

ST. CLAIR COLLEGE OF APPLIED ARTS AND TECHNOLOGY

Board of Governors

OPERATING BY-LAWS

A By-law Relating Generally to the Conduct of the Affairs of
St. Clair College of Applied Arts and Technology.

Approved by: Board of Governors

Supersedes: November 24, 1998

Revised: December 2002
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June 2023
February 2025
June 23, 2026

**ST. CLAIR COLLEGE BOARD OF GOVERNORS
OPERATING BY-LAW**

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ONTARIO COLLEGES OF APPLIED ARTS AND TECHNOLOGY
ACT 2002 AND ONTARIO REGULATION 34/03
FINANCIAL ADMINISTRATION ACT
ADVISORY COLLEGE COUNCIL
PROGRAM ADVISORY COMMITTEES
ELECTION PROCEDURES FOR INTERNAL BOARD MEMBERS
CONFLICT OF INTEREST DISCLOSURE FORM
END OF TERM SELF-REFLECTION FORM

APPENDIX A
APPENDIX B
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APPENDIX G

Policy Title:	Name	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-laws	By-law No: 1
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Name

The name of the College shall be "St. Clair College of Applied Arts and Technology."



Policy Title:	Head Office	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 2
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
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Head Office

The Head Office of the College shall be located at 2000 Talbot Road West, Windsor, Ontario, N9A 6S4 or at such other place as the members of the Board may from time to time determine by resolution.

Policy Title:	Seal	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 3
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
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Seal

The seal, an impression whereof is stamped in the margin hereof, shall be the corporate seal of the College.

Policy Title:	Definitions	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 4
Effective Date:	June 23, 2026	Page: 1 of 2
Supersedes:	November 24, 1998	Last Review Date: June 23, 2026
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Definitions

In this By-law,

- (a) "Board" means the Board of Governors of St. Clair College of Applied Arts and Technology acting as a board of directors;
- (b) "Corporation" means the corporation incorporated under the name "The Board of Governors of St. Clair College of Applied Arts and Technology";
- (c) "College" means the institution maintained, conducted and governed by the Minister with the advice and assistance of the Board under the name "The St. Clair College of Applied Arts and Technology";
- (d) "Minister" means the Minister of Colleges, Universities, Research Excellence and Security (MCURES);
- (e) "External members" means twelve (12) voting members of the Board none of whom is a full-time employee or spouse of a full-time employee of the Corporation, as defined by the Family Law Act.
- (f) "Internal members" means, where the relevant staff or student group has chosen to exercise an option for membership on the Board, four (4) voting members of the Board, including: one (1) student, one (1) academic staff member, one (1) administrative staff member, and one (1) support staff member, each of whom shall be elected by the relevant constituent group, in accordance with this By-law pursuant to O. Reg. 34/03;
- (g) "Advisory College Council" means the Council mandated under the Ministry of Colleges and Universities Minister's Binding Policy Directive – Governance and Accountability Framework. The purpose of this Council is to provide advice to the College President as outlined in the terms of reference;
- (h) "Program Advisory Committee" means a committee assigned to a College program of instruction or cluster of related programs whose structure, terms of reference and procedures are determined in this By-law;
- (i) "Chair" means a Chairperson of the Board or any committee thereof, as the case may be;
- (j) All other definitions and expressions contained in Section 1 of the definitions in Ontario Regulation 34/03, are hereby adopted and used with the same meanings;

- (k) “Regulation” means Ontario Colleges of Applied Arts and Technology Act 2002, Regulation 34/03;
- (l) “LGIC” means Lieutenant Governor in Council established under Regulation 34/03 and referenced in the Colleges of Applied Arts and Technology Policy Framework.

Policy Title:	Governance	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 5
Effective Date:	February 25, 2025	Page: 1 of 1
Supersedes:	April 26, 2022	Last Review Date: February 25, 2025
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Governance

- 5.1 The affairs of the College shall be governed by a Board which shall consist of persons elected and appointed Governors of the College in accordance with the provisions of the Ontario Colleges of Applied Arts and Technology Act, 2002 and Regulation 34/03 appended hereto as Appendix “A”.
- 5.2 Unless otherwise changed by law or by By-law, the Board shall be composed of eighteen (18) members appointed or elected in accordance with this By-law and Regulation 34/03 which includes the President and the Past Chair. Twelve (12) external members shall be appointed to the Board, which comprises of eight (8) external/community members and four (4) approved Lieutenant Governor in Council/Order in Council (LGIC/OIC) members. (Note: 1/3 of the membership (4) is selected by the LGIC, 2/3 (8) are selected by the St. Clair College Board of Governors).
- 5.3 One (1) Academic staff representative, duly elected in accordance with election procedures established by the Board.
- 5.4 One (1) Administrative staff representative, duly elected in accordance with election procedures established by the Board.
- 5.6 One (1) Support Staff representative, duly elected in accordance with election procedures established by the Board.
- 5.7 One (1) Student Representative to be appointed following a selection process to be established by the Board. The eligible candidates to be selected from the duly elected Student Representatives.
- 5.8 The President of the College shall be a voting member of the Board.
- 5.9 No internal Board member may be elected a member of the Board unless in accordance with election procedures (Appendix E) established and approved by Board By-law and included in the operational procedure of the College.
- 5.10 The past Chair will act as ex-officio, non-voting member of the Board for a period of two years.



Policy Title:	Term of Office	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 6
Effective Date:	February 25, 2025	Page: 1 of 1
Supersedes:	February 22, 2022	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Term of Office

The term of office of a Governor shall be as prescribed by Ontario Regulation 34/03. Incumbent Governors approaching the completion of their first three-year term, unless term otherwise noted, must declare their intention to continue serving on the Board, in writing and submit the Self-Reflection Form (Appendix G) to the Board Chair for consideration. Other factors for consideration for re-appointment will include meeting attendance, participation, compliance with Board By-laws and Board Policies, and behaviour consistent with the Code of Conduct policy.

Policy Title:	Eligibility for Membership	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 7
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Eligibility for Membership

- 7.1 Eligibility for Board members appointed under Section 5.3 as an external member shall be as prescribed by Ontario Regulation 34/03.
- 7.2 Board members appointed under section 5.4, 5.5 and 5.6 shall be full-time employees of the College.
- 7.3 Board members appointed under Section 5.7 shall be students enrolled in a full-time program leading to a St. Clair College Certificate, Diploma, or Applied Degree recognized by the Ministry of Colleges and Universities (MCU).
- 7.4 As per the Ontario Not-for-profit Corporations Act 2010 (ONCA), a Governor must be an individual who:
- Is eighteen or more years of age;
 - Is not an undischarged bankrupt;
 - Has not been found under the *Substitute Decisions Act, 1992*, or under the *Mental Health Act* to be incapable of managing property;
 - has not been found to be incapable by any court in Canada or elsewhere; and
 - has not been declared an ineligible individual under the *Income Tax Act* (Canada).
- 7.5 Each Governor will attest to hold office before or within 10 days after election or appointment as per ONCA requirements.
- Attestations will be maintained by the Board Secretary.

Policy Title:	Vacancies	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 8
Effective Date:	February 25, 2025	Page: 1 of 1
Supersedes:	June 25, 2019	Last Review Date: February 25, 2025
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Vacancies

8.1 Vacancies for members appointed under Section 5.3 shall be determined and filled in accordance with Regulation 34/03.

8.2 Board member vacancies under Governance sections 5.4, 5.5, 5.6 and 5.7 shall be determined and filled in accordance with Board By-law established to elect new members and in accordance with Regulation 34/03.

Policy Title:	Board Officers	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 9
Effective Date:	May 22, 2018	Page: 1 of 1
Supersedes:	September 25, 2012	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Board Officers

9.1 The Board shall have the following officers as elected or appointed by the Board:

- a) a Chair;
- b) a Vice Chair;
- c) a President;
- d) a Corporate Secretary;
- e) a Treasurer; and
- f) such other officers as the members of the Board may determine from time to time by resolution as elected or appointed in accordance with this By-law.

Policy Title:	Election of Chair and Vice Chair	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 10
Effective Date:	January 25, 2022	Page: 1 of 1
Supersedes:	May 22, 2018	Last Review Date: February 25, 2025
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Election of Chair and Vice Chair

- 10.1 Eligibility to serve as Chair or Vice Chair is open to external members, who have successfully completed their Certificate of Good Governance. Eligibility to serve as Board Chair also requires successful completion of the Certificate of Advanced Good Governance.
- 10.2 Board elections of the Chair and Vice Chair shall take place annually at the Board meeting in June or as soon thereafter as possible. The vote shall be by secret ballot by all voting members of the Board in attendance.
- 10.3 The current Chair, if ineligible for re-election, shall act as Chairperson of the process to elect the officers. If the current Chair is standing for re-election, or in the Chair’s absence, the Corporate Secretary shall act as Chairperson of the officer election process.
- 10.4 Officers shall serve a one-year term commencing annually on September 1. Officers are eligible for re-election, except that there shall be a limit of two (2) consecutive one-year terms of office for Chair.

Policy Title:	Duties of the Chair	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 11
Effective Date:	January 25, 2022	Page: 1 of 1
Supersedes:	November 24, 1998	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Duties of the Chair

The Chair shall:

- 11.1 Preside at meetings of the Board in accordance with the By-law;
- 11.2 Together with the Corporate Secretary, Treasurer or other Board officers appointed for the purpose, sign all By-laws of the College;
- 11.3 Sign such contracts, documents or instruments in writing as require the signature of the Chair;
- 11.4 Have such other powers and duties as may from time to time be assigned by the Board, or as are incidental to the office of the Chair;
- 11.5 Act generally as public spokesperson for the Board;
- 11.6 Shall be an ex-officio member of all standing committees; and
- 11.7 Ensure that Board governance is conducted in accordance with Board policies duly approved by the Board.
- 11.8 The outgoing Board Chair will act as a mentor in an advisory capacity for one year, immediately following the completion of their term, at the request of the Board.

Policy Title:	Duties of the Vice Chair	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 12
Effective Date:	May 28, 2013	Page: 1 of 1
Supersedes:	November 24, 1998	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Duties of the Vice Chair

- 12.1 The Vice Chair shall have such powers and perform such duties as may be assigned by the Board;
- 12.2 The Vice Chair will act as Chair in the absence of the Chair with full power and authority; and
- 12.3 The Vice Chair shall be the Chair of the Naming Committee.

Policy Title:	The President	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 13
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

The President

- 13.1 The Board shall appoint a President, whose terms and conditions of employment shall be confirmed in a written contract with the Board no later than thirty (30) days following the appointment of the President.
- 13.2 The President shall have full authority to manage and direct the business and affairs of the College and to employ and discharge agents and employees of the College.
- 13.3 The President shall report to and be under the direction of the Board, shall conform to all lawful orders given by the Board, shall sit on such committees directed by the Board and shall at all reasonable times, provide the Board all information they may require regarding the affairs of the College.
- 13.4 In the event that the President is unable to perform the duties of the position due to illness or extended leave over 30 days, the Board shall approve the appointment of the person or persons delegated the authority of the President.
- 13.5 The President shall not have authority to conduct a review or investigation, or effect a legal settlement, of any matter involving the College that directly or indirectly involves or is related to the President, or the conduct of the President, without the prior approval of the Board. In the event a claim, complaint, action, grievance, lawsuit or other legal proceeding is made against the President (arising out of the discharge of his duties as President of the College), the President shall forthwith notify the Board of the existence of the matter.

Policy Title:	Treasurer	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 14
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Treasurer

- 14.1 The Treasurer shall be appointed yearly at the first meeting in the calendar year and approved by the Board of Governors. The Treasurer shall be a signing officer of the Corporation.
- 14.2 The Treasurer shall ensure that the College keeps full and accurate account of all receipts and disbursements of the Corporation in proper books of account and that the College ensures that all moneys or other valuable effects in the name and to the credit of the Corporation are deposited in such banks as may from time to time be designated by the Board of Governors.
- 14.3 A Chair of the Audit Committee, appointed by the Board of Governors will work with the Treasurer, who is a member of the Committee, to ensure that the College distribute the funds of the Corporation under the direction of the Board of Governors, and that the College renders an account of all transactions to the Board of Governors as and when required.
- 14.4 The Treasurer shall ensure that the College cooperates with its auditors during any audit of the accounts and shall also perform such other duties as directed by the Board.
- 14.5 The Treasurer may be the chair of the Audit Committee.

Policy Title:	Corporate Secretary	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 15
Effective Date:	June 23, 2026	Page: 1 of 1
Supersedes:	June 25, 2013	Last Review Date: June 23, 2026
Mandatory Review Date:	June 23, 2031	

Corporate Secretary

The senior person responsible for the administrative duties in the Office of the President will serve as Corporate Secretary.

Whereas the Chair of the Board is responsible for the integrity of the Board process, the Corporate Secretary is responsible for the integrity of the Board documents. The Corporate Secretary ensures that Board procedures are both followed and regularly reviewed. All Governors should have access to the advice and services of the Corporate Secretary and should recognize that the Chair is entitled to the strong support of the Corporate Secretary in ensuring the effective functioning of the Board.

The Corporate Secretary shall be the custodian of the corporate seal of the College and all books, papers, legal and financial records, correspondence, contracts and other documents belonging to the College, which the Corporate Secretary shall publicly disclose only when duly authorized to do so by a resolution of the Board or as required by law.

Specific issues include the following:

- a) The Corporate Secretary will serve as the recording secretary for all meetings of the Board. In the absence of the Corporate Secretary, a member of the Board will serve as recording secretary at the discretion of the Board Chair.
- b) In the absence of both the Chair and the Vice Chair, the Corporate Secretary shall call the Board meeting to order provided there is quorum and shall serve as Chair while the Board elects a Temporary Chair.



Policy Title:	Board Officer Vacancies	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 17
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Board Office Vacancies

- 17.1 Should the Office of the Chair or the Vice Chair become vacant for any reason, the members of the Board may appoint a member to fill such vacancy from among eligible members.
- 17.2 If the Office of the President becomes vacant for any reason, the members of the Board shall appoint the eligible person to fill such vacancy on an interim basis, by resolution, until such time as a permanent appointment has been made.
- 17.3 If the Office of any other Board officer shall become vacant for any reason, the members of the Board may appoint a person to fill such vacancy by resolution.

Policy Title:	Delegation of Duties of Board Officers	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 18
Effective Date:	June 28, 2022	Page: 1 of 1
Supersedes:	November 24, 1998	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

1. Delegation of Duties of Board Officers

In the absence of or inability to act of the Chair, the Vice Chair or any other Board officer or for any other reason that the members of the Board may deem sufficient, the Board may delegate by resolution all or any of the powers of such officer to any other eligible person or to any member of the Board for such period of time that the Board deems appropriate.

2. Duties of the Past Chair

To support succession planning of the Board, the immediate Past Chair will serve as an ex-officio non-voting member of St. Clair College Board of Governors. The Past Chair must have completed their Board term in order to be eligible for this role. The Past Chair will oversee special projects as delegated by the Board and performs other duties as assigned for a maximum of two years.

Policy Title:	Removal of a Board Member	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 19
Effective Date:	January 17, 2015	Page: 1 of 1
Supersedes:	November 24, 1998	Last Review Date: February 25, 2025
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Removal of a Board Member

19.1 Any member of the Board, other than the President, who fails to attend 75% of the regular monthly meetings of the Board (In-Camera/Full Board) in a 12-month period (7 of 9 scheduled meetings), without having been granted a leave of absence from the Board, may be removed as a member by the Board by resolution and upon such removal the said member’s position on the Board shall be deemed vacant.

“Scheduled meeting of the Board” shall mean the regularly scheduled nine (9) monthly meetings (In-Camera/Full Board) within a 12-month period.

“Leave of absence” shall mean a leave which is requested by a member of the Board for a specified period of time and granted by resolution at the discretion of the Board at an in-camera meeting of the Board of Governors.

19.2 In addition to remedies available to the Board to terminate a Board member due to absence, by resolution, the Chair and the Vice Chair may be removed from their respective offices if they are absent for two (2) consecutive meetings of the Board, without having been granted a leave of absence from the Board.

19.3 The process for the declaration of any vacancy referred to in sections 19.1 and/or 19.2 shall be initiated by Board motion and returnable at the next regularly scheduled meeting of the Board for decision by the Board.

