[Français](http://www.ontario.ca/fr/lois/loi/94m38)

Members’ Integrity Act, 1994

S.O. 1994, chapter 38

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Preamble

It is desirable to provide greater certainty in the reconciliation of the private interests and public duties of members of the Legislative Assembly, recognizing the following principles:

1. The Assembly as a whole can represent the people of Ontario most effectively if its members have experience and knowledge in relation to many aspects of life in Ontario and if they can continue to be active in their own communities, whether in business, in the practice of a profession or otherwise.

2. Members’ duty to represent their constituents includes broadly representing their constituents’ interests in the Assembly and to the Government of Ontario.

3. Members are expected to perform their duties of office and arrange their private affairs in a manner that promotes public confidence in the integrity of each member, maintains the Assembly’s dignity and justifies the respect in which society holds the Assembly and its members.

4. Members are expected to act with integrity and impartiality that will bear the closest scrutiny.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

**1** In this Act,

“child” includes a person whom a member of the Assembly has demonstrated a settled intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody; (“enfant”)

“Commissioner” and “Integrity Commissioner” mean the person appointed as Integrity Commissioner under section 23; (“commissaire”, “commissaire à l’intégrité”)

“family”, when used with reference to a person, means,

(a) his or her spouse and minor children, and

(b) any other adult who is related to the person or his or her spouse, shares a residence with the person and is primarily dependent on the person or spouse for financial support; (“famille”)

“private company” has the same meaning as in the Securities Act; (“compagnie fermée”)

“private interest” does not include an interest in a decision,

(a) that is of general application,

(b) that affects a member of the Assembly as one of a broad class of persons, or

(c) that concerns the remuneration or benefits of a member or of an officer or employee of the Assembly; (“intérêt personnel”)

“recognized party” has the same meaning as in subsection 62 (5) of the Legislative Assembly Act; (“parti reconnu”)

“Speaker” means the Speaker of the Assembly; (“président”)

“spouse” means a person who is the member’s spouse within the meaning of Part III of the Family Law Act, but does not include a person from whom the member is separated, whether or not support obligations and family property have been dealt with by a separation agreement or court order. (“conjoint”) 1994, c. 38, s. 1; 1999, c. 6, s. 36 (1); 2005, c. 5, s. 40 (1, 2); 2018, c. 17, Sched. 24, s. 1.

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

1999, c. 6, s. 36 (1) - 01/03/2000

[2005, c. 5, s. 40 (1, 2)](http://www.ontario.ca/laws/statute/S05005" \l "s40s1) - 09/03/2005

[2018, c. 17, Sched. 24, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S18017" \l "sched24s1s1) - 06/12/2018

Provisions Applying to all Members of the Assembly

Conflict of interest

**2** A member of the Assembly shall not make a decision or participate in making a decision in the execution of his or her office if the member knows or reasonably should know that in the making of the decision there is an opportunity to further the member’s private interest or improperly to further another person’s private interest. 1994, c. 38, s. 2.

Insider information

**3** (1)  A member of the Assembly shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member’s private interest or improperly to further or seek to further another person’s private interest. 1994, c. 38, s. 3 (1).

Same

(2)  A member shall not communicate information described in subsection (1) to another person if the member knows or reasonably should know that the information may be used for a purpose described in that subsection. 1994, c. 38, s. 3 (2).

Influence

**4** A member of the Assembly shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member’s private interest or improperly to further another person’s private interest. 1994, c. 38, s. 4.

Activities on behalf of constituents

**5** This Act does not prohibit the activities in which members of the Assembly normally engage on behalf of constituents in accordance with Ontario parliamentary convention. 1994, c. 38, s. 5.

Gifts

**6** (1)  A member of the Assembly shall not accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office. 1994, c. 38, s. 6 (1).

Non-application of subs. (1)

(2)  Subsection (1) does not apply to,

(a) compensation authorized by law;

(b) a gift or personal benefit that is received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of office;

(c) a fee, gift or personal benefit that is given, directly or indirectly, by or on behalf of a political party, constituency association, candidate or leadership contestant registered under the Election Finances Act, including remuneration or financial assistance; or

(d) any other gift or personal benefit, if the Commissioner is of the opinion it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the member in the performance of his or her duties. 1994, c. 38, s. 6 (2); 2010, c. 5, s. 1 (1).

Disclosure

(3)  Within 30 days after receiving a gift or personal benefit referred to in clause (2) (b) or (d) that exceeds $200 in value, the member shall file with the Commissioner a disclosure statement in the form provided by the Commissioner, indicating the nature of the gift or benefit, its source and the circumstances under which it was given and accepted. 2010, c. 5, s. 1 (2).

Same

(4)  Subsection (3) also applies to gifts and personal benefits referred to in clauses (2) (b) and (d) if the total value of what is received from one source in any 12-month period exceeds $200. 1994, c. 38, s. 6 (4); 2010, c. 5, s. 1 (3).

(5)  Repealed: 2010, c. 5, s. 1 (4).

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

[2010, c. 5, s. 1 (1-4)](http://www.ontario.ca/laws/statute/S10005" \l "s1s1) - 13/09/2010

Government contracts with members

**7** (1)  No member of the Assembly shall knowingly be a party to a contract with the Government of Ontario under which the member receives a benefit. 1994, c. 38, s. 7 (1).

Partnerships, private companies

(2)  No member shall have an interest in a partnership or in a private company that is a party to a contract with the Government of Ontario under which the partnership or company receives a benefit. 1994, c. 38, s. 7 (2).

Exception, existing contracts

(3)  Subsections (1) and (2) do not apply to a contract that existed before the member’s election to the Assembly, but they do apply to its renewal or extension. 1994, c. 38, s. 7 (3).

Exception, nature of interest

(4)  Subsection (2) does not apply if the Commissioner is of the opinion that the interest is unlikely to affect the member’s performance of his or her duties. 1994, c. 38, s. 7 (4).

Exception, management trust

(5)  Subsection (2) does not apply if the member has entrusted his or her interest to one or more trustees on the following terms:

1. The provisions of the trust shall be approved by the Commissioner.

2. The trustees shall be persons who are at arm’s length with the member and approved by the Commissioner.

3. The trustees shall not consult with the member with respect to managing the trust property, but may consult with the Commissioner.

4. Annually, the trustees shall give the Commissioner a written report stating the nature of the assets in the trust, the trust’s net income for the preceding year and the trustees’ fees, if any.

