[Français](http://www.ontario.ca/fr/lois/loi/90e25)

Executive Council Act

R.S.O. 1990, Chapter E.25

**Consolidation Period:** From December 8, 2022 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2022, c. 23, Sched. 5, s. 2](http://www.ontario.ca/laws/statute/S22023" \l "sched5s2).

Legislative History : 1996, c. 6, s. 20, 21; [2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13); [2002, c. 34, Sched. B, s. 1](http://www.ontario.ca/laws/statute/S02034" \l "schedbs1); [2004, c. 25](http://www.ontario.ca/laws/statute/S04025" \l "s1); [2006, c. 19, Sched. B, s. 7](http://www.ontario.ca/laws/statute/S06019" \l "schedbs7); [2006, c. 19, Sched. I, s. 2](http://www.ontario.ca/laws/statute/S06019" \l "schedis2); [2006, c. 21, Sched. F, s. 111](http://www.ontario.ca/laws/statute/S06021" \l "schedfs111s1); [2006, c. 36, s. 3](http://www.ontario.ca/laws/statute/S06036" \l "s3); [2008, c. 19, Sched. F](http://www.ontario.ca/laws/statute/S08019" \l "schedfs1); [2013, c. 10, s. 1](http://www.ontario.ca/laws/statute/S13010" \l "s1); [2021, c. 10](http://www.ontario.ca/laws/statute/S21010" \l "s1s1); [2022, c. 23, Sched. 5, s. 2](http://www.ontario.ca/laws/statute/S22023" \l "sched5s2).

Executive Council, how composed

**1** The Executive Council shall be composed of such persons as the Lieutenant Governor from time to time appoints, and all executive councillors so appointed are ministers of the Crown, and rank among themselves in the order of their appointments. R.S.O. 1990, c. E.25, s. 1.

Appointment of ministers

**2** (1)  The Lieutenant Governor may appoint under the Great Seal such ministers of the Crown as are provided for under any Act or as the Lieutenant Governor sees fit to appoint, to hold office during pleasure. 2008, c. 19, Sched. F, s. 1.

Idem

(2)  The Lieutenant Governor may by order in council prescribe the duties of the ministers of the Crown and the duties of any ministries over which they preside, and of the public servants under their jurisdiction. R.S.O. 1990, c. E.25, s. 2 (2).

Parliamentary Assistants

(3)  The Lieutenant Governor in Council may appoint such Parliamentary Assistants to assist such ministers of the Crown as the Lieutenant Governor in Council considers advisable and may prescribe their duties. R.S.O. 1990, c. E.25, s. 2 (3).

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

[2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13) - 29/06/2001

[2006, c. 19, Sched. B, s. 7](http://www.ontario.ca/laws/statute/S06019" \l "schedbs7) - 22/06/2006; [2006, c. 19, Sched. I, s. 2](http://www.ontario.ca/laws/statute/S06019" \l "schedis2) - 22/06/2006

[2008, c. 19, Sched. F, s. 1](http://www.ontario.ca/laws/statute/S08019" \l "schedfs1) - 27/11/2008

Salaries

**3** (1)  The annual salary of every minister with portfolio is 42.3 per cent of the annual salary of a member of the Assembly. 1996, c. 6, s. 20.

Premier

(2)  The Premier and President of the Council shall receive, in addition, 37 per cent of the annual salary of a member of the Assembly. 1996, c. 6, s. 20.

Minister without portfolio

(3)  The annual salary of every minister without portfolio is 19.2 per cent of the annual salary of a member of the Assembly. 1996, c. 6, s. 20.

Parliamentary Assistant

(4)  The annual salary of every Parliamentary Assistant is 14.3 per cent of the annual salary of a member of the Assembly. 1996, c. 6, s. 20.

Interpretation

(4.1)  For the purposes of this section, the annual salary of a member of the Assembly is the amount determined in accordance with section 61 of the Legislative Assembly Act. 2022, c. 23, Sched. 5, s. 2.

(4.2)  Repealed: 2022, c. 23, Sched. 5, s. 2.

How payable

(5)  The salaries are chargeable upon and payable yearly and proportionately for any period less than a year out of the Consolidated Revenue Fund. R.S.O. 1990, c. E.25, s. 3 (5).