Policy Title:	Remuneration of Governors	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 20
Effective Date:	November 24, 1998	Page: 1 of 1
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Remuneration of Governors

Members of the Board shall serve without remuneration and no member of the Board shall directly or indirectly receive any gain from the member's position. However, a member of the Board may be reimbursed for reasonable expenses incurred by the member in the performance of Board duties further to Board approval in accordance with section 10 of Regulation 34/03.

Policy Title:	Board Meetings	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 21
Effective Date:	June 23, 2026	Page: 1 of 2
Supersedes:	May 24, 2022	Last Review Date: June 23, 2026
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Board Meetings

- 21.1 Meetings of the members of the Board shall normally be scheduled on a monthly basis, from September to June each year at the College or elsewhere as the Board may determine and on such day as the Board shall appoint. A copy of any resolution of the Board fixing the place and time of the regular meeting schedule, once approved, shall be provided to every Board member and no further notice shall be required.
- 21.2 Annual General Meeting of the members of the Board shall be held at the College or elsewhere, as the Board may determine and on such day as the Board shall appoint. At every annual meeting or at such other meeting as the Board may determine, in addition to any other business that may be transacted, reports of members of the Board, the year-end financial statement and the report of the auditors shall be presented and the auditor shall be appointed or confirmed for the ensuing year. The members of the Board may consider and transact any business, either special or general, without any notice therefore at any meeting of the Board.
- 21.3 Annual or any other general or special meeting of the members of the Board may be called by the Chair, the Vice Chair or the President or any five members at the Head Office of the College or elsewhere in Ontario and on such day and at such time as that person or persons shall determine and the purpose of the meeting shall be disclosed in the notice of meeting.
- 21.4 Notice of the date, time and place of each meeting of the Board, other than meetings set out in Article 21.1, shall be given to each member not less than forty-eight (48) hours (exclusive of any part of a Non-Business Day) before the time when the meeting is to be held. Where every member of the Board is in attendance and provides consent the notice period may be waived.
- 21.5 If all members of the Board present or participating in a meeting consent, a member of the Board may participate in a meeting of the Board or of a committee of the Board by means of such telephone, electronic or other communications facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously. A member of the Board participating in such a meeting by such means is deemed to be present at the meeting. A maximum of 20% of Board meetings may be attended through virtual means.
- 21.6 A governor present at a meeting is deemed to have consented to any resolution passed, unless:
- Their dissent is recorded in the minutes;
 - They request that their dissent be entered into the minutes;
 - They give their dissent to the secretary of the meeting before it ends; or
 - They submit their dissent immediately after the meeting ends.

- 21.7 If a governor votes or consents to a resolution, they are not entitled to enter a dissent.
- 21.8 If a governor is not present at a meeting, the governor is deemed to have consented to any resolution or action at that meeting *unless* they dissent within seven (7) days of becoming aware of the resolution.
- 21.9 Subject to section 21.7 all meetings of the Board shall be held in public. All matters of a confidential nature, pursuant to the criteria set out in section 21.5, shall be considered by the Board *In-Camera* unless the Board, by majority vote, resolves to consider a specific confidential matter in a public session.
- 21.10 Matters of a confidential nature which shall be considered by the Board in closed (In-Camera) session shall include, but not be limited to:
- a) all matters pertaining to the College President's terms of employment, including selection, evaluation, contract terms and termination;
 - b) all matters pertaining to the terms of employment of any individual employee including, but not limited to, disciplinary matters;
 - c) all matters in litigation, threatened litigation or potential litigation affecting the College;
 - d) the receipt of advice, whether written or oral, that is subject to solicitor-client privilege including all communications for the purpose of pending, threatened or contemplated litigation affecting the College;
 - e) the sale, transfer, gifting, exchange, lease, expropriation, mortgaging, or encumbering of real property by or in favour of the College;
 - f) all matters pertaining to the security of persons and property relating to the College;
 - g) all matters pertaining to the specific terms of labour relations issues including, but not limited to, collective bargaining;
 - h) any matter of a personal nature involving an individual, unless such individual requests, and the Board agrees, that that part of the meeting may be open to the public, in accordance with subsection 5(7) of Ontario Regulation 34/03;
 - i) all matters comprising information that is prohibited from disclosure by law, including, but not limited to, the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.F.3 and the Personal Information Protection and Electronic Documents Act, S.C. 2000, c.5;
 - j) any other matters which, in the opinion of a majority of the Board, the public disclosure thereof would be prejudicial to or jeopardize the strategic interests of the College or its students.
 - k) all consideration of whether a specific item should be discussed In-Camera.

Policy Title:	Quorum	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 22
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Quorum

22.1 Two thirds (2/3) of the total Board membership (voting members) shall form a quorum at any meeting of the Board of Governors (11 for membership of 16 or 17).

22.2 A quorum of any Committee of the Board shall be a majority of the members of the Committee.

Policy Title:	Notice of Meeting	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 23
Effective Date:	June 23, 2026	Page: 1 of 1
Supersedes:	March 28, 2023	Last Review Date: June 23, 2026
Mandatory Review Date:	June 23, 2031	

Notice of Meeting

- 23.1 The Board shall, by resolution, appoint a day or days to be named for regular meetings in any month or months and shall send a copy of such resolution to each member of the Board and shall post a copy or copies prominently in the College premises for the view of the public, all of which shall constitute "prior notice" to members of the Board and to the public of meetings of the Board.
- 23.2 Any notice may be given by the Corporation to any member of the Board or Corporation either personally, by telephone, fax, text, email, courier or by mail, addressed to the last known address of such member appearing on the books of the Corporation.
- 23.3 Accidental omission to give notice to any member of the Corporation or of the Board entitled to notice shall not invalidate any resolution passed or proceedings taken at such meeting.
- 23.4 Notice of any meeting may be dispensed with if all members of the Corporation or the Board or any Committee thereof are present or if those absent consent in writing (either before or after the meeting) to the meeting being held in their absence; a member of the Corporation or the Board or any Committee thereof may at any time, waive notice of any such meeting and may ratify and approve any and all proceedings taken.
- 23.5 Notice of any regular meeting of the Board or any Committee thereof shall be given at least three (3) days before it is held.
- 23.6 Notice of any special meeting of the Board or any Committee thereof shall be given at least one (1) day before it is held.
- 23.7 Notice of any meeting of the members of the Corporation shall be given at least seven (7) days before it is held.
- 23.8 Any Committee thereof may appoint a day or days to be named for regular meetings in any month or months and of such regular meeting no notice need be sent.
- 23.9 The statutory declaration of the Corporate Secretary that notice has been given pursuant to this By-law shall be sufficient and conclusive evidence of the giving of such notice.



Policy Title:	Voting	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 24
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Voting

Questions arising at any meeting of the members of the Board shall be decided by a majority vote of those members including the Chair present and eligible to vote. In the case of an equality of votes the motion shall be declared defeated by the Chair. All votes at any such meeting shall be taken by ballot if so demanded by any member of the Board present but if such demand is not made the vote shall be taken by a show of hands.

A declaration by the Chair of the meeting that a resolution has been carried and an entry to that effect in the minutes shall be admissible in evidence as prima facie proof of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution.

Policy Title:	Powers	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 25
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Powers

25.1 The Board shall administer the affairs of the College in all things and make or cause to be made for the College in its name any kind of contract which the College may lawfully enter into and, save as hereinafter provided, generally may exercise all such powers and do all such other acts and things as the College is authorized to exercise and do, as provided by any applicable statute or law and as prescribed by Regulation.

25.2 The Board shall not,

- a) acquire by purchase, lease, deed, contract, grant or devise; or
- b) sell, grant, convey, mortgage, pledge, lease or otherwise dispose of any real property or any part thereof, or any interest therein, without the written approval of the Minister.

25.3 The Board shall not,

- a) approve an annual budget prepared in respect of a fiscal year of a college that would provide for an accumulated deficit at the end of such fiscal year; or
- b) make any expenditures that are not within the financial limits set by the annual budget, without the written approval of the Minister in accordance with section 9(2) of O. Reg. 34/03.

Policy Title:	Policies	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 26
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Policies

The Board shall have the power to set policies as provided by legislation and corresponding regulations. Within these limits and subject to the binding policy directives of the Minister, and subject to the Terms and Conditions of Employment for College Staff, the Board shall establish policy to guide the President in operating the college.

The President and the College Administration will establish Administrative Procedures within the parameters defined by Board Policy.

Policy Title:	Indemnities to Governors	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 27
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Indemnities to Governors

Every member of the Board and the heirs, executors and administrators, and estate and effects, respectively, of every member of the Board shall from time to time and at all times, be indemnified and saved harmless, out coverage provided by the College, from and against:

- a) All costs, charges, expenses and judgments whatsoever which such member of the Board sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against that member for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by that member in or about the execution of the office of that member, and
- b) All other costs, charges and expenses which that member sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by the willful neglect or default of that member or the failure of a member to act in good faith with a view towards the best interest of the College.

Policy Title:	Protection of Governors, Officers and Employees	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 28
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Protection of Governors, Officers and Employees

- 28.1 No member of the Board or officer or employee of the College shall be liable for the acts, receipts, neglects or defaults of any other member of the Board or officer or employee of the College or for joining in any receipt or act for conformity or for any loss, damage or expense happening to the College through the insufficiency or deficiency of title to any property acquired by the College or for or on behalf of the College or for the insufficiency or deficiency of any security in or upon which any of the moneys of or belonging to the College shall be placed out or invested or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person, firm or corporation with whom or which any moneys, securities or effects shall be lodged or deposited or for any other loss, damage or misfortune whatever which may happen in the execution of duties of the office or trust of that member or in relation thereto unless the same shall happen by or through the wrongful and willful act or neglect or default of that member.
- 28.2 The members of the Board of the College shall not be under any duty or responsibility or respect of any contract, act or transaction whether or not submitted to and authorized or approved by the Board in accordance with the provisions of Section 31 Execution of Documents.
- 28.3 Subject to the provisions of Conflict of Interest rules if any member of the Board or officer or employee of the College shall be employed by or shall perform services for the College otherwise than as a member of the Board or officer or employee of the College or shall be a member of a firm or a shareholder, director or officer of a company which is employed by or performs services for the College the fact of that person being a member of the Board or officer or employee of the College shall not disentitle such person or such firm or company, as the case may be, from receiving proper remuneration for such services.

Policy Title:	Conflict of Interest	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 29
Effective Date:	June 23, 2026	Page: 1 of 2
Supersedes:	November 24, 1998	Last Review Date: June 23, 2026
Mandatory Review Date:	June 23, 2031	

Conflict of Interest

29.1 Every member of the Board or any Committee thereof who has a conflict of interest in any matter under consideration by the College is required to declare the nature of such conflict to the Chair or Vice Chair as soon as said member is aware of the conflict and prior to discussion of such matter at any meeting of the members of the Board or Committee thereof and shall refrain from discussing and voting thereon.

29.2 The obligations of Board members shall be prescribed by the Ministry Binding Policy Directive on Conflicts of Interest.

29.3 The Corporate Secretary shall record in the Minutes of the College, the nature of any conflict of interest so declared on the part of any member of the Board.

29.4 For purposes of Sub-Sections (1) and (2), conflict of interest normally relates, but is not limited, to a direct pecuniary interest of the member, either personally or through a member's family.

Direct pecuniary interest shall be interpreted as an individual interest rather than one that is common to a class of persons, including situations where a member or a member's immediate family could benefit personally from a decision while a larger group of people could not.

Immediate family shall be interpreted to include the spouse, parents or children of a member.

29.5 A member of the Board or any Committee thereof:

- a) shall not use information obtained as a result of the member's appointment for personal benefit,
- b) shall not divulge confidential information obtained as a result of the member's appointment unless legally required to do so, and
- c) shall declare any conflict of interest at the earliest opportunity.

29.6 An undeclared conflict of interest may be identified by a majority vote of the Board in which the member who is the subject of the motion shall not vote.

29.7 Where a Board member fails to comply with this section and/or the Minister's Binding Policy Directive on Conflict of Interest, unless the member's failure is the result of a bona fide error in judgment, the Board shall:

- a) issue a verbal reprimand; or;
- b) issue a written reprimand; and/or;
- c) request that the Board member resign; and/or;
- d) remove the Board member and declare the member's position vacant.

29.8 Removal of a Board member shall be initiated on the basis of Board motion and returnable at the next regularly scheduled meeting of the Board and determined on the basis of a three quarters ($\frac{3}{4}$) majority of the Board, in which the member found to have been in conflict shall not vote.

Policy Title:	Disclosure of Interests in Contracts	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 30
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Disclosure of Interests in Contracts

- 30.1 Without limiting the generality of Section 29, every member with a proposed contract or a contract with the College shall declare said interest at a meeting of the members of the Board as required by Ministry Binding Policy Directives and any applicable statute or law.
- 30.2 In the case of a proposed contract, the declaration required by this Section shall be made at the meeting of the members of the Board at which the question of entering into the contract is first taken into consideration or, if the said member of the Board is not at the said meeting, at the next meeting of the members of the Board held after that member becomes so interested.
- 30.3 In a case where the member of the Board becomes interested in a contract after it is made, the declarations shall be made at the first meeting of the members of the Board held after that member becomes so interested.
- 30.4 For the purposes of this section, a general notice given to the members of the Board of the College by a member of the Board to the effect that said member is a shareholder of or otherwise interested in any other company, or is a member of a specified firm and is to be regarded as interested in any contract made with such other company or firm, shall be deemed to be a sufficient declaration of interest in relation to a contract so made, but no such notice is effective unless it is given at a meeting of the members of the Board or the said member takes reasonable steps to ensure that it is brought up and read at the next meeting of the members of the Board after it is given.
- 30.5 If a member of the Board has made a declaration of said member's interest in a proposed contract or a contract with the College in compliance with this section and has neither taken part in the discussion nor voted in respect of the contract, that member is not accountable to the College or to any of the Board members or creditors for any profit realized from the contract, and the contract is not voidable by reason only of that member holding that office or of the fiduciary relationship established thereby.
- 30.6 Notwithstanding anything in this section, a member of the Board is not accountable to the College or to any of the other members of the Board or creditors for any profit realized from such contract and the contract is not by reason only of said member's interest therein voidable if it is confirmed by a majority of the votes cast at a general meeting of the members of the Board duly called for that purpose and if said member's interest in the contract is declared in the notice calling the meeting.

Policy Title:	Execution of Documents	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 31
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Execution of Documents

- 31.1 Deeds, transfers, licenses, contracts and engagements on behalf of the College shall be signed by any two of the Chair, the Vice Chair, the President and Treasurer or by any two members of the Board if authorized by the Board to do so, and the Corporate Secretary or any member of the Board may affix the seal of the College to such instruments as require the same.
- 31.2 Contracts in the ordinary course of the College's operations may be entered into on behalf of the College by the Chair, the Vice Chair, the President or Treasurer or by any other person authorized by the Board.
- 31.3 Any two of the Chair, the Vice Chair, the President and the Treasurer or any two members of the Board if authorized by the Board, may transfer any and all shares, bonds or other securities from time to time standing in the name of the College in its individual or any other capacity or as trustee or otherwise and may accept in the name and on behalf of the College transfers of shares, bonds or other securities from time to time transferred to the College, and the Corporate Secretary or any member of the Board may affix the corporate seal to any such transfers or acceptances of transfer, and make, execute and deliver under the corporate seal any and all instruments in writing necessary or proper for such purposes, including the appointment of an Attorney or Attorneys to make or accept transfers of shares, bonds or other securities on the books of any company or corporation.
- 31.4 Notwithstanding any provisions to the contrary contained herein, the Board may, by resolution, delegate to any person or persons the right to execute instruments, agreements, contracts, obligations or other similar documents of the College and prescribe policies and procedures relating to the above delegation of duties and responsibilities.

Policy Title:	Cheques	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 32
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Cheques

All cheques, bills of exchange, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the College shall be signed by such officer or officers, agent or agents of the College and in such manner as shall from time to time be determined by resolution of the Board and any one of such officers or agents may alone endorse notes and drafts for collection on account of the College through its bankers, and endorse notes and cheques for deposit with the College's bankers for the credit of the College, or the same may be endorsed "for collection" or "for deposit" with the bankers of the College by using the College's rubber stamp for the purpose. Any one of such officers or agents so appointed may arrange, settle, balance and certify all books and accounts between the College and the College's bankers and may receive all paid cheques and vouchers and sign all the bank's forms or settlement for balances and release or verification slips.

