 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 his warrant directed to the person named in the order of the Assembly requiring his attendance before the Assembly or committee and the production of the papers and things as ordered. R.S.O. 1970, c. 240, 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. 1970, c. 240, 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 brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a committee thereof. R.S.O. 1970, c. 240, s. 37.

Freedom
from arrest

38. Except for a contravention of this Act, a member of the Assembly is not liable to arrest, detention or molestation

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. 1970, c. 240, s. 38.

39. 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. 1970, c. 240, s. 39.

Exemption of members and officers from serving as jurors

40. 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. 1970, c. 240, s. 40.

Members not to receive fees for drafting bills, etc.

41. No barrister or solicitor who in the practice of his 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 40. R.S.O. 1970, c. 240, s. 41.

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

42. Every person contravening any of the provisions of section 40 or 41 is liable to a penalty equal to the amount or value of the fee, compensation or reward accepted or received by him and the sum of \$500. R.S.O. 1970, c. 240, s. 42.

Penalty

43. Any contravention of section 40 is a corrupt practice, and a writ alleging the contravention may be issued within six months after the contravention in the same manner and the proceedings thereupon shall be the same as in the case of other actions under Part VIII of the *Election Act*. R.S.O. 1970, c. 240, s. 43, *revised*.

Breach of s. 40 a corrupt practice

R.S.O. 1980, c. 133

44. If judgment is recovered against a member of the Assembly for any penalty under section 42, or if by a resolution of the Assembly it is declared that a member has been guilty of a contravention of section 40, or if it is adjudged by the Supreme Court in an action mentioned in section 43 that a member has been guilty of a contravention of section 40, his election becomes void and his seat shall be vacated, and a writ shall issue for a new election as if he were dead and he is incapable of being elected to or of sitting in the Assembly during the remainder of the term for which he was elected. R.S.O. 1970, c. 240, s. 44, *revised*.

Vacation of seat

Jurisdiction
of Assembly

45.—(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 him in his 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 duty.

Tampering
with witness

5. Tampering with a witness in regard to evidence to be given by him 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.

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 him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a committee thereof. Taking civil proceedings against member
11. Causing or effecting the arrest, detention or molestation 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. Arresting member for debt, etc

(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. 1970, c. 240, s. 45. Jurisdiction given as to inquiring and punishing

46. Every person who, upon such inquiry, is found to have committed or done any of the acts, matters, or things mentioned in section 45, in addition to any other penalty or punishment to which he 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. 1970, c. 240, s. 46. Punishment for contravention of s. 45

47.—(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 45 and directs that the person be kept and detained in the custody of the sergeant-at-arms attending the Assembly, the Speaker shall issue his warrant to the sergeant-at-arms to take the person into custody and to keep and detain him in custody in accordance with the order of the Assembly. Proceeding on contravention of s. 45 and arrest thereunder

(2) Where the Assembly directs that the imprisonment shall be in a correctional institution in the Judicial District of York, the Speaker shall issue his 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 him to the superintendent of such correctional institution, and commanding the superintendent to receive and keep and detain him in custody in accordance with the order of the Assembly. R.S.O. 1970, c. 240, s. 47. Warrant of committal

Decision of
Assembly
final

48. The determination of the Assembly upon any proceeding under this Act is final and conclusive. R.S.O. 1970, c. 240, s. 48.

Protection
of persons
publishing
papers by
order of
Assembly

49.—(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 his 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 his intention so to do to the plaintiff or his 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 his 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. 1970, c. 240, s. 49.

Production
of papers
to court

50.—(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. 1970, c. 240, s. 50.

Bona fide
publication

51. 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 *bona fide* and without malice. R.S.O. 1970, c. 240, s. 51.

Saving of
privileges
inherent in
Assembly or
members

52. Except so far as is provided by section 40, 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. 1970, c. 240, s. 52.

53. 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. 1970, c. 240, s. 53, *revised*. Payment for books ordered by committee

54. At least twenty members of the Assembly are necessary to constitute a quorum for the transaction of business, and for that purpose the Speaker shall be counted. R.S.O. 1970, c. 240, s. 54. Quorum

55. 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. 1970, c. 240, s. 55. Voting

56. 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. 1970, c. 240, s. 56. Condition precedent to appropriations

57. The judges of the Supreme Court are *ex officio* commissioners to report under the Rules of the Assembly in respect of estate bills. R.S.O. 1970, c. 240, s. 57. Commissioners on estate bills

58. 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 chairman or any member of the committee may administer the oath in Form 1. R.S.O. 1970, c. 240, s. 58. Power of committees to examine on oath

59. 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. 1970, c. 240, s. 59. Affidavits

Members'
indemnities

60.—(1) An indemnity at the rate of \$24,500 per annum shall be paid to every member of the Assembly. 1980, c. 16, s. 1.

