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# Bill 46

**An Act to enact one Act and amend various other Acts**

**The Hon. P. Gill**  
Minister of Red Tape Reduction

**Government Bill**

1st Reading      November 23, 2022  
2nd Reading  
3rd Reading  
Royal Assent



## EXPLANATORY NOTE

### **SCHEDULE 1 ANIMAL HEALTH ACT, 2009**

New section 23.1 of the *Animal Health Act, 2009* allows the Minister of Agriculture, Food and Rural Affairs to issue a temporary response order respecting specific hazards. A temporary response order cannot be issued unless, after receiving advice from the Chief Veterinarian for Ontario, the Minister is of the opinion that any delay in implementing the measures authorized or required by the order will or is likely to increase substantially the risk to animal or human health and that immediate measures are necessary to mitigate the possibility of that risk increasing.

A temporary response order can only apply in the areas of Ontario where it is necessary and can only be effective for up to 72 hours. One extension, of up to 72 hours, is permitted if the Chief Veterinarian for Ontario recommends the extension and if the Minister is of the opinion that the criteria for issuing the order continue to exist.

Section 23.1 provides for the contents of the order, the types of measures that an order can require, and publication and notice requirements. The order can authorize the Chief Veterinarian for Ontario to grant exemptions.

### **SCHEDULE 2 COURTS OF JUSTICE ACT**

Subsection 44 (2) of the *Courts of Justice Act* provides that a former provincial judge may be designated to serve as a provincial judge on a part-time basis, not to exceed 50 per cent of full-time service in a calendar year. The Schedule amends the subsection to raise this limit to 75 per cent until April 1, 2024.

In addition, section 87.1 of the Act, which deals with the continuation in office of provincial judges who were assigned to the Provincial Court (Civil Division) immediately before September 1, 1990, is repealed. Clause 24 (2) (a) of the Act is consequentially repealed.

### **SCHEDULE 3 JURIES ACT**

Section 6 of the *Juries Act* sets out the manner in which the Jury Sheriff must cause jury questionnaires to be mailed to a person. The Schedule amends section 6 to provide an alternative electronic procedure for jury questionnaires. Recipients of the electronic jury questionnaire may request that a non-electronic jury questionnaire be mailed to them instead. A person who receives either type of jury questionnaire may also request accommodation for accessibility reasons. A number of complementary amendments are made to the Act.

### **SCHEDULE 4 MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS ACT**

The *Ministry of Agriculture, Food and Rural Affairs Act* is amended to provide that, for greater certainty, section 3 of the *Innkeepers Act* does not apply with respect to cattle enrolled in the Ontario Feeder Cattle Loan Guarantee Program established under the Act.

Section 3 of the *Innkeepers Act*, which currently provides that the keeper of a livery stable or a boarding stable has a lien on every horse or other animal boarded at or carriage left in the livery stable or boarding stable for reasonable charges for boarding and caring for the horse, animal or carriage, is amended to provide that it does not apply with respect to cattle enrolled in the Ontario Feeder Cattle Loan Guarantee Program established under the *Ministry of Agriculture, Food and Rural Affairs Act*.

### **SCHEDULE 5 OIL, GAS AND SALT RESOURCES ACT**

Currently, subsection 11 (1.1) of the *Oil, Gas and Salt Resources Act* prohibits the injection of carbon dioxide for the purposes of carbon sequestration into an area, including an underground geological formation, by a person engaged in certain projects, activities or undertakings as well as the issuance of permits for such a purpose. The Schedule repeals that subsection and updates the definitions of “Minister” and “Ministry” in the Act.

### **SCHEDULE 6 ONTARIO ENERGY BOARD ACT, 1998**

The Schedule expands existing exemption language in subsections 99 (1) and 101 (1) of the *Ontario Energy Board Act, 1998* to include any exemption that is authorized under the Act.

**SCHEDULE 7**  
**ONTARIO SOCIETY FOR THE PREVENTION OF**  
**CRUELTY TO ANIMALS CORPORATION ACT, 2022**

The Schedule enacts the *Ontario Society for the Prevention of Cruelty to Animals Corporation Act, 2022*, which continues the Ontario Society for the Prevention of Cruelty to Animals. The Act provides for regulations respecting the governance of the Society and various transitional matters, which may have retroactive effect.