Policy Title:	Deposit of Securities for Safekeeping	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 33
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Deposits of Securities for Safekeeping

The securities of the College shall be deposited for safekeeping with one or more bankers, trust companies or other financial institutions to be selected by the Board. Any and all securities so deposited may be withdrawn, from time to time, only upon the written order of the College signed by such officer or officers, agent or agents of the College, and in such manner, as shall from time to time be determined by resolution of the Board and such authority may be general or confined to specific instances. The institution which may be so selected as custodian by the Board shall be fully protected in acting in accordance with the directions of the Board and shall in no event be liable for the due application of the securities so withdrawn from deposit or the proceeds thereof.

Policy Title:	Borrowing	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 34
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Borrowing

The Board may:

- a) borrow money on the credit of the College; or
- b) issue, sell or pledge securities of the College; or
- c) charge, mortgage, hypothecate or pledge all or any of the personal property of the College, including book debts, rights, powers, franchises and undertakings to secure any securities or any money borrowed, or other debts, or any other obligation or liability of the College.

The Board may authorize any member of the Board, officer or employee of the College or any other person to make arrangements with reference to the moneys borrowed or to be borrowed as aforesaid and as to the terms and conditions of the loan thereof, and as to the securities to be given therefore, with power to vary or modify such arrangements, terms and conditions and to give such additional securities for any moneys borrowed or remaining due by the College as the members of the Board may authorize and generally to manage, transact and settle the borrowing of money by the College.

34.1 The Board shall ensure that borrowing and lending transactions comply with the Financial Administration Act appended hereto as Appendix “B”.

Policy Title:	Books and Records	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 35
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Books and Borrowing

- 35.1 The Board shall see that all necessary books and records of the College required by the By-law of the College or by any applicable statute or law are regularly and properly kept.
- 35.2 Minutes of Proceedings which accurately reflect the proceedings of the Board shall be made available to the public and shall be posted to the College Internet web site within 30 days of approval by the Board.

Policy Title:	Auditors	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 36
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Auditors

Auditors licensed under the Public Accountancy Act shall be recommended by the Audit and Finance Committee and approved annually by the Board of Governors. The auditors shall make an annual audit of such part or all of the books of the Corporation as the Board or the members may direct and shall report to the Audit and Finance Committee of the Board (which shall constitute itself for this purpose as a meeting of the members of the Corporation) following the end of each fiscal year.

Policy Title:	Financial Year	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 37
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Financial Year

Unless otherwise prescribed by Regulation, the financial year of the College shall end on the thirty-first (31st) day of March.

Policy Title:	Committees	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 38
Effective Date:	March 29, 2016	Page: 1 of 1
Supersedes:	November 24, 1998	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

- 38.1 The Board shall appoint an Audit Committee. Membership shall be established by resolution on or before the September meeting of the Board in each calendar year in accordance with policy adopted by the Board.
- 38.2 There shall be a Committee of the Whole, comprised of all current members of the Board, which shall meet regularly as determined by the Chair of the Board. The Committee of the Whole shall meet to receive information and reports on matters of interest to the College, to informally discuss such matters without being bound by strict rules of procedure for debate and to prepare such reports of its proceedings as the Committee of the Whole considers appropriate. The Committee of the Whole shall not have any final decision-making authority but shall be limited to making a report of its deliberations, which may include recommendations, to the Board.
- 38.3 The Board shall elect and maintain, an Executive Committee whose members shall include not fewer than three (3) Board members including the Chair, Vice Chair and College President and may delegate to the Executive Committee any powers of the Board subject to the restrictions, if any, imposed by the Board. The Executive Committee shall exercise its delegated authority in matters of urgency or when it is not otherwise reasonably feasible to convene a full Board meeting, such as during the summer months of June, July and August. Minutes of all meetings of the Executive Committee shall be presented at the next regularly scheduled meeting or in-camera meeting of the Board, as the case may be.
- 38.4 The Board shall ensure that an Advisory College Council is established and whose structure, composition, terms of reference and procedures are determined by this By-law appended hereto as Appendix “C”.
- 38.5 The Board shall ensure that a Program Advisory Committee for each program of instruction or cluster of related programs offered at the College is established and that the structure, terms of reference and procedures are determined by this By-law appended hereto as Appendix “D”.



Policy Title:	Other Committees of the Board	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 39
Effective Date:	March 28, 2018	Page: 1 of 1
Supersedes:	November 24, 1998	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

- 39.1 The Board may from time to time appoint Committees consisting of such persons as the Board may appoint to act in an advisory capacity. Membership on Board Committees shall not be limited to Board members only but in all cases a majority of Committee members must be members of the Board. The members of such Committees shall hold office at the pleasure of the Board and the Chair and the President shall be ex officio members of each such Committee.
- 39.2 The Board may fill any vacancies occurring from time to time in such committees and may dissolve and/or re-appoint any such committee.
- 39.3 Minutes of the proceedings of any such Committee shall be kept in a book or books for that purpose, which shall be open for inspection by any member of the Board. The minutes of all meetings of the Board of Governors shall be presented at the next meeting of the members of the Board and confirmed over the signature of the Chair.

Policy Title:	Adjournment	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 40
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

Any meetings of the members of the Board or a Committee thereof may be adjourned to any time, and from time to time, and such business may be transacted at said adjourned meeting as might have been transacted at the ordinary meeting from which such adjournment takes place. No notice shall be required of any such adjournment. Such adjournment may be made notwithstanding the absence of quorum.

Policy Title:	Amendments	Area of Responsibility: Board of Governors
Policy Section:	Board of Governors By-law	By-law No: 41
Effective Date:	November 24, 1998	Page: 1 of 1
Supersedes:	N/A	Last Review Date: February 25, 2025
Mandatory Review Date:	February 26, 2030	

The By-law may be amended or repealed at a regular meeting of the Board by an affirmative vote of not less than two-thirds of the Board members present and eligible to vote PROVIDED THAT a notice of motion of the proposed amendment or repeal is brought before the Board at a regular meeting, after which the motion shall be presented at the next regular meeting of the Board, to be read, discussed and voted upon.

This By-law supersedes and repeals all previous By-laws.

Enacted by the Board of Governors and sealed with the Corporate seal this

_____ Day of _____, _____.

Chair

Or

Corporate Secretary

Ontario Colleges of Applied Arts and Technology Act, 2002

ONTARIO REGULATION 34/03

GENERAL

Consolidation Period: From October 1, 2010 to the [e-Laws currency date](#).

Last amendment: 301/10.

Legislative History: 354/05, 169/10, 301/10.

This is the English version of a bilingual regulation.

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INTERPRETATION

Definitions

1. In this Regulation,

“academic staff member” means a person who is employed by the board of governors as a teacher, counsellor or librarian; (“membre du corps enseignant”)

“administrative staff member” means a person who is employed by the board of governors and who is not an academic staff member, a support staff member or a student; (“membre du personnel administratif”)

“program of instruction” means a group of related courses leading to a diploma, certificate or other document awarded by the board of governors; (“programme d’enseignement”)

“student” means a person who is enrolled in a course or program of instruction in a college; (“étudiant”)

“support staff member” means a person who is employed by the board of governors as a member of the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria or nursery staff. (“membre du personnel de soutien”). O. Reg. 34/03, s. 1; O. Reg. 169/10, s. 1.

COLLEGES OF APPLIED ARTS AND TECHNOLOGY

Colleges established

2. (1) The following colleges are established:

1. The Algonquin College of Applied Arts and Technology.
2. The Cambrian College of Applied Arts and Technology.
3. The Canadore College of Applied Arts and Technology.
4. The Centennial College of Applied Arts and Technology.
5. Collège Boréal d'arts appliqués et de technologie.
6. Collège d'arts appliqués et de technologie La Cité collégiale.
7. REVOKED : O. Reg. 301/10, s. 1.
8. The Conestoga College Institute of Technology and Advanced Learning.
9. The Confederation College of Applied Arts and Technology.
10. The Durham College of Applied Arts and Technology.
11. The Fanshawe College of Applied Arts and Technology.
12. The George Brown College of Applied Arts and Technology.
13. The Georgian College of Applied Arts and Technology.
14. The Humber College Institute of Technology and Advanced Learning.
15. The Lambton College of Applied Arts and Technology.
16. The Loyalist College of Applied Arts and Technology.
17. The Mohawk College of Applied Arts and Technology.
18. The Niagara College of Applied Arts and Technology.
19. The Northern College of Applied Arts and Technology.
20. The St. Clair College of Applied Arts and Technology.
21. The St. Lawrence College of Applied Arts and Technology.
22. The Sault College of Applied Arts and Technology.
23. The Sheridan College Institute of Technology and Advanced Learning.
24. The Seneca College of Applied Arts and Technology.
25. The Sir Sandford Fleming College of Applied Arts and Technology. O. Reg. 34/03, s. 2 (1); O. Reg. 301/10, s. 1.

(2) The boards of governors of the colleges referred to in subsection (1) as they were constituted immediately before this Regulation comes into force shall be deemed to be established in accordance with this Regulation when this Regulation comes into force. O. Reg. 34/03, s. 2 (2).

Grants to French language colleges

3. (1) It is a condition of the payment of legislative grants to a French language college that, except for instruction of English as a second language,

- (a) all programs and services offered by the college that are funded in whole or in part through provincial government general purpose operating grants shall be offered only in French; and
- (b) all programs and services delivered by the college on behalf of the provincial government shall be delivered only in French. O. Reg. 34/03, s. 3 (1).

(2) No English language college may provide French language programs and services, except for instruction of French as a second language, unless the college has entered into a joint agreement in writing with all of the French language colleges. O. Reg. 34/03, s. 3 (2).

(3) In this section,

“English language college” means any college named in this Regulation other than a French language college; (“collège de langue anglaise”)

“French language college” means the college known as Collège d'arts appliqués et de technologie La Cité collégiale or the college known as Collège Boréal d'arts appliqués et de technologie. (“collège de langue française”) O. Reg. 34/03, s. 3 (3); O. Reg. 301/10, s. 2.

BOARDS OF GOVERNORS

Composition of boards of governors

4. (1) A board of governors of a college shall be composed of,
 - (a) an even number of members, as established by the by-laws of the board of governors, of not less than 12 and not more than 20 members to be appointed in accordance with subsection (2);
 - (b) the president of the college, by virtue of office, as a voting member; and
 - (c) one student, one academic staff member, one administrative staff member and one support staff member, each of whom shall be elected by the students or by the relevant staff group. O. Reg. 34/03, s. 4 (1); O. Reg. 169/10, s. 2 (1).
- (2) On and after October 1, 2010, the members of a board of governors appointed under clause (1) (a) shall be appointed as follows:
 1. The following number of members shall be appointed by the Lieutenant Governor in Council:
 - i. If, under the board's by-laws, the total number of members to be appointed under clause (1) (a) is 12, four of the members shall be appointed by the Lieutenant Governor in Council.
 - ii. If, under the board's by-laws, the total number of members appointed under clause (1) (a) is established at 14 or 16, five of the members shall be appointed by the Lieutenant Governor in Council.
 - iii. If, under the board's by-laws, the total number of members appointed under clause (1) (a) is established at 18, six of the members shall be appointed by the Lieutenant Governor in Council.
 - iv. If, under the board's by-laws, the total number of members appointed under clause (1) (a) is established at 20, seven of the members shall be appointed by the Lieutenant Governor in Council.
 2. The remaining members of the board to be appointed under clause (1) (a) shall be appointed by the members of the board holding office at the time of the appointment, subject to paragraph 3.
 3. A member of the board appointed under paragraph 2 shall not participate in a vote of the board relating to a renewal or extension of his or her appointment. O. Reg. 169/10, s. 2 (2).
- (3) No member appointed under subsection (2) shall be an employee or a student of a college of applied arts and technology. O. Reg. 34/03, s. 4 (3); O. Reg. 354/05, s. 1 (1); O. Reg. 169/10, s. 2 (3).
- (4) A college board of governors is not improperly constituted solely because the students or a staff group referenced in clause (1) (c) choose not to exercise the right to elect a member under clause (1) (c). O. Reg. 34/03, s. 4 (4).
- (5) No person shall be a member of the college board of governors under clause (1) (c) unless the person is duly elected in accordance with procedures established by the board after consultation with the students and with the staff referenced in clause (1) (c) and set out in a by-law of the board. O. Reg. 34/03, s. 4 (5).
- (6) A member of a board of governors appointed under subsection (2) or elected under clause (1) (c), other than a member elected by the students, shall hold office for a term not to exceed three years and shall not serve for more than six years consecutively but is eligible for reappointment or re-election, as the case may be, after two years absence from the board for successive terms not to exceed six years in total. O. Reg. 34/03, s. 4 (6).
- (7) A member of the board of governors elected by the students under clause (1) (c) shall hold office for a term not to exceed two years and shall not serve for more than four years consecutively but is eligible for re-election after two years absence from the board for successive terms not to exceed four years in total. O. Reg. 34/03, s. 4 (7).
- (8) The members of a board of governors shall take office on the 1st day of September in the year of their appointment or election, as the case may be. O. Reg. 34/03, s. 4 (8).
- (9) A member of a board of governors who was appointed to the board by the College Compensation and Appointments Council or the College Appointments Council before October 1, 2010 shall continue to hold office after that day until the expiry of the term of their appointment. O. Reg. 169/10, s. 2 (4).
- (10) For the purposes of the first appointments to be made to a board of governors of a college on and after October 1, 2010 in accordance with subsection (2), the following rules apply until such time as all members of the board have been appointed in accordance with that subsection:
 1. As the terms of appointment of members appointed before October 1, 2010 expire, the first appointment to replace a member shall be made by the Lieutenant Governor in Council under paragraph 1 of subsection (2) and the second appointment to replace a member shall be made by existing board members under paragraph 2 of subsection (2).
 2. Successive appointments shall be made alternatively under paragraph 1 of subsection (2) and then under paragraph 2 of subsection (2) until the requisite number of members have been appointed by the Lieutenant Governor in Council under paragraph 1 of subsection (2).
 3. The remaining appointments to replace members appointed before October 1, 2010 shall be made by existing board members under paragraph 2 of subsection (2) until the requisite number of members have been appointed in accordance with that paragraph. O. Reg. 169/10, s. 2 (4).

Procedure for boards of governors

5. (1) The quorum required for a meeting of a board of governors shall be equal to the majority of the number of board members that is required under section 4 and under the board's by-laws, plus one. O. Reg. 301/10, s. 3.

(2) The board of governors shall, in accordance with its by-laws, annually or every two years elect a chair and vice-chair from among its members appointed under subsection 4 (2) and the chair and vice-chair are eligible for re-election. O. Reg. 34/03, s. 5 (2).

(3) Each board of governors shall keep records and minutes of its proceedings that accurately reflect the proceedings of the board. O. Reg. 34/03, s. 5 (3).

(4) The by-laws of a board of governors,

(a) shall be open to examination by the public during the normal office hours of the college; and

(b) wherever possible, shall be available to the public at no charge on a website on the Internet. O. Reg. 34/03, s. 5 (4).

(5) Subject to subsections (6) and (7), all meetings of a board of governors shall be open to the public and prior notice of the meeting shall be given to the members of the board of governors and to the public in such manner as the board of governors by by-law shall determine, and no person shall be excluded from a meeting except for improper conduct as determined by the board of governors. O. Reg. 34/03, s. 5 (5).

(6) Where a matter determined by a board of governors to be confidential to the college in accordance with criteria established by by-law is to be considered, the part of the meeting concerning such confidential matter may be closed to the public. O. Reg. 34/03, s. 5 (6).

(7) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be closed to the public unless such individual requests and the board of governors agrees that that part of the meeting be open to the public. O. Reg. 34/03, s. 5 (7).

Removal of members

6. (1) Every board of governors shall establish a by-law relating to the removal of members of the board of governors by the board. O. Reg. 169/10, s. 3.

(2) A by-law made under subsection (1) shall provide for the removal of any member of the board of governors other than,

(a) the members of the board appointed by the Lieutenant Governor in Council under paragraph 1 of subsection 4 (2); and

(b) the president of the college who is a member of the board of governors by virtue of office. O. Reg. 169/10, s. 3.

(3) The by-law shall set out,

(a) the reasons that may justify the removal of a member from the board of governors;

(b) the procedures to be followed in removing a member; and

(c) a review procedure for the review of the decision to remove a member from the board. O. Reg. 169/10, s. 3.

