

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 167

(Chapter 15 of the Statutes of Ontario, 2020)

An Act to amend the Legislative Assembly Act and to make consequential amendments to other Acts

The Hon. P. Calandra
Minister Without Portfolio

1st Reading	December 11, 2019
2nd Reading	February 18, 2020
3rd Reading	July 13, 2020
Royal Assent	July 14, 2020



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 167 and does not form part of the law.
Bill 167 has been enacted as Chapter 15 of the Statutes of Ontario, 2020.*

The Bill amends the *Legislative Assembly Act* including amendments providing for the following:

1. The Deputy Speaker will be appointed rather than elected. (Section 28 of the Act.)
2. Sections are added providing for the rights, immunities, privileges and powers that the Assembly and its members have with the Speaker being the guardian of those rights, etc. (Sections 28.1 and 52.1 of the Act.)
3. The prohibition on personal service is extended throughout the legislative precinct. (Section 39 of the Act.)
4. Requirements relating to cheques are replaced with limits on the authorization of payments. (Section 83 of the Act.)
5. A section is added clarifying that proceedings of the Board of Internal Economy are proceedings in Parliament. (Section 88.1 of the Act.)
6. Section 94 to 100 of the Act, which provide for the disciplining of employees, and for hearings in relation to such discipline, are repealed. The Speaker continues to have the power to dismiss, suspend and reprimand employees under subsection 76 (3) of the Act.
7. The requirements for oaths and affirmations are changed to include a recognition and affirmation of aboriginal and treaty rights in the oath or affirmation of office. Exemptions are added to the requirement to take the oath or affirmation of allegiance. (Section 101 of the Act.)
8. Changes are made to the definition of "legislative precinct". The legislative precinct will be under the control of the Speaker. (Sections 102.1 and 102.2 of the Act.)
9. Changes are made to the provisions relating to the Legislative Protective Service. (Sections 103, 103.0.1 and 103.0.2 of the Act.)

The Bill also makes consequential amendments to two other Acts.

**An Act to amend the Legislative Assembly Act
and to make consequential amendments to other Acts**

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

1 Section 28 of the *Legislative Assembly Act* is repealed and the following substituted:

Election of Speaker

28 (1) The Assembly shall elect one of its members to be Speaker at its next meeting,

- (a) after a general election is held; or
- (b) after the office becomes vacant.

Appointment of Deputy Speaker

(2) The Assembly shall, by order, appoint one of its members to be Deputy Speaker at or after its next meeting,

- (a) after a general election is held; or
- (b) after the office becomes vacant.

Speaker is guardian of rights, etc.

28.1 The Speaker is the guardian of the rights, immunities, privileges and powers of the Assembly, its committees and its members.

2 Section 33 of the Act is repealed and the following substituted:

Speaker and Deputy to continue in office following dissolution

Speaker

33 (1) The person who holds the office of Speaker when the Legislature is dissolved shall continue to be the Speaker until a new Speaker is elected by the Assembly.

Deputy Speaker

(2) The person who holds the office of Deputy Speaker when the Legislature is dissolved shall continue to be the Deputy Speaker until a new Deputy Speaker is appointed by the Assembly.

3 The French version of section 36 of the Act is amended by striking out “ou constable” and substituting “ou agent”.

4 Section 39 of the Act is repealed and the following substituted:

Service of civil process

39 No person shall make a personal service that is required or authorized by law in a civil matter upon another person in the legislative precinct, within the meaning of section 102.1.

5 The Act is amended by adding the following section:

Rights, etc., of the Assembly, its committees and its members

52.1 (1) In addition to the rights, immunities, privileges and powers conferred on them by this or any other Act, the Assembly, its committees and its members have the same rights, immunities, privileges and powers as those held, enjoyed and exercised respectively by the House of Commons of the Parliament of the United Kingdom, its committees and its members at the time of the passing of the *Constitution Act, 1867*.

Rights, etc., are part of the general and public law

(2) The rights, immunities, privileges and powers that the Assembly, its committees and its members have under subsection (1) are part of the general and public law of Ontario and it is not necessary to plead them.

