[Français](http://www.ontario.ca/fr/lois/loi/02c34)

Cabinet Ministers’ and Opposition Leaders’ Expenses Review and Accountability Act, 2002

Note: On a day to be named by proclamation of the Lieutenant Governor, the title of the Act is repealed and the following substituted: (See: 2014, c. 13, Sched. 4, ss. 1, 9)

Politicians’ Expenses Review Act, 2002

[S.O. 2002, chapter 34  
Schedule A](https://www.ontario.ca/laws/statute/02c34?search=S.O.+2002%2C+CHAPTER+34%0D%0A%0D%0A)

**Consolidation Period:** From January 1, 2016 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2014, c. 13, Sched. 4, s. 1-7](http://www.ontario.ca/laws/statute/S14013" \l "sched4ss1).

Legislative History: [2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "sschpf); [2014, c. 13, Sched. 4, s. 1-7](http://www.ontario.ca/laws/statute/S14013" \l "sched4ss1).

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Interpretation

Definitions

**1.**In this Act,

“allowable expense” means a reviewable expense that, according to subsection 4 (1), is an allowable expense; (“dépense autorisée”)

“applicable rules” means the applicable rules described in subsection 4 (2) or (3), as the case may be; (“règles applicables”)

“Cabinet minister” means a member of the Executive Council; (“ministre”)

“Integrity Commissioner” or “Commissioner” means the Integrity Commissioner appointed under the *Members’ Integrity Act, 1994*; (“commissaire à l’intégrité”, “commissaire”)

“Legislative Assembly Fund” has the same meaning as in section 81 of the *Legislative Assembly Act*; (“Caisse de l’Assemblée législative”)

“Minister” means the member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the Executive Council Act; (“ministre désigné”)

“Opposition leader” means the leader of a recognized party, within the meaning of subsection 62 (5) of the *Legislative Assembly Act*, other than the Premier; (“chef d’un parti de l’opposition”)

“reviewable expense” means an expense that, according to subsection 2 (1) or (2) or section 3, as the case may be, is a reviewable expense. (“dépense sujette à examen”) 2002, c. 34, Sched. A, s. 1; 2014, c. 13, Sched. 4, s. 2.

**Section Amendments with date in force (d/m/y)**

[2014, c. 13, Sch. 4, s. 2](http://www.ontario.ca/laws/statute/S14013" \l "sschp4) - 1/08/2015

Reviewable Expenses

Reviewable expenses of Cabinet ministers, etc.

**2.**(1)  An expense of a Cabinet minister or a person employed in his or her office is a reviewable expense under this Act,

(a) if the expense was incurred in the performance of a ministerial duty or function; and

(b) if a claim was made for payment of the expense from the Consolidated Revenue Fund. 2002, c. 34, Sched. A, s. 2 (1).

Same, parliamentary assistants and staff

(2)  An expense of a parliamentary assistant or a person employed in his or her office is a reviewable expense under this Act,

(a) if the expense was incurred in the performance of a ministerial duty or function, or in the performance of a duty or function of a parliamentary assistant; and

(b) if a claim was made for payment of the expense from the Consolidated Revenue Fund. 2002, c. 34, Sched. A, s. 2 (2).

Reviewable expenses of Opposition leaders and staff

**3.**An expense of an Opposition leader or a person employed in his or her office is a reviewable expense under this Act,

(a) if the expense was for travel, hotels and similar accommodation, meals or hospitality; and

(b) if a claim was made for payment of the expense from the Legislative Assembly Fund, but not a claim for payment pertaining to the leader’s constituency work as a member of the Assembly. 2002, c. 34, Sched. A, s. 3.

Allowable Expenses

Allowable expenses

**4.**(1)  A reviewable expense of a Cabinet minister, parliamentary assistant, Opposition leader or person employed in their offices is an allowable expense if the expense is reasonable and appropriate in the circumstances and if the expense meets the standards set out in the applicable rules. 2002, c. 34, Sched. A, s. 4 (1).