(4) The review procedure referred to in clause (3) (c) shall include,

(a) a requirement that the review,

(i) only relate to the issues of whether the reasons for the removal and the procedure followed in removing a member were in compliance with the by-law made under clause (3) (a), and

(ii) not include a review of whether the decision of the board was correct; and

(b) a requirement that the chair of the board and the president of the college sign a written attestation that the removal process was carried out in accordance with the by-law. O. Reg. 169/10, s. 3.

(5) The board of governors may remove a member of the board other than a member described in clause (2) (a) or (b) in accordance with the by-law made under subsection (1). O. Reg. 169/10, s. 3.

(6) With respect to any member of the board appointed by the Lieutenant Governor in Council under paragraph 1 of subsection 4 (2), if the board of governors believes that there exist reasons justifying the removal of the member from the board of governors, the board may set those reasons out in a report to the Minister for referral to the Lieutenant Governor in Council. O. Reg. 169/10, s. 3.

Vacancies

7. (1) Where a vacancy occurs among the members of a board of governors elected under clause 4 (1) (c), the students or the staff referenced in clause 4 (1) (c), as the case may be, shall in accordance with the by-law established under subsection 4 (5) elect a new member. O. Reg. 34/03, s. 7 (1).

(2) If a vacancy occurs among the members of a board of governors appointed under paragraph 2 of subsection 4 (2), the board shall appoint a person to fill the vacancy. O. Reg. 169/10, s. 4.

(3) The term of a member elected under subsection (1) or appointed under subsection (2),

- (a) commences on the date of the election or appointment, as the case may be;
 - (b) subject to clause (c), shall be of the same length as a member appointed under subsection 4 (2) or elected under clause 4 (1) (c); and
 - (c) shall terminate on August 31 of the year in which the term ends. O. Reg. 34/03, s. 7 (3).
- (4) Where a person elected to the board under clause 4 (1) (c) ceases temporarily or permanently to be a student, academic staff member, administrative staff member or support staff member, as the case may be, the person ceases to be a member of the board. O. Reg. 34/03, s. 7 (4).
- (5) Despite subsection (4), a student elected under clause 4 (1) (c) who graduates prior to the expiration of the student's term may remain a member of the board until August 31 in the year of his or her graduation. O. Reg. 34/03, s. 7 (5).

Strategic plan, business plan and annual report

- 8.** (1) The board of governors of each college shall submit a strategic plan, a business plan and an annual report or any combination of them as the Minister directs to the Minister. O. Reg. 34/03, s. 8 (1).
- (2) The board of governors of a college,
- (a) shall compile key performance indicators as identified by the Minister and provide such indicators to the Minister or to another person as directed by the Minister; and
 - (b) shall publish such indicators as may be required by the Minister. O. Reg. 34/03, s. 8 (2).
- (3) The board of governors of a college shall ensure that a plan or report submitted under subsection (1) is available to the public. O. Reg. 34/03, s. 8 (3).
- (4) The Minister may require a college to enter into an accountability agreement relating to the strategic plan to address such aspects of college operations as may be identified by the Minister. O. Reg. 34/03, s. 8 (4).
- (5) The accountability agreement may recognize differentiation in college mandates or roles. O. Reg. 34/03, s. 8 (5).

Balanced budget

- 9.** (1) The board of governors of a college shall ensure that the college balances its budget every year. O. Reg. 34/03, s. 9 (1).
- (2) If it appears that a college will not balance its budget in a year and that an accumulated deficit will occur, the board of governors of the college shall seek the Minister's approval in respect of the budget and shall provide the Minister with an appropriate recovery plan as directed by the Minister. O. Reg. 34/03, s. 9 (2).

Allowances for board members

- 10.** (1) A board of governors may approve allowances for board members for travelling and living expenses incurred by members while engaged in the business of the board, but members shall otherwise not be remunerated by the board for undertaking the responsibilities of a board member. O. Reg. 34/03, s. 10 (1).
- (2) For the purposes of this section, a member of the board of governors of a college includes a member of a committee or sub-committee of the board. O. Reg. 34/03, s. 10 (2).

ADMISSIONS, DIPLOMAS, ETC.

Admissions

- 11.** (1) A person who applies for admission to a program of instruction shall be considered for admission to an appropriate program of instruction if the person,
- (a) is the holder of an Ontario Secondary School Diploma or its equivalent;
 - (b) is 19 years of age or older on or before the commencement of the program in which the student intends to enrol; or
 - (c) does not meet the criteria set out in clauses (a) and (b) but is the holder of an admission requirement established by the board of governors for a specific program of instruction. O. Reg. 34/03, s. 11 (1).
- (2) The requirement set out in subsection (1) may be subject to the criteria set out in the college's central admission publication with respect to a particular program of instruction. O. Reg. 34/03, s. 11 (2).

Categories of diplomas, etc.

- 12.** The categories of diplomas, certificates or other documents awarded by a board of governors attesting to the attendance or completion of a course or program of instruction are subject to the approval of the Minister. O. Reg. 34/03, s. 12.
- 13.** REVOKED: O. Reg. 169/10, s. 5 (6).

INSURED BENEFITS AND COLLEGE PENSIONS

College of Applied Arts and Technology Pension Plan

14. (1) All colleges shall participate in the College of Applied Arts and Technology Pension Plan established pursuant to the Sponsorship and Trust Agreement signed between December 19, 1994 and January 3, 1995 between the colleges and the Ontario Public Service Employees Union. O. Reg. 34/03, s. 14 (1).

(2) All colleges shall participate in,

(a) an insured benefit plan for college staff members established by the College Employer Council under subsection 7.1 (2) of the Act; and

(b) the insured benefit plan for college staff members for which the College Employer Council is the deemed policy holder under subsection 7.1 (4) of the Act. O. Reg. 169/10, s. 6.

(3) REVOKED: O. Reg. 169/10, s. 6.

MINISTER'S INTERVENTION

Minister's intervention

15. (1) Where the Minister is of the opinion that an intervention into the affairs of a college under section 5 of the Act is necessary, the Minister may,

(a) appoint a person to investigate the activities of the college and to advise the Minister whether, in his or her opinion, the appointment of an administrator is in the public interest and is needed to ensure that the college continues to provide service in accordance with applicable Acts and the regulations made under them and policy directives;

(b) issue such policy directives under section 4 of the Act as the Minister considers advisable and require the board of governors to comply with the directives within a specified period of time;

(c) remove some or all board members appointed under subsection 4 (2) temporarily or permanently; and

(d) appoint a person to temporarily administer the business and affairs of the college, subject to such conditions and restrictions as the Minister may impose upon the administrator. O. Reg. 34/03, s. 15 (1).

(2) If a college is subject to an investigation under clause (1) (a) or to administration under clause (1) (d), the investigator or administrator shall have access at all times to the records of the college including, but not limited to, the by-laws, minute books, books of account, vouchers and other records relating to the college's financial transactions. O. Reg. 34/03, s. 15 (2).

(3) An investigator appointed under clause (1) (a) or an administrator appointed under clause (1) (d) may inspect the records of the college and may copy the records. O. Reg. 34/03, s. 15 (3).

(4) Subject to any conditions or restrictions that the Minister may have imposed, the administrator has all of the powers of the board of governors of the college and may exercise them for the purpose of managing the business and affairs of the college, ensuring that the college carries out its objects and performing such other duties as may be specified by the Minister. O. Reg. 34/03, s. 15 (4).

(5) The board of governors of the college cannot exercise any of its powers, except powers that are explicitly reserved to it through conditions or restrictions imposed by the Minister on the administrator, while the administrator holds office. O. Reg. 34/03, s. 15 (5).

(6) If a college is subject to administration under clause (1) (d), the actions taken by the administrator to manage the business and affairs of the college shall be deemed to have been done by and for the college and in its name. O. Reg. 34/03, s. 15 (6).

(7) The Minister may terminate the administrator's appointment when the Minister is satisfied that the appointment is no longer in the public interest or as the Minister otherwise considers appropriate. O. Reg. 34/03, s. 15 (7).

(8) The administrator shall report to the Minister as required by the Minister. O. Reg. 34/03, s. 15 (8).

(9) The Minister may issue directions to the administrator with regard to any matter within the jurisdiction of the administrator and the administrator shall carry out the directions. O. Reg. 34/03, s. 15 (9).

(10) The Minister has exclusive jurisdiction over all matters arising under this section or out of the exercise by any person of the powers conferred under this section and the Minister's actions are determinative and are not subject to review by a court. O. Reg. 34/03, s. 15 (10).

(11) The *Statutory Powers Procedure Act* does not apply to anything done by the Minister or by an administrator under this section. O. Reg. 34/03, s. 15 (11).

(12) No proceeding shall be commenced against the Crown or the Minister with respect to the appointment of an administrator or investigator under this section. O. Reg. 34/03, s. 15 (12).

Immunity from liability

16. (1) No action or other proceeding for damages or otherwise shall be instituted against an administrator or investigator appointed under section 15 for any act done in good faith in the execution or intended execution of any duty or authority under this Regulation or for any alleged neglect or default in execution in good faith of any such duty or authority. O. Reg. 34/03, s. 16 (1).

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an administrator or investigator to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in the same manner as if subsection (1) had not been enacted. O. Reg. 34/03, s. 16 (2).

TRANSITIONAL ISSUES RESULTING FROM THE DISSOLUTION OF THE
COLLEGE KNOWN AS COLLÈGE D'ARTS APPLIQUÉS ET DE TECHNOLOGIE DES GRANDS LACS

Dissolution of college

17. (1) The college known as Collège d'arts appliqués et de technologie des Grands Lacs is dissolved on August 31, 2010. O. Reg. 301/10, s. 4.

(2) In this section,

“former college” means the college known as Collège d'arts appliqués et de technologie des Grands Lacs dissolved under subsection (1). O. Reg. 301/10, s. 4.

(3) In any action or other proceeding against the former college, its board of governors, an individual member of the board, including the president, or a former employee of the board, whether commenced before the dissolution of the former college or afterwards, the Crown may, after the dissolution of the former college,

- (a) represent the former college, its board of governors or individual named in the action or proceeding; and
- (b) assert any right or defence and submit any evidence that the former college, board of governors or individual named in the action or proceeding could have asserted or submitted as defendant in the action, whether before the dissolution of the former college or afterwards. O. Reg. 301/10, s. 4.

(4) No action or other proceeding for damages or otherwise shall be instituted against an individual member of the board of governors of the former college for any act done in good faith in the execution or intended execution of any duty or authority under Ontario Regulation 117/03 (Winding-up of the Collège d'arts appliqués et de technologie des Grands Lacs) made under the Act, as that regulation read immediately before its revocation on July 28, 2010, or for any alleged neglect or default in execution in good faith of any such duty or authority. O. Reg. 301/10, s. 4.

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Financial Administration Act

R.S.O. 1990, CHAPTER F.12

Consolidation Period: From July 1, 2019 to the [e-Laws currency date](#).

Last amendment: 2019, c. 7, Sched. 34, s. 2.

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Definitions

1 (1) In this Act,

“appropriation” means an authority to pay money out of the Consolidated Revenue Fund or to recognize a non-cash expense or a non-cash investment; (“affectation de crédits”)

“Consolidated Revenue Fund” means the aggregate of all public money that is on deposit at the credit of the Minister of Finance or in the name of any agency of the Crown approved by the Lieutenant Governor in Council; (“Trésor”)

“Crown” means the Crown in right of Ontario; (“Couronne”)

“designated purpose account” means an account that an Act requires be maintained in the Government of Ontario’s financial records for the purposes of recording,

- (a) the recognition of revenues, including amounts credited on account of interest, as specified in that Act, and
- (b) expenditures which are authorized to be incurred for the purposes specified in that Act; (“compte à fin désignée”)

“expenditure” means a payment of money out of the Consolidated Revenue Fund or the recognition by the Crown of a non-cash expense or a non-cash investment; (“dépense”)

“fiscal agent” means a fiscal agent appointed under section 31; (“agent financier”)

“fiscal year” means the period from the 1st day of April in one year to the 31st day of March in the next year; (“exercice”)

“minister” means a member of the Executive Council; (“ministre”)

“ministry” means a ministry of the Government of Ontario; (“ministère”)

“money” includes negotiable instruments; (“somme d’argent”)

“money paid to Ontario for a special purpose” includes money that is paid to a public officer under or pursuant to a statute, trust, undertaking, agreement or contract and that is to be disbursed for a purpose specified in or pursuant to such statute, trust, undertaking, agreement or contract; (“somme d’argent versée à l’Ontario à des fins particulières”)

“negotiable instrument” includes a cheque, draft, traveller’s cheque, bill of exchange, money order and any similar instrument; (“effet négociable”)

“non-cash expense” means an amount recognized as an expense in a fiscal year on account of,

- (a) the reduction of a prepaid expense,
- (b) the amortization of a capital asset,
- (c) a loss realized on the disposition of a capital asset,
- (d) the unexpected loss or destruction of a capital asset,
- (e) a bad debt,
- (f) an imputed interest subsidy arising when a loan that has been made bears interest at a rate below the lender’s cost of funds,
- (g) an adjustment in the amount of an expense for an employee or pensioner benefit that is required as a result of an actuarial valuation of the amount of the liability for that benefit,

- (g.1) an imputed operating grant for a school board in respect of taxes for school purposes,
- (h) any other expense not requiring an outlay of money or the incurring of a liability that is prescribed by the regulations made under this Act; (“frais hors trésorerie”)

“non-cash investment” means an amount recognized as a capital investment in a fiscal year on account of,

- (a) imputed interest costs incurred during the construction of a capital asset, or
- (b) any other capital investment not requiring an outlay of money or the incurring of a liability that is prescribed by the regulations made under this Act; (“élément d’investissement hors trésorerie”)

“public entity” means,

- (a) a Crown agency,
- (b) a corporation, with or without share capital, that is not a Crown agency but is owned, operated or controlled by the Crown,
- (c) any other board, commission, authority or unincorporated body of the Crown; (“entité publique”)

“public money” means money that is determined under subsection (3), (4) or (5) to be public money; (“deniers publics”)

“public officer” includes a minister and a person employed in a ministry or public entity; (“agent public”)

“registrar” means a registrar appointed under section 31; (“agent comptable”)

“special purpose account” means an account maintained in the Government of Ontario’s financial records for the purpose of recording receipts, including any amounts credited on account of interest, and disbursements of money that has been paid into the Consolidated Revenue Fund and that was paid to Ontario for a special purpose; (“compte spécial”)

“specified public entity” means a public entity the financial obligations of which are paid directly out of the Consolidated Revenue Fund; (“entité publique déterminée”)

“statutory appropriation” means an amount that is authorized, under a provision of this or another Act of the Legislature that describes the amount as payable or capable of being recognized without any legislative authority other than the provision of the Act,

- (a) to be paid out of the Consolidated Revenue Fund, or
- (b) to be recognized by the Crown as a non-cash expense or a non-cash investment. (“crédit législatif”) R.S.O. 1990, c. F.12, s. 1; 1994, c. 17, s. 62 (1, 2); 2002, c. 8, Sched. B, s. 1; 2006, c. 33, Sched. J, s. 1; 2009, c. 18, Sched. 12, s. 1; 2010, c. 1, Sched. 7, s. 1 (1-6); 2010, c. 26, Sched. 7, s. 1; 2016, c. 5, Sched. 9, s. 1 (1).

Interpretation, head of a public entity

(1.1) A reference in this Act to the head of a public entity is a reference to its chief executive officer or to a person who holds a similar position with respect to the public entity. 2010, c. 1, Sched. 7, s. 1 (7).

Interpretation, appropriation for a fiscal year

(2) A reference in this Act to an appropriation for or relating to a fiscal year is a reference to an appropriation that authorizes an expenditure for only that fiscal year. 2009, c. 34, Sched. J, s. 1.

Interpretation, incurring of expenditure

(2.1) The Crown incurs an expenditure when,

- (a) an amount is paid out of the Consolidated Revenue Fund or recognized as a non-cash expense or non-cash investment;
or
- (b) a liability is charged against an appropriation under subsection 11.6 (3). 2016, c. 5, Sched. 9, s. 1 (2).

Public money

(3) Money is public money if it belongs to Ontario and is received or collected by the Minister of Finance or by any other public officer or by any person authorized to receive and collect such money. 2010, c. 1, Sched. 7, s. 1 (7).

