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CHAPTER 25

An Act to increase the financial accountability of organizations in the broader public sector

Assented to December 8, 2010

Note: This Act amends or repeals more than one Act. For the legislative history of these Acts, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

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

**PART I
INTERPRETATION**

Interpretation

1. (1) In this Act,

“agency of the Government of Ontario” means a public body designated in regulations made under the *Public Service of Ontario Act, 2006*; (“organisme du gouvernement de l’Ontario”)

“broader public sector organization” means,

- (a) a designated broader public sector organization, and
- (b) a publicly funded organization; (“organisme du secteur parapublic”)

“community care access corporation” means a community care access corporation within the meaning of the *Community Care Access Corporations Act, 2001*; (“société d’accès aux soins communautaires”)

“consultant” means a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making; (“expert-conseil”)

“designated broader public sector organization” means,

- (a) every hospital,
- (b) every school board,
- (c) every university in Ontario and every college of applied arts and technology and post-secondary institution in Ontario whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating annual operating grants and entitlements,

- (d) every approved agency designated as a children's aid society under subsection 15 (2) of Part I of the *Child and Family Services Act*,
- (e) every community care access corporation,
- (f) every corporation controlled by one or more designated broader public sector organizations that exists solely or primarily for the purpose of purchasing goods or services for the designated broader public sector organization or organizations,
- (g) every publicly funded organization that received public funds of 10 million dollars or more in the previous fiscal year of the Government of Ontario, and
- (h) every organization that is prescribed for the purposes of this definition; (“organisme désigné du secteur parapublic”)

“hospital” means,

- (a) a public hospital,
- (b) a private hospital that received public funds in the previous fiscal year of the Government of Ontario, and
- (c) the University of Ottawa Heart Institute/Institut de cardiologie de l'Université d'Ottawa; (“hôpital”)

“lobbyist” means an individual who acts as a consultant lobbyist within the meaning of section 4 of the *Lobbyists Registration Act, 1998*, and does not include an in-house lobbyist within the meaning of section 5 or 6 of that Act; (“lobbyiste”)

“lobbyist services” means services undertaken by a lobbyist that constitute lobbying within the meaning of the *Lobbyists Registration Act, 1998*; (“services de lobbyiste”)

“local health integration network” means a local health integration network within the meaning of the *Local Health System Integration Act, 2006*; (“réseau local d'intégration des services de santé”)

“long-term care home” means a long-term care home within the meaning of the *Long-Term Care Homes Act, 2007*; (“foyer de soins de longue durée”)

“private hospital” means a private hospital within the meaning of the *Private Hospitals Act*; (“hôpital privé”)

“public funds” means the public money of the province of Ontario that is provided by the Government of Ontario or an agency of the Government of Ontario, directly to any authority, board, commission, committee, corporation, council, foundation or organization through a grant or transfer payment or other funding arrangement, and, in the case of a school board, includes money received by the school board from taxes levied under the *Education Act* for school purposes, but public funds does not include,

- (a) money that is paid for the provision of goods or services to the Government of Ontario or an agency of the Government of Ontario,
- (b) money that is paid by the Government of Ontario or an agency of the Government of Ontario under a fee for service arrangement, or
- (c) money that is provided by the Government of Ontario or an agency of the Government of Ontario, by way of a loan or loan guarantee; (“fonds publics”)

“publicly funded organization” means every authority, board, commission, committee, corporation, council, foundation or organization that received public funds in the previous fiscal year of the Government of Ontario, but does not include,

- (a) the Office of the Lieutenant Governor,
- (b) the Office of the Assembly or the office of an officer of the Assembly,
- (c) a ministry of the Government of Ontario,
- (d) an agency of the Government of Ontario,
- (e) a municipality,
- (f) subject to the regulations, a local board as defined in section 1 of the *Municipal Act, 2001* and section 3 of the *City of Toronto Act, 2006*,
- (g) a board of health under the *Health Protection and Promotion Act*,
- (h) subject to the regulations, an organization that undertakes its activities for the purpose of profit to its shareholders,
- (i) a long-term care home, or
- (j) any organization excluded under the regulations; (“organisme financé par des fonds publics”)

“public hospital” means a hospital within the meaning of the *Public Hospitals Act*; (“hôpital public”)

“school board” means a board as defined in the *Education Act*. (“conseil scolaire”)

Interpretation re Crown agent

(2) Nothing in this Act makes an organization a Crown agent where that organization would not otherwise be a Crown agent.