Most of the provisions in this Act are deemed to have come into force on January 1, 2020. The Act may be repealed on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 8**  
**PROVINCIAL OFFENCES ACT**

The Schedule repeals section 11 of the *Provincial Offences Act*, including the re-enacted version of that section which has not yet come into force. The Schedule also repeals a re-enacted version of section 5.1 of the Act, together with new sections 5.2 to 5.5, none of which are in force.

A new section 11 is enacted, which, like the re-enacted version of section 11 that has not yet come into force and is being repealed, authorizes the clerk of the court to strike out convictions on application in the specified circumstances. However, the references in the new section 11 to section 5.1 of the Act are to the version of section 5.1 that is already in force, as opposed to the re-enacted version of section 5.1 that is not yet in force and is being repealed.

**SCHEDULE 9**  
**WORKPLACE SAFETY AND INSURANCE ACT, 1997**

The *Workplace Safety and Insurance Act, 1997* is amended as follows:

1. The definition of “health care practitioner” is amended to remove a reference to drugless practitioners.
2. Section 53 of the Act is amended to include rules governing how the Board is to determine the average earnings of a worker who is an apprentice.
3. Section 159 of the Act is amended to provide that the requirement that the Board obtain the Lieutenant Governor in Council’s approval to acquire or dispose of real property does not apply to real property acquired or disposed of by lease.
4. Section 162 of the Act is amended to provide that the board of directors of the Board must meet at least four times annually.
5. Section 166 of the Act is amended to require the Board and the Minister to be parties to a memorandum of understanding and to review the memorandum of understanding periodically. The requirement that the Board provide the Minister with a strategic plan is repealed.



**An Act to enact one Act and amend various other Acts****CONTENTS**

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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 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 *Less Red Tape, Stronger Ontario Act, 2022*.**

**SCHEDULE 1**  
**ANIMAL HEALTH ACT, 2009**

**1 Subparagraph 5 iii of section 18 of the *Animal Health Act, 2009* is repealed and the following substituted:**

- iii. determining whether a person is in compliance with or has complied with an order made or issued under section 20, 21, 23, 23.1 or 25,
- iii.1 determining whether a person is in compliance with or has complied with requirements, restrictions or measures imposed by the Chief Veterinarian for Ontario under subsection 24 (7), or

**2 The Act is amended by adding the following section:**

**Temporary response order**

**23.1** (1) The Minister may, in accordance with this section, issue a temporary response order in writing that applies with respect to any part of the Province or for the entire Province, or with respect to facilities or classes of facilities in the Province or any part of the Province, for one or more of the following purposes:

1. To minimize the risk of one or more specific hazards from entering the Province if the hazard is believed not to be present in the Province and,
  - i. the hazard has been confirmed to be present in another jurisdiction, or
  - ii. there are reasonable grounds to suspect the hazard is present in another jurisdiction.
2. To designate and protect the Province or one or more parts of the Province that are believed to be either free from the presence of one or more specific hazards or to have a low prevalence of one or more specific hazards.
3. To prevent, detect, control, suppress or mitigate any one or more specific hazards if there is a significant risk to animal or human health in the Province.

**Limitation — urgency of mitigating risk**

(2) The Minister shall not issue a temporary response order unless, after receiving the advice of the Chief Veterinarian for Ontario, the Minister is of the opinion that,

- (a) any delay in implementing the measures authorized or required by the order will or is likely to increase substantially the risk to animal or human health; and
- (b) immediate measures are necessary to mitigate the possibility of that risk increasing.

**Minister's opinion**

(3) In forming an opinion under this section, the Minister shall consider the principle that the absence of scientific consensus should not be used as a reason for postponing measures to avoid or minimize the risk to animal or human health.

**Contents of order**

(4) The order may do any of the following:

1. Establish restrictions on the transportation, movement or distribution of living or dead animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or any other thing related to animals in, to or from the area to which the order applies.
2. Specify handling measures relating to the housing of animals that must be observed in the area to which the order applies.
3. Specify any precautionary or biosecurity measures for individuals, animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or other things related to animals in the area to which the order applies or when entering or leaving that area, including requirements for cleaning and disinfection.
4. Authorize the Chief Veterinarian for Ontario to grant written exemptions, with or without conditions, from the restrictions or requirements in the order if the Chief Veterinarian for Ontario believes that the exemption would lead to less risk to animal or human health than would the application of the order.
5. Set out any other restriction or requirement that the Minister considers necessary.