Same

(4) Without limiting the generality of subsection (3), public money includes,

- (a) special funds of Ontario and the income and revenue therefrom;

(b) revenues of Ontario; and

(c) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities. 2010, c. 1, Sched. 7, s. 1 (7).

Same, paid for a special purpose

(5) Money is also public money if it is paid to Ontario for a special purpose, unless another Act provides otherwise. 2010, c. 1, Sched. 7, s. 1 (7).

Exception for certain corporations

(6) The following corporations and entities are deemed not to be public entities for the purposes of this Act:

1. REPEALED: 2016, c. 37, Sched. 18, s. 7.

2. Hydro One Inc. and its subsidiaries, which are deemed not to be public entities on and after the date on which subsection 1 (3) of Schedule 11 to the *Building Ontario Up Act (Budget Measures), 2015* comes into force.

2015, c. 20, Sched. 11, s. 1; 2016, c. 37, Sched. 18, s. 7.

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 - 23/06/1994

2002, c. 8, Sched. B, s. 1 (1, 2) - 27/06/2002

2006, c. 33, Sched. J, s. 2 - 20/12/2006

2009, c. 18, Sched. 12, s. 1 (1-5) - 1/04/2009; 2009, c. 34, Sched. J, s. 1 - 15/12/2009

2010, c. 26, Sched. 7, s. 1 (1-7) - 1/04/2010

2015, c. 20, Sched. 11, s. 1 (1) - 4/06/2015; 2015, c. 20, Sched. 11, s. 1 (2) - 19/11/2015; 2015, c. 20, Sched. 11, s. 1 (3) - 15/10/2015

2016, c. 5, Sched. 9, s. 1 (1, 2) - 31/03/2016; 2016, c. 37, Sched. 18, s. 7 - 08/12/2016

PART 0.1

TREASURY BOARD AND MINISTRY OF FINANCE

TREASURY BOARD

Treasury Board continued

1.0.1 The committee of the Executive Council known in English as the Treasury Board and in French as Conseil du Trésor is continued. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Members

1.0.2 (1) The members of the Board are the Minister of Finance, the Chair of the Management Board of Cabinet and not fewer than four or more than eight other members appointed by the Lieutenant Governor in Council from among the members of the Executive Council. 2009, c. 34, Sched. J, s. 2.

Alternative members

(2) The Lieutenant Governor in Council may appoint from among the members of the Executive Council alternative members of the Board to act in the absence of Board members other than the Minister of Finance or the Chair of the Management Board of Cabinet. 2009, c. 34, Sched. J, s. 2.

Quorum

(3) Three members constitute a quorum of the Board. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Chair and vice-chair

1.0.3 (1) The Lieutenant Governor in Council may designate the chair and vice-chair of the Board. 2009, c. 34, Sched. J, s. 2.

Chair's duties

(2) The chair shall preside at Board meetings, is responsible for its operation and administration and, between its meetings, shall exercise or perform such of its powers, duties and functions as the Board may authorize. 2009, c. 34, Sched. J, s. 2.

Absence of chair or vice-chair

(3) When the chair is absent from a meeting of the Board, the vice-chair shall preside, and when both are absent, the members present at the meeting shall elect a chair for the meeting. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Procedure

1.0.4 (1) The Board may determine its rules and methods of procedure and shall keep records of its decisions and proceedings. 2009, c. 34, Sched. J, s. 2.

Secretary of the Board

(2) Subject to the direction of the chair of the Board, the Deputy Minister of Finance or such other person referred to in paragraph 1 or 3 of subsection 2 (2) of the *Public Service of Ontario Act, 2006* as is designated by order of the Lieutenant Governor in Council shall hold the office of Secretary of the Board and is responsible for the operation of the Board in accordance with its policies and procedures. 2009, c. 34, Sched. J, s. 2.

Same

(3) If there is no Secretary of the Board or if the Secretary is absent or unable to act, the Secretary of the Management Board of Cabinet has the powers and shall perform the duties of the Secretary of the Board. 2009, c. 34, Sched. J, s. 2.

Board staff

(4) Such employees as are necessary for the proper conduct of the business of the Board shall be appointed under Part III of the *Public Service of Ontario Act, 2006*. 2015, c. 20, Sched. 11, s. 2.

Delegation

(5) The Board may delegate to any member of the Executive Council or to any public servant employed under Part III of the *Public Service of Ontario Act, 2006* any power, duty or function of the Board, subject to such limitations and requirements as the Board may specify. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2015, c. 20, Sched. 11, s. 2 - 4/06/2015

Powers and duties

1.0.5 (1) The powers and duties of the Board are,

- (a) to assess the adequacy of plans for the implementation of programs approved or provided for by the Legislature;
- (b) to direct the preparation and review of forecasts, estimates and analyses of short term and long term expenditures and expenditure commitments and other data pertaining to authorized or proposed programs of any ministry or public entity;
- (c) to direct, and establish policies for, the preparation, form and content of estimates and supplementary estimates submitted to the Legislature for any ministry or public entity;
- (d) to determine fees or charges for the provision of services by any ministry or public entity or for the use of the facilities of a ministry or public entity and to require the ministry or public entity to take such action as is necessary to implement the determination;
- (e) to review, evaluate and approve new and existing programs of any ministry or public entity and determine priorities with respect to them;
- (f) to control expenditures of public money within the amounts appropriated or otherwise provided by the Legislature; and
- (g) to carry out or perform any directions or responsibilities given to the Board by the Executive Council. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 2 (1-4).

Direction by Executive Council

(2) The Board is subject to the direction of the Executive Council, which may amend or revoke any action of the Board. 2009, c. 34, Sched. J, s. 2.

Directives

(3) The Board may issue such directives as it considers necessary in the performance of its duties. 2009, c. 34, Sched. J, s. 2.

Transitional

(4) Each directive issued under the *Treasury Board Act, 1991* in effect on the day this section comes into force is deemed to have been made under the authority of subsection (3). 2009, c. 34, Sched. J, s. 2.

Access to ministry information, etc.

(5) A ministry or public entity shall give the Board access to, and copies of, any account, return, statement, document, report or information in the possession or control of the ministry or public entity when the Board requires the account, statement, document, report or information for the performance of its duties. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 2 (5).

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 1, Sched. 7, s. 2 (1-5) - 1/04/2010

Board may require right to consent to fees, etc.

1.0.6 (1) The Board may require a minister of the Crown to obtain the consent of the Board before the minister exercises his or her discretion to,

- (a) establish, set, charge, require the payment of, collect or otherwise impose a new fee;
- (b) make a regulation prescribing the amount of a fee, make an order setting out the amount of a fee or otherwise determine the amount of a fee;
- (c) waive the payment of a fee or refund a fee that is otherwise required to be paid;
- (d) change the amount of a fee; or
- (e) approve or authorize the exercise of discretion by another person or entity to do anything described in clause (a), (b), (c) or (d) with respect to a fee payable into the Consolidated Revenue Fund. 2009, c. 34, Sched. J, s. 2.

Definition

(2) In this section,

“fee” means a fee or other charge the amount of which,

- (a) is not specified in an Act or in a regulation made by the Lieutenant Governor in Council, and
- (b) is not determined using a formula or method set out in an Act or in a regulation made by the Lieutenant Governor in Council. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Special warrants

1.0.7 (1) If the Legislature is not in session and a matter arises that requires an expenditure that has not been authorized by an appropriation or that exceeds the amount authorized by an appropriation, the Lieutenant Governor in Council, on receiving the report of the Board estimating the amount of the expenditure or additional expenditure, may order a special warrant to be prepared and signed by the Lieutenant Governor authorizing an expenditure in the amount estimated to be required, and the expenditure may be paid or recognized as specified in the special warrant. 2009, c. 34, Sched. J, s. 2.

Where appropriation exists

(2) Subject to subsection (4), if a special warrant is issued with respect to an expenditure that is in addition to an expenditure that has been authorized by an appropriation, the amount of the additional expenditure authorized by the special warrant shall be added to and deemed to be part of the expenditure authorized by the appropriation for the fiscal year in which the special warrant is issued. 2009, c. 34, Sched. J, s. 2.

Where no appropriation exists

(3) Subject to subsection (4), if a special warrant is issued with respect to an expenditure and no expenditure in respect of the same item has been authorized by an appropriation, the expenditure authorized by the special warrant is deemed to be an expenditure authorized by an appropriation for the fiscal year in which the special warrant is issued. 2009, c. 34, Sched. J, s. 2.

Warrant may apply to next fiscal year

(4) A special warrant issued in a fiscal year may provide that it applies with respect to the next fiscal year, in which case the expenditure to which it relates is deemed to be an expenditure authorized by an appropriation for that next fiscal year. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Board orders, supplementary expenditures

1.0.8 (1) Despite section 11.2, the Board may by order authorize supplementary expenditures in addition to the expenditures authorized by an appropriation for a fiscal year if the amount of the expenditures authorized by the appropriation is insufficient to carry out the intended purpose for which they were authorized. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 3.

Report required

(2) An order may be made under subsection (1) only if the Board has received from the ministry responsible for the program to which the proposed supplementary expenditures relate, or from a person prescribed by the regulations made under this Act, a report in writing setting out the need for further expenditures and the reason why the amount that was authorized by the appropriation is insufficient without the supplementary expenditures. 2009, c. 34, Sched. J, s. 2.

Board orders in favour of contingency fund

(3) Despite section 11.2, the Board may by order authorize supplementary expenditures for a reserve for future contingencies authorized by an appropriation, if the Board considers it advisable to do so. 2009, c. 34, Sched. J, s. 2.

Expenditures to be offset by reduction on other appropriation

(4) An order under subsection (1) or (3) shall provide that the supplementary expenditures be offset by reducing the amount of other expenditures authorized by an appropriation for the same fiscal year if not all of those authorized expenditures have been paid or recognized and, in the opinion of the Board, are unlikely to be paid or recognized for the fiscal year. 2009, c. 34, Sched. J, s. 2.

Timing

(5) An order under subsection (1) or (3) may be made at any time before the books of the Government of Ontario for the fiscal year are closed. 2009, c. 34, Sched. J, s. 2.

Post fiscal year-end Board orders to be reported in the Public Accounts

(6) If the Board issues an order under this section at any time after the end of a fiscal year to authorize a supplementary expenditure for that fiscal year because the amount authorized by an appropriation is no longer sufficient due to an adjustment being made that arose out of the audit of the Public Accounts for that fiscal year, the ministry responsible for the program in respect of which the supplementary expenditure is authorized shall prepare a statement setting out the circumstances that gave rise to the need for the order, and the statement shall be included in the Public Accounts for that fiscal year. 2009, c. 34, Sched. J, s. 2.

(7) REPEALED: 2019, c. 7, Sched. 34, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 1, Sched. 7, s. 3 - 18/05/2010

2019, c. 7, Sched. 34, s. 2 - 29/05/2019

Expenditure transfer

1.0.9 (1) When powers and duties are assigned and transferred from one minister of the Crown to another, the Board may transfer to the ministry administered by the minister to whom the powers and duties are assigned and transferred the

appropriate sums in the votes and items of the estimates and supplementary estimates for the expenditures in the fiscal year for the exercise and performance of those powers and duties. 2009, c. 34, Sched. J, s. 2.

Certificate of Board

(2) The Board shall issue to the ministry of the minister to whom powers and duties are assigned and transferred a certificate stating the amount of the sums transferred under subsection (1) and such other information as the Board considers necessary. 2009, c. 34, Sched. J, s. 2.

Expenditures authorized

(3) A certificate is effective from the date stated in it and transfers to the ministry to which it is issued the authority for the portion of the fiscal year beginning with that date to make the expenditure of the sums transferred. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Regulations

1.0.10 (1) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) respecting the accounting for, and the collection, management and administration of public money;
- (b) respecting the retention and disposal of records concerning the receipt or disbursement of public money;
- (c) providing that a board, commission, authority, corporation or any other agency of the Government of Ontario does not fall within the definition of “public entity” set out in subsection 1 (1);
- (c.1) respecting the accounting policies and practices of public entities;
- (c.2) respecting the accounting policies and practices of entities (other than public entities) whose financial statements are included in the consolidated financial statements of the Province as set out in the Public Accounts;
- (c.3) respecting the accounting policies and practices to be followed with respect to the preparation of the consolidated financial statements of the Province;
- (d) designating the Speaker of the Assembly, the chair of the Board of Internal Economy established under the *Legislative Assembly Act* or any member of the Executive Council to represent, for the purposes of sections 1.0.7 and 1.0.8, any office or body reporting directly to the Assembly. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 4; 2010, c. 26, Sched. 7, s. 2 (1); 2012, c. 8, Sched. 14, s. 1.

Exception re: Hydro One Inc.

(1.1) Despite clause (1) (c.2), a regulation cannot be made in respect of the accounting policies and practices of Hydro One Inc. or any of its subsidiaries. 2015, c. 20, Sched. 11, s. 3.

Accounting policies and practices, public entities

(2) Regulations made under clause (1) (c.1) may authorize or require public entities to follow specified accounting policies and practices. 2010, c. 26, Sched. 7, s. 2 (2).

Same, other entities

(3) Regulations made under clause (1) (c.2) may authorize or require entities described in that clause to follow specified accounting policies and practices. 2010, c. 26, Sched. 7, s. 2 (2).

Conflict re policies and practices

(4) A regulation made under clause (1) (c.1) or (c.2) respecting accounting policies and practices prevails over a requirement of another Act or regulation, if the regulation made under clause (1) (c.1) or (c.2) so provides. 2010, c. 26, Sched. 7, s. 2 (2).

Incorporation by reference

(5) A regulation made under clause (1) (c.1) or (c.2) may incorporate documents by reference, in whole or in part, and may specify that a document is incorporated as it reads on a specified date or as it may be amended in the future. 2010, c. 26, Sched. 7, s. 2 (2).

Retroactive regulations

(5.1) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed, but the period shall not begin earlier than the beginning of the most recent fiscal year for which the Public Accounts have not yet been laid before the Assembly or made public in accordance with subsection 1.0.26 (5). 2016, c. 5, Sched. 9, s. 2.

Subdelegation

(6) A regulation made under clause (1) (c.1) or (c.2) may provide that the Minister of Finance, or a public servant employed under Part III of the *Public Service of Ontario Act, 2006* in a position in the Ministry of Finance that is specified in the regulation, is authorized to specify the accounting policies or practices that must or may be followed by a particular public entity or by a particular entity whose financial statements are included in the consolidated financial statements of the Province as set out in the Public Accounts. 2010, c. 26, Sched. 7, s. 2 (2).

Same

(7) Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to the specification of accounting policies or practices by the Minister of Finance or the public servant in accordance with a regulation referred to in subsection (6). 2010, c. 26, Sched. 7, s. 2 (2).

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 1, Sched. 7, s. 4 (1-3) - 18/05/2010; 2010, c. 26, Sched. 7, s. 2 (1,2) - 31/08/2011

2012, c. 8, Sched. 14, s. 1 - 01/04/2011

2015, c. 20, Sched. 11, s. 3 - 15/10/2015

2016, c. 5, Sched. 9, s. 2 - 01/04/2016

MINISTRY OF FINANCE

Ministry of Finance continued

1.0.11 The Ministry known in English as the Ministry of Finance and in French as ministère des Finances is continued. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Minister of Finance to have charge

1.0.12 The Minister of Finance shall preside over and have charge of the Ministry of Finance and has power to act for and on behalf of the Ministry of Finance. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Seal

1.0.13 (1) The Lieutenant Governor in Council may authorize a seal for the Minister of Finance and prescribe its use on documents. 2009, c. 34, Sched. J, s. 2.

Mechanical reproduction of seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Duties and powers of Minister of Finance

1.0.14 (1) The Minister of Finance shall direct and control the Ministry of Finance, recommend to the Executive Council finance, economic, accounting and taxation policy, supervise, direct and control all finance, economic, statistical and accounting functions, manage the Consolidated Revenue Fund and, except as otherwise provided in any other Act, manage all public money. 2009, c. 34, Sched. J, s. 2.

Administration of Acts

(2) The Minister of Finance is responsible for the administration of this Act and the Acts that are assigned to him or her by the Legislature or by the Lieutenant Governor in Council under the *Executive Council Act*. 2009, c. 34, Sched. J, s. 2.