5. The trustees shall also give the member sufficient information to permit him or her to submit returns as required by the Income Tax Act(Canada) and shall give the same information to Revenue Canada.

6. The member is entitled to be reimbursed by the Commissioner for reasonable fees and disbursements actually paid for the establishment and administration of the trust, as approved by the Commissioner, but is responsible for any income tax liabilities that may result from the reimbursement. 1994, c. 38, s. 7 (5); 2010, c. 5, s. 2.

Exception, pensions

(6)  Subsection (1) does not prohibit a member from receiving benefits under the Legislative Assembly Retirement Allowances Act, the Public Service of Ontario Act, 2006, the Public Service Pension Act, the Teachers’ Pension Act or any other Act that provides for retirement benefits funded wholly or partly by the Government of Ontario. 1994, c. 38, s. 7 (6); 2006, c. 35, Sched. C, s. 65.

Inheritance

(7)  Subsection (2) does not apply until the first anniversary of the acquisition if the interest in the partnership or private company was acquired by inheritance. 1994, c. 38, s. 7 (7).

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

[2006, c. 35, Sched. C, s. 65](http://www.ontario.ca/laws/statute/S06035" \l "schedcs65) - 20/08/2007

[2010, c. 5, s. 2](http://www.ontario.ca/laws/statute/S10005" \l "s2) - 13/09/2010

Procedure on conflict of interest

**8** A member of the Assembly who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the Assembly or the Executive Council, or a committee of either of them, shall, if present at a meeting considering the matter,

(a) disclose the general nature of the conflict of interest; and

(b) withdraw from the meeting without voting or participating in consideration of the matter. 1994, c. 38, s. 8.

Rights preserved

**9** Nothing in this Act prohibits a member of the Assembly who is not a member of the Executive Council from,

(a) engaging in employment or in the practice of a profession;

(b) receiving payment for providing professional services under the Legal Aid Services Act, 2020;

(c) engaging in the management of a business carried on by a corporation;

(d) carrying on a business through a partnership or sole proprietorship;

(e) holding or trading in securities, stocks, futures and commodities;

(f) holding shares or an interest in any corporation, partnership, syndicate, co-operative or similar commercial enterprise;

(g) being a director or partner or holding an office, other than an office that a member may not hold under another Act. 1994, c. 38, s. 9; 1998, c. 26, s. 107; 2020, c. 11, Sched. 15, s. 57.

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

1998, c. 26, s. 107 - 01/04/1999

[2020, c. 11, Sched. 15, s. 57](http://www.ontario.ca/laws/statute/S20011" \l "sched15s57) - 18/10/2021

Social media

**9.1**(1)  Nothing in this Act prevents members of the Assembly from having one or more social media accounts in their individual names. 2021, c. 5, Sched. 3, s. 1.

Content

(2)  Subject to this section, a social media account of a member of the Assembly may include content respecting such matters as the member wishes to bring to the attention of their followers, including matters described in subsection (3), as long as the content is created, posted and maintained in a manner consistent with,

(a) any rules or guidelines that may be established or approved by the Assembly; and

(b) the requirements of sections 2, 3 and 4 of this Act. 2021, c. 5, Sched. 3, s. 1.

Executive Council members

(3)  A social media account of a member of the Assembly who is also a member of the Executive Council may include content respecting matters related to the member’s portfolio as a Minister or matters related to the policies, programs and initiatives of the Government of Ontario as long as the content is created, posted and maintained in a manner consistent with,

(a) any rules or guidelines that may be established or approved by the Executive Council or a committee of the Executive Council; and

(b) the requirements of the Public Service of Ontario Act, 2006 and its regulations governing the permissible activities of public servants. 2021, c. 5, Sched. 3, s. 1.

Partisan material

(4)  Subject to subsections (2) and (3), a member’s social media account may include partisan material. 2021, c. 5, Sched. 3, s. 1.

Continuation

(5)  A social media account described in subsection (1) may be continued despite the dissolution of the Assembly and the issuance of a writ for a general election, both during the campaign period and after the election. 2021, c. 5, Sched. 3, s. 1.

Definition

(6)  In this section,

“partisan material” means material that supports or opposes a particular candidate, party or issue and is not related to the Government of Ontario’s work for the public at large or a member of the Assembly’s work for their constituency at large. 2021, c. 5, Sched. 3, s. 1.

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

[2021, c. 5, Sched. 3, s. 1](http://www.ontario.ca/laws/statute/S21005" \l "sched3s1) - 19/04/2021

Provisions Applying to Members and Former Members of the Executive Council

Outside activities

**10** A member of the Executive Council shall not,

(a) engage in employment or the practice of a profession; or

(b) Repealed: 2010, c. 5, s. 3.

(c) hold an office or directorship, unless holding the office or directorship is one of the member’s duties as a member of the Executive Council, or the office or directorship is in a social club, religious organization or political party. 1994, c. 38, s. 10; 2010, c. 5, s. 3.

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

[2010, c. 5, s. 3](http://www.ontario.ca/laws/statute/S10005" \l "s3) - 13/09/2010

Investments

**11** (1)  A member of the Executive Council shall not hold or trade in securities, stocks, futures or commodities. 1994, c. 38, s. 11 (1).

Exception

(2)  Subsection (1) does not apply to assets and liabilities described in subsection 21 (4). 1994, c. 38, s. 11 (2).

Exception, trust on specified terms

(3)  Subsection (1) does not apply if the member has entrusted the assets to one or more trustees on the following terms:

1. The provisions of the trust shall be approved by the Commissioner.

2. The trustees shall be persons who are at arm’s length with the member and approved by the Commissioner.

3. The trustees shall not consult with the member with respect to managing the trust property, but may consult with the Commissioner.

4. At the end of each calendar year and at one or more intervals during the year, the trustees shall give the member a written report stating the value, but not the nature, of the assets in the trust. The year-end report shall also state the trust’s net income for the preceding year and the trustees’ fees, if any.

5. The trustees shall also give the member sufficient information to permit him or her to submit returns as required by the Income Tax Act (Canada) and shall give the same information to Revenue Canada.

6. The trustee shall give the Commissioner copies of all information and reports given to the member.

7. The trust shall provide that the member may, at any time, instruct the trustees to liquidate all or part of the trust and pay over the proceeds to the member subject to the Commissioner’s approval.