**Same**

(5) The order shall also,

- (a) briefly describe the reasons for the order and the circumstances giving rise to those reasons;
- (b) contain a description of the part of the Province to which the order applies or, if the order applies with respect to facilities or classes of facilities, a description of the facility or class of facilities;
- (c) specify the effective period of the order, subject to subsections (9) and (10);

- (d) specify the hazard in respect of which the order is being issued;
- (e) indicate whether the order authorizes the Chief Veterinarian for Ontario to grant exemptions; and
- (f) include any other relevant information.

#### **Oral exemptions by Chief Veterinarian for Ontario**

(6) If the order authorizes the granting of exemptions and the Chief Veterinarian for Ontario believes that the delay necessary to put an exemption in writing will or is likely to increase substantially the risk to the health of any animal or person, the Chief Veterinarian for Ontario may grant the exemption orally.

#### **Same, exemption to be provided in writing**

(7) An exemption that is granted orally shall be provided in writing as soon as practicable in the circumstances and in no case later than 48 hours after the oral exemption is granted.

#### **Geographic limitation**

(8) The order shall apply only to the areas of the Province where it is necessary.

#### **Time limitation**

(9) The order shall be effective only for as long as necessary but, in any case, shall be effective for no longer than 72 hours.

#### **Extension**

(10) If the Chief Veterinarian for Ontario recommends that the order be extended and if, in the Minister's opinion, the criteria for issuing the order continue to exist, the Minister may extend the order once, before it expires, for a further period of no longer than 72 hours.

#### **Publication**

(11) The Minister shall publish the order and any extension of the order on a website of the Government of Ontario and in any other manner the Minister considers appropriate.

#### **Notice to specific owner**

(12) In addition to publication, the Minister may provide notice of the order in any manner the Minister considers appropriate to an owner or custodian of an animal, animal product, animal by-product, input, fomite, waste material, premises, conveyance or other thing affected by the order and, if the order applies with respect to a facility or class of facilities, to the owners of the facilities.

#### **Compliance**

(13) Unless the order provides otherwise, a person affected by the order shall comply with it immediately after the order is published or the person receives notice of it under subsection (12), whichever is earlier.

#### **Limitations on actions of inspector**

(14) The actions of an inspector authorized by subparagraph 5 iii of section 18 to conduct an inspection in respect of an order under this section shall be exercised in a manner that is consistent with the purpose of the order and limits intrusiveness.

#### ***Legislation Act, 2006***

(15) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order issued under this section.

#### **3 (1) Subsection 24 (4) of the Act is repealed and the following substituted:**

##### **Publication of notice of order**

(4) The Minister shall publish notice of the order on a website of the Government of Ontario and in any other manner the Minister considers appropriate.

**(2) Subsection 24 (8) of the Act is amended by striking out “paragraph 4” and substituting “paragraph 4 or subparagraphs 5 iii or iii.1”.**

**(3) Subsection 24 (10) of the Act is repealed and the following substituted:**

##### ***Legislation Act, 2006***

(10) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order issued under this section.

**4 Clause 26 (1) (b) of the Act is amended by striking out “surveillance zone order” and substituting “surveillance zone order, temporary response order”.**

#### **Commencement**

**5 This Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.**

**SCHEDULE 2  
COURTS OF JUSTICE ACT**

**1** Clause 24 (2) (a) of the *Courts of Justice Act* is repealed.

**2** (1) Subsection 44 (2) of the Act is amended by striking out “50” and substituting “75”.

(2) Subsection 44 (2) of the Act, as amended by subsection (1), is amended by striking out “75” and substituting “50”.

**3** Section 87.1 of the Act is repealed.

**Commencement**

**4** (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.

(2) Subsection 2 (2) comes into force on April 1, 2024.



**SCHEDULE 3  
JURIES ACT**

**1 The definition of “jury questionnaire” in section 1 of the *Juries Act* is repealed and the following substituted:**

“jury questionnaire” means the jury questionnaire provided under section 6; (“questionnaire pour la sélection d’un jury”)

**2 Subsections 4.1 (1) and (4) of the Act are amended by striking out “Minister of Health and Long-Term Care” wherever it appears and substituting in each case “Minister of Health”.**

**3 Subsection 5 (2) of the Act is amended by striking out “who need to be mailed a jury questionnaire” and substituting “who need to be mailed a jury questionnaire or instructions to access a jury questionnaire”.**

**4 Section 6 of the Act is repealed and the following substituted:**

**Jury questionnaires**

**6** (1) In each year on or before October 31, the Jury Sheriff shall cause a jury questionnaire, in the prescribed form, and a prepaid return envelope to be mailed to the number of persons in each jury area specified in the local sheriff’s determination under section 5.