Directives, policies and guidelines

(3) The Minister of Finance may issue such directives, policies and guidelines and may establish such practices and procedures as he or she considers necessary in the performance of his or her duties or in the exercise of his or her powers under this or any other Act. 2009, c. 34, Sched. J, s. 2; 2010, c. 26, Sched. 7, s. 3.

Transitional

(4) Each directive and guideline issued under the *Ministry of Treasury and Economics Act* in effect on the day this section comes into force is deemed to have been made under the authority of subsection (3). 2009, c. 34, Sched. J, s. 2.

References to Treasurer of Ontario, etc.

(5) A reference to the Treasurer of Ontario or to the Treasurer of Ontario and Minister of Economics in any Act or regulation is deemed to be a reference to the Minister of Finance, and a reference to the Ministry of Treasury and Economics in any Act or regulation is deemed to be a reference to the Ministry of Finance. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 26, Sched. 7, s. 3 - 8/12/2010

Deputy Minister of Finance

1.0.15 The Lieutenant Governor in Council shall appoint a Deputy Minister of Finance who shall be the deputy head of the Ministry of Finance. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Delegation of powers

1.0.16 (1) In this section,

“designated minister” means a minister to whom responsibility for the administration of this Act, or a part of this Act, has been assigned or transferred under the *Executive Council Act*. 2015, c. 20, Sched. 11, s. 4.

Delegation

(2) Any power or duty conferred or imposed on a designated minister under this or any other Act may be delegated by the minister to his or her deputy minister or to a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in or provides services to the ministry of the minister and, when purporting to exercise a delegated power or duty, the delegate shall be presumed conclusively to act in accordance with the delegation. 2015, c. 20, Sched. 11, s. 4.

Exception

(3) A designated minister may not delegate his or her powers under subsection 5.1 (3) or 5.2 (2). 2015, c. 20, Sched. 11, s. 4.

Delegation subject to conditions

(4) A delegation under this section shall be in writing and may be subject to such limitations, conditions and requirements as are set out in it. 2015, c. 20, Sched. 11, s. 4.

Subdelegation

(5) In a delegation under this section, the designated minister may authorize a person to whom a power or duty is delegated to delegate to others the exercise of the delegated power or duty, subject to such limitations, conditions and requirements as the person may impose. 2015, c. 20, Sched. 11, s. 4.

Deeds and contracts

(6) Despite section 6 of the *Executive Council Act*, a deed or contract signed by a person empowered to do so under a delegation or subdelegation made under this section has the same effect as if signed by the designated minister. 2015, c. 20, Sched. 11, s. 4.

Facsimile signature

(7) A designated minister or his or her deputy minister may authorize the use of a facsimile of his or her signature on any document except an affidavit or statutory declaration, and the facsimile signature is deemed to be the signature of the minister or the deputy minister, as the case may be. 2015, c. 20, Sched. 11, s. 4.

Transitional

(8) Every delegation made under subsection 64 (1) of the *Capital Investment Plan Act, 1993* that was in effect on December 14, 2009 and remains in effect on the day the *Building Ontario Up Act (Budget Measures), 2015* receives Royal Assent is deemed after December 14, 2009 to have been made under the authority of this section. 2015, c. 20, Sched. 11, s. 4.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 26, Sched. 7, s. 4 - 8/12/2010

2015, c. 20, Sched. 11, s. 4 - 15/10/2015

Protection from personal liability

1.0.17 (1) In this section,

“designated minister” means a minister to whom responsibility for the administration of this Act, or a part of this Act, has been assigned or transferred under the *Executive Council Act*. 2015, c. 20, Sched. 11, s. 4.

Same

(2) No action or other proceeding for damages shall be commenced against the deputy minister of a designated minister or any public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in the ministry of a designated minister for any act done in good faith in the performance or intended performance of his or her duty or for any alleged neglect or default in good faith in the performance of his or her duty. 2015, c. 20, Sched. 11, s. 4.

Same, delegates

(3) No action or other proceeding for damages shall be commenced against any public servant employed under Part III of the *Public Service of Ontario Act, 2006* who provides services to the ministry of a designated minister for any act done in good faith in the performance or intended performance of his or her duty under a delegation or subdelegation of a power or duty of the minister or for any alleged neglect or default in good faith in the performance of his or her duty. 2015, c. 20, Sched. 11, s. 4.

Crown liability

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsections (2) and (3) do not relieve the Crown of any liability to which it would otherwise be subject in respect of a tort committed by the deputy minister of a designated minister or by a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in or provides services to the ministry of a designated minister. 2015, c. 20, Sched. 11, s. 4; 2019, c. 7, Sched. 17, s. 74.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2015, c. 20, Sched. 11, s. 4 - 15/10/2015

2019, c. 7, Sched. 17, s. 74 - 01/07/2019

Expenditures

1.0.18 Except as otherwise provided in this or another Act, the expenditures of the Ministry of Finance shall be paid out of money appropriated for that purpose by the Legislature. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

Grants

1.0.19 (1) The Minister of Finance may make a grant to an organization, agency or other entity for the purpose of improving the process of managing the flow of goods and services, information and funds within the broader public sector. 2009, c. 34, Sched. J, s. 2.

Definitions

(2) For the purposes of this section,

“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” means every authority, board, commission, committee, corporation, council, foundation or organization that received public funds in the Government of Ontario’s previous fiscal year, 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,
- (d) an agency of the Government of Ontario, or
- (e) any prescribed entity; (“secteur parapublic”)

“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”) 2012, c. 8, Sched. 14, s. 2; 2018, c. 17, Sched. 45, s. 6.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2012, c. 8, Sched. 14, s. 2 - 20/06/2012

2018, c. 17, Sched. 45, s. 6 - 06/12/2018

FINANCIAL MANAGEMENT

Financial responsibility

1.0.20 The deputy minister of each ministry and the head of each public entity is responsible for ensuring the proper conduct of the financial business of the ministry or public entity in accordance with such directives, policies and guidelines as are issued and such practices and procedures as are established under subsection 1.0.14 (3). 2010, c. 1, Sched. 7, s. 5; 2010, c. 26, Sched. 7, s. 5.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 1, Sched. 7, s. 5 - 1/04/2010; 2010, c. 26, Sched. 7, s. 5 - 8/12/2010

Payment may be withheld

1.0.21 (1) The Minister of Finance may withhold a payment out of the Consolidated Revenue Fund if he or she has reason to believe that there is no authority for the payment. 2009, c. 34, Sched. J, s. 2.

Reference to Treasury Board

(2) If a payment is withheld under subsection (1), the Minister of Finance or the minister responsible for the ministry or public entity that requisitioned the payment that has been withheld may refer the matter to Treasury Board for determination. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 6.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 1, Sched. 7, s. 6 - 1/04/2010

Payment for special cases

1.0.22 (1) The certificate or order of the Attorney General or Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any

purpose connected with the administration of justice in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Minister of Finance for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by the officer or other person. 2009, c. 34, Sched. J, s. 2.

Certificate of Attorney General or Deputy Attorney General

(2) The certificate of the Attorney General or Deputy Attorney General that any money received by any officer or other person under this section has been duly accounted for is final and conclusive and the account shall not be subject to any further examination. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

1.0.23 REPEALED: 2010, c. 26, Sched. 7, s. 6.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 26, Sched. 7, s. 6 - 8/12/2010

Expenditures authorized by the Assembly

1.0.24 Despite any provision of this Act, if the Assembly has concurred in one or more reports of the Standing Committee on Estimates recommending the passing of estimates of expenditures and supplementary estimates of expenditures of the ministries and legislative offices that were chosen for review by the Standing Committee on Estimates, the Lieutenant Governor in Council may authorize the incurring of any expenditure in a report for which concurrence is given or is deemed, under the Standing Orders, to be given. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 7.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 1, Sched. 7, s. 7 - 18/05/2010

Provision of information to the Minister of Finance

1.0.25 (1) The following entities shall provide to the Minister of Finance, whenever requested to do so by the Minister of Finance and on or before the day specified by the Minister, such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Minister of Finance requires:

1. Every ministry.
2. Every public entity.
3. Every other entity whose financial statements are included in the consolidated financial statements set out in the Public Accounts of the Province of Ontario.
4. Every other entity the financial obligations of which have been guaranteed by a ministry or a public entity. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 8 (1).

Same, pension plans sponsored or co-sponsored by Province

(2) Every administrator of a pension plan that is sponsored or co-sponsored by the Province of Ontario, including a Crown agency, or by an entity described in paragraph 3 of subsection (1) shall provide to the Minister of Finance, whenever requested to do so by the Minister of Finance and on or before the day specified by the Minister of Finance, such information regarding the pension plan and its assets as the Minister of Finance requires, including, but not limited to,

- (a) information required to calculate in accordance with generally accepted accounting principles the pension expense and liability set out in the Public Accounts;
- (b) actuarial valuations of the pension plan on a financial statement basis;
- (c) asset allocations of the pension fund;
- (d) summaries of membership data; and
- (e) the investment policies of the pension plan. 2009, c. 34, Sched. J, s. 2.

Access

- (3) Every ministry and every public entity shall,
- (a) provide access to the Minister of Finance at all reasonable times to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the ministry or public entity; and
 - (b) afford every facility to the Minister of Finance to verify transactions with the balances or securities held by depositaries, fiscal agents or custodians. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 8 (2, 3).

Oath of secrecy

- (4) Every person who is to examine the accounts or inquire into the affairs of any ministry, any public entity or any other entity described in paragraph 3 or 4 of subsection (1) shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that ministry, public entity or other entity. 2009, c. 34, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 8 (4, 5).

Exception re: Hydro One Inc.

- (5) Subsections (1) and (2) apply with respect to Hydro One Inc. for the sole purpose of the preparation of consolidated financial statements of the Province set out in the Public Accounts and quarterly consolidated financial statements of the Province. 2015, c. 20, Sched. 11, s. 5.

Same

- (6) However, Hydro One Inc. and the administrator of any pension plan sponsored by it are not required to provide to the Minister of Finance any information that relates to a period for which Hydro One Inc. has not yet disclosed to the public its audited or unaudited financial statements. 2015, c. 20, Sched. 11, s. 5.

Repeal

- (7) Subsections (5) and (6) and this subsection are repealed on a day to be named by proclamation of the Lieutenant Governor. 2015, c. 20, Sched. 11, s. 5.**

Section Amendments with date in force (d/m/y)

R.S.O. 1990, c. F.12, s. 1.0.25 (7) - see 2015, c. 20, Sched. 11, s. 5 - not in force

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2010, c. 1, Sched. 7, s. 8 (1-5) - 1/04/2010

2015, c. 20, Sched. 11, s. 5 - 15/10/2015

Duty of businesses, etc., to provide certain information

Application

- 1.0.25.1** (1) This section applies to every person or entity who,
- (a) carries on a business as defined in subsection 248 (1) of the *Income Tax Act* (Canada) or is required by that Act to deduct or withhold an amount paid or credited, or deemed to be paid or credited, under that Act; and
 - (b) engages in a financial transaction with a ministry or public entity. 2015, c. 38, Sched. 5, s. 1.

Duty

- (2) Before engaging in the financial transaction with the ministry or public entity, the person or entity shall give the following information to the ministry or public entity for the purpose of the administration and enforcement of this Act:
1. The person's or entity's name including any trade name or other name used by it.
 2. Its business number, as defined in subsection 248 (1) of the *Income Tax Act* (Canada) and its business identifier, if any, under the *Business Regulation Reform Act, 1994*.
 3. Its contact information, including its street address, mailing address, email address and phone number.
 4. Such other information as may be prescribed by regulation. 2015, c. 38, Sched. 5, s. 1.

Transition

- (3) A person or entity who has engaged in a financial transaction with a ministry or public entity before the day this section comes into force shall give the information described in subsection (2) to the ministry or public entity upon request. 2015, c. 38, Sched. 5, s. 1.

Non-application

(4) This section does not apply to a person or entity who is an excluded individual within the meaning of subsection 241 (10) of the *Income Tax Act* (Canada). 2015, c. 38, Sched. 5, s. 1.

Interpretation

- (5) For the purposes of this section, a person or entity engages in a financial transaction with a ministry or public entity,
- (a) if the person or entity pays money to, or receives money from, a ministry or public entity, whether or not the payment is gratuitous or is made in satisfaction of a binding obligation; or
 - (b) if the person or entity enters into an agreement or arrangement with a ministry or public entity under which the person or entity may become liable to pay money to, or entitled to receive money from, the ministry or public entity. 2015, c. 38, Sched. 5, s. 1.

Section Amendments with date in force (d/m/y)

2015, c. 38, Sched. 5, s. 1 - 10/12/2015

Preparation of Public Accounts

1.0.26 (1) The Public Accounts for each fiscal year shall be prepared under the direction of the Minister of Finance and shall include,

- (a) the annual report of the Government of Ontario for the fiscal year;
 - (b) the consolidated financial statements of the Province for the fiscal year;
 - (c) the report of the Auditor General concerning his or her examination of the consolidated financial statements of the Province; and
 - (d) subject to subsection (4), any other information that, under another Act of the Legislature, is required to be included in the Public Accounts. 2009, c. 34, Sched. J, s. 2; 2015, c. 20, Sched. 11, s. 6 (1).
- (2) REPEALED: 2019, c. 7, Sched. 34, s. 2.

Additional information

(3) The Public Accounts may include such other information as the Minister of Finance considers necessary. 2009, c. 34, Sched. J, s. 2.

Information required under other Acts

(4) If, under another Act of the Legislature, information is required to be included in the Public Accounts for a fiscal year, that requirement is deemed to be met if the information is included in the financial information supplementary to the Public Accounts that is laid before the Assembly in accordance with subsection (6). 2009, c. 34, Sched. J, s. 2.

Public Accounts to be submitted and laid before the Assembly

(5) Except in extraordinary circumstances, the Minister of Finance shall submit the Public Accounts for each fiscal year to the Lieutenant Governor in Council on or before the 180th day after the end of the fiscal year and the Lieutenant Governor in Council shall,

- (a) lay the Public Accounts before the Assembly, if the Assembly is in session when the Public Accounts are ready to be laid before the Assembly; or
- (b) make the Public Accounts public, if the Assembly is not in session when the Public Accounts are ready to be laid before the Assembly, and lay the Public Accounts before the Assembly on or before the 10th day of the next session. 2009, c. 34, Sched. J, s. 2.

Supplementary financial information

(6) Except in extraordinary circumstances, the Minister of Finance may submit to the Lieutenant Governor in Council, on or before the 240th day after the end of a fiscal year, any financial information supplementary to the Public Accounts for the fiscal year, and the Lieutenant Governor in Council shall lay the information before the Assembly if it is in session or on or before the 10th day of the next session if the Assembly is not in session. 2009, c. 34, Sched. J, s. 2.

Minister of Finance may make adjustments after end of fiscal year

(7) Despite any provision of this or another Act of the Legislature, the Minister of Finance may, after the end of a fiscal year, make any adjustments to the Public Accounts for the fiscal year that in his or her opinion are necessary to reflect fairly the financial position of the Government of Ontario. 2009, c. 34, Sched. J, s. 2.

Disclosure in Public Accounts not breach of any agreement

(8) A disclosure of information in the Public Accounts, or in any financial information supplemental to the Public Accounts, that is made in accordance with the accounting policies of the Government of Ontario, as set out in the Public Accounts, is deemed not to contravene the provisions of any agreement made before or after this subsection comes into force that purports to restrict or prohibit the disclosure of information. 2009, c. 34, Sched. J, s. 2.

Closing books for fiscal year

(9) The Minister of Finance may determine when the books of the Government of Ontario for a fiscal year are closed. 2009, c. 34, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 2 - 15/12/2009

2015, c. 20, Sched. 11, s. 6 (1-2) - 4/06/2015

2019, c. 7, Sched. 34, s. 2 - 29/05/2019

PART I PUBLIC MONEY

Ontario Opportunities Fund

1.1 (1) The Minister of Finance shall establish as part of the Public Accounts of Ontario an account to be known as the Ontario Opportunities Fund in which shall be recorded money paid to Ontario by any person for the purpose of deficit reduction, the retirement of any part of the indebtedness of Ontario or the purchase for cancellation of any securities issued by Ontario. 2004, c. 31, Sched. 13, s. 1; 2009, c. 34, Sched. J, s. 3 (1).