Solicitor-client privilege preserved

(3) Nothing in this Act shall operate so as to require the disclosure of information that is subject to solicitor-client privilege, litigation privilege or settlement privilege.

Rules re directives, etc.

2. (1) A directive under this Act may exempt particular organizations or sectors or classes of organizations from any or all of the requirements of the directive.

Same

(2) A directive under this Act may be general or particular in its application, and may provide for different classes or categories.

Public availability

- (3) Every directive and guideline under this Act,
 - (a) shall be made available to the public on request; and
 - (b) shall be publicly posted on at least one Government of Ontario website.

Status

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to directives or guidelines.

Regulations

- 3. (1) The Lieutenant Governor in Council may make regulations,
 - (a) prescribing organizations that are designated broader public sector organizations for the purposes of the definition of that term;
 - (b) providing that a local board, or an organization that undertakes its activities for the purpose of profit to its shareholders, is a publicly funded organization, despite the definition of that term;

- (c) excluding organizations from the definition of “publicly funded organization” in subsection 1 (1);
- (d) defining or further specifying the meaning of any word or expression used in this Act but not defined in this Act.

Same, directives, etc.

(2) The Lieutenant Governor in Council may, by regulation, exercise the power to make a directive, guideline or minister’s regulation under this Act and, where the Lieutenant Governor in Council has done so, everything in this Act that applies with respect to that directive, guideline or regulation is deemed to apply with respect to the regulation made by the Lieutenant Governor in Council, with any necessary modification.

**PART II
LOBBYISTS AND CONSULTANTS**

LOBBYISTS

No publicly funded lobbyists

4. (1) No organization to which this section applies shall engage a lobbyist to provide lobbyist services where the compensation for the services is paid,

- (a) in the case of an organization referred to in clause (2) (b), from public funds; or
- (b) in the case of an organization referred to in clause (2) (a), (c), (d), (e), (f) or (g),
 - (i) from public funds, or
 - (ii) from revenues generated by the organization.

Application

- (2) This section applies to,
- (a) every agency of the Government of Ontario;
 - (b) every designated broader public sector organization;
 - (c) Hydro One Inc. and each of its subsidiaries;
 - (d) Ontario Power Generation Inc. and each of its subsidiaries;
 - (e) Ontario Power Authority;
 - (f) Independent Electricity System Operator; and
 - (g) every organization that is provided for in regulations made under subsection (6).

Transitional

(3) Where, immediately before this section applied to an organization, there was an agreement in place that provided for the payment of money by the organization for lobbyist services, and the compensation for the lobbyist services is to be paid from public funds or other revenues that may not be used for the purpose under this section, the agreement is deemed to contain the following provisions:

1. The lobbyist services are terminated on the earlier of the date that is 30 days after this section applies to the organization and the date that they would have otherwise been terminated under the agreement, despite any notice provisions required under the agreement.
2. The lobbyist may only charge, and shall only be paid for, lobbyist services provided to the organization under the agreement up to the date provided for in paragraph 1.
3. Unless inconsistent with paragraphs 1 and 2, all other terms and conditions related to

the lobbyist services terminated in accordance with paragraph 1 that would otherwise survive the term of the agreement shall continue to apply to those services.

No circumvention of prohibition on engaging lobbyists

(4) No organization to which this section applies shall provide public funds, or other revenues that may not be used for the purpose, to any person or entity for the purpose of that person or entity engaging a lobbyist to provide lobbyist services to the organization.

Saving, association fees

(5) Subsection (4) does not operate in respect of membership fees paid by an organization to which this section applies, to be a member of an association that is established to represent the interests of a group or class of similar organizations.

Regulations

- (6) The Minister responsible for this Part may make regulations,
- (a) providing for additional organizations that this section applies to;
 - (b) exempting organizations from the prohibition under this section.

REPORTING RE USE OF CONSULTANTS

Reporting by LHINs

5. (1) Every local health integration network shall prepare reports approved by the local health integration network's board concerning the use of consultants by the local health integration network.

Directives

- (2) The Minister of Health and Long-Term Care may issue directives to local health integration networks respecting the reports, including directives with respect to,
- (a) the information that shall be included in reports made under subsection (1);
 - (b) to whom the reports shall be submitted; and
 - (c) the form, manner and timing of the reports.