Members'
allowances,

(2) An allowance for expenses at the rate of \$8,000 per annum shall be paid to every member of the Assembly. 1979, c. 75, s. 1, *part*.

computation

(3) For the purpose of computing the amount of any indemnity or allowance payable under this section, a member shall be deemed to have been a member from the polling day on which he was elected and, when the Legislature of which he was a member was dissolved, he shall be deemed to have been a member until the day preceding the polling day that followed the dissolution, or until his death, whichever occurs first.

when paid

(4) Every indemnity and allowance under this section shall be paid on the 31st day of March in each year, but when a member resigns or dies or for any other reason ceases to be a member, the amounts that are payable to him for the period that concluded shall be paid forthwith. R.S.O. 1970, c. 240, s. 60 (3, 4).

Advances

(5) Notwithstanding subsection (4), upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity not exceeding one-twelfth of his annual indemnity per month and any part of his allowance for expenses not exceeding one-twelfth of his annual allowance for expenses per month. 1978, c. 98, s. 1 (3).

Leaders'
allowances

61. In addition to his indemnity and allowance for expenses as a member there shall be paid a Leader's allowance for expenses,

- (a) to the Premier, at the rate of \$6,000 per annum;
- (b) to the Leader of the Opposition, at the rate of \$4,000 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,000 per annum. 1980, c. 16, s. 2.

Indemnity;
of Speaker,
Leader of
Opposition
and leader of
a minority
party

62.—(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$15,500 per annum;

- (b) to the Leader of the Opposition an indemnity at the rate of \$21,000 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$8,000 per annum. 1980, c. 16, s. 3.

(2) For the purpose of computing the amount of any in-computation indemnity payable under this section, the Speaker, Leader of the Opposition and leader of a party referred to in clause (1)(c), respectively, shall be deemed to have occupied the position from the polling day on which he was elected a member of the Assembly and, when the Legislature in which he occupied the position was dissolved, he shall be deemed to have occupied the position until the day preceding the polling day that followed the dissolution, or until his death, whichever occurs first; provided that, when the occupant of the position changes, the member succeeding to the position shall be deemed to have occupied the position from the day following that on which his predecessor ceased to occupy the position.

(3) Every indemnity under this section shall be paid on the 31st day of March in each year, but when the Speaker, Leader of the Opposition or leader of a party referred to in clause (1)(c), as the case may be, ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith. ^{When paid}

(4) Notwithstanding subsection (3), upon the request of the Speaker, the Leader of the Opposition or the leader of a party referred to in clause (1)(c), there shall be paid, out of the moneys that have accrued to him under this section at the time the request is made, any part of his indemnity under subsection (1) not exceeding one-twelfth of his indemnity per month. R.S.O. 1970, c. 240, s. 62 (2-4). ^{Advances}

63.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding in any year an amount that is \$1,000 more than the amount determined in respect of the year by the Board of Internal Economy under subsection 66 (7). ^{Cost of accommodation in Toronto}

(2) Where the principal residence of the leader of a party, ^{Idem} except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan Toronto,

he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding in any year an amount that is \$1,000 more than the amount determined in respect of the year by the Board of Internal Economy under subsection 66 (7). 1980, c. 77, s. 1.

Chairman and
Deputy
Chairman of
Whole House
and Chairmen
of standing
committees,
indemnity

64.—(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$6,500 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$4,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$3,300 per annum. 1979, c. 75, s. 5; 1980, c. 16, s. 4.

When paid

(2) Every indemnity under this section shall be paid on the 31st day of March in each year, but when the person occupying such position ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith. 1973, c. 151, s. 5, *part*.

