

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
68 ELIZABETH II, 2019

Bill 162

**An Act to amend the Legislative Assembly Act,
the Lobbyists Registration Act, 1998, the Members' Integrity Act, 1994
and the Public Service of Ontario Act, 2006**

Mr. R. Hillier

Private Member's Bill

1st Reading December 9, 2019

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

Legislative Assembly Act

Section 43 of the *Legislative Assembly Act* is amended to provide that a penalty payable under that section may be increased by an additional amount not exceeding 200 per cent of the penalty. Section 46 of the Act is amended to provide that the Speaker must notify the Commissioner of the Ontario Provincial Police or the Director of Public Prosecutions (Canada) about certain inquiries by the Assembly.

Lobbyists Registration Act, 1998

The *Lobbyists Registration Act, 1998* is amended to provide that, in certain circumstances, consultant and in-house lobbyists must provide the registrar with information about their lobbying activities. The Act is also amended to require any member of the Executive Council who has been lobbied by, or otherwise met with, a consultant or in-house lobbyist to file a report about the lobbying or meeting with the registrar not later than 30 days after the lobbying or meeting took place. The Act is also amended to provide that members of the Assembly who have reasonable and probable grounds to believe that another member of the Assembly has contravened the Act may request that the registrar give an opinion as to the matter. Finally, the maximum penalties set out in section 18 of the Act are increased and a penalty of imprisonment is provided for.

Members' Integrity Act, 1994

Section 30 of the *Members' Integrity Act, 1994* is amended to provide that any individual who has reasonable and probable grounds to believe that a member of the Assembly has contravened the Act or Ontario parliamentary convention may request that the Integrity Commissioner give an opinion as to the matter. Section 31 of the Act is amended to require the Commissioner to conduct an inquiry into matters referred to the Commissioner. The Act is also amended to provide that the Government House Leader must ensure that the Assembly considers and responds to reports by the Commissioner and failure by the Government House Leader to do so is a contempt.

Public Service of Ontario Act, 2006

The *Public Service of Ontario Act, 2006* is amended to provide that any individual may disclose wrongdoing to the Integrity Commissioner and the Integrity Commissioner must investigate disclosures of wrongdoing. The Integrity Commissioner is also required to make a public report on concluding an investigation unless it is not in the public interest to do so.

**An Act to amend the Legislative Assembly Act,
the Lobbyists Registration Act, 1998, the Members' Integrity Act, 1994
and the Public Service of Ontario Act, 2006**

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

LEGISLATIVE ASSEMBLY ACT

1 Section 43 of the *Legislative Assembly Act* is amended by striking out “and the sum of \$500” at the end and substituting “and an additional amount not exceeding 200 per cent of the amount or value of the fee, compensation or reward the person accepted or received”.

2 Section 46 of the Act is amended by adding the following subsections:

Notice to OPP

(3) Subject to subsections (5), if the Assembly is inquiring into the commission or doing of an act, matter or thing described in paragraph 3, 5, 6, 8 or 9 of subsection (1), the Speaker shall notify the Commissioner of the Ontario Provincial Police of the inquiry and the Commissioner may investigate the act, matter or thing.

Report

(4) If the Commissioner of the Ontario Provincial Police completes an investigation under subsection (3), he or she shall report the findings of the investigation to the Speaker and the Attorney General.

Notice to Federal Prosecutions

(5) If a member of the Executive Council or an employee of a member of the Executive Council is the subject of an inquiry described in subsection (3), the Speaker shall notify the Director of Public Prosecutions (Canada) of the inquiry and the Director may investigate the act, matter or thing.

Report

(6) If the Director of Public Prosecutions (Canada) completes an investigation under subsection (5), he or she shall report the findings of the investigation to the Speaker and the Attorney General, and the Attorney General shall table the report in the Assembly.

LOBBYISTS REGISTRATION ACT, 1998

3 The definition of “consultant lobbyist” in subsection 1 (1) of the *Lobbyists Registration Act, 1998* is amended by adding “and includes a director or principal of such an individual” at the end.

4 Subsection 3.3 (2) of the Act is amended by adding “or registered political party” after “office holder” wherever that expression appears.

5 Section 4 of the Act is amended by adding the following subsection:

Same, record of activities and certain communications

(7.1) If a consultant lobbyist advises the registrar that he or she has completed an undertaking in respect of which he or she has filed a return or that the undertaking has been terminated, as required by subsection (7), the consultant lobbyist shall submit the following to the registrar at that time:

1. A list of the dates and times the consultant lobbyist lobbied on behalf of the client.
2. Any electronic communications made or received by the consultant lobbyist in the course of lobbying on behalf of the client.

6 Paragraph 11 of subsection 5 (3) of the Act is amended by striking out “and” at the end of subparagraph i and by adding the following subparagraphs:

- iii. a list of the dates and times any in-house lobbyist employed by the person or partnership lobbied on behalf of the person or partnership during the period for which the return is filed, and

- iv. any electronic communications made or received by the in-house lobbyist in the course of lobbying on behalf of the person or partnership during the period for which the return is filed.

7 Paragraph 9 of subsection 6 (3) of the Act is amended by striking out “and” at the end of subparagraph i and by adding the following subparagraphs:

- iii. a list of the dates and times any in-house lobbyist employed by the organization lobbied on behalf of the organization during the period for which the return is filed, and
- iv. any electronic communications made or received by the in-house lobbyist in the course of lobbying on behalf of the organization during the period for which the return is filed.