8. The member is entitled to be reimbursed by the Commissioner for reasonable fees and disbursements actually paid for the establishment and administration of the trust, as approved by the Commissioner, but is responsible for any income tax liabilities that may result from the reimbursement. 1994, c. 38, s. 11 (3); 2010, c. 5, s. 4 (1-3).

Limit on reimbursement

(4)  Paragraph 8 of subsection (3) applies to a trust established for the purposes of this section before the day on which subsection 4 (4) of the Members’ Integrity Amendment Act, 2010 comes into force, but the member is entitled to reimbursement under that paragraph only for fees and disbursements paid on or after that day. 2010, c. 5, s. 4 (4).

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

[2010, c. 5, s. 4 (1-4)](http://www.ontario.ca/laws/statute/S10005" \l "s4s1) - 13/09/2010

Corporations, partnerships and sole proprietorships

**12** (1)  A member of the Executive Council shall not engage in the management of a business carried on by a corporation or carry on business through a partnership or sole proprietorship. 2010, c. 5, s. 5.

Exception, trust on specified terms

(2)  Subsection (1) does not apply if the member has entrusted the business or his or her interest in the business to one or more trustees on the terms set out in paragraphs 1 to 8 of subsection 11 (3). 2010, c. 5, s. 5.

Transition, deemed compliance

(3)  Every trust established for the purposes of this section that is in existence on the day on which section 5 of the Members’ Integrity Amendment Act, 2010 comes into force is deemed to comply with the terms referred to in subsection (2). 2010, c. 5, s. 5.

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

[2010, c. 5, s. 5](http://www.ontario.ca/laws/statute/S10005" \l "s5) - 13/09/2010

Consolidated Revenue Fund

**12.1** All fees and disbursements payable by the Commissioner for the purposes of paragraph 6 of subsection 7 (5), paragraph 8 of subsection 11 (3) and subsection 12 (2) are a charge on and are payable out of the Consolidated Revenue Fund. 2010, c. 5, s. 6.

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

[2010, c. 5, s. 6](http://www.ontario.ca/laws/statute/S10005" \l "s6) - 13/09/2010

Approved exceptions

**13** A member of the Executive Council may engage in an activity prohibited by section 10 or subsection 11 (1) or 12 (1) if the following conditions are met:

1. The member has disclosed all material facts to the Commissioner.

2. The Commissioner is satisfied that the activity, if carried on in the specified manner, will not create a conflict between the member’s private interest and public duty.

3. The Commissioner has given the member his or her approval and has specified the manner in which the activity may be carried out.

4. The member carries the activity out in the specified manner. 1994, c. 38, s. 13; 2010, c. 5, s. 7.

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

[2010, c. 5, s. 7](http://www.ontario.ca/laws/statute/S10005" \l "s7) - 13/09/2010

Time for compliance

**14** A person who becomes a member of the Executive Council shall comply with section 10 and subsections 11 (1) and 12 (1), or obtain the Commissioner’s approval under section 13, within 60 days after the appointment. 1994, c. 38, s. 14.

Acquisition of land

**15** (1)  A member of the Executive Council shall not, directly or indirectly, acquire an interest in real property, except for residential or recreational use by,

(a) the member;

(b) a person who belongs to the member’s family; or

(c) any other person approved by the Commissioner. 2010, c. 5, s. 8.

Exceptions

(2)  Subsection (1) does not apply to,

(a) an interest in real property that the member inherits;

(b) a mortgage that is granted to the member as mortgagee, or an interest in real property that the member acquires by foreclosing on a mortgage; or

(c) an interest in real property that is acquired to be used as part of an existing farming operation. 1994, c. 38, s. 15 (2).

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

1999, c. 6, s. 36 (2) - 01/03/2000

[2005, c. 5, s. 40 (3)](http://www.ontario.ca/laws/statute/S05005" \l "s40s3) - 09/03/2005

[2010, c. 5, s. 8](http://www.ontario.ca/laws/statute/S10005" \l "s8) - 13/09/2010

Procedure on conflict of interest

**16** A member of the Executive Council who has reasonable grounds to believe that he or she has a conflict of interest in a matter requiring the member’s decision shall ask the Premier or Deputy Premier to appoint another member of the Executive Council to perform the member’s duties in the matter for the purpose of making the decision, and the member who is appointed may act in the matter for the period of time necessary for the purpose. 1994, c. 38, s. 16.

Restrictions applicable to Executive Council

**17** (1)  The Executive Council and its members shall not knowingly,

(a) award or approve a contract with, or grant a benefit to, a former member of the Executive Council until 12 months have passed after the date he or she ceased to hold office;

(b) award or approve a contract with, or grant a benefit to, a former member of the Executive Council who has, during the 12 months after the date he or she ceased to hold office, made representations to the Government of Ontario in respect of the contract or benefit;

(c) award or approve a contract with, or grant a benefit to, a person on whose behalf a former member of the Executive Council has, during the 12 months after the date he or she ceased to hold office, made representations to the Government of Ontario in respect of the contract or benefit. 1994, c. 38, s. 17 (1).

Exception

(2)  Clauses (1) (a) and (b) do not apply to contracts or benefits in respect of further duties in the service of the Crown. 1994, c. 38, s. 17 (2).

Same

(3)  Subsection (1) does not apply if the conditions on which the contract or benefit is awarded, approved or granted are the same for all persons similarly entitled. 1994, c. 38, s. 17 (3).

Restrictions applicable to former members

**18** (1)  A former member of the Executive Council shall not knowingly, during the 12 months after the date he or she ceased to hold office,

(a) accept a contract or benefit that is awarded, approved or granted by the Executive Council, a member of the Executive Council or an employee of a ministry (other than an employee of an agency, board or commission);

(b) make representations to the Government of Ontario on his or her own behalf or on another person’s behalf with respect to such a contract or benefit;

(c) accept a contract or benefit from any person who, during the 12 months before the date the former member ceased to hold office, received a contract or benefit from a ministry of which the former member was the Minister. 1994, c. 38, s. 18 (1); 2010, c. 5, s. 9 (1).

Exception

(2)  Subsection (1) does not apply to contracts or benefits in respect of further duties in the service of the Crown. 1994, c. 38, s. 18 (2).

Same

(3)  Subsection (1) does not apply if the conditions on which the contract or benefit is awarded, approved or granted are the same for all persons similarly entitled. 1994, c. 38, s. 18 (3).