Compliance

- (3) Every local health integration network shall comply with the directives.

Reporting by hospitals

- 6.** (1) Every hospital shall prepare reports concerning the use of consultants by the hospital that are approved by,
- (a) in the case of a public hospital and the University of Ottawa Heart Institute/Institut de cardiologie de l'Université d'Ottawa, the hospital's board; and
 - (b) in the case of a private hospital, the hospital's superintendent.

Directives

- (2) The Minister of Health and Long-Term Care may issue directives to hospitals respecting the reports, including directives with respect to,
- (a) the information that shall be included in reports made under subsection (1);
 - (b) in addition to the board of the local health integration network, to whom the reports shall be submitted; and
 - (c) the form, manner and timing of the reports.

Compliance

- (3) Every hospital shall comply with the directives.

Regulations

7. (1) The Lieutenant Governor in Council may make regulations requiring designated broader public sector organizations to report on the use of consultants, including regulations respecting the content, form, manner and timing of the reports.

Compliance

(2) Every designated broader public sector organization to which the regulations apply shall comply with regulations.

**PART III
PUBLIC REPORTING OF EXPENSE CLAIM INFORMATION****Public posting of expenses by LHINs and hospitals**

8. (1) Every local health integration network and every hospital shall, in compliance with directives made under subsection (2), post on its public website information about expense claims that is required to be posted under the directives.

Directives

(2) The Minister of Health and Long-Term Care may issue directives respecting the information about expense claims that is to be posted on a public website for the purposes of subsection (1).

Same

- (3) Without limiting the generality of subsection (2), the directives shall provide for,
- (a) designation of the individuals, including board members and senior managers, whose expense claim information must be posted;
 - (b) the information in expense claims that is required to be posted, and the form and manner in which the information is to be posted;
 - (c) the timing and frequency of when expense claim information must be posted; and
 - (d) the duration of time for which expense claim information must be posted.

Public posting of expenses by broader public sector organizations

9. (1) The Lieutenant Governor in Council may make regulations establishing rules for public posting of expenses by broader public sector organizations.

Compliance

- (2) Every organization to which the regulations apply shall comply with the regulations.

**PART IV
EXPENSE CLAIMS: ALLOWABLE EXPENSES****Directives for designated broader public sector organizations**

10. (1) The Management Board of Cabinet may issue directives requiring designated broader public sector organizations to establish expense rules.

Allowable expense

(2) An expense is an allowable expense, and may be reimbursed by a designated broader public sector organization if the expense meets the requirements set out in the rules made under the directives.

Not allowable expense

(3) An expense is not an allowable expense, and shall not be reimbursed by a designated broader public sector organization, if the expense does not meet the requirements set out in the rules made under the directives.

Examples

- (4) Without limiting the generality of subsection (1), the directives may require designated broader public sector organizations to establish rules that,
- (a) impose restrictions on who may make expense claims, on the types of expenses or the amounts that may be claimed or the circumstances in which the expense claims may be made;
 - (b) require specified information or documents to be supplied or kept in support of an expense claim;
 - (c) require the establishment of procedural requirements for making expense claims; and
 - (d) meet any standards set out in the directives.

Compliance

(5) Every designated broader public sector organization to which the directives apply shall comply with the directives.

Guidelines for publicly funded organizations

11. The Management Board of Cabinet may make guidelines with respect to allowable expenses for publicly funded organizations.

PART V PROCUREMENT STANDARDS

Directives

12. (1) The Management Board of Cabinet may issue directives governing the procurement of goods and services by designated broader public sector organizations.

Same

(2) Without limiting the generality of subsection (1), the directives may incorporate by reference a Government of Ontario policy or directive, in whole or in part, as amended from time to time.

Compliance

(3) Every designated broader public sector organization to which the directives apply shall comply with the directives.

Guidelines for publicly funded organizations

13. The Management Board of Cabinet may make guidelines with respect to the procurement of goods and services by publicly funded organizations.

PART VI COMPLIANCE REPORTS

LHINs

14. (1) Every local health integration network shall prepare attestations, made by its chief executive officer and approved by its board, attesting to,
- (a) the completion and accuracy of reports required on the use of consultants;
 - (b) compliance with the prohibition on engaging lobbyist services using public funds;
 - (c) compliance with the expense claim directives issued by the Management Board of Cabinet; and
 - (d) compliance with procurement directives issued by the Management Board of Cabinet.

