

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
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Bill 51

(Chapter 25 of the Statutes of Ontario, 2022)

An Act to amend the Legislative Assembly Act

The Hon. P. Calandra
Minister of Legislative Affairs

1st Reading	November 30, 2022
2nd Reading	December 5, 2022
3rd Reading	December 8, 2022
Royal Assent	December 8, 2022



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 51 and does not form part of the law.
Bill 51 has been enacted as Chapter 25 of the Statutes of Ontario, 2022.*

The bill amends the *Legislative Assembly Act*.

Section 74 is amended to provide that the members of the Legislative Assembly who are not members of the Executive Council are entitled to office space.

Section 76 is amended to provide for the Board of Internal Economy, rather than the Speaker, to appoint or dismiss employees of the Office of the Legislative Assembly.

A new section 77.4 is added to allow the Lieutenant Governor in Council to grant former clerks of the Legislative Assembly the right to use the honorific title "The Honourable".

Sections 77.5 to 77.8 are added to deal with the appointment, and the removal or suspension for cause, of the Sergeant-at-Arms. Those sections are similar to sections 77 to 77.3 of the Act which deal with the appointment and removal of the Clerk of the Legislative Assembly. The new sections provide for the Assembly to appoint the Sergeant-at-Arms and to have the power to remove the Sergeant-at-Arms for cause. Other related matters are also provided for.

Section 78 is amended to provide for the Board of Internal Economy, rather than the Speaker, to prescribe duties and functions of employees.

Section 90 is amended to add powers and duties of the Board of Internal Economy relating to the allocation of office space.

Section 102.1 is amended to modify the definition of "legislative precinct". The basement of Whitney Block will no longer be included but entrances to Whitney Block will be.

Section 102.2 is replaced. The new section provides that the legislative precinct will be under the control of the Board of Internal Economy except with respect to physical protection and security.

Section 103.0.2 is amended to extend the areas within which certain employees of the Legislative Protective Services are peace officers.

Section 103.1 is replaced. The new section provides that the Board of Internal Economy, rather than the Speaker, will prepare accessibility plans.

Section 107 is replaced with new sections that deal with the delegation of powers, duties and control by the Board of Internal Economy as well as with such delegations by the Speaker.

An Act to amend the Legislative Assembly Act

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

1 Section 74 of the *Legislative Assembly Act* is amended by adding the following subsection:

Office space

(2) Every member of the Assembly who is not a member of the Executive Council is entitled to office space in accordance with section 90.

2 Subsections 76 (2) and (3) of the Act are repealed and the following substituted:

Appointment of employees

(2) The Board of Internal Economy shall appoint such employees of the Office of the Assembly, other than the Clerk of the Legislative Assembly and the Sergeant-at-Arms, as may be required for the proper conduct of the business of the Office of the Assembly.

Dismissal, etc., of employees

(3) The Board of Internal Economy may dismiss, suspend or reprimand an employee of the Office of the Assembly, other than the Clerk of the Legislative Assembly or the Sergeant-at-Arms.

Transition

(4) For greater certainty, persons who, immediately before the day the *Legislative Assembly Amendment Act, 2022* received Royal Assent, were employees of the Office of the Assembly continue to be employees of the Office as if they were appointed by the Board of Internal Economy under subsection (2).

Transition

(5) The Speaker may exercise the powers of the Board of Internal Economy under subsection (2) or (3) until the earlier of,

- (a) the day the Board of Internal Economy first exercises a power under subsection (2) or (3); and
- (b) the day the Board of Internal Economy first delegates a power under subsection (2) or (3) to the Speaker under section 107.

3 Section 77.3 of the Act is amended by adding the following subsection:

Definition

(7) In this section,
“recognized party” has the same meaning as in subsection 62 (5).

4 The Act is amended by adding the following sections:

Honoric title for past clerks

77.4 The Lieutenant Governor in Council may, by order, grant a former Clerk of the Legislative Assembly the right to use the honorific title “The Honourable” in English or “l’honorable” in French.

Sergeant-at-Arms, appointment

77.5 (1) The Assembly shall, by order, appoint the Sergeant-at-Arms.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) 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.

Definition

(3) In this section,
“recognized party” has the same meaning as in subsection 62 (5).