Ongoing transaction or negotiation

(4)  A former member of the Executive Council shall not make representations to the Government of Ontario in relation to a transaction or negotiation to which the Government is a party and in which he or she was previously substantially involved as a member of the Executive Council, if the representation could result in the conferring of a benefit not of general application. 1994, c. 38, s. 18 (4); 2010, c. 5, s. 9 (2).

Offence

(5)  A person who contravenes subsection (1) or (4) is guilty of an offence and liable, on conviction, to a fine of not more than $50,000. 1994, c. 38, s. 18 (5).

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

[2010, c. 5, s. 9 (1, 2)](http://www.ontario.ca/laws/statute/S10005" \l "s9s1) - 13/09/2010

Parliamentary assistants

**19** Sections 10 to 18 do not apply to parliamentary assistants or to former parliamentary assistants, as the case may be. 1994, c. 38, s. 19.

Disclosure

Private disclosure statement

**20** (1)  Every member of the Assembly shall file with the Commissioner a private disclosure statement, in the form provided by the Commissioner,

(a) within 60 days of being elected; and

(b) thereafter, once in every calendar year on the date established by the Commissioner. 1994, c. 38, s. 20 (1).

Contents

(2)  The private disclosure statement shall,

(a) identify the assets and liabilities of the member and his or her spouse and minor children, and state the value of the assets and liabilities;

(b) state any income the member and his or her spouse and minor children have received during the preceding 12 months or are entitled to receive during the next 12 months, and indicate the source of the income;

(c) state all benefits the member, his or her spouse and minor children, and any private company in which any of them has an interest, have received during the preceding 12 months or are entitled to receive during the next 12 months as a result of a contract with the Government of Ontario, and describe the subject-matter and nature of the contract;

(d) if the private disclosure statement mentions a private company,

(i) include any information about the company’s activities and sources of income that the member is able to obtain by making reasonable inquiries, and

(ii) state the names of any other companies that are its affiliates, as determined under subsections 1 (2) to (6) of the Securities Act;

(e) list all corporations and other organizations in which the member is an officer or director or has a similar position; and

(f) include any other information that the Commissioner requires. 1994, c. 38, s. 20 (2); 1999, c. 6, s. 36 (3); 2005, c. 5, s. 40 (4).

Meeting with Commissioner

(3)  After filing the private disclosure statement, the member, and the member’s spouse if available, shall meet with the Commissioner to ensure that adequate disclosure has been made and to obtain advice on the member’s obligations under this Act. 1994, c. 38, s. 20 (3); 1999, c. 6, s. 36 (4); 2005, c. 5, s. 40 (5).

Statement of material change

(4)  The member shall file a statement of material change with the Commissioner, in the form provided by the Commissioner, within 30 days after a change in the income, assets or liabilities of the member or his or her spouse and minor children or an event that causes a person to become or to cease to be a member of the member’s family, if the change or event would reasonably be expected to have a significant effect on the information previously disclosed. 1994, c. 38, s. 20 (4); 1999, c. 6, s. 36 (5); 2005, c. 5, s. 40 (6).

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

1999, c. 6, s. 36 (3-5) - 01/03/2000

[2005, c. 5, s. 40 (4-6)](http://www.ontario.ca/laws/statute/S05005" \l "s40s4) - 09/03/2005

Public disclosure statement

**21** (1)  After the meeting referred to in subsection 20 (3), the Commissioner shall prepare a public disclosure statement on the basis of the information provided by the member. 1994, c. 38, s. 21 (1).

Contents

(2)  The public disclosure statement shall,

(a) state the source and nature, but not the value, of the income, assets and liabilities referred to in subsection 20 (2), except those that are described in subsection (4) of this section;

(b) list the names and addresses of all the persons who have an interest in those assets and liabilities;

(c) identify any contracts with the Government of Ontario referred to in the private disclosure statement, and describe their subject-matter and nature;

(d) list the names of any private companies mentioned in the private disclosure statement;

(d.1) list the names of any corporations or other organizations referred to in clause 20 (2) (e); and

(e) contain a statement of any gifts or benefits that have been disclosed to the Commissioner under subsection 6 (3). 1994, c. 38, s. 21 (2); 2010, c. 5, s. 10 (1).

Same

(3)  In the case of a member of the Executive Council, the public disclosure statement shall also state whether the member has obtained the Commissioner’s approval under section 13 for an activity that would otherwise be prohibited and, if the member has done so, shall,

(a) describe the activity; and

(b) in the case of a business activity, list the name and address of each person who has a 10 per cent or greater interest in the business, and describe the person’s relationship to the member. 1994, c. 38, s. 21 (3).

Excluded private interests

(4)  The following assets, liabilities and sources of income shall not be shown in the public disclosure statement:

1. An asset or liability worth less than $2,500.

2. A source of income that yielded less than $2,500 during the 12 months preceding the relevant date.

3. Real property that the member or a person who belongs to his or her family uses primarily as a residence or for recreational purposes.

4. Personal property that the member or a person who belongs to his or her family uses primarily for transportation, household, educational, recreational, social or aesthetic purposes.

5. Cash on hand, or on deposit with a financial institution that is lawfully entitled to accept deposits.

6. Fixed value securities issued or guaranteed by a government or by a government agency.

7. A registered retirement savings plan that is not self-administered, or a registered home ownership savings plan.

8. An interest in a pension plan, employee benefit plan, annuity or life insurance policy.

9. An investment in an open-ended mutual fund that has broadly based investments not limited to one industry or one sector of the economy.

10. A guaranteed investment certificate or similar financial instrument.

11. Any other asset, liability or source of income that the Commissioner approves as an excluded private interest. 1994, c. 38, s. 21 (4); 1999, c. 6, s. 36 (6); 2005, c. 5, s. 40 (7).

Information withheld

(5)  The Commissioner may withhold information from the public disclosure statement if, in his or her opinion,

(a) the information is not relevant to the purpose of this Act; and

(b) a departure from the general principle of public disclosure is justified. 1994, c. 38, s. 21 (5).

Filing

(6)  The Commissioner shall file the public disclosure statement with the Clerk of the Assembly. 1994, c. 38, s. 21 (6).

Public access

(7)  The Commissioner shall make the public disclosure statement readily accessible to the public by ensuring that the public disclosure statement is published on the Internet and by any other means that the Commissioner considers appropriate. 2010, c. 5, s. 10 (2).