Directives

(2) The Minister of Health and Long-Term Care may issue directives respecting the attestations, including directives with respect to,

- (a) the information that shall be included in the attestations and any other information in relation to the attestations;
- (b) to whom the attestations shall be submitted; and
- (c) the form, manner and timing of the attestations.

Compliance

(3) Every local health integration network shall comply with the directives.

Posting

(4) Every local health integration network shall publicly post the attestations on their website.

Hospitals

15. (1) Every hospital shall prepare attestations attesting to,

- (a) the completion and accuracy of reports required on the use of consultants;
- (b) compliance with the prohibition on engaging lobbyist services using public funds;
- (c) compliance with the expense claim directives issued by the Management Board of Cabinet; and
- (d) compliance with procurement directives issued by the Management Board of Cabinet.

Who shall make attestations

(2) An attestation must be approved by the hospital's board, if it has one, and shall be made by,

- (a) in the case of a public hospital, the administrator;
- (b) in the case of a private hospital, the superintendent; and
- (c) in the case of the University of Ottawa Heart Institute/Institut de cardiologie de l'Université d'Ottawa, its chief executive officer.

Directives

(3) The Minister of Health and Long-Term Care may issue directives respecting the attestation, including directives with respect to,

- (a) the information that shall be included in the attestations and any other information in relation to the attestations;
- (b) to whom the attestations shall be submitted; and
- (c) the form, manner and timing of the attestations.

Compliance

(4) Every hospital shall comply with the directives.

Posting

(5) Every hospital shall publicly post the attestations on their website.

Other organizations

16. (1) The Lieutenant Governor in Council may make regulations requiring broader public sector organizations to file attestations about compliance with the requirements under this Act, and governing the content, form, manner and timing of those attestations.

Compliance

- (2) Every organization to which the regulations apply shall comply with the regulations.

PART VII ENFORCEMENT PROVISIONS

LHINs

17. Every obligation of a local health integration network under this Act is deemed to be an obligation it is required to comply with under the terms of the accountability agreement required under section 18 of the *Local Health System Integration Act, 2006*.

Hospitals

18. Every obligation of a hospital under this Act is deemed to be an obligation it is required to comply with under the terms of the service accountability agreement required under section 20 of the *Local Health System Integration Act, 2006*.

Other organizations

19. Every obligation of a broader public sector organization under this Act is deemed to be an obligation it is required to comply with under the terms of every agreement or other funding arrangement between the organization and the Government of Ontario or between the organization and an agency of the Government of Ontario.

Employment agreements

20. (1) Every employment or other agreement between a hospital or a local health integration network and a person employed by the hospital or network in a senior management position is deemed to contain a term providing that the hospital's or the network's obligations under this Act are also the obligations of the person employed by the hospital or network.

Reduction in compensation

(2) Despite any employment or other agreement, the board of a hospital or local health integration network, or the superintendent of a private hospital, may, in addition to any other remedy under the agreement or at common law, reduce the compensation of a person employed in a senior management position where the board or superintendent determines that the person has failed to meet a requirement under this Act.

Terms of agreements

21. (1) Any provision in an agreement that conflicts with a requirement under Part II, III, IV, VI or this Part is not valid or enforceable by any party to the agreement, whether the agreement was entered into before or after the coming into force of that Part.

Otherwise valid agreements

(2) Nothing in this section affects the validity of any provision in an agreement that does not conflict with a Part of this Act mentioned in subsection (1), or with any right of payment for anything done or provided at a time when the provision was not in conflict with the Part.

Transitional

(3) An agreement entered into before Part V applies to a designated broader public sector organization is not invalid on the basis that the procurement process used by the organization does not comply with any directive issued under that Part.

Same

(4) A directive issued under Part V does not apply to a procurement process where a designated broader public sector organization has issued a request for proposal before the directive applied to the organization.

Limitations on remedies

22. (1) No cause of action arises against the Crown, or any of the Crown's ministers, agents, appointees and employees, or an organization subject to this Act, as a direct or indirect result of,

- (a) the enactment or repeal of any provision of this Act;
- (b) the making or revocation of any provision of the regulations, directives or guidelines made under this Act; or
- (c) anything done or not done in accordance with this Act or the regulations or the directives or guidelines.

Same

(2) Without limiting the generality of subsection (1), that subsection applies to an action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including loss of revenue and loss of profit, or any other remedy or relief.