Applicable rules

(2)  The applicable rules for a reviewable expense incurred on or after January 1, 2003 are the rules made under section 5. 2002, c. 34, Sched. A, s. 4 (2).

Transition

(3)  The applicable rules for a reviewable expense incurred before January 1, 2003 are the guidelines that were used by the Management Board of Cabinet or by the Board of Internal Economy, as the case may be, to determine whether to pay such an expense. 2002, c. 34, Sched. A, s. 4 (3).

Same, public notice

(4)  The Minister shall ensure that a copy of the guidelines that were used by the Management Board of Cabinet is available to the public for inspection and the Speaker shall ensure that a copy of the guidelines that were used by the Board of Internal Economy is available to the public for inspection. 2002, c. 34, Sched. A, s. 4 (4); 2014, c. 13, Sched. 4, s. 3.

**Section Amendments with date in force (d/m/y)**

[2014, c. 13, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S14013" \l "sched4s3) - 1/08/2015

Authority to make rules

**5.**(1)  The Lieutenant Governor in Council may make rules respecting allowable expenses, and the Executive Council shall consult with the Integrity Commissioner before the Lieutenant Governor in Council makes such rules. 2002, c. 34, Sched. A, s. 5 (1).

Same

(2)  Without limiting the generality of subsection (1), the rules may,

(a) impose restrictions on the types of expenses or the amounts that may be claimed or on the circumstances in which claims may be made;

(b) specify the circumstances in which expenses are considered to be reasonable or unreasonable and appropriate or inappropriate;

(c) require specified information or documents to be supplied or kept in support of a claim;

(d) establish procedural requirements for claiming expenses. 2002, c. 34, Sched. A, s. 5 (2).

Public notice

(3)  The Minister shall ensure that a copy of the rules made under subsection (1) is available to the public upon request and is posted on the Internet. 2002, c. 34, Sched. A, s. 5 (3); 2014, c. 13, Sched. 4, s. 4.

*Legislation Act, 2006*, Part III

(4)  Part III (Regulations) of the Legislation Act, 2006 does not apply to rules made under this section. 2002, c. 34, Sched. A, s. 5 (4); 2006, c. 21, Sched. F, s. 136 (1).

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

[2014, c. 13, Sched. 4, s. 4](http://www.ontario.ca/laws/statute/S14013" \l "sched4s3) - 1/08/2015

Advice re allowable expenses

**6.**(1)  Upon request, the Integrity Commissioner may advise a Cabinet minister, a parliamentary assistant, an Opposition leader or a person employed in their offices as to whether an expense is an allowable expense. 2002, c. 34, Sched. A, s. 6 (1).

Effect of advice

(2)  If the Commissioner advises a person, in writing, that an expense is an allowable expense in the opinion of the Commissioner, the expense shall be deemed to be an allowable expense of the person. 2002, c. 34, Sched. A, s. 6 (2).

Exception

(3)  Subsection (2) does not apply if the person fails to disclose to the Commissioner all of the relevant facts known to the person when seeking the Commissioner’s advice. 2002, c. 34, Sched. A, s. 6 (3).

Payment of allowable expenses

Cabinet ministers, parliamentary assistants and their staff

**7.**(1)  The allowable expenses of Cabinet ministers, parliamentary assistants and persons employed in their offices are payable from the Consolidated Revenue Fund out of amounts appropriated therefor by the Assembly, but only if a claim for payment of the expense is made in accordance with the applicable rules. 2002, c. 34, Sched. A, s. 7 (1).

Opposition leaders and staff

(2)  The allowable expenses of the Opposition leaders and persons employed in their offices are payable from the Legislative Assembly Fund out of amounts authorized therefor by the Board of Internal Economy, but only if a claim for payment of the expense is made in accordance with the applicable rules. 2002, c. 34, Sched. A, s. 7 (2).