Copies

(8)  The Clerk shall provide a copy of the public disclosure statement to any person who pays the fee fixed by the Clerk. 2010, c. 5, s. 10 (2).

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

1999, c. 6, s. 36 (6) - 01/03/2000

[2005, c. 5, s. 40 (7)](http://www.ontario.ca/laws/statute/S05005" \l "s40s7) - 09/03/2005

[2010, c. 5, s. 10 (1, 2)](http://www.ontario.ca/laws/statute/S10005" \l "s10s1) - 13/09/2010

Destruction of records

**22** (1)  The Commissioner,

(a) shall destroy every private disclosure statement in his or her possession, during the 12-month period that follows the 10th anniversary of the creation of the record; and

(b) may destroy any other record in his or her possession that relates to a member or former member of the Assembly, or to a person who belongs to his or her family, at any time after the 10th anniversary of the creation of the record. 2010, c. 5, s. 11.

Exception

(2)  If an inquiry to which a record may relate is being conducted under this Act, or if the Commissioner is aware that a charge to which it may relate has been laid under the Criminal Code(Canada) against the member or former member or a person who belongs to his or her family, the record shall not be destroyed until the inquiry or the charge has been finally disposed of. 1994, c. 38, s. 22 (2); 1999, c. 6, s. 36 (8); 2005, c. 5, s. 40 (9).

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

1999, c. 6, s. 36 (7, 8) - 01/03/2000

[2005, c. 5, s. 40 (8, 9)](http://www.ontario.ca/laws/statute/S05005" \l "s40s8) - 09/03/2005

[2010, c. 5, s. 11](http://www.ontario.ca/laws/statute/S10005" \l "s11) - 13/09/2010

Integrity Commissioner

Commissioner

**23** (1)  There shall be an Integrity Commissioner who is an officer of the Assembly. 2018, c. 17, Sched. 24, s. 2.

Appointment

(2)  The Assembly shall, by order, appoint the Commissioner. 2018, c. 17, Sched. 24, s. 2.

Selection by panel

(3)  Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (2) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Term of office

**23.1** (1)  The Commissioner shall hold office for a term of five years and may be reappointed for one further term of five years. 2018, c. 17, Sched. 24, s. 2.

Selection by panel

(2)  Subsection 23 (3) applies with respect to a reappointment under subsection (1) of this section. 2018, c. 17, Sched. 24, s. 2.

Continuation in office

(3)  By order of the Assembly, the Commissioner may continue to hold office after expiry of his or her term of office until a temporary Commissioner is appointed under section 23.5 or until a successor is appointed. 2018, c. 17, Sched. 24, s. 2.

Transition

(4)  The Commissioner in office immediately before the day the Restoring Trust, Transparency and Accountability Act, 2018 receives Royal Assent is deemed to be in the first term of his or her appointment and shall continue to hold office for the remainder of the term. 2018, c. 17, Sched. 24, s. 2.

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

1998, c. 27, s. 1 (1) - 18/12/1998

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Removal or suspension

**23.2** (1)  The Assembly may, by order passed by a vote of at least two thirds of the members of the Assembly, remove or suspend the Commissioner from office for cause. 2018, c. 17, Sched. 24, s. 2.

Suspension if Assembly not in session

(2)  If the Assembly is not in session, the Board of Internal Economy may on unanimous agreement suspend the Commissioner for cause. 2018, c. 17, Sched. 24, s. 2.

Duration of suspension

(3)  A suspension under subsection (1) continues until revoked by order of the Assembly or until the Commissioner is removed from office pursuant to subsection (1). 2018, c. 17, Sched. 24, s. 2.

Same

(4)  Unless the Board of Internal Economy revokes the suspension before the next sitting of the Assembly, a suspension under subsection (2) continues until revoked by order of the Assembly or until the Commissioner is removed from office pursuant to subsection (1). 2018, c. 17, Sched. 24, s. 2.

Same

(5)  Despite subsection (4), no suspension imposed under subsection (2) continues past the 20th sessional day of the next sitting of the Assembly. 2018, c. 17, Sched. 24, s. 2.

Report to Assembly

(6)  The Board of Internal Economy shall report to the Assembly any action taken under subsections (2) and (4) at the earliest opportunity of the next sitting of the Assembly. 2018, c. 17, Sched. 24, s. 2.

Meaning of “not in session”

(7)  For the purposes of this section and sections 23.5 and 23.7, the Assembly is not in session when it is,

(a) prorogued; or

(b) adjourned for an indefinite period or to a day that is more than seven days after the date on which the Assembly was adjourned. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Salary and benefits

**23.3** (1)  The Board of Internal Economy shall determine the salary and benefits of the Commissioner. 2018, c. 17, Sched. 24, s. 2.

Pension plan

(2)  Subject to subsections (3) and (4), the Commissioner is a member of the Public Service Pension Plan. 2018, c. 17, Sched. 24, s. 2.

Notice re pension plan

(3)  Within 60 days after his or her appointment takes effect, the Commissioner may notify the Speaker in writing that he or she elects not to be a member of the Public Service Pension Plan. 2018, c. 17, Sched. 24, s. 2.

Same

(4)  If the Commissioner gives notice of their election to the Speaker in accordance with subsection (3), the election is irrevocable and is deemed to have taken effect when the appointment took effect. 2018, c. 17, Sched. 24, s. 2.

Expenses

(5)  Subject to the approval of the Board of Internal Economy, the Commissioner is entitled to be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act. 2018, c. 17, Sched. 24, s. 2.

Transition

(6)  The remuneration and allowances of the Commissioner in office immediately before the day the Restoring Trust, Transparency and Accountability Act, 2018 receives Royal Assent continue to be determined in accordance with subsection 23 (9) of this Act, as it read immediately before that day, for the remainder of the Commissioner’s term of office. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Designation by Commissioner

**23.4** (1)  The Commissioner shall designate an individual from among the employees of the office of the Commissioner who shall have the powers and duties of the Commissioner if the Commissioner is absent or unable to fulfil the duties of his or her office or if the office becomes vacant. 2018, c. 17, Sched. 24, s. 2.

Designation in writing

(2)  A designation under subsection (1) shall be in writing to the Speaker. 2018, c. 17, Sched. 24, s. 2.

Powers and duties

(3)  The individual designated under subsection (1) shall have the powers and duties of the Commissioner unless a temporary Commissioner is appointed under section 23.5. 2018, c. 17, Sched. 24, s. 2.