Proceedings barred

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort, trust, fiduciary obligation or otherwise, that is directly or indirectly based on or related to anything referred to in clause (1) (a), (b) or (c) may be brought or maintained against the Crown or any of the Crown's ministers, agents, appointees and employees or an organization subject to this Act.

No judicial review

(4) Despite any other Act or law, no person may bring an application for judicial review of a directive issued under Part V or a procurement process undertaken under a directive.

Rights preserved

(5) Subsections (1), (2), (3) and (4) do not prevent the Attorney General from bringing an application or commencing proceedings to require an organization subject to this Act to comply with this Act and its regulations and directives.

Same

(6) Subsections (1), (2), (3) and (4) do not prevent the enforcement of an agreement or funding arrangement referred to in sections 17, 18 and 19.

No compensation

23. (1) Despite any other Act or law, no person is entitled to any compensation for any loss or damages, including loss of revenues or loss of profit, arising from the enactment or application of this Act or anything done in accordance with this Act, the regulations or directives, including,

- (a) the termination of an agreement in accordance with subsection 4 (3);
- (b) the termination of an agreement in accordance with section 19;
- (c) a reduction in compensation in accordance with subsection 20 (2); or
- (d) the invalidity or unenforceability of an agreement by reason of section 21.

Saving

(2) Subject to subsection (3), subsection (1) does not bar any action against a designated broader public sector organization for failure to meet a common law duty owed during a procurement process undertaken by the designated broader public sector organization.

Same

(3) A duty referred to in subsection (2) does not include an obligation of a designated

broader public sector organization arising from a directive issued under this Act.

**PART VIII
AMENDMENTS TO FREEDOM OF INFORMATION AND PROTECTION OF
PRIVACY ACT**

Freedom of Information and Protection of Privacy Act

24. (1) Subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act* is amended by adding the following definition:

“ecclesiastical records” means the operational, administrative and theological records, including records relating to the practice of faith, of a church or other religious organization; (“documents ecclésiastiques”)

(2) The definition of “head” in subsection 2 (1) of the Act is amended by striking out “and” at the end of clause (a) and by adding the following clauses:

- (a.1) in the case of a public hospital, the chair of the board of the hospital,
- (a.2) in the case of a private hospital, the superintendent,
- (a.3) in the case of the University of Ottawa Heart Institute/Institut de cardiologie de l’Université d’Ottawa, the Chair of the board, and

(3) Subsection 2 (1) of the Act is amended by adding the following definition:

“hospital” means,

- (a) a public hospital,
- (b) a private hospital, and
- (c) the University of Ottawa Heart Institute/Institut de cardiologie de l’Université d’Ottawa; (“hôpital”)

(4) The definition of “institution” in subsection 2 (1) of the Act is amended by striking out “and” at the end of clause (a.1) and by adding the following clause:

- (a.2) a hospital, and

(5) Subsection 2 (1) of the Act is amended by adding the following definitions:

“private hospital” means a private hospital within the meaning of the *Private Hospitals Act*; (“hôpital privé”)

“public hospital” means a hospital within the meaning of the *Public Hospitals Act*; (“hôpital public”)

(6) Subsection 10 (1) of the Act is amended by striking out “Every” at the beginning of the portion before clause (a) and substituting “Subject to subsection 69 (2), every”.

(7) Subsection 18.1 (1) of the Act is amended by adding “or a hospital” after “an educational institution” in the portion before clause (a).

(8) Clause 19 (c) of the Act is amended by adding “or a hospital” after “an educational institution”.

(9) Clause 41 (1) (d) of the Act is amended by adding “and a hospital may use personal information in its records” after “alumni records”.

(10) Subsection 41 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Notice on using personal information for fundraising

(2) In order for an educational institution to use personal information in its alumni records or for a hospital to use personal information in its records, either for its own fundraising activities or for the fundraising activities of an associated foundation, the educational institution or hospital shall,

.....

(11) Subsection 41 (3) of the Act is amended by adding “or a hospital” after “educational institution”.

(12) Clause 42 (1) (o) of the Act is repealed and the following substituted:

- (o) subject to subsection (2), an educational institution may disclose personal information in its alumni records, and a hospital may disclose personal information in its records, for the purpose of its own fundraising activities or the fundraising activities of an associated foundation if,
 - (i) the educational institution and the person to whom the information is disclosed, or the hospital and the person to whom the information is disclosed, have entered into a written agreement that satisfies the requirements of subsection (3), and
 - (ii) the personal information is reasonably necessary for the fundraising activities.

