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Bill 75

An Act to enact the Queen's Park Restoration Secretariat Act, 2023, and to make certain amendments to the Legislative Assembly Act and the Freedom of Information and Protection of Privacy Act

The Hon. P. Calandra
Minister of Legislative Affairs

Government Bill

1st Reading March 7, 2023
2nd Reading March 9, 2023
3rd Reading
Royal Assent

*(Reprinted as amended by the Standing Committee on Procedure and
House Affairs and as reported to the Legislative Assembly May 9, 2023)*

(The provisions in this bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

EXPLANATORY NOTE

Schedule 1 enacts the *Queen's Park Restoration Secretariat Act, 2023*. That Act establishes the Queen's Park Restoration Secretariat. The Minister responsible for that Secretariat has the responsibility of carrying out the project to restore, refurbish, rehabilitate and preserve the Legislative Building (the "Queen's Park Restoration Project"). Various consulting and reporting requirements are also enacted.

Schedule 2 amends the *Legislative Assembly Act* to facilitate the Queen's Park Restoration Project, for example by permitting regulations to adjust the definition of "Legislative Precinct". In addition, the Act is amended to allow for alternate commissioners on the Board of Internal Economy.

Schedule 3 amends the *Freedom of Information and Protection of Privacy Act* to provide that that Act does not apply to records prepared by the Office of the Assembly and provided to an institution in connection with the Queen's Park Restoration Project until 20 years after the *Queen's Park Restoration Secretariat Act, 2023* is repealed.

**An Act to enact the Queen’s Park Restoration Secretariat Act, 2023,
and to make certain amendments to the Legislative Assembly Act
and the Freedom of Information and Protection of Privacy Act**

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

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Queen’s Park Restoration Act, 2023*.

SCHEDULE 1
QUEEN'S PARK RESTORATION SECRETARIAT ACT, 2023

Definitions

1 In this Act,

“Board of Internal Economy” means the Board of Internal Economy continued under section 87 of the *Legislative Assembly Act*; (“Commission de régie interne”)

“Deputy Minister” means the Deputy Minister appointed under subsection 2 (4); (“sous-ministre”)

“Minister” means the Minister responsible for the Queen’s Park Restoration Secretariat; (“ministre”)

“Queen’s Park Restoration Project” means the project to restore, refurbish, rehabilitate and preserve the Legislative Building including the associated systems and infrastructure, the building grounds and Lieutenant Governor’s office, as well as everything required for the temporary relocation and continuous functioning of the Legislative Assembly; (“Projet de restauration de Queen’s Park”)

“Secretariat” means the ministry known as the Queen’s Park Restoration Secretariat established under subsection 2 (1); (“Secrétariat”)

Secretariat

2 (1) A ministry, to be known as the Queen’s Park Restoration Secretariat in English and Secrétariat de la restauration de Queen’s Park in French, is established.

Minister to have charge

(2) The Minister shall preside over and have charge of the Secretariat.

Responsibilities of Minister

(3) It is the responsibility of the Minister to,

- (a) have charge of the Queen’s Park Restoration Project;
- (b) identify, secure and prepare a location suitable for the continued functionality of the Legislative Assembly of Ontario for the duration of the Queen’s Park Restoration Project;
- (c) seek stable and secure funding for the Queen’s Park Restoration Project; and
- (d) carry out any other functions assigned by the Lieutenant Governor in Council.

Deputy Minister

(4) The Lieutenant Governor in Council shall appoint a Deputy Minister of the Queen’s Park Restoration Secretariat who shall be the deputy head of the Secretariat.

Employees

3 Such employees as are required from time to time for the proper conduct of the business of the Secretariat may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

Contracts

4 (1) The Minister, for and in the name of the Crown, may enter into any contract or agreement that the Minister considers advisable for the purpose of carrying out any responsibility of the Minister under this Act.

Same

(2) Public servants, under the direction of the Minister and the Deputy Minister, may enter into contracts or agreements for and in the name of the Crown to carry out the responsibilities of the Minister under this Act.

Executive project working group

5 The Minister shall establish an executive project working group to advise the Minister on the Queen’s Park Restoration Project that shall include, at minimum, representatives chosen by each of,

- (a) the Minister;
- (b) the Deputy Minister; and
- (c) the Board of Internal Economy.

Advisory committees

6 (1) The Lieutenant Governor in Council or the Minister may,

- (a) establish advisory committees to advise the Minister on the Queen’s Park Restoration Project;

- (b) appoint the members of the committees, and designate one member as chair and one or more members as vice-chair; and
- (c) determine the terms of reference of the committees.