Restriction re certain types of expense

(3)  The allowable expenses of Cabinet ministers, parliamentary assistants and persons employed in their offices for travel, hotels and similar accommodation, meals or hospitality shall not be paid out of the Legislative Assembly Fund. 2002, c. 34, Sched. A, s. 7 (3).

Annual Review by the Integrity Commissioner

Duty to give copies to the Commissioner

Cabinet ministers and parliamentary assistants

**8.**(1)  On or before April 30 each year, the Minister shall give the Integrity Commissioner a copy of all expense claims made for reviewable expenses incurred during the previous fiscal year by Cabinet ministers, parliamentary assistants and the persons employed in their offices and shall indicate whether each expense claim was paid, in whole or in part, from the Consolidated Revenue Fund or was refused, in whole or in part. 2002, c. 34, Sched. A, s. 8 (1); 2014, c. 13, Sched. 4, s. 5 (1).

Opposition leaders

(2)  On or before April 30 each year, the Speaker shall give the Commissioner a copy of all expense claims made for reviewable expenses incurred during the previous fiscal year by the Opposition leaders and the persons employed in their offices and shall indicate whether each expense claim was paid, in whole or in part, from the Legislative Assembly Fund or was refused, in whole or in part. 2002, c. 34, Sched. A, s. 8 (2).

Supporting documents

(3)  The expense claims given to the Commissioner must be accompanied by the supporting documents. 2002, c. 34, Sched. A, s. 8 (3).

(4)  Repealed: 2014, c. 13, Sched. 4, s. 5 (2).

**Section Amendments with date in force (d/m/y)**

[2014, c. 13, Sched. 4, s. 5](http://www.ontario.ca/laws/statute/S14013" \l "sched4s5s1) - 1/08/2015

Review by the Commissioner

**9.**(1)  The Integrity Commissioner may review any of the expense claims given to him or her under section 8 to determine whether, in his or her opinion, the reviewable expenses are allowable expenses. 2002, c. 34, Sched. A, s. 9 (1).

Authority re expenses that are not allowable expenses

(2)  If the Commissioner determines that a reviewable expense is not, in his or her opinion, an allowable expense in whole or in part, the Commissioner may notify the claimant and such other persons as the Commissioner considers appropriate and may,

(a) direct the claimant to repay the Consolidated Revenue Fund or the Legislative Assembly Fund, as the case may be, and specify a deadline for doing so; and

(b) recommend that other remedial action be taken and specify a deadline for doing so. 2002, c. 34, Sched. A, s. 9 (2).

Exception

(3)  Subsection (2) does not apply to the extent that payment of the expense from the Consolidated Revenue Fund or the Legislative Assembly Fund was refused when the claim was submitted for payment. 2002, c. 34, Sched. A, s. 9 (3).

Discretion of Commissioner

(4)  The Commissioner may, in such circumstances as he or she considers appropriate, choose not to direct the repayment of an amount and choose not to recommend other remedial action. 2002, c. 34, Sched. A, s. 9 (4).

Notice to Commissioner

(5)  Each person to whom the Commissioner gives a direction or recommendation under subsection (2) shall promptly give written notice to the Commissioner of the action, if any, taken by him or her. 2002, c. 34, Sched. A, s. 9 (5).

Same

(6)  If the Commissioner has not received the written notice required by subsection (5) within one week after the deadline specified for the repayment or other remedial action, the Commissioner may assume that the amount has not been repaid or that no remedial action has been taken. 2002, c. 34, Sched. A, s. 9 (6).

Effect of failure to remedy

(7)  If the amount is not repaid or remedial action that the Commissioner considers appropriate is not taken by the specified deadline, the Commissioner may include in the report to the Speaker under section 10 such details relating to the expenses and the claim as the Commissioner considers appropriate. 2002, c. 34, Sched. A, s. 9 (7).

Annual report to the Speaker

**10.**(1)  Each year, the Integrity Commissioner shall give the Speaker a written report about the Commissioner’s review of the reviewable expenses during a fiscal year of Cabinet ministers, parliamentary assistants, Opposition leaders and the persons employed in their offices. 2002, c. 34, Sched. A, s. 10 (1).