(13) Subsection 42 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Notice on disclosing personal information for fundraising

(2) In order for an educational institution to disclose personal information in its alumni records or for a hospital to disclose personal information in its records, either for the purpose of its own fundraising activities or the fundraising activities of an associated foundation, the educational institution or hospital shall ensure that,

.....

(14) Subsection 42 (3) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Fundraising agreement

(3) An agreement between an educational institution and another person for the disclosure of personal information in the educational institution’s alumni records for fundraising activities, or an agreement between a hospital and another person for the disclosure of personal information in the hospital’s records for fundraising activities, must,

.....

(15) Subclauses 49 (c.1) (i) and (ii) of the Act are repealed and the following substituted:

- (i) assessing the teaching materials or research of an employee of an educational institution or a hospital or of a person associated with an educational institution or a hospital,
- (ii) determining suitability, eligibility or qualifications for admission to an academic program of an educational institution or a hospital, or

(16) Subsection 60 (1) of the Act is amended by adding the following clause:

- (j.1) exempting one or more private hospitals from the application of this Act;

(17) Section 65 of the Act is amended by adding the following subsections:**Same**

(5.3) This Act does not apply to the ecclesiastical records of a church or religious organization that is affiliated with an educational institution or a hospital.

Same

(5.4) This Act does not apply to records that relate to the operations of a hospital foundation.

Same

(5.5) This Act does not apply to the administrative records of a member of a health profession listed in Schedule 1 to the *Regulated Health Professions Act, 1991* that relate to the member's personal practice.

Same

(5.6) This Act does not apply to records relating to charitable donations made to a hospital.

Same

(5.7) This Act does not apply to records relating to the provision of abortion services.

(18) Subsection 65 (6) of the Act is amended by adding the following paragraphs:

4. Meetings, consultations, discussions or communications about the appointment or placement of any individual by a church or religious organization within an institution, or within the church or religious organization.
5. Meetings, consultations, discussions or communications about applications for hospital appointments, the appointments or privileges of persons who have hospital privileges, and anything that forms part of the personnel file of those persons.

(19) Subsection 65 (8.1) of the Act is amended by striking out “or” at the end of clause (a) and by adding the following clauses:

- (c) to a record respecting or associated with research, including clinical trials, conducted or proposed by an employee of a hospital or by a person associated with a hospital; or
- (d) to a record of teaching materials collected, prepared or maintained by an employee of a hospital or by a person associated with a hospital for use at the hospital.

(20) Subsection 65 (9) of the Act is amended by adding “or hospital” after “educational institution”.**(21) Section 69 of the Act is amended by adding the following subsection:****Hospitals**

(2) Despite subsection (1), this Act only applies to records in the custody or under the control of a hospital where the records came into the custody or under the control of the hospital on or after January 1, 2007.

**PART IX
AMENDMENTS TO OTHER STATUTES**

Lobbyists Registration Act, 1998**25. (1) Clause (a) of the definition of “public office holder” in subsection 1 (1) of the *Lobbyists Registration Act, 1998* is repealed and the following substituted:**

- (a) any minister, officer or employee of the Crown,

(2) The definition of “public office holder” in subsection 1 (1) of the Act is amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding the following clause:

- (f) an officer, director or employee of,
 - (i) Hydro One Inc. and each of its subsidiaries,
 - (ii) Ontario Power Generation Inc. and each of its subsidiaries,
 - (iii) Ontario Power Authority, or
 - (iv) Independent Electricity System Operator; (“titulaire d’une charge publique”)

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

Public body

(3) In this Act, a reference to an agency, board or commission of the Government of Ontario is deemed to be a reference to a public body designated in regulations made under the *Public Service of Ontario Act, 2006*.

(4) Subsection 3 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Restriction on application

(1) The following persons are not required to register under section 4, 5 or 6 when acting in their official capacity:

.....

(5) Subsection 3 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Same

(2) An individual is not required to register under section 4, 5 or 6 in respect of,

.....