**Jury questionnaires, electronic method**

(2) Instead of causing a jury questionnaire and envelope to be mailed in accordance with subsection (1), the Jury Sheriff may cause instructions to be mailed to a person setting out how the person may access and complete a jury questionnaire, in the prescribed form, by an electronic method specified in the instructions.

**Required information**

- (3) The information provided under subsection (1) or (2) must include instructions on how the person may,
- (a) request accommodation for accessibility reasons, as described in subsection (7); and
  - (b) in the case of a questionnaire that is to be accessed and completed electronically, request that the person instead be mailed a copy of the jury questionnaire and a prepaid return envelope, as described in subsection (9).

**Random selection**

(4) The Jury Sheriff shall randomly select the required number of persons to receive the jury questionnaire or instructions from among the persons whose names and addresses are included in the jury source list provided by the Minister of Health under subsection 4.1 (2).

**Address for mailing**

(5) The jury questionnaire or instructions shall be mailed to the most recent address of the person provided by the Minister of Health under section 4.1.

**Submission of jury questionnaire**

(6) Every person who receives the jury questionnaire or instructions shall, within 30 days after receiving them, accurately and truthfully complete the jury questionnaire and submit it to the Jury Sheriff in the manner specified by the Jury Sheriff.

**Request for accommodation**

(7) A person who receives a jury questionnaire or instructions to access or complete a jury questionnaire and who requires accommodation for accessibility reasons may, no later than 10 days after receiving the jury questionnaire or instructions, make a request to the Jury Sheriff that specifies their accommodation needs.

**Same**

- (8) If the person makes the request described in subsection (7),
- (a) the Jury Sheriff shall provide reasonable accommodation of the person’s needs, which may include providing the jury questionnaire in an alternate format; and
  - (b) the 30 day timeline described in subsection (6) is extended so that the person has 30 days after receiving the reasonable accommodation to accurately and truthfully complete the jury questionnaire and submit it to the Jury Sheriff.

**Request for non-electronic jury questionnaire**

(9) A person who receives instructions to access and complete a jury questionnaire using an electronic method may, no later than 10 days after receiving them, make a request to the Jury Sheriff that they instead be mailed a copy of the jury questionnaire and a prepaid return envelope.

**Same**

- (10) If the person makes the request described in subsection (9),

- (a) the Jury Sheriff shall promptly cause a jury questionnaire, in the prescribed form, and a prepaid return envelope to be mailed to the person; and
- (b) the 30 day timeline described in subsection (6) is extended so that the person has 30 days after receiving the mailed version of the jury questionnaire to accurately and truthfully complete it and submit it to the Jury Sheriff.

**When deemed received**

(11) For the purposes of this section, a jury questionnaire or instructions shall be deemed to have been received on the third day after the day of mailing unless the person to whom the jury questionnaire or instructions are mailed establishes that they, acting in good faith, through absence, accident, illness or other cause beyond their control did not receive the questionnaire or instructions, or did not receive them until a later date.

**Supplementary names**

(12) The Jury Sheriff may, at any time, mail such number of additional jury questionnaires or instructions as in his or her opinion are required to obtain the required number of persons for the jury roll.

**5 (1) Subsection 8 (1) of the Act is amended by striking out “by a returned jury questionnaire” and substituting “by a jury questionnaire that has been submitted to the Jury Sheriff”.**

**(2) Subsection 8 (2) of the Act is amended by striking out “by the returned jury questionnaires” wherever it appears and substituting in each case “by the submitted jury questionnaires”.**

**6 Subsection 17 (2) of the Act is amended by striking out “returned jury questionnaire” and substituting “submitted jury questionnaire”.**

**7 (1) Clause 38 (3) (a) of the Act is amended by striking out “or return it to the Jury Sheriff in accordance with subsection 6 (4)” and substituting “or submit it to the Jury Sheriff in accordance with section 6”.**

**(2) Subsection 38 (4) of the Act is repealed and the following substituted:**

**Evidence**

(4) For the purposes of subsection (3), the failure of the Jury Sheriff to receive a completed jury questionnaire from a person within the 30-day deadline required by subsection 6 (6) is proof, in the absence of evidence to the contrary, that the person failed to submit the questionnaire in the time required, subject to any extensions of the deadline under clause 6 (8) (b) or (10) (b).