6 Section 74 of the Act is repealed and the following substituted:

Staff, etc., for members

74 Every member of the Assembly is entitled to such staff, office equipment, supplies and services as may be prescribed by the Board of Internal Economy.

7 Section 76 of the Act is repealed and the following substituted:**Office of the Assembly**

76 (1) The Office of the Assembly shall consist of,

- (a) the Speaker and the Deputy Speaker; and
- (b) the Clerk of the Legislative Assembly, the Sergeant-at-Arms and the other employees of the Office of the Assembly.

Appointment of employees

(2) The Speaker shall appoint such employees of the Office of the Assembly, other than the Clerk of the Legislative Assembly, as may be required for the proper conduct of the business of the Office of the Assembly.

Dismissal, etc., of employees

(3) The Speaker may dismiss, suspend or reprimand an employee of the Office of the Assembly, other than the Clerk of the Legislative Assembly.

8 Section 77.4 of the Act is repealed.**9 Section 78 of the Act is repealed and the following substituted:****Duties and functions of employees of the Office of the Assembly**

78 The employees of the Office of the Assembly have such duties and functions,

- (a) as may be provided for in an Act or an Order of the Assembly; and
- (b) as may be prescribed by the Speaker.

10 Subsection 83 (1) of the Act is repealed and the following substituted:**Payments out of Fund**

(1) A payment shall be made out of the Legislative Assembly Fund only if it is authorized by,

- (a) the Speaker or the Deputy Speaker; and
- (b) the Clerk of the Legislative Assembly or such other person authorized by the Speaker.

11 Subsection 85 (1) of the Act is amended by striking out “Secretary” and substituting “Clerk”.**12 Subsection 87 (6) of the Act is repealed.****13 The Act is amended by adding the following section:****Proceedings**

88.1 For greater certainty, the proceedings of the Board of Internal Economy are proceedings in Parliament.

14 Sections 94 to 100 of the Act are repealed.**15 Section 101 of the Act is repealed and the following substituted:****Oaths, affirmations of office, allegiance****Oath, affirmation of office**

101 (1) Every employee of the Office of the Assembly shall, before any salary is paid to him or her, take and subscribe before the Speaker, the Clerk of the Legislative Assembly or a person designated in writing by either of them, the following oath or affirmation of office, in English or French:

“I swear (or solemnly affirm) that I will faithfully discharge my duties as an employee of the Office of the Assembly; I will respect the laws of Canada and Ontario, including the recognition and affirmation of the aboriginal and treaty rights of Indigenous peoples in the Constitution; and, except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being an employee of the Office of the Assembly. So help me God. (Omit this phrase in an affirmation.)”

Application

(2) Subsection (1), as re-enacted by section 15 of the *Legislative Assembly Amendment Act, 2020*, applies to an employee of the Office of the Assembly who is making the oath or affirmation of office on or after the day that section came into force.

Oath, affirmation of allegiance

(3) Subject to subsections (4) and (5), every employee of the Office of the Assembly shall, before performing any duty as an employee of the Office of the Assembly, take and subscribe before the Speaker, the Clerk of the Legislative Assembly or a person designated in writing by either of them, the following oath or affirmation of allegiance to the Crown, in English or French:

“I swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law. So help me God. (omit this phrase in an affirmation)”

Exemption, loss of citizenship

(4) An employee of the Office of the Assembly who is not a citizen of Canada but is a citizen of another country is exempt from the requirement under subsection (3) to swear or affirm his or her allegiance to the Crown if the employee asserts that making the oath or affirmation could result in the loss of that citizenship.

Exemption, views on relationship between Crown and Indigenous peoples

(5) An employee of the Office of the Assembly who identifies as an Indigenous person is exempt from the requirement under subsection (3) to swear or affirm his or her allegiance to the Crown if the employee asserts that making the oath or affirmation would be inconsistent with his or her views regarding the relationship between the Crown and Indigenous peoples.