Remuneration and expenses

- (2) The Lieutenant Governor in Council may determine the remuneration and expenses of persons appointed under clause (1) (b).

Consultation and reports

7 (1) The Minister shall consult with, and provide reports to, a Standing Committee of the Legislative Assembly on the general plans for the Queen's Park Restoration Project and seek input on matters that, in the Minister's opinion, constitute substantive decisions affecting the Queen's Park Restoration Project.

Advice of Board

- (2) The Minister shall seek the advice of the Board of Internal Economy on the Queen's Park Restoration Project.

Minister to consider all advice

- (3) The Minister shall take into consideration all advice of the Board of Internal Economy with respect to the Queen's Park Restoration Project and, subject to subsection (4), shall take reasonable steps to implement requests of the Board.

Where advice is not taken

- (4) If a request mentioned in subsection (3), should not, in the opinion of the Minister, be implemented, the Minister shall provide a report to the Board of Internal Economy with a detailed explanation of the factors preventing implementation.

Progress reports

- (5) The Minister shall provide the Board of Internal Economy with periodic progress reports on the Queen's Park Restoration Project at least every three months, and at any other times requested by the Board.

Deputy Minister

- (6) The Deputy Minister, or their representative, shall routinely consult with the Clerk of the Assembly or their representative, in respect of the Office of the Assembly and Board of Internal Economy's needs and interests in the Queen's Park Restoration Project.

Additional reporting

8 The Minister and Deputy Minister shall comply with such additional reporting or consultation requirements as may be prescribed in the regulations made under this Act.

Crown liability

No personal liability

9 (1) No cause of action arises against any current or former member of the Executive Council, current or former Deputy Minister, current or former employee or agent of the Secretariat or any current or former employee of the Office of the Assembly for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

Crown remains vicariously liable

- (2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability to which it would otherwise be subject as a result of the acts or omissions of any current or former member of the executive Council, current or former Deputy Minister or current or former employee or agent of the Secretariat.

Speaker remains vicariously liable

- (3) Subsection (1) does not relieve the Speaker of liability to which the Speaker would otherwise be subject as a result of the acts or omissions of any current or former employee of the Office of the Assembly.

Proceedings barred

- (4) No proceeding shall be commenced against any person specified in subsection (1) in respect of a matter referred to in that subsection.

Same

- (5) Subsection (4) does not apply with respect to an application for judicial review, but does apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief, a remedy in contract, restitution, unjust enrichment or tort, a remedy for breach of trust or fiduciary obligation

or any equitable remedy, enforcement of a judgment, order or award made outside Ontario or any form of compensation or damages including loss of revenue or profit.

Proceedings by Crown, Speaker not prevented

(6) This section does not apply with respect to proceedings brought by the Crown or the Speaker.

Rights and privileges preserved

10 Nothing in this Act shall be construed to deprive the Legislative Assembly, a committee of the Legislative Assembly or a member of the Legislative Assembly of any right, immunity, privilege or power that the Assembly, committee or member might otherwise have been entitled to exercise or enjoy.

Delegation of authority

11 Where, under this or any other Act, power or authority is granted to or vested in the Minister, the Minister may in writing delegate that power or authority to the Deputy Minister, to a public servant or to a Crown agent, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Conclusion of Restoration Project

12 When, in the opinion of the Minister, the Queen's Park Restoration Project is completed the Minister shall report this determination to the Standing Committee of the Legislative Assembly responsible for consultation with the Minister pursuant to section 108.3 of the *Legislative Assembly Act*.

Regulations

13 The Lieutenant Governor in Council may make regulations prescribing additional reporting and consultation requirements for the purposes of section 8.

Commencement

14 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15 The short title of the Act set out in this Schedule is the *Queen's Park Restoration Secretariat Act, 2023*.