Whips,
indemnities

65.—(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Chief Government Whip, at the rate of \$7,000 per annum;
- (b) to the Deputy Government Whip, at the rate of \$4,300 per annum;
- (c) to each of not more than three Government Whips, at the rate of \$3,000 per annum;
- (d) to the Chief Opposition Whip, at the rate of \$4,300 per annum;
- (e) to each of not more than two Opposition Whips, at the rate of \$3,000 per annum; and
- (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$3,500 per annum, and

(ii) to the Party Whip of the party, at the rate of \$2,750 per annum. 1980, c. 16, s. 5.

(2) Every indemnity under this section shall be paid on the 31st day of March in each year, but when the person occupying such position ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith. R.S.O. 1970, c. 240, s. 64 (2). When paid

66.—(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 electoral district an allowance for every mile of such transportation in such amount as may be determined from time to time by the Board of Internal Economy. 1973, c. 151, s. 7, *part*; 1977, c. 24, s. 2 (1). Members' mileage allowance

(2) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by scheduled airline economy flight, on not more than fifty-two round trips for the member in any year, four of which may be used for such round trip travel for the member's spouse. Expenses, air travel

(3) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by first class train accommodation or bus on any number of round trips for the member and not more than four such round trips for the member's spouse in any year and the actual and reasonable cost of berths, meals and gratuities incurred in the course of such transportation. train and bus

(4) 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. 1973, c. 151, s. 7, *part*. within electoral district

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,730 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business air travel and accommodation costs within certain electoral districts or under special circumstances

as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommodation within the electoral district represented by him expended due to unusual or special circumstances while on business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,730 in any year. 1979, c. 75, s. 7 (1).

round trips
within
Ontario
from
residence
or seat of
government

(6) There shall be paid to each member of the Assembly for not more than six round trips by bus, train or economy flight by scheduled airline or by private or rented automobile, or any combination thereof, while travelling within Ontario in any year on business as a member of the Assembly from the member's residence or the seat of government at Toronto the lesser of,

(a) the total cost incurred by the member for not more than six such round trips; or

(b) \$800,

and the cost of transportation,

(c) by bus, train and economy flight by scheduled airline shall be the actual cost thereof;

(d) 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

(e) by private automobile shall be an allowance for every mile of such transportation in such amount as may be determined from time to time by the Board of Internal Economy. 1976, c. 60, s. 1 (2); 1977, c. 24, s. 2 (2).

accommoda-
tion

(7) There shall be paid to each member of the Assembly other than,

(a) the Ministers of the Crown;

(b) the Speaker;

(c) the Leader of the Opposition;

(d) the leader of a party, other than the Premier or the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly; and

- (e) members representing the electoral districts within
The Municipality of Metropolitan Toronto,

the actual cost of accommodation while attending as members of the Assembly at the seat of government at Toronto not exceeding such amount in any year as may be determined from time to time by the Board of Internal Economy. 1973, c. 151, s. 7, *part*; 1977, c. 24, s. 2 (3); 1979, c. 75, s. 7 (2).

(8) For the purpose of subsection (7), a member shall be deemed to have been a member from the polling day on which he was elected and, when the Assembly of which he was a member was dissolved, he shall be deemed to have been a member until the day preceding the polling day that followed the dissolution, or until his death, whichever occurs first. 1980, c. 77, s. 2 (1). Computation

(9) Subject to subsection (8), a member is not entitled to any allowance for expenses incurred by him after the day a writ for a general election is issued until he is declared elected or, if a recount is applied for, until he is declared elected following the recount. 1973, c. 151, s. 7, *part*; 1980, c. 77, s. 2 (2). No expenses following writ of election

67.—(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of \$52, and to the chairman thereof an allowance for expenses of \$62, and, Members of committees, allowances and expenses

- (a) in addition to the allowance provided for in section 66, his actual disbursements for transportation other than by private automobile or an allowance in such amount as may be determined from time to time by the Board of Internal Economy for every mile travelled by private automobile; and

- (b) his actual disbursements for meals, accommodation and gratuities,

for or incurred on every day on which the Assembly is not sitting,

- (c) upon which he attends a meeting of the committee; or

- (d) upon which he is absent from home and is travelling to and from meetings of the committee. R.S.O. 1970, c. 240, s. 66 (1); 1977, c. 24, s. 3; 1978, c. 98, s. 8.

(2) The allowances and disbursements provided in subsection (1) shall be payable to a member of a committee for Idem

every day upon which he is absent from home and from the seat of government and is engaged in the work of the committee, whether or not the Assembly is sitting. R.S.O. 1970, c. 240, s. 66 (2).