Definitions

(6) In this section,

“Indigenous peoples” includes the First Nations, Inuit and Métis peoples within Canada; (“peuples autochtones”)

“Indigenous person” means an individual who forms part of the Indigenous peoples. (“Autochtone”)

16 The Act is amended by adding the following sections:

Definition of “legislative precinct”

102.1 In sections 102.2 to 103.0.2,

“legislative precinct” means,

- (a) the Legislative Building,
- (b) the grounds of the Legislative Building bounded in the north by Wellesley Street West and in the south, east and west by Queen’s Park Crescent East and Queen’s Park Crescent West in the City of Toronto,
- (c) the first, second and third floors and the basement of the Whitney Block located at 23 Queen’s Park Crescent East and 99 Wellesley Street West in the City of Toronto,
- (d) the tunnel between the Legislative Building and the Whitney Block,
- (e) any premises or areas where a proceeding in Parliament takes place, or
- (f) any other premises or areas that are designated by the Lieutenant Governor in Council,

but does not include constituency offices of members of the Assembly.

Legislative precinct under Speaker’s control

102.2 The legislative precinct shall be under the control of the Speaker.

17 (1) Subsection 103 (3) of the Act is amended by striking out “as the custodian of the powers, privileges, rights and immunities of the Assembly and of the members of the Assembly”.

(2) Subsections 103 (4) to (10) of the Act are repealed.

18 The Act is amended by adding the following sections:

Legislative Protective Service role outside the legislative precinct

103.0.1 In addition to anything it does under section 103, the Legislative Protective Service may provide for the physical protection and security of any premises or area adjacent to or near the legislative precinct in accordance with an agreement between the Speaker and the owner or occupier of the premises or area.

Protection and security provided by the Legislative Protective Service

103.0.2 (1) This section applies for the purposes of sections 103 and 103.0.1 with respect to the physical protection and security provided by the Legislative Protective Service under those sections.

Guidelines and directives

(2) The Speaker may issue guidelines and directives for the physical protection and security provided by the Legislative Protective Service.

Same

(3) The Legislative Protective Service shall provide services in accordance with any guidelines and directives issued under subsection (2).

Status as peace officers

(4) The Sergeant-at-Arms and such employees in the Legislative Protective Service as the Speaker may select are peace officers,

- (a) while in the legislative precinct or in a place in respect of which the Legislative Protective Service provides physical protection and security under section 103.0.1; and
- (b) while in fresh pursuit.

Use of weapons

(5) The Speaker may authorize one or more of the persons who are peace officers under subsection (4) to possess and use weapons, including firearms and prohibited weapons under the *Criminal Code* (Canada), for the purpose of carrying out their duties and the Speaker may impose conditions or restrictions on the authorization.

Powers of a police officer

(6) Every person who is a peace officer under subsection (4) has the powers of a police officer for the purposes of carrying out their duties, other than for the enforcement of Acts prescribed, under subsection (7), for the purposes of this subsection.

Regulations

(7) The Lieutenant Governor in Council may make regulations prescribing Acts for the purposes of subsection (6).

Community Safety and Policing Act, 2019

19 The definition of “peace officer in the Legislative Protective Service” in subsection 151 (1) of the *Community Safety and Policing Act, 2019* is repealed and the following substituted:

“peace officer in the Legislative Protective Service” means a person who is a peace officer under section 103.0.2 of the *Legislative Assembly Act*. (“agent de la paix du Service de protection de l’Assemblée législative”)

Special Investigations Unit Act, 2019

20 Clause (c) of the definition of “official” in subsection 1 (1) of the *Special Investigations Unit Act, 2019* is repealed and the following substituted:

- (c) a person who is a peace officer under section 103.0.2 of the *Legislative Assembly Act*;

Commencement

21 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) Section 19 comes into force on the later of the day the definition of “peace officer in the Legislative Protective Service” in subsection 151 (1) of Schedule 1 to the *Comprehensive Ontario Police Services Act, 2019* comes into force and the day this Act receives Royal Assent.

(3) Section 20 comes into force on the later of the day clause (c) of the definition of “official” in subsection 1 (1) of Schedule 5 to the *Comprehensive Ontario Police Services Act, 2019* comes into force and the day this Act receives Royal Assent.

Short title

22 The short title of this Act is the *Legislative Assembly Amendment Act, 2020*.