**SCHEDULE 2
LEGISLATIVE ASSEMBLY ACT**

1 Section 87 of the *Legislative Assembly Act* is repealed and the following substituted:

Board of Internal Economy, composition

87 (1) The Board of Internal Economy is continued, to be composed of,

- (a) the Speaker;
- (b) one commissioner, and one corresponding alternate commissioner, that the Lieutenant Governor in Council appoints from among the members of the Executive Council;
- (c) one commissioner, and one corresponding alternate commissioner, that the caucus of each recognized party, within the meaning of subsection 62 (5), that is not the party from which the Government is chosen, appoints from among its members;
- (d) a number of commissioners that the caucus of the party from which the Government is chosen appoints from among its members, so that the total number of those commissioners and the commissioner who may be appointed under clause (b) is equal to the total number of commissioners who may be appointed under clause (c); and
- (e) a number of alternate commissioners that the caucus of the party from which the Government is chosen appoints from among its members that is equal to the number of commissioners appointed under clause (d), so that the total number of those alternate commissioners and the alternate commissioner who may be appointed under clause (b) is equal to the total number of alternate commissioners who may be appointed under clause (c).

Alternate commissioners

(2) An alternate commissioner appointed under subsection (1) shall have the powers and duties of a commissioner for whom they are an alternate, but only if the commissioner is absent or unable to fulfil their duties, or if the office is vacant.

Speaker

(3) The Speaker shall be the chair and a non-voting member of the Board.

Notice to Speaker

(4) Within 10 days of appointing a person as a commissioner or alternate commissioner, the Lieutenant Governor in Council or the caucus of the party making the appointment shall communicate the name of the person appointed to the Speaker.

Notice to Assembly

(5) The Speaker shall communicate to the Assembly the name of each person appointed as a commissioner or alternate commissioner.

Quorum

(6) A quorum of the Board consists of the Speaker, the commissioner appointed under clause (1) (b) or their alternate and one commissioner appointed under clause (1) (c) or their alternate.

Dissolution

(7) On the dissolution of the Legislature, every commissioner and alternate commissioner shall be deemed to remain in office as such, as if there had been no dissolution, until their replacement in accordance with subsection (1).

2 Subsection 90 (1) of the Act is amended by striking out “and” after clause (e.3) and by adding the following clause:

- (e.4) to work with, and provide advice to, the Queen’s Park Restoration Secretariat on the restoration, refurbishment, rehabilitation and preservation of the Legislative Building; and

2.1 Subsection 103 (2) of the Act is repealed and the following substituted:

Mandate

(2) The Legislative Protective Service is responsible for all matters with respect to the physical protection and security of the legislative precinct and in relation to the business of the Legislative Assembly and its members, including,

- (a) controlling access to and from the precinct;
- (b) preserving and maintaining the public peace;
- (c) protecting life and property;
- (d) protecting the legislative process; and
- (e) carrying out other responsibilities, as directed by the Speaker.

2.2 Section 103.0.1 of the Act is repealed and the following substituted:

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 outside the legislative precinct in accordance with either,

- (a) an agreement between the Speaker and the owner or occupier of the premises or area; or
- (b) a written directive of the Speaker issued pursuant to subsection 103.0.2 (2).

2.3 (1) Section 103.0.2 of the Act is amended by adding the following subsection:

Guidelines, directives, or authorizations made public

(2.1) The Speaker may, in the Speaker's sole discretion, make any guidelines, directives or authorizations issued pursuant to this section publicly available in whole or in part.

(2) Subsection 103.0.2 (4) of the Act is repealed and the following substituted:

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 for the purpose of carrying out their duties as authorized by the Speaker in writing, subject to any conditions or restrictions the Speaker may impose on the authorization.

3 The Act is amended by adding the following section:

Delegation to a Minister of the Crown

107.1.1 (1) For the purposes of preparing for the restoration, refurbishment, rehabilitation and preservation of the Legislative Building, the Board of Internal Economy may, in writing, delegate to a Minister of the Crown the Board's powers, duties or control under sections 102.2 and 103.1.

Subdelegation from Speaker

(2) Where the Board of Internal Economy has delegated a power, duty or control under section 102.2 or 103.1 to the Speaker pursuant to section 107, the Speaker may, in writing, subdelegate that power, duty or control to a Minister of the Crown for the purposes of preparing for the restoration, preservation, refurbishment, rehabilitation and preservation of the Legislative Building, subject to any conditions or restrictions imposed by the Board when delegating the power, duty or control.

Subdelegation from Minister

(3) A Minister may subdelegate any powers, duties or control delegated under subsection (1) or (2) to their Deputy Minister, to a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in or provides services to the Secretariat of the Minister or to a Crown agency, subject to any conditions or restrictions imposed by the Board of Internal Economy or the Speaker when delegating the power, duty or control.

4 Section 107.2 of the Act is amended by striking out "section 107 or 107.1" and substituting "section 107, 107.1 or 107.1.1".

