[Français](http://www.ontario.ca/fr/lois/loi/09p20)

Public Sector Expenses Review Act, 2009

[S.o. 2009, chapter 20](http://www.ontario.ca/laws/statute/S09020)

**Consolidation Period:** From December 8, 2016 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2016, c. 37, Sched. 18, s. 9](http://www.ontario.ca/laws/statute/S16037" \l "sched18s9).

Legislative History: [2014, c. 13, Sched. 11](http://www.ontario.ca/laws/statute/S14013" \l "sched11s1s1); [2015, c. 20, Sched. 37](http://www.ontario.ca/laws/statute/S15020" \l "sched37s1s1); [2016, c. 37, Sched. 18, s. 9](http://www.ontario.ca/laws/statute/S16037" \l "sched18s9).

Definitions

[1.](http://www.ontario.ca/fr/lois/loi/09p20" \l "s1)  In this Act,

“designated person”, in relation to a public entity, means a person who is employed in or appointed to the public entity and is a member of a class prescribed under clause 10 (1) (c); (“personne désignée”)

“expenses officer,” in relation to a designated person, means the person prescribed under clause 10 (1) (b) as the expenses officer with respect to the designated person’s public entity; (“responsable des dépenses”)

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

“public entity” means a public entity prescribed under clause 10 (1) (a). (“entité publique”) 2009, c. 20, s. 1.

Purpose

[2.](http://www.ontario.ca/fr/lois/loi/09p20" \l "s2)  The purpose of this Act is to enable the Integrity Commissioner to review the expense claims of certain persons who are employed in or appointed to public entities. 2009, c. 20, s. 2.

Review of expenses

[3.](http://www.ontario.ca/fr/lois/loi/09p20" \l "s3)  An expense of a designated person is reviewable under this Act if,

(a) the expense was incurred in the performance of a duty or function of the person that is related to the public entity; and

(b) a claim was made for payment of the expense by the public entity or out of public funds of the Province of Ontario. 2009, c. 20, s. 3.

Allowable expenses

[4.](http://www.ontario.ca/fr/lois/loi/09p20" \l "s4)  An expense that is reviewable under section 3 is an allowable expense if the expense meets the standards set out in the regulations. 2009, c. 20, s. 4.

Regulations, allowable expenses

[5.  (1)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s5s1)  The Lieutenant Governor in Council may make regulations setting standards with respect to allowable expenses. 2009, c. 20, s. 5 (1).

Same

[(2)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s5s2)  Without limiting the generality of subsection (1), the regulations may,

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

(b) require specified information or documents to be supplied or kept in support of an expense claim;

(c) establish procedural requirements for making expense claims;

(d) incorporate by reference a Government of Ontario policy or directive, as amended from time to time. 2009, c. 20, s. 5 (2).

Advice re allowable expenses

[6.  (1)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s6s1)  On request, the Integrity Commissioner may advise a designated person as to whether an expense of the designated person is an allowable expense. 2009, c. 20, s. 6 (1).

Effect of advice

[(2)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s6s2)  If the Commissioner advises a designated person, in writing, that an expense of the designated person is an allowable expense in the Commissioner’s opinion, the expense is deemed to be an allowable expense of the designated person. 2009, c. 20, s. 6 (2).

Exception

[(3)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s6s3)  Subsection (2) does not apply if the designated person, when seeking the Commissioner’s advice, fails to disclose all the relevant facts known to the designated person. 2009, c. 20, s. 6 (3).

Duty to give copies to Commissioner

[7.  (1)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s7s1)  The Integrity Commissioner may require the expenses officer of a public entity selected by the Commissioner to give copies to the Commissioner of all expense claims made by the relevant designated persons during the period described in subsection (2) for expenses that are reviewable under section 3. 2014, c. 13, Sched. 11, s. 1 (1).

Duration of period

[(2)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s7s2)  For the purposes of subsection (1), the period consists of,

(a) a future period specified by the Commissioner in respect of the public entity; and

(b) the six months immediately preceding the specified period. 2014, c. 13, Sched. 11, s. 1 (1).

[(3)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s7s3)  Repealed: 2014, c. 13, Sched. 11, s. 1 (1).

Supporting documents

[(4)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s7s4)  The expenses officer shall,

(a) ensure that each expense claim he or she gives to the Commissioner is accompanied by supporting documents; and

(b) indicate whether each expense claim he or she gives to the Commissioner was paid, in whole or in part, by the public entity or out of public funds of the Province of Ontario. 2009, c. 20, s. 7 (4); 2014, c. 13, Sched. 11, s. 1 (2).

Same

[(5)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s7s5)  At any time during which subsection (1) applies in respect of a public entity, the Commissioner may make a request to the expenses officer for information and documents relating to expense claims made by the relevant designated persons for expenses that are reviewable under section 3. 2009, c. 20, s. 7 (5); 2014, c. 13, Sched. 11, s. 1 (3).

Compliance within specified time

[(6)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s7s6)  The expenses officer shall comply with a requirement or a request under this section within the time specified by the Commissioner. 2014, c. 13, Sched. 11, s. 1 (4).

Criteria for selection

[(7)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s7s7)  In selecting a public entity for the purposes of this section, the Commissioner shall consider the criteria prescribed under clause 10 (1) (d), and may consider any additional criteria that the Commissioner considers appropriate. 2014, c. 13, Sched. 11, s. 1 (4).

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

[2014, c. 13, Sched. 11, s. 1 (1-4)](http://www.ontario.ca/laws/statute/S14013" \l "sched11s1s1) - 30/11/2015

Review by Commissioner

[8.  (1)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s8s1)  The Integrity Commissioner may review any of the expense claims given to him or her under section 7 to determine whether, in his or her opinion, the expenses are allowable under the regulations. 2009, c. 20, s. 8 (1).