Salary

(4)  The Board of Internal Economy may increase the salary of an individual who assumes the powers and duties of the Commissioner under subsection (1) in such circumstances as the Board considers appropriate. 2018, c. 17, Sched. 24, s. 2.

Removal or suspension

(5)  Section 23.2 applies in respect of an individual who assumes the powers and duties of the Commissioner under subsection (1). 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Temporary Commissioner

**23.5** (1)  If the Commissioner is unable to fulfil the duties of his or her office or the office becomes vacant, the Assembly may, by order, appoint a temporary Integrity Commissioner. 2018, c. 17, Sched. 24, s. 2.

Same, conditions

(2)  An order shall be made under subsection (1) only if,

(a) the Commissioner,

(i) has not made a designation under subsection 23.4 (1), or

(ii) has made a designation under subsection 23.4 (1), but,

(A) the Commissioner has been removed or suspended under section 23.2, or

(B) the person designated is unable or unwilling to act or has been removed or suspended under section 23.2; and

(b) unless decided otherwise by unanimous consent of the Assembly, the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member. 2018, c. 17, Sched. 24, s. 2.

Appointment if Assembly not in session

(3)  If, while the Assembly is not in session, the Commissioner is unable to fulfil the duties of his or her office or the office becomes vacant, the Board of Internal Economy may appoint a temporary Integrity Commissioner. 2018, c. 17, Sched. 24, s. 2.

Same

(4)  Clause (2) (a) applies with respect to an appointment under subsection (3). 2018, c. 17, Sched. 24, s. 2.

Powers, salary and benefits

(5)  A temporary Commissioner shall have the powers and duties of the Commissioner and shall be paid a salary and benefits determined by the Board of Internal Economy and, subject to the approval of the Board, be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act. 2018, c. 17, Sched. 24, s. 2.

Duration of office

(6)  A temporary Commissioner shall hold office until,

(a) the Commissioner is able to fulfil the duties of the office, where the appointment resulted from the Commissioner being unable to do so;

(b) where the appointment resulted from a suspension of the Commissioner, the suspension is revoked by order of the Assembly, by the Board of Internal Economy under subsection 23.2 (4) or by operation of subsection 23.2 (5);

(c) the Assembly appoints a different temporary Commissioner under subsection (1); or

(d) the Assembly appoints a Commissioner under section 23. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Subsequent appointment not prohibited

**23.6** A person who continues his or her first term as Commissioner under subsection 23.1 (3) or who is appointed as a temporary Commissioner is not prohibited from a subsequent appointment as Commissioner under section 23 and, in the case of such an appointment, the previous time in office does not count toward the term of office set out in subsection 23.1 (1). 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Restrictions re other work, etc.

**23.7** (1)  The Commissioner shall not be a member of the Assembly and shall not, without prior approval by the Assembly, or by the Board of Internal Economy when the Assembly is not in session, hold any other office or employment. 2018, c. 17, Sched. 24, s. 2.

Exception

(2)  Despite subsection (1), the Commissioner may hold more than one office to which he or she has been appointed by the Assembly or the Board of Internal Economy. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Oath of office

**23.8** (1)  Before beginning the duties of his or her office, the Commissioner shall take an oath or affirmation that he or she will faithfully and impartially exercise the functions of the office. 2018, c. 17, Sched. 24, s. 2.

Same

(2)  The Speaker or the Clerk of the Assembly shall administer the oath or affirmation. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Nature of office

**23.9** (1)  The Commissioner holds office for a fixed term. 2018, c. 17, Sched. 24, s. 2.

Notice not required

(2)  No notice to the Commissioner is required before the expiry of the Commissioner’s term of office. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Protection from liability

**23.10** (1)  No cause of action arises, no proceeding may be brought and no remedy is available or damages, costs or compensation payable in connection with any amendment made by Schedule 24 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments. 2018, c. 17, Sched. 24, s. 2.

Same

(2)  Subsection (1) applies whether the cause of action on which a proceeding is based arose before or after the day that subsection comes into force. 2018, c. 17, Sched. 24, s. 2.

Proceedings set aside

(3)  Any proceeding referred to in subsection (1) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Staff

**23.11** The employees who are necessary for the performance of the Commissioner’s duties shall be members of the staff of the Office of the Assembly. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Powers and duties

**23.12** The Commissioner may exercise the powers and shall perform the duties assigned to him or her under this Act and any other Act. 2018, c. 17, Sched. 24, s. 2.

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

[2018, c. 17, Sched. 24, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched24s2) - 06/12/2018

Annual report

**24** (1)  The Commissioner shall report annually on the affairs of the office to the Speaker, who shall cause the report to be laid before the Assembly. 1994, c. 38, s. 24 (1).

Contents

(2)  The annual report may summarize advice given by the Commissioner, but shall not disclose confidential information or information that could identify a person concerned. 1994, c. 38, s. 24 (2).

Immunity

**25** No proceeding shall be commenced against the Commissioner or an employee in his or her office for any act done or omitted in good faith in the execution or intended execution of the Commissioner’s or employee’s duties under this Act or any other Act. 1998, c. 27, s. 1 (2).

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

1998, c. 27, s. 1 (2) - 18/12/1998

Testimony

**26** Neither the Commissioner nor an employee of his or her office is a competent or compellable witness in a civil proceeding outside the Assembly in connection with anything done under this Act or any other Act. 1994, c. 38, s. 26; 1998, c. 27, s. 1 (3).

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

1998, c. 27, s. 1 (3) - 18/12/1998

Extension of time

**27** (1)  A member of the Assembly whom this Act requires to do anything within a specified period of time may give the Commissioner a written request for an extension. 1994, c. 38, s. 27 (1).

Same

(2)  The Commissioner may, by giving the member a written notice, extend the time by a specified number of days, as the Commissioner considers reasonable and consistent with the public interest. 1994, c. 38, s. 27 (2).

Same

(3)  The Commissioner may impose on the extension such conditions as he or she considers just. 1994, c. 38, s. 27 (3).

Opinion and recommendations

**28** (1)  A member of the Assembly may request that the Commissioner give an opinion and recommendations on any matter respecting the member’s obligations under this Act and under Ontario parliamentary convention. 1994, c. 38, s. 28 (1).

Inquiries

(2)  The Commissioner may make such inquiries as he or she considers appropriate and shall provide the member with an opinion and recommendations. 1994, c. 38, s. 28 (2).