Same

(2)  The Commissioner shall give the report for a fiscal year to the Speaker no later than the date on which the Speaker tables in the Assembly the report prepared for the Speaker on individual members’ expenditures for the same fiscal year. 2002, c. 34, Sched. A, s. 10 (2).

Contents

(3)  The Commissioner’s report shall contain such information as the Commissioner considers appropriate relating only to,

(a) expense claims for reviewable expenses that, in the Commissioner’s opinion, are allowable expenses;

(b) expense claims for reviewable expenses in respect of which the Commissioner ordered an amount to be repaid but it was not repaid or in respect of which the Commissioner recommended remedial action but remedial action that the Commissioner considers appropriate was not taken. 2002, c. 34, Sched. A, s .10 (3).

Restriction

(4)  In the report, the Commissioner shall not identify any individual in connection with an expense claim other than a Cabinet minister, parliamentary assistant or Opposition leader or a person who was employed in their offices when the expense was incurred. 2002, c. 34, Sched. A, s. 10 (4).

Discretionary Review by the Commissioner

Authority to obtain expense claims, etc.

**11.**(1)  The Integrity Commissioner may make a written request to any person who is or was, on or after June 26, 1995, a Cabinet minister, parliamentary assistant, Opposition leader or person employed in their offices for information and documents relating to reviewable expenses. 2002, c. 34, Sched. A, s. 11 (1).

Same, Cabinet ministers and parliamentary assistants

(2)  The Commissioner may make a written request to a Cabinet minister or parliamentary assistant for information and documents relating to reviewable expenses incurred by a person employed in his or her office. 2002, c. 34, Sched. A, s. 11 (2).

Same, Opposition leaders, etc.

(3)  The Commissioner may make a written request to an Opposition leader for information and documents relating to reviewable expenses incurred by a person employed in his or her office. 2002, c. 34, Sched. A, s. 11 (3).

Duty to comply

(4)  A person to whom the Commissioner makes a request shall comply with it within the time specified by the Commissioner. 2002, c. 34, Sched. A, s. 11 (4).

Authority to review, etc.

**12.**(1)  The Integrity Commissioner may review information and documents obtained under section 11 in order to determine whether the reviewable expenses are, in his or her opinion, allowable expenses. 2002, c. 34, Sched. A, s. 12 (1).

Same

(2)  Subsections 9 (2) to (7) apply, with necessary modifications, with respect to the Commissioner’s review. 2002, c. 34, Sched. A, s. 12 (2).

Public Reporting of Allowable Expenses

Application of ss. 14-16

**13.**Sections 14 to 16 apply only to reviewable expenses incurred on or after the day this section comes into force. 2014, c. 13, Sched. 4, s. 7.

**Section Amendments with date in force (d/m/y)**

[2014, c. 13, Sched. 4, s. 6](http://www.ontario.ca/laws/statute/S14013" \l "sched4s7) - 1/08/2015; [2014, c. 13, Sched. 4, s. 7](http://www.ontario.ca/laws/statute/S14013" \l "sched4s7) - 1/01/2016

Commissioner’s notification of allowable expenses to Minister and Speaker

**14.**The Integrity Commissioner shall, after completing each review under section 9 and any additional review under section 12,

(a) notify the Minister of the expenses included in that review that are claimed by Cabinet ministers, parliamentary assistants and persons employed in their offices and that are, in the Commissioner’s opinion, allowable expenses; and

(b) notify the Speaker of the expenses included in that review that are claimed by Opposition leaders and persons employed in their offices and that are, in the Commissioner’s opinion, allowable expenses. 2014, c. 13, Sched. 4, s. 7.