**Commencement**

**8 This Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.**

**SCHEDULE 4**  
**MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS ACT**

**1 The *Ministry of Agriculture, Food and Rural Affairs Act* is amended by adding the following section:**

**Non-application of *Innkeepers Act*, Ontario Feeder Cattle Loan Guarantee Program**

**7.1** For greater certainty, section 3 of the *Innkeepers Act* does not apply with respect to cattle enrolled in the Ontario Feeder Cattle Loan Guarantee Program established under this Act.

***Innkeepers Act***

**2 Section 3 of the *Innkeepers Act* is amended by adding the following subsection:**

**Non-application — Ontario Feeder Cattle Loan Guarantee Program**

(5) This section does not apply with respect to cattle enrolled in the Ontario Feeder Cattle Loan Guarantee Program established under the *Ministry of Agriculture, Food and Rural Affairs Act*.

**Commencement**

**3 This Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.**

**SCHEDULE 5  
OIL, GAS AND SALT RESOURCES ACT**

**1 (1) The definition of “Minister” in subsection 1 (1) of the *Oil, Gas and Salt Resources Act* is repealed and the following substituted:**

“Minister” means the Minister of Natural Resources and Forestry or such other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

**(2) The definition of “Ministry” in subsection 1 (1) of the Act is repealed and the following substituted:**

“Ministry” means the Ministry of the Minister; (“ministère”)

**2 Subsection 11 (1.1) of the Act is repealed.**

**Commencement**

**3 This Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.**

**SCHEDULE 6**  
**ONTARIO ENERGY BOARD ACT, 1998**

**1** Paragraph 2 of subsection 99 (1) of the *Ontario Energy Board Act, 1998* is amended by striking out “and who is exempted from the requirement to obtain leave by the Board under section 95 or a regulation made under clause 127 (1) (f)” at the end and substituting “and who is exempted under this Act from the requirement to obtain leave”.

**2** Paragraph 2 of subsection 101 (1) of the Act is amended by striking out “under section 95” and substituting “under this Act”.

**Commencement**

**3** This Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.

**SCHEDULE 7**  
**ONTARIO SOCIETY FOR THE PREVENTION OF**  
**CRUELTY TO ANIMALS CORPORATION ACT, 2022**

**Interpretation**

**1** In this Act,

“Minister” means the Solicitor General or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“Society” means the Ontario Society for the Prevention of Cruelty to Animals. (“Société”)

**Ontario Society for the Prevention of Cruelty to Animals continued**

**2** The Ontario Society for the Prevention of Cruelty to Animals, a body corporate incorporated by *An Act to Incorporate the Ontario Society for the Prevention of Cruelty to Animals*, being chapter 124 of the Statutes of Ontario, 1919, is continued as a corporation without share capital under the name Ontario Society for the Prevention of Cruelty to Animals in English and Société de protection des animaux de l’Ontario in French.

**Regulations**

**3** (1) The Minister may make regulations,

- (a) governing any matters related to the governance of the Society, including prescribing,
  - (i) the purposes of the Society,
  - (ii) the membership of the Society,
  - (iii) the composition, powers and operation of the board of directors of the Society,
  - (iv) the capacity, rights, powers and privileges of the Society,
  - (v) the dissolution of the Society, including the distribution of any remaining property of the Society on dissolution,
  - (vi) any other matters related to the constitution and management of the Society;
- (b) governing any transitional matters that may arise due to the continuation of the Society or the enactment of this Act.

**Retroactive**

(2) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed.

**Repeal of Act**

**4** This Act is repealed.

**Commencement**

**5** (1) Except as otherwise provided in this section, the Act set out in this Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.

(2) Sections 1 to 3 are deemed to have come into force on January 1, 2020.

(3) Section 4 comes into force on a day to be named by proclamation of the Lieutenant Governor.

**Short title**

**6** The short title of the Act set out in this Schedule is the *Ontario Society for the Prevention of Cruelty to Animals Corporation Act, 2022*.

**SCHEDULE 8  
PROVINCIAL OFFENCES ACT**

**1 Section 11 of the *Provincial Offences Act* is repealed and the following substituted:**

**Reopening**

**Application to strike out conviction**

**11 (1)** A defendant who was convicted without a hearing may, within 15 days after becoming aware of the conviction, make an application to have the conviction struck out by completing the prescribed form and filing it in the office of the court.