Confidentiality

(3)  The Commissioner’s opinion and recommendations are confidential, but may be released by the member or with the member’s consent. 1994, c. 38, s. 28 (3).

Partial release by member

(3.1)  Despite subsection (3), if the member releases only part of the opinion and recommendations, the Commissioner may release part or all of the opinion and recommendations without obtaining the member’s consent. 2010, c. 5, s. 12 (1).

Writing

(4)  The member’s request, the Commissioner’s opinion and recommendations and the member’s consent, if any, shall be in writing. 1994, c. 38, s. 28 (4).

Application to former members of Executive Council

(5)  This section continues to apply with necessary modifications to a former member of the Executive Council, even if he or she ceases to be a member of the Assembly. 2010, c. 5, s. 12 (2).

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

[2010, c. 5, s. 12 (1, 2)](http://www.ontario.ca/laws/statute/S10005" \l "s12s1) - 13/09/2010

Confidentiality

**29** (1)  Information disclosed to the Commissioner under this Act is confidential and shall not be disclosed to any person, except,

(a) by the member, or with his or her consent;

(b) in a criminal proceeding, as required by law; or

(c) otherwise in accordance with this Act. 1994, c. 38, s. 29 (1).

Freedom of Information and Protection of Privacy Act

(2)  Subsection (1) prevails over the Freedom of Information and Protection of Privacy Act. 1994, c. 38, s. 29 (2).

Enforcement

Matter referred by member

**30** (1)  A member of the Assembly who has reasonable and probable grounds to believe that another member has contravened this Act or Ontario parliamentary convention may request that the Commissioner give an opinion as to the matter. 1994, c. 38, s. 30 (1).

Request

(2)  The request shall be in writing and shall set out the grounds for the belief and the contravention alleged. 1994, c. 38, s. 30 (2).

Tabling

(3)  The member making the request shall promptly give a copy of it to the Speaker, who shall cause the request to be laid before the Assembly if it is in session or, if not, within 10 days after the beginning of the next session. 1994, c. 38, s. 30 (3).

(4)  Repealed: 2010, c. 5, s. 13.

Matter referred by Executive Council

(5)  The Executive Council may request that the Commissioner give an opinion as to whether a member of the Executive Council has contravened this Act or Ontario parliamentary convention. 1994, c. 38, s. 30 (5).

Inquiry by Assembly

(6)  The Assembly and its committees shall not conduct an inquiry into a matter that has been referred to the Commissioner under subsection (1) or (4). 1994, c. 38, s. 30 (6).

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

[2010, c. 5, s. 13](http://www.ontario.ca/laws/statute/S10005" \l "s13) - 13/09/2010

Inquiry by Commissioner

**31** (1)  When a matter is referred to the Commissioner under section 30, the Commissioner may conduct an inquiry, after giving the member whose conduct is concerned reasonable notice. 1994, c. 38, s. 31 (1).

Same

(2)  If the matter was referred by a member,

(a) the Commissioner may elect to exercise the powers under sections 33 and 34 of the Public Inquiries Act, 2009, in which case those sections apply to the inquiry; and

(b) the Commissioner shall report his or her opinion to the Speaker. 1994, c. 38, s. 31 (2); 2009, c. 33, Sched. 6, s. 66; 2010, c. 5, s. 14 (1).

Same

(3)  The Speaker shall,

(a) give a copy of the opinion to the member whose conduct is concerned and to the leader of each political party that is represented in the Assembly;

(b) give a copy of the opinion to the member who referred the matter; and

(c) cause the opinion to be laid before the Assembly if it is in session or, if not, within 10 days after the beginning of the next session. 1994, c. 38, s. 31 (3); 2010, c. 5, s. 14 (2).

Same

(4)  If the matter was referred by the Executive Council, the Commissioner shall report his or her opinion to the Clerk of the Executive Council. 1994, c. 38, s. 31 (4).

Effect of election, resignation on matter referred by member

(4.1)  The Commissioner shall suspend an inquiry respecting a matter referred by a member in the following circumstances:

1. The member whose conduct is concerned resigns his or her seat.

2. A writ is issued under the Election Act for a general election. 2010, c. 5, s. 14 (3).

Same

(4.2)  If an inquiry is suspended under subsection (4.1) because the member whose conduct is concerned resigns his or her seat, the Commissioner shall continue the inquiry if, within 30 days after the date of the resignation, the former member or the member who referred the matter submits a written request to the Commissioner that the inquiry be continued. 2010, c. 5, s. 14 (3).

Same

(4.3)  If an inquiry is suspended under subsection (4.1) because of the issuance of a writ, the Commissioner shall continue the inquiry if, within 30 days after polling day in the election, the member or former member whose conduct is concerned or the member who referred the matter submits a written request to the Commissioner that the inquiry be continued. 2010, c. 5, s. 14 (3).

Same

(4.4)  An inquiry shall not be continued under subsection (4.3) until after polling day in the election. 2010, c. 5, s. 14 (3).

Same

(4.5)  If an inquiry is suspended under subsection (4.1) and is not continued under subsection (4.2) or (4.3), the Commissioner shall terminate the inquiry and shall give written notice of the termination to the member or former member whose conduct is concerned, the member who referred the matter and the Speaker. 2010, c. 5, s. 14 (3).

Effect of election, resignation on matter referred by Executive Council

(4.6)  The Commissioner shall suspend an inquiry respecting a matter referred by the Executive Council if the member of the Executive Council whose conduct is concerned resigns his or her office. 2010, c. 5, s. 14 (3).

Same

(4.7)  The Commissioner shall continue an inquiry suspended under subsection (4.6) if, within 30 days after the date of the resignation, the Executive Council submits a written request to the Commissioner that the inquiry be continued. 2010, c. 5, s. 14 (3).

Same

(4.8)  The Commissioner shall terminate an inquiry respecting a matter referred by the Executive Council in the following circumstances:

1. An inquiry is suspended under subsection (4.6) and is not continued under subsection (4.7).

2. A writ is issued under the Election Act for a general election. 2010, c. 5, s. 14 (3).

Refusal to conduct inquiry

(5)  If the Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the Commissioner shall not conduct an inquiry and shall state the reasons for not doing so in the report. 1994, c. 38, s. 31 (5).

Member or former member not blameworthy

(6)  If the Commissioner determines that there has been no contravention of this Act or of Ontario parliamentary convention, that a contravention occurred although the member or former member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Commissioner shall so state in the report and shall recommend that no penalty be imposed. 1994, c. 38, s. 31 (6); 2010, c. 5, s. 14 (4).

