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c 116 The Legislative Assembly Amendment Act, 1974 (No. 2)

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CHAPTER 116

**An Act to amend
The Legislative Assembly Act**

Assented to December 20th, 1974

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

1. Sections 29, 30, 31, 32 and 33 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: ss. 29-33,
re-enacted

29.—(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. Vacancy in
office of
Speaker or
Deputy

30.—(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. Absence of
Speaker

31. 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. Illness,
etc., of
the Speaker
or Deputy

32. 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. Election
of speaker
for the
day

33. 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 Election
of speaker
pro
tempore

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.

Speaker and
Deputy to
continue in
office
following
dissolution

33a. 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.

ss. 68-70,
enacted

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

House
Leader's
indemnities

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

- (a) to the Opposition House Leader at the rate of \$5,000 per annum; and
- (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 \$2,500 per annum.

Appropri-
ations for
caucuses

69. For each fiscal year commencing with the fiscal year 1974-75, there shall be provided,

- (a) for the use of the caucus of the Official Opposition, for research purposes, such sum of money as is appropriated therefor by the Legislature;
- (b) for the use of a caucus of a party, other than the caucus of the Government and the caucus of the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for research purposes, such sum of money as is appropriated therefor by the Legislature;
- (c) 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;

(d) 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

(e) 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.

70.—(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.

Supplies
for members

3. The said Act is further amended by adding thereto the following sections:

ss. 71-98,
enacted

OFFICE OF THE ASSEMBLY

71. 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.

Office of
Assembly

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

Clerk of
Legislative
Assembly,
appointment

(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.

Tenure of
office

(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.

Appointment
of officers
and staff

Duties of
officers

73. 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.

Estimates,
submission
to Board,

74.—(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.

Legislative
Assembly
Fund

75.—(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.

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 moneys 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.

Moneys paid
into Fund

76. 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.

Where
moneys
required
before
appropriated

77.—(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.

(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.

Advances
repayable
out of
moneys to be
appropriated

78.—(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

(3) The Speaker, with the approval of the Provincial Auditor, may authorize the destruction, from time to time, of paid and cancelled cheques.

Destruction
of cancelled
cheques

79.—(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.

Payment of
debts
incurred
in fiscal
year

(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.

Unexpended
moneys to
be paid to
Treasurer

80.—(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,

Accountable
advances

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.

Audit

81. The accounts and financial transactions of the Office of the Assembly shall be audited annually by the Provincial Auditor.

Board of
Internal
Economy,
composition

82. —(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.

Names of
appointees
to be
communi-
cated
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.

Procedures

83. 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.

Powers and
duties of
Board

84. 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 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.

85. 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.

Transfer
of moneys
within
vote

86. Subject to the approval of the Board of Internal Economy, the Speaker may,

Regulation
of terms
and condi-
tions of
employment

- (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

87.—(1) The employee benefits applicable from time to time to the public servants of Ontario with respect to the matters referred to in clauses *b*, *c* and *d* of section 86 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.

R.S.O. 1970,
c. 386

Vacation
and sick
leave
credits
to be
transferred

(2) When the Speaker establishes a vacation or sick leave credit plan for the employees of the Office of the Assembly, there shall be placed to the credit of each employee the vacation or sick leave credits, as the case may be, standing to his credit in the plan under the regulations made under *The Public Service Act*.

Pension
R.S.O. 1970,
c. 387

88. *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 27 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.

Inquiry

89.—(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.

Reprimand,
suspension
or
dismissal

(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.

Appeal to
Board

(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*.

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section and the provisions of Part V of Regulation 749 of Revised Regulations of Ontario, 1970 that apply in relation to a grievance for dismissal apply *mutatis mutandis* 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,

Grievance Board authorized to hear appeal

90.—(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 3.

Oath of office

(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 4.

Oath of allegiance

91. On the day this Act comes into force, the members of the public service of Ontario who have agreed to accept employment in the Office of the Assembly shall cease to be employed in the public service and each such person shall become an employee of the Office of the Assembly at a salary of not less than he was receiving on the day immediately before the day this Act comes into force.

Acceptance by public servants of employment in Office of the Assembly

92. 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*.

Application of R.S.O. 1970, c. 505

93.—(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.

Part of Legislative Building under Speaker

(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.

Security guidelines

(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.

Enforcement

Provision
of services
for Assembly

94. 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.

Conflict with
other Acts
1971 (2nd
Sess.), c. 12
R.S.O. 1970,
c. 166
1972, c. 3

95. In the event of a conflict between any provision of this Act and any provision of *The Management Board of Cabinet Act, 1971*, *The Financial Administration Act* or *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, the provision of this Act prevails.

Act
administered
by Speaker

96. The Speaker is responsible for the administration of this Act.

Delegation
of duties

97. 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 71 to 98.

Agreements

98.—(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.

Agreements
enure to
benefit of
Assembly

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

Speaker not
personally
liable

(3) The Speaker or his delegate is not personally liable for any agreement that he 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.

Forms 3, 4,
enacted

4. The said Act is further amended by adding thereto the following Forms:

FORM 3

(Section 90)

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.

FORM 4

(Section 90)

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.

5.—(1) This Act, except section 2, comes into force on the day ^{Commence-} it receives Royal Assent. _{ment}

(2) Section 2 shall be deemed to have come into force on the ^{Idem} 1st day of April, 1974.

6. This Act may be cited as *The Legislative Assembly Amendment* ^{Short title} *Act, 1974 (No. 2)*.