Severance
allowance

68.—(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-quarter of his annual indemnity as a member at the rate in force immediately before he ceased to be a member.

Severance
allowance on
resignation

(2) A member of the Assembly who resigns his seat shall be paid a severance allowance equal to one-quarter of his annual indemnity as a member at the rate in force on the day he ceases to be a member.

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-quarter of his annual indemnity as a member at the rate in force on the day of his death or immediately before the dissolution or ending, as the case requires, shall be paid to his personal representative. 1978, c. 98, s. 9.

House
Leaders'
indemnities

69. In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Opposition House Leader, at the rate of \$7,000 per annum;
- (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$5,000 per annum. 1980, c. 16, s. 6.

Appropri-
ations for
caucuses

70. 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 party that has a recognized membership of twelve or more persons in the Assembly, 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 party that has a recognized membership of twelve or more persons in the Assembly, 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 party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of such party, an amount appropriated therefor by the Legislature. 1974, c. 116, s. 2, *part*; 1976, c. 60, s. 2.

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

Secretary
or assistant
for each
member

(2) Every member of the Assembly is entitled to office equipment, supplies and services in accordance with standards established by the Speaker. 1974, c. 116, s. 2, *part*.

Supplies
for members

72.—(1) In this section, "Commission" means the Commission on Election Contributions and Expenses established under the *Election Finances Reform Act*.

Interpre-
tation

R.S.O. 1980,
c. 134

(2) The Commission each year shall review and make such recommendations as it considers proper in respect of the indemnities and allowances of members of the Assembly under this Act.

Review of
indemnities
and
allowances

(3) The Commission shall report its recommendations to the Speaker and the Speaker shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. 1978, c. 98, s. 11.

Annual
report

OFFICE OF THE ASSEMBLY

Office of
Assembly

73. 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. 1974, c. 116, s. 3, *part*.

Clerk of
Legislative
Assembly,
appointment

74.—(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 staff

(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. 1974, c. 116, s. 3, *part*.

Duties of
officers

75. 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. 1974, c. 116, s. 3, *part*.

Estimates,
submission
to Board,

76.—(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. 1974, c. 116, s. 3, *part*.

Legislative
Assembly
Fund

77.—(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 chartered bank designated by the Board of Internal Economy for the deposit of moneys paid into the Legislative Assembly Fund.

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

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

(5) The Speaker shall make an annual report to the Board of Internal Economy respecting the receipts and disbursements from the Legislative Assembly Fund. 1974, c. 116, s. 3, *part*. Annual report

78. The moneys required from time to time for the purposes of this Act shall be paid out of moneys 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. 1974, c. 116, s. 3, *part*. Moneys paid into Fund

79.—(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, moneys are urgently required for the purposes of this Act before they have been appropriated, the Treasurer of Ontario may, subject to the approval of the Lieutenant Governor in Council, advance the required moneys for the use of the Speaker upon the written request of the Board of Internal Economy, and such moneys shall be paid into the Legislative Assembly Fund. Where moneys required before appropriated

(2) All moneys advanced by the Treasurer of Ontario under subsection (1) shall be deemed to be an interest free loan repayable from moneys to be appropriated by the Legislature for the purposes of this Act. 1974, c. 116, s. 3, *part*. Advances repayable out of moneys to be appropriated

80.—(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. Form of payments out of Fund

(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. Signature

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. 1974, c. 116, s. 3, *part*.

Payment of
debts
incurred
in fiscal
year

81.—(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
moneys to
be paid to
Treasurer

(2) All moneys that remain unexpended in the Legislative Assembly Fund after the thirty day period next following the end of a fiscal year shall be paid to the Treasurer of Ontario and become part of the Consolidated Revenue Fund. 1974, c. 116, s. 3, *part*.

Accountable
advances

82.—(1) Any member of the Assembly or the Chairman 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. 1974, c. 116, s. 3, *part*.

Audit

83. The accounts and financial transactions of the Office of the Assembly shall be audited annually by the Provincial Auditor. 1974, c. 116, s. 3, *part*.

Board of
Internal
Economy,
composition

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

- (a) the Speaker, who shall be the chairman;
- (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.

(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.

Names of appointees to be communicated to Assembly

(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. 1974, c. 116, s. 3, *part*.