Reliance on Commissioner’s advice

(7)  If the Commissioner determines that there was a contravention of this Act or of Ontario parliamentary convention but that the member or former member was acting in accordance with the Commissioner’s recommendations and had, before receiving those recommendations, disclosed to the Commissioner in writing all the relevant facts that were known to the member or former member, the Commissioner shall so state in the report and the contravention is deemed not to have taken place. 2010, c. 5, s. 14 (5).

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

[2009, c. 33, Sched. 6, s. 66](http://www.ontario.ca/laws/statute/S09033" \l "sched6s66) - 01/06/2011

[2010, c. 5, s. 14 (1-5)](http://www.ontario.ca/laws/statute/S10005" \l "s14s1) - 13/09/2010

Police investigation or charge

**32** If the Commissioner, when conducting an inquiry, discovers that the subject-matter of the inquiry is being investigated by police or that a charge has been laid, the Commissioner shall suspend the inquiry until the police investigation or charge has been finally disposed of, and shall report the suspension to the Speaker. 1994, c. 38, s. 32.

Procedure under another Act

**32.1**If the Commissioner, when conducting an inquiry, discovers that the subject-matter of the inquiry is being dealt with in accordance with a procedure established under another Act, the Commissioner may suspend the inquiry until the matter has been finally disposed of under that Act, and shall report the suspension to the Speaker. 2010, c. 5, s. 15.

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

[2010, c. 5, s. 15](http://www.ontario.ca/laws/statute/S10005" \l "s15) - 13/09/2010

Reference to appropriate authorities

**33** If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the Criminal Code (Canada), the Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to the Speaker. 1994, c. 38, s. 33.

Recommendation re penalty

**34** (1)  Where the Commissioner conducts an inquiry under subsection 31 (1) or (2) and finds that the member has contravened any of sections 2 to 4, 6 to 8, 10 to 12 or 14 to 18, has failed to file a private disclosure statement or a statement of material change within the time provided by section 20, has failed to disclose relevant information in that statement or has contravened Ontario parliamentary convention, the Commissioner shall recommend in his or her report,

(a) that no penalty be imposed;

(b) that the member be reprimanded;

(c) that the member’s right to sit and vote in the Assembly be suspended for a specified period or until a condition imposed by the Commissioner is fulfilled; or

(d) that the member’s seat be declared vacant. 1994, c. 38, s. 34 (1).

Same, former member

(1.1)  In the case of an inquiry respecting a matter referred by a member that is continued in accordance with subsection 31 (4.2) or (4.3) in respect of a former member, if the Commissioner finds a contravention or failure referred to in subsection (1), the Commissioner shall recommend in his or her report,

(a) that no penalty be imposed; or

(b) that the former member be reprimanded. 2010, c. 5, s. 16.

Duty of Assembly

(2)  The Assembly shall consider and respond to the report within 30 days after the day the report is laid before it. 1994, c. 38, s. 34 (2).

Response

(3)  If the Commissioner recommends that a penalty be imposed, the Assembly may approve the recommendation and order that the penalty be imposed, or may reject the recommendation, in which case no penalty shall be imposed. 1994, c. 38, s. 34 (3).

Power of Assembly

(4)  Despite section 46 of the Legislative Assembly Act, the Assembly does not have power to inquire further into the contravention, to impose a penalty if the Commissioner recommended that none be imposed, or to impose a penalty other than the one recommended. 1994, c. 38, s. 34 (4).

Decision final

(5)  The Assembly’s decision is final and conclusive. 1994, c. 38, s. 34 (5).

Vacancy

(6)  If the member’s seat is declared vacant, section 25 of the Legislative Assembly Act applies, with necessary modifications. 1994, c. 38, s. 34 (6).

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

[2010, c. 5, s. 16](http://www.ontario.ca/laws/statute/S10005" \l "s16) - 13/09/2010

Miscellaneous

Application of Act during writ period

**35** This Act, other than sections 30 to 34, continues to apply with necessary modifications to a member of the Assembly during the period beginning with the issue of a writ under the Election Act for a general election and ending on polling day, if the member is or intends to be a candidate in the election. 2010, c. 5, s. 17.

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

[2010, c. 5, s. 17](http://www.ontario.ca/laws/statute/S10005" \l "s17) - 13/09/2010

Application of Act to related persons

**36** (1)  This Act applies with necessary modifications to every member of the Executive Council who is not a member of the Assembly as if he or she were a member of the Assembly, with the following exceptions:

1. Section 5, clauses 34 (1) (c) and (d) and subsection 34 (6) do not apply.

2. The reference to “within 60 days of being elected” in clause 20 (1) (a) shall be read as a reference to “within 60 days of being appointed to the Executive Council”. 2010, c. 5, s. 17.

Same

(2)  This Act applies with necessary modifications to every leader of a recognized party who is not a member of the Assembly as if he or she were a member of the Assembly, with the following exceptions:

1. Sections 5, 8, 10 to 19 and 30 to 34 do not apply.

2. The reference to “within 60 days of being elected” in clause 20 (1) (a) shall be read as a reference to “within 60 days of being elected as the leader of a recognized party”. 2010, c. 5, s. 17; 2018, c. 17, Sched. 24, s. 3.

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

[2010, c. 5, s. 17](http://www.ontario.ca/laws/statute/S10005" \l "s17) - 13/09/2010

[2018, c. 17, Sched. 24, s. 3](http://www.ontario.ca/laws/statute/S18017" \l "sched24s3) - 06/12/2018

Transitional regulations

**37** (1)  The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 24 to the Restoring Trust, Transparency and Accountability Act, 2018. 2018, c. 17, Sched. 24, s. 4.

Conflict

(2)  If there is a conflict between a regulation made under subsection (1) and a provision of this or any other Act or a provision of another regulation made under any other Act, the regulation made under subsection (1) prevails. 2018, c. 17, Sched. 24, s. 4.

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

[2018, c. 17, Sched. 24, s. 4](http://www.ontario.ca/laws/statute/S18017" \l "sched24s4) - 06/12/2018

**38** Omitted (amends or repeals other Acts). 1994, c. 38, ss. 37, 38.

**39** Omitted (provides for coming into force of provisions of this Act). 1994, c. 38, s. 39.

**40** Omitted (enacts short title of this Act). 1994, c. 38, s. 40.

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