8 The Act is amended by adding the following section:

REPORTING REQUIREMENTS — MEMBERS OF THE EXECUTIVE COUNCIL

Duty to report lobbying

6.1 (1) Any member of the Executive Council who has been lobbied by, or otherwise met with, a consultant lobbyist referred to in section 4 or an in-house lobbyist referred to in section 5 or 6 shall file a report with the registrar not later than 30 days after the lobbying or meeting took place.

Contents of report

(2) The member shall set out in the report the following information:

1. The name of each lobbyist who lobbied or met with the member.
2. The dates and times the member was lobbied or met with a lobbyist.
3. The subject matters in respect of which the member was lobbied or met with a lobbyist.
4. Any other prescribed information.

Information requested by registrar

(3) A member of the Executive Council shall provide the registrar with any information that the registrar may request to clarify any information that the member has provided to the registrar under this section not later than 30 days after the registrar makes the request.

9 Subsection 11 (1) of the Act is amended by adding “public” after “maintain a”.

10 The Act is amended by adding the following section:

Matter referred by member

17.12.1 (1) A member of the Assembly who has reasonable and probable grounds to believe that another member of the Assembly has contravened this Act may request that the registrar give an opinion as to the matter and sections 17.1 to 17.12 apply with necessary modifications.

Request

(2) The request shall be in writing and shall set out the grounds for the belief and the contravention alleged.

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.

Matter referred by Executive Council

(4) The Executive Council may request that the registrar give an opinion as to whether a member of the Executive Council has contravened this Act and sections 17.1 to 17.12 apply with necessary modifications.

Inquiry by Assembly

(5) The Assembly and its committees shall not conduct an inquiry into a matter that has been referred to the registrar under subsection (1) or (4).

11 (1) Subsection 18 (1) of the Act is amended by adding “(7.1)” after “(5)”.

(2) Section 18 of the Act is amended by adding the following subsection:

Reports by members of the Executive Council

(3.1) Every individual who fails to comply with subsection 6.1 (1), (2) or (3) is guilty of an offence.

(3) Subsections 18 (8) and (9) of the Act are repealed and the following substituted:

Penalty

- (8) Upon conviction of an offence under this section, an individual is liable,
- (a) for a first offence, to a fine of not more than \$50,000 or to imprisonment for a term not exceeding six months, or to both; and
 - (b) for each subsequent offence, to a fine of not more than \$200,000 or to imprisonment for a term not exceeding two years, or to both.

Limitation

- (9) No proceeding in respect of an offence under this section shall be commenced more than 10 years after the day when the subject-matter of the proceeding arose.

MEMBERS' INTEGRITY ACT, 1994

12 (1) Subsection 30 (1) of the *Members' Integrity Act, 1994* is repealed and the following substituted:

Matter referred to Commissioner

- (1) An individual who has reasonable and probable grounds to believe that a member of the Assembly has contravened this Act or Ontario parliamentary convention may request that the Commissioner give an opinion as to the matter.

(2) Subsection 30 (3) of the Act is amended by adding "If the request is made by a member" at the beginning.

13 (1) Subsection 31 (1) of the Act is amended by striking out "may" and substituting "shall".

(2) Subsection 31 (2) of the Act is amended by adding "or an individual" at the end of the portion before clause (a).

(3) Clause 31 (3) (b) of the Act is amended by striking out "member" and substituting "individual".

(4) Subsections 31 (4.6), (4.7) and (4.8) of the Act are repealed.

14 (1) Subsection 34 (2) of the Act is amended by adding "sessional" after "30".

(2) Section 34 of the Act is amended by adding the following subsection:

Duty of Government House Leader

- (2.1) The Government House Leader shall ensure that the Assembly fulfils its duty under subsection (2) and failure by the Government House Leader to do so is a contempt.

PUBLIC SERVICE OF ONTARIO ACT, 2006

15 Section 116 of the *Public Service of Ontario Act, 2006* is amended by adding the following subsection:

Same

- (2) An individual may disclose wrongdoing to the Integrity Commissioner if the individual has reason to believe that there has been wrongdoing.

16 Subsection 118 (3) of the Act is amended by adding the following paragraph:

- 6. The Commissioner of the Ontario Provincial Police.

17 Subsection 122 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Investigation by Integrity Commissioner

- (1) Subject to subsection (2), the Integrity Commissioner shall initiate an investigation of a disclosure of wrongdoing if,

.

18 Section 126 of the Act is amended by striking out "public servant or former public servant" wherever it appears and substituting in each case "individual".

19 Section 129 of the Act is repealed and the following substituted:

Report on conclusion of investigation

- 129** On concluding an investigation of a disclosure under this Part, the Integrity Commissioner shall make a public report, unless the Integrity Commissioner is of the opinion that it is not in the public interest to do so.

20 Subsection 130 (3) of the Act is repealed.

21 Subsection 131 (2) of the Act is amended by striking out "subsection 129 (1) or (2)" in the portion before clause (a) and substituting "section 129".

22 (1) Clause 132 (1) (a) of the Act is repealed.

(2) Subsection 132 (3) of the Act is amended by striking out "clause (1) (a) or (b)" and substituting "clause (b)".

COMMENCEMENT AND SHORT TITLE**Commencement**

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

Short title

24 The short title of this Act is the *Public Accountability and Lobbyist Transparency Act, 2019*.