Authority re expenses that are not allowable expenses

[(2)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s8s2)  If the Commissioner determines that all or part of an expense is not, in his or her opinion, allowable under the regulations, the Commissioner,

(a) shall notify the expenses officer and such other persons as the Commissioner considers appropriate;

(b) may direct the expenses officer to require the claimant to repay, on or before the date specified by the Commissioner, the amount specified by the Commissioner; and

(c) may recommend that other remedial action be taken, on or before the date specified by the Commissioner, as he or she considers appropriate. 2009, c. 20, s. 8 (2).

Discretion of Commissioner

[(3)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s8s3)  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. 2009, c. 20, s. 8 (3).

Notice to Commissioner

[(4)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s8s4)  An expenses officer to whom the Commissioner gives a direction or recommendation under subsection (2) shall promptly give the Commissioner written notice of any action taken by the expenses officer in connection with the matter. 2009, c. 20, s. 8 (4).

Advice

[(5)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s8s5)  If the amount is not repaid or remedial action that the Commissioner considers appropriate is not taken on or before the specified date, the Commissioner may advise appropriate persons as to any matter that the Commissioner considers appropriate in the circumstances. 2009, c. 20, s. 8 (5).

Transition

[(6)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s8s6)  This section continues to apply to expense claims given under section 7 as it read immediately before the day subsection 1 (1) of Schedule 11 to the Public Sector and MPP Accountability and Transparency Act, 2014 came into force. 2014, c. 13, Sched. 11, s. 2.

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

[2014, c. 13, Sched. 11, s. 2](http://www.ontario.ca/laws/statute/S14013" \l "sched11s2) - 30/11/2015

Reports

Annual report to Speaker

[9.  (1)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s9s1)  Each year, the Integrity Commissioner shall give the Speaker of the Assembly a written report about the Commissioner’s review of the expense claims of designated persons during the previous fiscal year. 2009, c. 20, s. 9 (1).

Same

[(2)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s9s2)  The report may be included in the annual report referred to in section 24 of the Members’ Integrity Act, 1994 or may be a special report. 2009, c. 20, s. 9 (2).

Public reports

[(3)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s9s3)  If the Commissioner considers that it is in the public interest to do so, he or she may make a public report respecting any matter related to the Commissioner’s functions under this Act. 2009, c. 20, s. 9 (3).

Contents

[(4)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s9s4)  A report under this section may include such details relating to expenses and expense claims as the Commissioner considers appropriate. 2009, c. 20, s. 9 (4).

Regulations, general

[10.  (1)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s10s1)  The Lieutenant Governor in Council may make regulations,

(a) prescribing any entity in the public service of Ontario or in Ontario’s broader public sector as a public entity;

(b) prescribing an expenses officer with respect to each public entity, subject to subsection (2);

(c) prescribing classes of persons employed in or appointed to a public entity as designated persons for the public entity;

(d) respecting criteria to be considered by the Integrity Commissioner in selecting public entities for the purposes of section 7, subject to subsection (3). 2009, c. 20, s. 10 (1); 2014, c. 13, Sched. 11, s. 3 (1).

Same

[(2)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s10s2)  A regulation made under clause (1) (b) may prescribe one expenses officer with respect to the designated persons who are employed in a public entity and another expenses officer with respect to the designated persons who are appointed to the public entity. 2009, c. 20, s. 10 (2).

Same

[(3)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s10s3)  Before a regulation may be made under clause (1) (d), the Minister responsible for the administration of this Act shall consult with the Integrity Commissioner. 2014, c. 13, Sched. 11, s. 3 (2).

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

[2014, c. 13, Sched. 11, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S14013" \l "sched11s3s1) - 30/11/2015

Exclusion of certain corporations

[11.  (1)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s11s1)  Repealed: 2016, c. 37, Sched. 18, s. 9.

Hydro One Inc.

[(2)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s11s2)  Hydro One Inc. and its subsidiaries are not public entities for the purposes of this Act on and after the day the Building Ontario Up Act (Budget Measures), 2015 received Royal Assent. 2015, c. 20, Sched. 37, s. 1 (2).

[(3)](http://www.ontario.ca/fr/lois/loi/09p20" \l "s11s3), (4)  Repealed: 2009, c. 20, s. 11 (4).

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

[2009, c. 20, s. 11 (4)](http://www.ontario.ca/laws/statute/S09020" \l "s11s4) - see [2015, c. 20, Sched. 37, s. 1 (2)](http://www.ontario.ca/laws/statute/S15020" \l "sched37s1s2) - 04/06/2016

[2014, c. 13, Sched. 11, s. 4](http://www.ontario.ca/laws/statute/S14013" \l "sched11s4) - no effect - see [2015, c. 20, Sched. 37, s. 1 (3)](http://www.ontario.ca/laws/statute/S15020" \l "sched37s1s3) - 04/06/2015

[2015, c. 20, Sched. 37, s. 1 (1)](http://www.ontario.ca/laws/statute/S15020" \l "sched37s1s1) - 19/11/2015; [2015, c. 20, Sched. 37, s. 1 (2)](http://www.ontario.ca/laws/statute/S15020" \l "sched37s1s2) - 04/06/2015

[2016, c. 37, Sched. 18, s. 9](http://www.ontario.ca/laws/statute/S16037" \l "sched18s9) - 08/12/2016

[12.](http://www.ontario.ca/fr/lois/loi/09p20" \l "s12)  Omitted (provides for coming into force of provisions of this Act). 2009, c. 20, s. 12.

[13.](http://www.ontario.ca/fr/lois/loi/09p20" \l "s13)  Omitted (enacts short title of this Act). 2009, c. 20, s. 13.

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