Application of amounts recorded

(2) The amounts recorded in the Fund under subsection (1) shall be applied in the fiscal year in which they are recorded toward the reduction of the provincial deficit for that fiscal year or to the reduction of the outstanding indebtedness of Ontario in a fiscal year in which there is no provincial deficit. 2004, c. 31, Sched. 13, s. 1; 2009, c. 34, Sched. J, s. 3 (2).

Application of section

(3) This section applies with respect to the fiscal year ended March 31, 2004 and to subsequent fiscal years. 2004, c. 31, Sched. 13, s. 1.

Section Amendments with date in force (d/m/y)

1996, c. 18, s. 24 - 27/06/1996; 1999, c. 9, s. 112 - 1/04/1999

2004, c. 31, Sched. 13, s. 1 - 1/04/2004

2009, c. 34, Sched. J, s. 3 (1-2) - 15/12/2009

Public money to be credited to Minister of Finance

2 (1) Subject to this Part, all public money shall be deposited to the credit of the Minister of Finance. R.S.O. 1990, c. F.12, s. 2 (1); 1994, c. 17, s. 62 (2).

Application of subs. (1.2)

(1.1) Subsection (1.2) applies to every corporation,

- (a) that is constituted or continued by a regulation made under section 5 of the *Development Corporations Act* on or after the day section 1 of Schedule 12 to the *Good Government Act, 2009* comes into force; and
- (b) that is not a development corporation. 2009, c. 34, Sched. J, s. 4 (3); 2012, c. 8, Sched. 14, s. 3.

Funding of certain corporations constituted under the *Development Corporations Act*

(1.2) The assets and revenues of a corporation to which this subsection applies, including all proceeds from borrowing but not including any transfer payments from the Crown, shall be paid into the Consolidated Revenue Fund. 2009, c. 34, Sched. J, s. 4 (3).

Establishment of bank accounts

(2) The Minister of Finance shall establish in the name of the Minister of Finance, and may authorize an agency of the Crown to establish in the name of the agency, accounts with any bank, trust corporation, co-operative credit society, credit

union, caisse populaire, credit union league or caisse populaire league that is designated by the Minister of Finance for the deposit of public money. 1996, c. 24, s. 33 (1).

Duty of person collecting public money

(3) Every person who collects or receives public money shall pay all money coming into the person's hands to the credit of the Minister of Finance through such officers, banks or persons and in such manner as the Minister of Finance may direct, and shall keep a record of receipts and deposits thereof in such form and manner as the Minister of Finance may direct. R.S.O. 1990, c. F.12, s. 2 (3); 1994, c. 17, s. 62 (2, 4).

Exception

(4) Despite subsection (3), the Minister of Finance, on any conditions he or she considers appropriate, may in writing authorize a person who receives or collects public money to retain out of such public money all or any part of any amount owed by the Crown in right of Ontario to the person and payable from the Consolidated Revenue Fund. 1996, c. 24, s. 33 (2).

Same

(5) An amount properly retained pursuant to an authorization under subsection (4) shall be deemed to have been received by and paid from the Consolidated Revenue Fund in respect of the person to whom the authorization under subsection (4) was given. 1996, c. 24, s. 33 (2).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2, 4) - 23/06/1994; 1996, c. 24, s. 33 - 31/10/1996

2009, c. 34, Sched. J, s. 4 (3) - 15/12/2009

2012, c. 8, Sched. 14, s. 3 - 20/06/2012

Minister of Finance's investment powers

3 (1) When the Minister of Finance considers it advisable for the sound and efficient management of public money, the public debt, the Consolidated Revenue Fund or any other fund for which the Minister of Finance is responsible, the Minister of Finance may purchase, acquire, hold or enter into,

- (a) notes, bonds, debentures and other evidences of indebtedness issued or guaranteed as to principal and interest by,
 - (i) Canada, Ontario or another province of Canada,
 - (ii) a municipality in Canada,
 - (iii) a country other than Canada or a political subdivision of a country other than Canada,
 - (iv) an agency of the Government of Canada, a province of Canada or a country other than Canada,
 - (v) a bank or financial institution that is supervised or examined by the central bank or other governmental authority in the jurisdiction in which the bank or financial institution carries on business, or
 - (vi) a supranational financial institution or governmental organization;
- (b) deposit receipts, deposit notes, certificates of deposit, acceptances and other investment instruments issued, guaranteed or endorsed by a financial institution authorized to carry on business in Canada;
- (c) bills, notes, acceptances and other investment instruments issued, guaranteed or endorsed by a corporation engaged in commerce that is authorized to carry on business in Canada;
- (d) foreign currency exchange agreements, spot foreign currency agreements and forward foreign currency agreements;
- (e) interest rate and currency exchange agreements and forward rate agreements;
- (f) bond futures agreements, bankers' acceptance futures agreements, foreign currency exchange futures agreements and other similar financial futures agreements;
- (g) agreements to sell or purchase the right to exercise an option, put or call, or any combination of them;
- (g.1) securities loan agreements, repurchase or reverse repurchase agreements relating to securities issued by Ontario or to any financial instrument or agreement in which the Minister of Finance is authorized to invest under this subsection;
- (h) agreements to sell short a security, financial instrument or agreement in which the Minister of Finance is authorized to invest under this subsection; and

- (i) other securities, financial agreements, investments and evidences of indebtedness authorized by or belonging to a class authorized by the Lieutenant Governor in Council. 1991, c. 55, s. 2; 1994, c. 17, s. 62 (2); 1996, c. 24, s. 34 (1).

Terms and conditions

- (2) A purchase, acquisition, holding or entering into mentioned in subsection (1) may be subject to such terms and conditions as the Minister of Finance considers advisable. R.S.O. 1990, c. F.12, s. 3 (2); 1994, c. 17, s. 62 (2).

Investment not a loan

- (2.1) Any bill, instrument, agreement, investment or evidence of indebtedness that the Minister of Finance purchases, acquires, holds or enters into under subsection (1) shall be deemed not to be a loan for the purposes of section 18. 1996, c. 24, s. 34 (2).

Payment out of Consolidated Revenue Fund

- (3) The money required for the purposes of subsection (1), or in respect of the performance of a contract or agreement mentioned in subsection (1), is a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 3 (3).

Sale or disposal

- (4) The Minister of Finance may sell or dispose of anything mentioned in subsection (1) purchased, acquired, held or entered into by the Minister of Finance, and the proceeds of the sale or disposition shall be deposited to the credit of the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 3 (4); 1994, c. 17, s. 62 (2).

Agreements

- (4.1) The Minister of Finance may enter into agreements or arrangements with custodians, brokers, clearing organizations, trading facilities, trade repositories, financial institutions and any other entities the Minister of Finance determines necessary and advisable in connection with the purchase, acquisition, holding, entering into, performance, sale or disposition of anything mentioned in subsection (1). 2012, c. 8, Sched. 14, s. 4.

Fees, commissions or expenses

- (5) Fees, commissions or expenses incurred by the Minister of Finance in respect of the purchase, acquisition, holding, entering into, performance, sale or disposition of anything mentioned in subsection (1) are a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 3 (5); 1994, c. 17, s. 62 (2).

Same, agreements or arrangements

- (6) Fees, commissions or expenses incurred by the Minister of Finance in respect of any agreements or arrangements entered into under subsection (4.1) are a charge upon and payable out of the Consolidated Revenue Fund. 2012, c. 8, Sched. 14, s. 4.

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 2 - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1994; 1996, c. 24, s. 34 - 31/10/1996

2012, c. 8, Sched. 14, s. 4 - 20/06/2012

Vesting of securities, etc., in Minister of Finance and successors

- 4 (1) Where any security, obligation, debenture or covenant, or any interest in real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Minister of Finance by virtue of his or her office, the security, obligation, debenture or covenant, and any right of action in respect thereto, and all the estate, right and interest of the Minister of Finance in respect thereof, upon the death, resignation or removal from office of the Minister of Finance, vests, subject to the same trusts as they were respectively subject to, in the succeeding Minister of Finance, and may be proceeded on by action or in any other manner, or may be assigned, transferred or discharged, in the name of the succeeding Minister of Finance. R.S.O. 1990, c. F.12, s. 4 (1); 1994, c. 17, s. 62 (2).

Realizing on securities

- (2) A security, obligation, debenture, covenant or an interest in real or personal estate, effects and property may be proceeded on in the name of, or assigned, transferred or discharged by, any member of the Executive Council acting under the *Executive Council Act*. R.S.O. 1990, c. F.12, s. 4 (2).

Application of section

- (3) This section applies to every security, obligation, debenture or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Minister of Finance, by virtue or on account of his or her office, and transfers all the interest, rights and estate of the former Minister of Finance to the Minister of Finance

for the time being to be vested in that Minister of Finance by virtue of his or her office. R.S.O. 1990, c. F.12, s. 4 (3); 1994, c. 17, s. 62 (2).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

Settlement of or determination of uncollectability of debts, etc.

5 (1) Where a person has an obligation or debt due to the Crown or the Crown has a claim against a person, the Minister of Finance may, subject to any other Act affecting such obligation, debt or claim,

- (a) negotiate and accept a settlement in payment and satisfaction of such obligation, debt or claim;
- (b) determine that any such obligation, debt or claim is uncollectable; or
- (c) determine that financial hardship, economic considerations or other circumstances do not warrant the collection or enforcement of any such obligation, debt or claim. R.S.O. 1990, c. F.12, s. 5 (1); 1994, c. 17, s. 62 (2).

Deletion from the accounts

(2) The Lieutenant Governor in Council may delete from the accounts of the Government of Ontario any obligation, debt or claim that is the subject of a settlement or determination described in subsection (1) if the Minister of Finance recommends the deletion as being in the public interest. 2002, c. 22, s. 69 (1).

Disclosure of deletion

(3) The aggregate amount for each ministry of all obligations, debts and claims that are deleted from the accounts under subsection (2) during a fiscal year must be reported in the Public Accounts or in the financial information supplementary to the Public Accounts for the fiscal year. 2002, c. 22, s. 69 (2).

Effect of determination and deletion

(3.1) A determination made under clause (1) (b) or (c) with respect to an obligation, debt or claim and its subsequent deletion from the accounts under subsection (2),

- (a) does not affect the liability of any person that is subject to the obligation, debt or claim; and
- (b) does not preclude the Minister of Finance from doing anything that the Minister of Finance is authorized to do under subsection 43 (2). 2009, c. 18, Sched. 12, s. 2.

Delegation

(4) The Minister of Finance may, in writing, delegate to a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in a ministry but not in a minister's office, the authority to exercise any of the powers of the Minister of Finance under subsection (1) and may impose such conditions and restrictions on the delegation as the Minister considers appropriate. 1999, c. 9, s. 113; 2006, c. 35, Sched. C, s. 42 (1); 2010, c. 26, Sched. 7, s. 7.

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994; 1999, c. 9, s. 113 - 14/12/1999

2002, c. 22, s. 69 (1-2) - 9/12/2002

2006, c. 35, Sched. C, s. 42 (1) - 20/08/2007

2009, c. 18, Sched. 12, s. 2 - 5/06/2009

2010, c. 26, Sched. 7, s. 7 - 8/12/2010

Remission of amounts owing to or recoverable by the Crown

5.1 (1) In this section,

“other debt” means an amount owing to Her Majesty in right of Ontario other than a tax, fee, penalty or recoverable grant; (“autre dette”)

“penalty” includes any forfeiture or pecuniary penalty imposed or authorized to be imposed by any Act of the Legislature for any contravention of the laws relating to the collection of revenue or to the management of any Government property, within the meaning of the *Ministry of Infrastructure Act, 2011*, producing tolls or revenue, producing tolls or revenue, even if part of the forfeiture or penalty is payable to another person; (“pénalité”)

“recoverable grant” means a grant, an amount in excess of a grant, an increment, an amount in excess of an increment, a monthly benefit, an amount in excess of a monthly benefit, a tax credit and interest that is required to be paid or repaid by the recipient to Her Majesty under any Act; (“allocation recouvrable”)

“tax” includes any tax, interest, impost or toll payable to Her Majesty in right of Ontario, imposed or authorized to be imposed by any Act of the Legislature. (“taxes”) 2009, c. 34, Sched. J, s. 5; 2015, c. 38, Sched. 7, s. 48.

Authority to remit

(2) Despite any other Act, the Lieutenant Governor in Council, on the recommendation of the Minister of Finance, may remit any tax, fee, penalty, recoverable grant or other debt if the Lieutenant Governor in Council considers it to be in the public interest to do so. 2009, c. 34, Sched. J, s. 5.

Same

(3) Despite any other Act, the Minister of Finance may remit any tax, fee or penalty that is \$10,000 or less if the Minister considers it to be in the public interest to do so. 2009, c. 34, Sched. J, s. 5.

Same

- (4) A remission under this section may be total or partial, conditional or unconditional, and may be granted,
- (a) before, after or pending any suit or proceeding for the recovery of the tax, fee, penalty, recoverable grant or other debt in respect of which it is granted;
 - (b) before or after any payment of it has been made or enforced by process or execution; or
 - (c) in any particular case or a class of cases and before the liability to pay it or repay it arises. 2009, c. 34, Sched. J, s. 5.

Form of remission

- (5) A remission under this section may be granted,
- (a) by forbearing to institute a suit or proceeding for the payment of the tax, fee, penalty or other debt, or for the repayment of the recoverable grant, in respect of which the remission is granted;
 - (b) by delaying, staying or discontinuing any suit or proceeding already instituted;
 - (c) by forbearing to enforce any judgment or by staying or abandoning any execution or process upon any judgment;
 - (d) by the entry of satisfaction upon any judgment; or
 - (e) by repaying an amount of money paid to or recovered by the Minister for the tax, fee, penalty, recoverable grant or other debt. 2009, c. 34, Sched. J, s. 5.

Conditional remission

(6) If a remission is granted under this section subject to a condition and the condition is not performed, the tax, fee, penalty, recoverable grant or other debt that is remitted or to be remitted may be collected and all proceedings may be had as if there had been no remission. 2009, c. 34, Sched. J, s. 5.

Effect of conditional remission

(7) A conditional remission, upon performance of the condition, and an unconditional remission have effect as if the remission was made after the tax, fee, penalty, recoverable grant or other debt in respect of which it was granted had been sued for and recovered. 2009, c. 34, Sched. J, s. 5.

Payments

(8) Remissions granted under this or any other Act may be paid out of the Consolidated Revenue Fund. 2009, c. 34, Sched. J, s. 5.

Report

(9) Each remission of \$1,000 or more that is granted under this section shall be reported to the Legislature in the Public Accounts. 2009, c. 34, Sched. J, s. 5.

Remission has effect of pardon

(10) If a penalty imposed by any law relating to revenue has been wholly and unconditionally remitted under this section, the remission has the effect of a pardon for the offence for which the penalty was imposed and afterwards the offence has no legal effect prejudicial to the person to whom the remission is granted. 2009, c. 34, Sched. J, s. 5.

Section Amendments with date in force (d/m/y)

2009, c. 34, Sched. J, s. 5 - 15/12/2009

2015, c. 38, Sched. 7, s. 48 - 10/12/2016

Payment or credit re *Excise Tax Act* (Canada)

Payment, etc., by Lieutenant Governor in Council

5.2 (1) The Lieutenant Governor in Council, on the recommendation of the Minister of Finance, may pay or credit the amount described in subsection (4) in respect of the provincial component of the tax paid under Part IX of the *Excise Tax Act* (Canada) if the Lieutenant Governor in Council considers that it is in the public interest to do so. 2010, c. 1, Sched. 7, s. 9.

Payment, etc., by Minister of Finance

(2) The Minister of Finance may pay or credit the amount described in subsection (5) in respect of the provincial component of the tax paid under Part IX of the *Excise Tax Act* (Canada) if the Minister considers that it is in the public interest to do so. 2010, c. 1, Sched. 7, s. 9.

Restriction on payment

(3) No payment or credit may be made under subsection (1) or (2) to a person to the extent that the person otherwise receives or is eligible to receive, directly or indirectly, a payment, credit, refund, rebate, adjustment or other relief in respect of the amount to which the payment or credit under subsection (1) or (2) would relate. 2010, c. 1, Sched. 7, s. 9.