**Section Amendments with date in force (d/m/y)**

[2014, c. 13, Sched. 4, s. 6](http://www.ontario.ca/laws/statute/S14013" \l "sched4s7) - 1/08/2015; [2014, c. 13, Sched. 4, s. 7](http://www.ontario.ca/laws/statute/S14013" \l "sched4s7) - 1/01/2016

Posting allowable expense information on website

Minister

**15.**(1)  Within 90 days after receiving a notification under clause 14 (a), the Minister shall post on a website established or designated by the Minister, and maintained for the purposes of this subsection, the information required under subsection (4) with respect to the expenses included in the notification that, in the Commissioner’s opinion, are allowable expenses. 2014, c. 13, Sched. 4, s. 7.

Speaker

(2)  Within 90 days after receiving a notification under clause 14 (b), the Speaker shall post on a website established or designated by the Speaker, and maintained for the purposes of this subsection, the information required under subsection (4) with respect to the expenses included in the notification that, in the Commissioner’s opinion, are allowable expenses. 2014, c. 13, Sched. 4, s. 7.

Same website

(3)  For the purposes of subsections (1) and (2), the Minister and the Speaker may post the information on the same website. 2014, c. 13, Sched. 4, s. 7.

Information required to be posted

(4)  Subject to the rules made under section 16, the following information is required to be posted on the applicable website with respect to each expense that, in the Commissioner’s opinion, is an allowable expense:

1. The name and position title of the person who incurred the expense.

2. The date on which the expense was incurred.

3. The type of the expense.

4. The total amount for each type of expense claimed by and paid to the person.

5. The purpose of the expense.

6. The travel destination or other geographic location where or in respect of which the expense was incurred.

7. Any additional information that may be required under rules made under section 16. 2014, c. 13, Sched. 4, s. 7.

Duration of website posting

(5)  The Minister and the Speaker shall ensure that the information they post under this section remains accessible to the public on the applicable website for not less than two years. 2014, c. 13, Sched. 4, s. 7.

**Section Amendments with date in force (d/m/y)**

[2014, c. 13, Sched. 4, s. 6](http://www.ontario.ca/laws/statute/S14013" \l "sched4s7) - 1/08/2015; [2014, c. 13, Sched. 4, s. 7](http://www.ontario.ca/laws/statute/S14013" \l "sched4s7) - 1/01/2016

Authority to make rules re information to be posted

**16.**(1)  The Lieutenant Governor in Council may make rules for the purpose of section 15,

(a) specifying additional information to be posted under paragraph 7 of subsection 15 (4);

(b) respecting the information required to be posted under paragraphs 1 to 7 of subsection 15 (4);

(c) governing the posting of information under subsections 15 (1) and (2). 2014, c. 13, Sched. 4, s. 7.

Rules re information not to be posted

(2)  The rules made under subsection (1) may provide that specified information that would otherwise be required to be posted under subsection 15 (4) not be posted or be posted in a limited or altered way in specified circumstances. 2014, c. 13, Sched. 4, s. 7.

Public notice

(3)  The Minister shall ensure that a copy of the rules made under subsection (1) is available to the public upon request and is posted on the Internet. 2014, c. 13, Sched. 4, s. 7.

Legislation Act, 2006, Part III

(4)  Part III (Regulations) of the Legislation Act, 2006 does not apply to rules made under this section. 2014, c. 13, Sched. 4, s. 7.

**Section Amendments with date in force (d/m/y)**

[2014, c. 13, Sched. 4, s. 6](http://www.ontario.ca/laws/statute/S14013" \l "sched4s7) - 1/08/2015; [2014, c. 13, Sched. 4, s. 7](http://www.ontario.ca/laws/statute/S14013" \l "sched4s7) - 1/01/2016

General

Members’ Integrity Act, 1994

**17.**Nothing in this Act affects or detracts from the role of the Integrity Commissioner under the *Members’ Integrity Act, 1994*. 2002, c. 34, Sched. A, s. 17.

**18.**  Omitted (provides for coming into force of provisions of this Act). 2002, c. 34, Sched. A, s. 18.

**19.**  Omitted (enacts short title of this Act). 2002, c. 34, Sched. A, s. 19.

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