(6) Subsection 4 (4) of the Act is amended by adding the following paragraph:

14.1 Information confirming that,

- i. the consultant lobbyist has not been engaged by a client under circumstances where the client is an organization that is prohibited from engaging lobbyist services under the *Broader Public Sector Accountability Act, 2010*, and
- ii. where the consultant lobbyist has provided services to such a client, an attestation, in a form satisfactory to the registrar, from the head of the client organization confirming that the consultant lobbyist has not been paid for lobbyist services with public funds or other revenues that are not permitted to be used for that purpose.

(7) Section 4 of the Act is amended by adding the following subsection:

Transitional

(5.1) A consultant lobbyist who has filed a return with the registrar before section 4 of the *Broader Public Sector Accountability Act, 2010* applies to a client shall provide the information required by paragraph 14.1 of subsection 4 (4) to the registrar within 30 days of the day on which that section begins to apply.

(8) Subsection 4 (6) of the Act is amended by adding “and shall include an updated version of every attestation required under paragraph 14.1 of subsection (4) with that confirmation” at the end.

(9) The Act is amended by adding the following section:

Consultant lobbyists and public funds

4.1 No consultant lobbyist shall undertake to lobby on behalf of a client where,

- (a) the client is prohibited from engaging a lobbyist to provide lobbyist services using public funds or other revenues under section 4 of the *Broader Public Sector Accountability Act, 2010*; and
- (b) compensation of the consultant lobbyist is to be paid from public funds or other revenues that the client is prohibited from using under that section.

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

Offence re public funds, etc.

(7.1) Every individual who fails to comply with section 4.1 is guilty of an offence.

Local Health System Integration Act, 2006

26. Clause 12 (2) (a) of the *Local Health System Integration Act, 2006* is repealed and the following substituted:

- (a) the Minister may, at any time, review or audit any aspect of the operations of a local health integration network; and

Public Hospitals Act

27. (1) The definition of “inspector” in section 1 of the *Public Hospitals Act* is repealed and the following substituted:

“inspector” means a person appointed under this Act as an inspector; (“inspecteur”)

(2) Subsection 9.1 (2) of the Act is repealed and the following substituted:

No proceeding against Crown

(2) No proceeding, other than a proceeding referred to in subsection 10 (2), shall be commenced against the Crown or the Minister with respect to a decision or direction under section 5, 6 or 9, the appointment of an investigator or a hospital supervisor under section 8 or 9, the appointment of an inspector under section 18 or any action or omission of an investigator, hospital supervisor or inspector done in good faith in the performance of a power or of an authority under any of those sections or under the regulations.

(3) Paragraph 1 of subsection 10 (1) of the Act is repealed and the following substituted:

- 1. An investigator or a hospital supervisor appointed under section 8 or 9, an inspector appointed under section 18 or a person, persons or a body to whom the Minister’s powers have been assigned under clause 32 (1) (z.1).

(4) Section 18 of the Act is repealed and the following substituted:

Inspectors

18. (1) The Minister may appoint one or more inspectors for the purposes of this Act and the regulations.

Powers

(2) Without limiting subsection (1) or the power under the regulations to prescribe the powers and duties of inspectors, an inspector may, if directed by the Minister,

- (a) conduct a review, including an audit, of all or part of the operations, accounts, records and other affairs of a hospital; and

(b) upon completion of a review, make a report in writing to the Minister.

Confidentiality

(3) An inspector and his or her agents shall keep confidential all information that comes to his or her knowledge in the course of his or her duties under this Act and shall not communicate any information to any other person except as required by law or except where the communication is to the Minister or a person employed in or performing services for the Ministry.

Disclosure

(4) Where the Minister determines that disclosure of the report, in whole or in part, is in the public interest, the Minister shall direct that the report, in whole or in part, be made public or be disclosed to any person.

(5) Clause 32 (1) (e) of the Act is repealed and the following substituted:

(e) prescribing the powers and duties of inspectors, and respecting any matters that relate to a review or a report under section 18;

Quality of Care Information Protection Act, 2004

28. The *Quality of Care Information Protection Act, 2004* is amended by adding the following section:

Application of Freedom of Information and Protection of Privacy Act

1.1 The *Freedom of Information and Protection of Privacy Act* does not apply to quality of care information.

PART X COMMENCEMENT AND SHORT TITLE

Commencement

29. (1) Subject to subsection (2), this Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Same

(2) Sections 24 and 28 come into force on January 1, 2012.

Short title

30. The short title of this Act is the *Broader Public Sector Accountability Act, 2010*.

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