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

1996, c. 6, s. 20 - 01/04/1996

[2006, c. 36, s. 3](http://www.ontario.ca/laws/statute/S06036" \l "s3) - 21/12/2006

[2022, c. 23, Sched. 5, s. 2](http://www.ontario.ca/laws/statute/S22023" \l "sched5s2) - 08/12/2022

Cost of accommodation in Toronto

**4** (1)  Subject to subsection (2), every minister of the Crown whose principal residence is more than 50 kilometers from the seat of government in Toronto shall be paid the actual cost of his or her accommodation within Toronto. 1996, c. 6, s. 21.

Same

(1.1)  The maximum annual allowance for accommodation under subsection (1) is $1,000 more than the amount determined by the Board of Internal Economy under subsection 67 (10) of the *Legislative Assembly Act* for a particular year. 1996, c. 6, s. 21.

Same

(2)  Subsection (1) does not apply to a member of the Assembly if every part of the member’s electoral district is 50 kilometres or less from the seat of government in Toronto. 2013, c. 10, s. 1.

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

1996, c. 6, s. 21 - 01/04/1996

[2002, c. 34, Sched. B, s. 1](http://www.ontario.ca/laws/statute/S02034" \l "schedbs1) - 13/12/2002

[2013, c. 10, s. 1](http://www.ontario.ca/laws/statute/S13010" \l "s1) - 06/11/2013

Transfer of duties from one member of Council to another

**5** (1)  Any of the powers and duties that have been heretofore or may be hereafter assigned by law to any minister of the Crown may from time to time by order in council be assigned and transferred either for a limited period or otherwise to any other minister by name or otherwise. R.S.O. 1990, c. E.25, s. 5 (1); 2006, c. 21, Sched. F, s. 111 (1).

Minister acting upon request

(2)  On request made to him or her by the minister to whom any duties and powers have been assigned as provided in subsection (1), any other minister may for a period not exceeding one week perform such duties and exercise such powers in place of the minister making the request, and in such case no order in council is necessary. R.S.O. 1990, c. E.25, s. 5 (2).

Minister without portfolio may act

(3)  Where any such duties and powers are assigned to a minister without portfolio, he or she does not thereby become ineligible as a member of the Assembly or to sit or vote therein. R.S.O. 1990, c. E.25, s. 5 (3).

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

[2006, c. 21, Sched. F, s. 111 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs111s1) - 19/10/2006

Execution of contracts with Crown

**6** No deed or contract in respect of any matter under the control or direction of a minister is binding on Her Majesty or shall be deemed to be the act of the minister unless it is,

(a) signed by the minister, the deputy minister of the ministry or an authorized delegate; or

(b) approved by the Lieutenant Governor in Council. 2006, c. 21, Sched. F, s. 111 (2).

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

[2006, c. 21, Sched. F, s. 111 (2)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs111s2) - 19/10/2006

Ministers, attendance at Question Period

**7** (1)  Every minister of the Crown is required to attend in the Chamber during the period set aside for Oral Questions on at least two-thirds of the days on which the House holds Routine Proceedings. 2004, c. 25, s. 1.

Certain absences

(2)  A day on which a minister is absent from the Chamber is not counted as an absence for the purpose of this section if the Premier is of the opinion that the absence is justified because of,

(a) illness, bereavement, a religious holiday or some similar reason;

(b) international travel related to trade or economic development; or

(c) a measure, requirement or action taken or implemented as a result of a declared emergency or order under the Emergency Management and Civil Protection Act, including any measure or action taken or order made in relation to the emergency after the declaration is no longer in effect. 2008, c. 19, Sched. F, s. 2; 2021, c. 10, s. 1 (1).

Same

(3)  A day on which a minister is absent from the Chamber during part but not all of the period set aside for Oral Questions is not counted as an absence for the purpose of this section if the Premier is of the opinion that the absence is permissible. 2004, c. 25, s. 1.

Status report

(4)  Promptly after the end of every session, the Premier shall prepare and publish a status report that shows, with respect to each minister and for the entire session, the minister’s attendance in the Chamber during the period set aside for Oral Questions. 2004, c. 25, s. 1.