**Striking out the conviction**

(2) On application under subsection (1), the clerk of the court shall strike out the conviction if satisfied by affidavit of the defendant or on other evidence or information that, through no fault of the defendant, the defendant,

- (a) was unable to attend a meeting under section 5.1;
- (b) was unable to appear for a hearing; or
- (c) did not receive delivery of a notice or document relating to the offence.

**Review by justice**

(3) If the clerk of the court does not strike out the conviction, the clerk shall forward the application to a justice for review, who shall strike out the conviction if the justice determines that the requirements in subsection (2) have been met.

**Notice if conviction struck out**

(4) If a conviction is struck out under subsection (2) or (3), the clerk of the court shall give notice,

- (a) to the defendant of the time and place to appear under section 7, if the offence notice does not indicate that the option of a meeting under section 5.1 is available and the defendant wishes to proceed under section 7;
- (b) to the defendant and the prosecutor of the time and place of their meeting under section 5.1, if the offence notice indicates that the option of a meeting under that section is available and the defendant wishes to proceed under that section; or
- (c) to the defendant and the prosecutor of the time and place of the trial.

**Rescheduling time of trial**

(5) The clerk of the court may, for administrative reasons, reschedule the time of the trial by giving a revised notice to the defendant and the prosecutor within 21 days after giving the notice referred to in clause (4) (c).

**Certificate**

(6) A justice or a clerk of the court who strikes out a conviction under this section shall give the defendant a certificate of the fact in the prescribed form.

**Transition**

(7) For greater certainty, this section applies with respect to a conviction entered before the day section 1 of Schedule 8 to the *Less Red Tape, Stronger Ontario Act, 2022* came into force, unless, before that day,

- (a) an application to strike out the conviction was made under this section, as it then read; and
- (b) the application was examined by a justice.

***Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020***

**2 Subsections 1 (2) and 2 (1) of Schedule 39 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* are repealed.**

***Stronger, Fairer Ontario Act (Budget Measures), 2017***

**3 Sections 3, 4 and 6 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* are repealed.**

**Commencement**

**4 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.**

**(2) Section 1 comes into force on the day that is six months after the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.**

**SCHEDULE 9  
WORKPLACE SAFETY AND INSURANCE ACT, 1997**

**1. The definition of “health care practitioner” in subsection 2 (1) of the *Workplace Safety and Insurance Act, 1997* is amended by striking out “a drugless practitioner regulated under the *Drugless Practitioners Act*”.**

**2 Subsection 53 (4) of the Act is repealed and the following substituted:**

**Learner or student**

(4) The Board shall consider such criteria as may be prescribed in determining the average earnings of a worker who is a learner or student.

**Apprentice**

(4.1) Despite anything in this section, the Board shall determine the average earnings of a worker who is an apprentice as follows:

1. The average earnings are an amount equal to the average earnings of a journeyman employed by the employer in the same trade as that in which the worker was working at the time of the injury.
2. If the worker’s employer did not employ a journeyman in the same trade as that in which the worker was working at the time of the injury, the average earnings are an amount equal to the average earnings of a journeyman employed in the employer’s locality in the same trade at the time of the injury.

**3 Section 159 of the Act is amended by adding the following subsection:**

**Exception**

(6.1) The requirement in subsection (6) to obtain the approval of the Lieutenant Governor in Council does not apply to the acquisition and disposition of real property by lease.

**4 Subsection 162 (4) of the Act is amended by striking out “and in no case shall more than two months elapse between meetings of the board of directors” at the end and substituting “at least four times in each year”.**

**5 (1) Subsection 166 (1) of the Act is repealed and the following substituted:**

**Memorandum of understanding**

(1) The Board and the Minister shall be parties to a memorandum of understanding that shall contain only such terms as may be directed by the Minister.

**Same, review**

(1.1) The Board and the Minister shall review the memorandum of understanding every five years from the later of the date that the memorandum of understanding is signed by the parties and the date a letter of affirmation is signed by the parties, or on such earlier date as the Minister may direct.

**Same, amendment**

(1.2) Following a review under subsection (1.1), the Minister may direct that the memorandum of understanding be amended on such terms as the Minister directs.

**(2) Paragraph 1 of subsection 166 (2) of the Act is repealed.**

**Commencement**

**6 This Schedule comes into force on the day the *Less Red Tape, Stronger Ontario Act, 2022* receives Royal Assent.**