Transition

(4) The Sergeant-at-Arms who is in office immediately before the day the *Legislative Assembly Amendment Act, 2022* receives Royal Assent continues to hold office until a person is appointed under this section as Sergeant-at-Arms. For greater certainty, the Sergeant-at-Arms who is in office immediately before the day the *Legislative Assembly Amendment Act, 2022* receives Royal Assent may be appointed under this section.

Transition

(5) Sections 77.6 and 77.7 do not apply until a person is appointed Sergeant-at-Arms under this section.

Removal or suspension

77.6 (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 Sergeant-at-Arms from office for cause.

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 Sergeant-at-Arms for cause.

Duration of suspension

(3) A suspension under subsection (1) continues until revoked by order of the Assembly or until the Sergeant-at-Arms is removed from office pursuant to subsection (1).

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 Sergeant-at-Arms is removed from office pursuant to subsection (1).

Same

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

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.

Meaning of “not in session”

(7) For the purposes of this section and section 77.8, 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.

Designation by Sergeant-at-Arms

77.7 (1) The Sergeant-at-Arms shall designate an individual from among the employees of the Office of the Assembly who shall have the powers and duties of the Sergeant-at-Arms if the Sergeant-at-Arms is absent or unable to fulfil the duties of his or her office.

Designation in writing

(2) A designation under subsection (1) shall be in writing to the Speaker.

Powers and duties

(3) The individual designated under subsection (1) shall have the powers and duties of the Sergeant-at-Arms unless a temporary Sergeant-at-Arms is appointed under section 77.8.

Salary

(4) The Board of Internal Economy may increase the salary of an individual who assumes the powers and duties of the Sergeant-at-Arms under subsection (1) in such circumstances as the Board considers appropriate.

Removal or suspension

(5) Section 77.6 applies in respect of an individual who assumes the powers and duties of the Sergeant-at-Arms under subsection (1).

Temporary Sergeant-at-Arms

77.8 (1) If the Sergeant-at-Arms is unable to fulfil the duties of his or her office or the office becomes vacant, the Assembly may, by order, appoint a temporary Sergeant-at-Arms.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) 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.

Appointment if Assembly not in session

(3) If, while the Assembly is not in session, the Sergeant-at-Arms 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 Sergeant-at-Arms.

Powers, salary and benefits

(4) A temporary Sergeant-at-Arms shall have the powers and duties of the Sergeant-at-Arms 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.

Duration of office

(5) A temporary Sergeant-at-Arms shall hold office until,

- (a) the Sergeant-at-Arms is able to fulfil the duties of the office, where the appointment resulted from the Sergeant-at-Arms being unable to do so;
- (b) where the appointment resulted from a suspension of the Sergeant-at-Arms, the suspension is revoked by order of the Assembly, by the Board of Internal Economy under subsection 77.6 (4) or by operation of subsection 77.6 (5);
- (c) the Assembly appoints a different temporary Sergeant-at-Arms under subsection (1); or
- (d) the Assembly appoints a Sergeant-at-Arms under section 77.5.

Definition

(6) In this section,

“recognized party” has the same meaning as in subsection 62 (5).

5 (1) Clause 78 (b) of the Act is amended by striking out “the Speaker” and substituting “the Board of Internal Economy”.

(2) Section 78 of the Act is amended by adding the following subsection:

Transition

(2) Anything prescribed by the Speaker under clause (1) (b) as it read before the *Legislative Assembly Amendment Act, 2022* received Royal Assent is continued as though it were prescribed by the Board of Internal Economy under clause (1) (b).

6 (1) Section 90 of the Act is amended by striking out “and” at the end of clause (e) and by adding the following clauses:

- (e.1) to establish policies with respect to the allocation of space in buildings within the legislative precinct and to allocate such space in accordance with those policies;
- (e.2) to provide an office for,
 - (i) each member of the Assembly who is an official referred to in subclause (e.3) (i) or (ii), and
 - (ii) each member of the Assembly, other than members of the Executive Council;
- (e.3) to allocate office space in the legislative precinct giving priority to members of the Assembly who are not members of the Executive Council and their staff to the extent it is reasonably possible while ensuring the efficient and effective operation of the Office of the Assembly and while also providing reasonable office space in the legislative precinct for,
 - (i) the following officials and their staff: the Lieutenant Governor, the Speaker, the Premier, the Leader of the Opposition and the leaders of other recognized parties,
 - (ii) the following officials and their staff: the Government House Leader, the Chief Government Whip, the House Leader of the party recognized as the Official Opposition, the Chief Opposition Whip and the House Leader and Chief Party Whip of each other recognized party, and
 - (iii) the caucus offices of the recognized parties; and