Assessment and collection of penalties

(5)  When the Legislature is dissolved by the Lieutenant Governor, the Premier shall, with respect to each minister,

(a) determine, in accordance with this section,

(i) the number of days during the term of the Legislature on which the minister was required to attend in the Chamber during the period set aside for Oral Questions, and

(ii) the number of days, if any, on which the minister did not attend as required; and

(b) if a number is determined under subclause (a) (ii),

(i) assess the minister an amount that is equal to $500 multiplied by the number, and

(ii) verify that the minister promptly pays the assessed amount into the Consolidated Revenue Fund. 2004, c. 25, s. 1.

Delegation of Premier’s functions

(6)  The Premier may, in writing, delegate his or her functions under subsections (1) to (5) to another member of the Assembly. 2004, c. 25, s. 1.

Non-application during 42nd Legislature

(7)  This section does not apply with respect to the 42nd Legislature. 2021, c. 10, s. 1 (2).

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

[2004, c. 25, s. 1](http://www.ontario.ca/laws/statute/S04025" \l "s1) - 16/12/2004

[2008, c. 19, Sched. F, s. 2](http://www.ontario.ca/laws/statute/S08019" \l "schedfs2) - 22/10/2008

[2021, c. 10, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S21010" \l "s1s1) - 06/05/2021

Assignment and transfer of ministers’ powers, etc.

**8** (1)  Despite any other Act, the authority of the Lieutenant Governor under this Act to prescribe duties of a minister of the Crown or to assign and transfer powers and duties that have been assigned by law to a minister of the Crown to any other minister includes authority, by order in council, to,

(a) assign responsibility for the administration of an Act or a part of an Act to a minister of the Crown;

(b) transfer responsibility for the administration of an Act or a part of an Act from a minister of the Crown to another minister of the Crown;

(c) assign a power, duty, function or responsibility of a minister of the Crown under an Act to a minister of the Crown;

(d) transfer a power, duty, function or responsibility of a minister of the Crown under an Act to another minister of the Crown;

(e) direct that two or more ministers share responsibility for the administration of an Act or a part of an Act;

(f) specify how the ministers are to share responsibility for the administration of an Act or a part of an Act;

(g) direct that two or more ministers share a power, duty, function or responsibility under an Act; and

(h) specify how the ministers are to share a power, duty, function or responsibility under an Act. 2006, c. 21, Sched. F, s. 111 (3).

Shared responsibilities

(2)  Where the Lieutenant Governor, by order in council under this Act, directs that two or more ministers share responsibility for the administration of an Act or part of an Act without specifying how the responsibility is to be shared, each minister shall exercise those aspects of the responsibility that most closely relate to the minister’s other responsibilities. 2006, c. 21, Sched. F, s. 111 (3).

Same

(3)  Where the Lieutenant Governor, by order in council under this Act, directs that two or more ministers share a power, duty, function or responsibility under any Act without specifying how it is to be shared, each minister shall exercise or fulfil those aspects of the power, duty, function or responsibility that most closely relate to the minister’s other responsibilities. 2006, c. 21, Sched. F, s. 111 (3).

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

[2006, c. 21, Sched. F, s. 111 (3)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs111s3) - 19/10/2006

Effect of orders in council

**9** (1)  Where a provision of an Act or regulation is affected by an order in council made under this Act, the provision shall be read in a manner that accords with the order in council. 2006, c. 21, Sched. F, s. 111 (3).

Regulations

(2)  The Lieutenant Governor in Council may, without making other substantive changes, make a regulation amending a reference to a minister or ministry in an Act or regulation to align the Act or regulation with an order in council made under this Act. 2006, c. 21, Sched. F, s. 111 (3).

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

[2006, c. 21, Sched. F, s. 111 (3)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs111s3) - 19/10/2006

Ministries and public servants

**10** Sections 8 and 9 apply, with necessary modifications, to ministries over which a minister of the Crown presides and to the public servants under the jurisdiction of a minister of the Crown. 2006, c. 21, Sched. F, s. 111 (3).

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

[2006, c. 21, Sched. F, s. 111 (3)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs111s3) - 19/10/2006

Transition

**11** Sections 8 to 10 apply, with necessary modifications, to orders in council made under this Act before the day on which the Access to Justice Act, 2006 receives Royal Assent. 2006, c. 21, Sched. F, s. 111 (3).

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

[2006, c. 21, Sched. F, s. 111 (3)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs111s3) - 19/10/2006

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Français](http://www.ontario.ca/fr/lois/loi/90e25)

[Back to top](#Top)