Quorum

85. 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. 1974, c. 116, s. 3, *part*.

Procedures

86. The Board of Internal Economy may require any office, agency, commission or select committee of the Assembly whose estimates of moneys 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. 1977, c. 69, s. 2.

Board may require monthly statements

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

Powers and duties of Board

- (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 moneys 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. 1974, c. 116, s. 3, *part*.

Transfer
of moneys
within
vote

88. The Board of Internal Economy may authorize the transfer of moneys 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 report of any transfer under this section. 1974, c. 116, s. 3, *part*.

Regulation
of terms
and condi-
tions of
employment

89.—(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 him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations. 1974, c. 116, s. 3, *part*.

90. The *Public Service Superannuation Act* applies to the permanent employees and full-time probationary employees of the Office of the Assembly as though the Office of the Assembly was a board designated by the Lieutenant Governor in Council under section 28 of that Act, and all credits in the Public Service Superannuation Fund of persons appointed as permanent employees of the Office of the Assembly accumulated under that Act before they became employees of the Office of the Assembly, are preserved and continued in accordance with that Act. 1974, c. 116, s. 3, *part*. Pension
R.S.O. 1980,
c. 419

91.—(1) If any complaint or representation is at any time made to the Speaker for the time being of the misconduct or unfitness of any employee of the Office of the Assembly, the Clerk of the Legislative Assembly may cause an inquiry to be made into such complaint or representation. Inquiry

(2) If, after a hearing, it appears to the Speaker that such person has been guilty of misconduct or is unfit to hold his position, the Speaker may, if such employee other than the Clerk of the Legislative Assembly has been appointed by the Lieutenant Governor in Council, reprimand or suspend him and report such suspension to the Lieutenant Governor in Council and if he has not been appointed by the Lieutenant Governor in Council, reprimand, suspend or dismiss him. Reprimand,
suspension
or
dismissal

(3) A decision of the Speaker to suspend or dismiss an employee may be appealed by the employee, within fourteen days after the decision has been communicated to him, to the Public Service Grievance Board established pursuant to the *Public Service Act*. Appeal to
Board

R.S.O. 1980,
c. 418

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section and the provisions of the regulation under the *Public Service Act* that applies in relation to a grievance for dismissal applies with necessary modifications to an appeal under this section and the decision of the Board is final and the Board shall make a report of its decision including the reasons therefor to the Speaker and shall deliver a copy of the report to the appellant. 1974, c. 116, s. 3, *part*. Grievance
Board
authorized
to hear
appeal

92.—(1) Every employee of the Office of the Assembly shall, before any salary is paid to him, 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
office

**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. 1974, c. 116, s. 3, *part*.

**Application of
R.S.O. 1980,
c. 339**

93. The Speaker in his capacity as head of the Office of the Assembly shall be deemed to be an employer within the meaning and for the purposes of the *Workmen's Compensation Act*. 1974, c. 116, s. 3, *part*.

**Part of
Legislative
Building
under
Speaker**

94.—(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 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. 1974, c. 116, s. 3, *part*.

**Provision
of services
for Assembly**

95. 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. 1974, c. 116, s. 3, *part*.

**Conflict with
other Acts
R.S.O. 1980,
cc. 254, 161,
291**

96. 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. 1974, c. 116, s. 3, *part*.

**Act
administered
by Speaker**

97. The Speaker is responsible for the administration of this Act. 1974, c. 116, s. 3, *part*.

**Delegation
of duties**

98. The Speaker may, in writing, delegate to the Deputy Speaker or to any employee in the Office of the Assembly any of his powers and duties under sections 73 to 99. 1974, c. 116, s. 3, *part*.

Agreements

99.—(1) The Speaker, for and on behalf of the Office of the Assembly, may enter into any agreement that he considers

advisable for the purposes of carrying out the provisions of this Act.

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

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

(4) The Speaker, for and on behalf of the Office of the Assembly, may sue in the name of the Attorney General. Actions brought in name of Attorney General
1974, c. 116, s. 3, *part.*

FORM 1

(Section 58)

OATH OF WITNESSES

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.

R.S.O. 1970, c. 240, Form 2.

FORM 2

(Section 92)

I,,
do swear 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.

1974, c. 116, s. 4, *part.*

FORM 3

(Section 92)

I,,
do swear 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.

1974, c. 116, s. 4, *part.*