(2) Section 90 of the Act is amended by adding the following subsection:

Priority for office space

(2) If it is not reasonably possible to provide office space in the legislative precinct for all the members of the Assembly who are not members of the Executive Council after providing office space to the officials, staff and offices referred to in subclauses (1) (e.3) (i) to (iii) and ensuring the efficient and effective operation of the Office of the Assembly, the Board of Internal

Economy shall give priority for the remaining office space in the legislative precinct to members of the Assembly who are not members of the Executive Council in the following order:

1. The members who are not Parliamentary Assistants.
2. The members who are Parliamentary Assistants.

Definition

(3) In this section,

“legislative precinct” has the same meaning as in section 102.1; (“complexe de l’Assemblée législative”)

“recognized party” has the same meaning as in subsection 62 (5). (“parti reconnu”)

7 Clause (c) of the definition of “legislative precinct” in section 102.1 of the Act is repealed and the following substituted:

(c) the first, second and third floors of the Whitney Block located at 23 Queen’s Park Crescent East and 99 Wellesley Street West in the City of Toronto,

(c.1) the entrances to the Whitney Block, including entrances to the basement,

8 Section 102.2 of the Act is repealed and the following substituted:

Legislative precinct under control of Board of Internal Economy

102.2 The legislative precinct shall be under the control of the Board of Internal Economy except with respect to physical protection and security of the legislative precinct.

9 Subsection 103.0.2 (4) of the Act is amended by striking out “and” at the end of clause (a) and adding the following clause:

(a.1) while in the Whitney Block including, for greater certainty, in the parts of the Whitney Block that are not part of the legislative precinct; and

10 Section 103.1 of the Act is repealed and the following substituted:

Accessibility plan

103.1 (1) Each year, the Board of Internal Economy shall prepare an accessibility plan.

Contents

(2) The accessibility plan shall address the identification, removal and prevention of barriers to persons with disabilities in the Legislative Chamber and the other parts of the Legislative Building that are under the control of the Board of Internal Economy and in the policies, programs, practices and services of the Assembly.

Same

(3) The accessibility plan shall include, with respect to the Legislative Chamber, the other parts of the Legislative Building that are under the control of the Board of Internal Economy and the policies, programs, practices and services of the Assembly,

- (a) a report on the measures the Board of Internal Economy has taken to identify, remove and prevent barriers to persons with disabilities;
- (b) the measures in place to ensure that the Board of Internal Economy assesses the Board’s proposals for policies, programs, practices and services to determine their effect on accessibility for persons with disabilities;
- (c) a list of the policies, programs, practices and services that the Board of Internal Economy will review in the coming year in order to identify barriers to persons with disabilities; and
- (d) the measures that the Board of Internal Economy intends to take in the coming year to identify, remove and prevent barriers to persons with disabilities.

Availability to the public

(4) The Board of Internal Economy shall make the accessibility plan available to the public.

11 Section 107 of the Act is repealed and the following substituted:

Delegation of powers and duties, etc. - Board of Internal Economy

107 The Board of Internal Economy may, in writing, delegate to the Speaker any of the Board’s powers, duties or control under sections 76, 78, 102.2 or 103.1.

Delegation - Speaker

107.1 The Speaker may, in writing, delegate to the Deputy Speaker or to any employee in the Office of the Assembly,

- (a) any of his or her powers and duties under sections 76 to 106 or section 108; or

- (b) any power, duty or control delegated to the Speaker under section 107, subject to any conditions or restrictions imposed by the Board of Internal Economy on the delegation of those powers, duties or control.

Conditions and restrictions on delegations

107.2 A delegation under section 107 or 107.1 may include conditions and restrictions that govern the exercise of the delegated powers or control or the performance of the delegated duties.

Commencement

12 This Act comes into force on the day it receives Royal Assent.

Short title

13 The short title of this Act is the *Legislative Assembly Amendment Act, 2022*.