5 The Act is amended by adding the following sections:

QUEEN'S PARK RESTORATION PROJECT

Government House Leader

108.1 The member of the Assembly who also holds the position of Minister for the purposes of the *Queen's Park Restoration Secretariat Act, 2023* is the Government House Leader for the purposes of this Act.

Interpretation

108.2 In sections 108.3, 108.4 and 108.5,

"Minister", "Deputy Minister" and "Queen's Park Restoration Project" have the same meaning as in the *Queen's Park Restoration Secretariat Act, 2023*.

Consultation

108.3 (1) A standing committee of the Legislative Assembly shall,

- (a) consult with the Minister, review the general plans for the Queen's Park Restoration Project and provide recommendations concerning the general plans; and
- (b) provide input and advice on substantive decisions affecting the Queen's Park Restoration Project and any other such matters related to the Queen's Park Restoration Project about which the committee wishes to provide input and advice.

Consultation, Deputy Minister

(2) Where, under subsection 7 (6) of the *Queen's Park Restoration Secretariat Act, 2023*, the Deputy Minister or their representative consults with the Clerk of the Assembly or their representative, the Clerk or their representative shall participate

in those consultations by providing input in respect of the Office of the Assembly and Board of Internal Economy's needs and interests in the Queen's Park Restoration Project.

Regulations, legislative precinct

108.4 (1) In order to facilitate the Queen's Park Restoration Project, the Lieutenant Governor in Council may make regulations,

- (a) providing for a different definition of "legislative precinct" than that provided for in section 102.1;
- (b) providing for a "legislative precinct restoration zone", which may include,
 - (i) land or buildings that would normally be part of the legislative precinct, except for the regulations made under clause (a),
 - (ii) any other locations the Lieutenant Governor in Council may consider necessary for the purposes of the Queen's Park Restoration Project;
- (c) defining, enlarging or restricting the meaning of any word or expression used in the definition of "legislative precinct".

Same

- (2) Without limiting the generality of subsection (1), a regulation made under clause (1) (a) may provide,
 - (a) that a place that would otherwise be part of the "legislative precinct" is deemed not to be part of it; and
 - (b) that one or more places that would otherwise not be part of the "legislative precinct" are deemed to be part of it.

Consultation required

- (3) The Lieutenant Governor in Council shall not make a regulation under subsection (1) unless,
 - (a) the Minister has recommended it; and
 - (b) the Minister or a person delegated by the Minister has consulted with, and received the written approval of, the Board of Internal Economy in a manner and to the extent that the Minister or delegate considers appropriate.

Control of zone

- (4) Where the Lieutenant Governor in Council has made regulations under clause (1) (b) providing for a legislative precinct restoration zone, the zone shall be under the control of the Minister.

Revocation

- (5) After the Minister or Minister's delegate consults with the Board of Internal Economy and within a reasonable time after completion of the Queen's Park Restoration Project, the Minister shall recommend to the Lieutenant Governor in Council the revocation of all regulations made under subsection (1).

Conclusion of Restoration Project

108.5 (1) When the Standing Committee of the Legislative Assembly that is responsible for consultation with the Minister pursuant to section 108.3 has received a report from the Minister pursuant to section 12 of the *Queen's Park Restoration Secretariat Act, 2023* that the Queen's Park Restoration Project is completed, the committee shall undertake a study of the completeness of the Queen's Park Restoration Project and identify spent provisions of this Act and the *Queen's Park Restoration Secretariat Act, 2023* related to the Queen's Park Restoration Project.

Report

- (2) The committee may prepare a report in relation to the study under subsection (1), and in that report may recommend the repeal of the spent provisions identified, including, if the committee considers it advisable, a draft of legislation to that effect.

Commencement

6 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 3
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

1 Section 65 of the *Freedom of Information and Protection of Privacy Act* is amended by adding the following subsection:

Queen’s Park restoration records

~~(17) This Act does not apply to records prepared by the Office of the Assembly and provided to an institution in accordance with the *Queen’s Park Restoration Secretariat Act, 2023*, or in accordance with the *Legislative Assembly Act* with respect to the Queen’s Park Restoration Project, until 20 years after the *Queen’s Park Restoration Secretariat Act, 2023* is repealed.~~

Queen’s Park restoration records

(17) This Act does not apply to records prepared by the Assembly with respect to the Queen’s Park Restoration Project until 20 years after the *Queen’s Park Restoration Secretariat Act, 2023* is repealed.

Commencement

2 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.