Authorized amount for Lieutenant Governor in Council

(4) The amount of the payment or credit authorized by subsection (1) is an amount determined by the Lieutenant Governor in Council to be equal to all or part of the provincial component of the tax paid under Part IX of the *Excise Tax Act* (Canada) in respect of Ontario as a participating province or the interest, penalties or other amounts paid under that Part that are in respect of that provincial component. 2010, c. 1, Sched. 7, s. 9.

Authorized amount for Minister of Finance

(5) The amount of the payment or credit authorized by subsection (2) is an amount, not exceeding \$10,000, determined by the Minister of Finance to be equal to all or part of the provincial component of the tax paid under Part IX of the *Excise Tax Act* (Canada) in respect of Ontario as a participating province or the interest, penalties or other amounts paid under that Part that are in respect of that provincial component. 2010, c. 1, Sched. 7, s. 9.

Conditional payment

(6) A payment or credit under subsection (1) or (2) may be conditional or unconditional. 2010, c. 1, Sched. 7, s. 9.

Same

(7) If a payment or credit under subsection (1) or (2) is subject to a condition and the condition is not performed, the recipient shall repay the amount to the Minister of Finance as if the amount were a tax payable under the *Retail Sales Tax Act* and the amount may be collected and proceedings may be had as if there had been no decision under subsection (1) or (2) to pay or credit the amount. 2010, c. 1, Sched. 7, s. 9.

Payments

(8) Payments under this section are a charge on, and are payable out of, the Consolidated Revenue Fund. 2010, c. 1, Sched. 7, s. 9.

Same

(9) Without limiting the generality of the statutory appropriation in subsection (8), payments under this section may, for provincial reporting purposes, be charged to the revenue receivable by the Province under the Comprehensive Integrated Tax Coordination Agreement and other agreements authorized by section 50 of the *Retail Sales Tax Act*. 2010, c. 1, Sched. 7, s. 9.

Reporting

(10) Each payment or credit of \$1,000 or more under this section shall be reported in the Public Accounts. 2010, c. 1, Sched. 7, s. 9.

Exchange of information

(11) The Minister of Finance or a person authorized by him or her may disclose information to an employee of the Crown in right of Canada and may collect information from the Crown in right of Canada for the purpose of applying this section with respect to a person. 2010, c. 1, Sched. 7, s. 9.

Section Amendments with date in force (d/m/y)

2010, c. 1, Sched. 7, s. 9 - 1/07/2010

Minister of Finance authorized to accept certain gifts and bequests

6 (1) The Minister of Finance may accept from any person gifts or bequests for the permanent endowment of any charitable or educational object in Ontario, and may invest them in such securities as the Lieutenant Governor in Council may direct. R.S.O. 1990, c. F.12, s. 6 (1); 1994, c. 17, s. 62 (2).

Interest

(2) The Minister of Finance shall pay interest upon such gifts or bequests to such persons, at such rate, at such times and computed in such manner as the Lieutenant Governor in Council from time to time may determine, and such interest is a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 6 (2); 1994, c. 17, s. 62 (2).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

Money received for special purpose

7 (1) Money received by or on behalf of the Crown for a special purpose and paid into the Consolidated Revenue Fund may, subject to any Act applicable thereto, be paid out of the Consolidated Revenue Fund for that purpose. R.S.O. 1990, c. F.12, s. 7 (1).

Interest

(2) The Minister of Finance may pay interest upon any money to which subsection (1) applies, at such rate, at such times and computed in such manner as the Lieutenant Governor in Council may from time to time determine, and such interest is a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 7 (2); 1994, c. 17, s. 62 (2).

Interest may be credited retrospectively

(3) An order of the Lieutenant Governor in Council under subsection (2) may authorize the crediting of interest on money to which subsection (1) applies with effect from a date which precedes the date of the relevant order. 2009, c. 34, Sched. J, s. 6.

Limit on interest

(4) Interest paid under subsection (2) on money to which subsection (1) applies shall not exceed the income earned on that money while it is held in the Consolidated Revenue Fund. 2009, c. 34, Sched. J, s. 6.

Exception to limit

(5) Despite subsection (4), interest may be paid under subsection (2) on money that has been received by or on behalf of the Crown for the special purpose of administering a pension fund or supplemental pension fund in an amount that exceeds the income earned on that money while it is held in the Consolidated Revenue Fund. 2009, c. 34, Sched. J, s. 6.

Recording in designated purpose account

(6) If an Act provides that money is, or is deemed to be, money paid to Ontario for a special purpose, any requirement to record receipts and disbursements of that money in a special purpose account in the Consolidated Revenue Fund or in the Public Accounts is deemed to be satisfied if the receipts and disbursements are recorded in a designated purpose account. 2016, c. 5, Sched. 9, s. 3.

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

2009, c. 34, Sched. J, s. 6 - 15/12/2009

2016, c. 5, Sched. 9, s. 3 - 31/03/2016

Recovery of balance of public money

8 Every person, on the termination of the person's charge of an account, or, in the case of his or her death, the person's representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive it. R.S.O. 1990, c. F.12, s. 8.

Additional fee for failure of payment

8.1 If a person purports to pay public money by delivering to a person entitled to collect or receive public money anything other than legal tender, within the meaning of subsection 8 (1) of the *Currency Act* (Canada), and if, as a result, the Minister of Finance fails to receive full and unconditional payment or settlement, the person is liable to pay to the Minister as a debt

due to the Crown the additional fee that the Minister requires and that is prescribed by the regulations made under this Act. 1996, c. 24, s. 35.

Section Amendments with date in force (d/m/y)

1996, c. 24, s. 35 - 31/10/1996

Refunds

Payment of interest

9 (1) If an Act authorizes the refund of an amount received by the Crown, the refund, together with interest on the amount refunded if the interest is also authorized by an Act, is payable out of the Consolidated Revenue Fund. 2008, c. 19, Sched. G, s. 1.

Refund of money paid in error, etc.

(2) A refund or partial refund may be paid out of the Consolidated Revenue Fund of money that was paid to or collected by the Crown if the money was paid or collected in error or for a purpose that is not fulfilled, or if Treasury Board considers it appropriate in the circumstances to make the refund or partial refund. 2008, c. 19, Sched. G, s. 1.

Treasury Board directives

(3) Any refund or partial refund of money under subsection (2) shall be made in accordance with such directives as Treasury Board may establish for the purposes of this section. 2008, c. 19, Sched. G, s. 1.

Accounting

(4) An amount paid out of the Consolidated Revenue Fund under this section shall be charged to the appropriate revenue account. 2008, c. 19, Sched. G, s. 1; 2009, c. 34, Sched. J, s. 7.

Section Amendments with date in force (d/m/y)

2008, c. 19, Sched. G, s. 1 - 27/11/2008

2009, c. 34, Sched. J, s. 7 - 15/12/2009

Transition

9.1 To the extent a regulation made under subsection 9 (2) as that subsection read on October 22, 2008 does not conflict with any directives of Treasury Board referred to in subsection 9 (3), the regulation remains in force and continues to apply until it is revoked. 2008, c. 19, Sched. G, s. 1.

Section Amendments with date in force (d/m/y)

2008, c. 19, Sched. G, s. 1 - 27/11/2008

Interest and penalties on unpaid debts to Crown

10 (1) Where money that is owing by any person to the Crown or a public entity is not paid at the time for payment provided for by law or by the agreement, undertaking or arrangement under which the obligation to pay arose, the Crown or the public entity to whom the payment is owed may require the payment of interest or penalty on any such unpaid amount in accordance with this section, and such interest or penalty so required to be paid is a debt due to the Crown recoverable by action or by any other remedy or procedure available by law to the Crown for the collection of debts owed to the Crown. R.S.O. 1990, c. F.12, s. 10 (1); 2010, c. 1, Sched. 7, s. 10 (1).

Exception

(2) This section does not apply to a default in payment under a statute or regulation that expressly provides for interest or penalty on such default, and does not apply to any agreement, undertaking or arrangement that expressly provides for interest or penalty payable on overdue payments, but the fact that a statute makes a default in the payment of money owing under it to the Crown or a public entity an offence does not prevent the imposition of interest or a penalty under this section in respect of money owing under that statute. R.S.O. 1990, c. F.12, s. 10 (2); 2010, c. 1, Sched. 7, s. 10 (2).

Statement of policy

(3) The Minister of Finance may issue general instructions establishing a policy to govern when, at what rate, in what amount, and in what circumstances the payment of interest or penalty may be required under subsection (1). R.S.O. 1990, c. F.12, s. 10 (3); 1994, c. 17, s. 62 (2).

Amount of interest or penalty

(4) The Lieutenant Governor in Council may by order fix a maximum rate of interest or penalty for the purpose of this section either by specifying the rate or, in lieu of a specified rate, by specifying a formula or basis for determining from time to time the rate of interest or penalty payable under this section, and may establish the method and conditions for calculating and charging any such interest or penalty, and may provide for different penalties or rates of interest to be applicable to different classes of payment or to different amounts of payment in default. R.S.O. 1990, c. F.12, s. 10 (4).

Reduction

(5) The Minister of Finance may, in his or her discretion, authorize the forgiveness or noncollection of interest or penalty payable under this section, and may authorize the charging of a lower rate of interest or amount of penalty than the maximum under this section where the Minister of Finance considers that financial hardship, economic considerations or other circumstances warrant such authorization. R.S.O. 1990, c. F.12, s. 10 (5); 1994, c. 17, s. 62 (2).

Application

(6) This section applies to the payment of interest or penalty on any amount owing to the Crown or a public entity on or after the 1st day of April, 1984 whether the obligation to pay such amount arose before or after that date. R.S.O. 1990, c. F.12, s. 10 (6); 2010, c. 1, Sched. 7, s. 10 (3).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

2010, c. 1, Sched. 7, s. 10 (1-3) - 1/04/2010

Collection, etc., of information

10.1 (1) This section applies to institutions to which the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act* applies and it applies with respect to information to which those Acts apply but not personal information relating to an individual's medical, psychiatric or psychological history. 2012, c. 8, Sched. 14, s. 5 (1).

Same

(2) An institution may,

- (a) collect information in any manner from another institution, person or entity for a purpose described in subsection (4);
- (b) use, for a purpose described in subsection (4), information that is in its custody or under its control;
- (c) disclose information that is in its custody or under its control to another institution, person or entity for a purpose described in paragraph 1, 2 or 2.1 of subsection (4);
- (d) disclose, for a purpose described in paragraph 3 or 4 of subsection (4), information that is in its custody or under its control to another institution or to the person with whom the Crown has entered into the arrangement described in the applicable paragraph. 1997, c. 43, Sched. F, s. 4 (1); 2015, c. 20, Sched. 11, s. 7.

Exception for cl. (2) (d)

(3) Clause (2) (d) does not permit the disclosure of information to an institution or person unless a written agreement or undertaking has been entered into or made that, in the opinion of the Minister of Finance, will protect the information from further disclosure by that institution or person. 1997, c. 43, Sched. F, s. 4 (1).

Authorized purposes

(4) The following are the purposes referred to in subsection (2):

1. To collect a fine or a debt owed to the Crown or to an assignee of the Crown.
2. To collect a debt owed to a person or an entity if, under a cost-sharing arrangement between the Crown and the person or entity, the Crown has a financial interest in the collection of the debt.
- 2.1 To provide collection services pursuant to an agreement under section 11.1 of the *Ministry of Revenue Act*.
3. To carry out a written arrangement under which the Crown proposes or agrees to transfer or dispose of assets or liabilities.
4. To carry out a written arrangement under which an activity or a function of the Crown is to be performed by another person or entity. 1997, c. 43, Sched. F, s. 4 (1); 2012, c. 8, Sched. 14, s. 5 (2).

Purpose for which information obtained

(5) For the purposes of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, personal information used by an institution for a purpose described in subsection (4) shall be deemed to have been obtained or compiled for that purpose or for a consistent purpose. 1997, c. 43, Sched. F, s. 4 (1); 2012, c. 8, Sched. 14, s. 5 (3).

Purpose for which information disclosed

(6) For the purposes of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, personal information disclosed by an institution for a purpose described in subsection (4) shall be deemed to have been disclosed for the purpose of complying with this section. 1997, c. 43, Sched. F, s. 4 (1); 2012, c. 8, Sched. 14, s. 5 (4).

Notice re collection

(7) Subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* do not apply with respect to the collection of personal information authorized under subsection (2). 2012, c. 8, Sched. 14, s. 5 (5).

Disclosure, tax information

(8) Subsection 17 (2) of the *Freedom of Information and Protection of Privacy Act* does not apply with respect to the disclosure of information authorized by clause (2) (c). 1997, c. 43, Sched. F, s. 4 (1).

Conflict

(9) This section prevails over,

- (a) a provision of another Act or a regulation, unless the other Act specifically states that it prevails over this section; and
- (b) a provision in an agreement, whether the agreement was entered into before or after this section comes into force. 1997, c. 43, Sched. F, s. 4 (1).

Exception, third party information

(10) Despite subsection (9), this section does not prevail over subsection 17 (1) of the *Freedom of Information and Protection of Privacy Act* or subsection 10 (1) of the *Municipal Freedom of Information and Protection of Privacy Act*. 2012, c. 8, Sched. 14, s. 5 (6).

Definitions

(11) In this section,

“Crown” includes a Crown agency; (“Couronne”)

“entity” includes,

- (a) a local board as defined in section 1 of the *Municipal Affairs Act*, and
- (b) the Crown in right of Canada including an agency thereof. (“entité”) 1997, c. 43, Sched. F, s. 4 (1); 2010, c. 1, Sched. 7, s. 11.

Section Amendments with date in force (d/m/y)

1997, c. 43, Sched. F, s. 4 (1) - 18/12/1997

2010, c. 1, Sched. 7, s. 11 - 1/04/2010

2012, c. 8, Sched. 14, s. 5 (1-6) - 20/06/2012

2015, c. 20, Sched. 11, s. 7 - 4/06/2015

PART II DISBURSEMENT OF PUBLIC MONEY

Payments out of Consolidated Revenue Fund

11 (1) Every payment out of the Consolidated Revenue Fund shall be made by cheque or by any other method of payment or transfer approved by the Minister of Finance in writing. 1996, c. 24, s. 36.

Signatures

(1.1) Every cheque making a payment from the Consolidated Revenue Fund shall be signed by the Minister of Finance and one of the following persons and every authorization making a payment from the Consolidated Revenue Fund pursuant to a method of payment or transfer approved under subsection (1) shall be given by the Minister of Finance and one of the following persons:

1. The Deputy Minister of Finance.
2. A person employed in the Ministry of Finance or in the Ontario Financing Authority who is authorized by the Minister of Finance in writing to sign the cheque or give the authorization. 1996, c. 24, s. 36; 2010, c. 1, Sched. 7, s. 12 (1).

Other signatures authorized

(1.2) Despite subsection (1.1), the Minister of Finance may, in writing, on any conditions he or she considers appropriate, authorize any of the following persons to sign the documents or give the authorizations indicated:

1. Another minister may be authorized to sign any cheque or class of cheques or to give any authorization or class of authorizations making a payment from the Consolidated Revenue Fund instead of the Minister of Finance.
2. A person employed in the ministry of the minister referred to in paragraph 1 may be authorized to sign any cheque or class of cheques or to give any authorization or class of authorizations instead of the Deputy Minister of Finance or other person referred to in paragraph 2 of subsection (1.1).
3. The head of a public entity may be authorized to sign any cheque or class of cheques or to give any authorization or class of authorizations making a payment from the Consolidated Revenue Fund instead of the Minister of Finance.
4. A person employed in the public entity referred to in paragraph 3 may be authorized to sign any cheque or class of cheques or to give any authorization or class of authorizations instead of the Deputy Minister of Finance or other person referred to in paragraph 2 of subsection (1.1). 2010, c. 1, Sched. 7, s. 12 (2).

(1.2.1) REPEALED: 2010, c. 1, Sched. 7, s. 12 (2).

Other payments and deposits

(1.3) For the more efficient management of the Consolidated Revenue Fund, the Minister of Finance may enter into any written arrangements he or she considers appropriate with any person for the making of deposits to, or payments from, the Consolidated Revenue Fund electronically or by the use of a credit card, debit card or similar arrangement. 1996, c. 24, s. 36.

Exception

(1.4) Subsection (1.1) does not apply to any written arrangements described in subsection (1.3). 2009, c. 18, Sched. 12, s. 3.

Signature

(2) The Minister of Finance may authorize the use on cheques or written authorizations of facsimile signatures to be affixed thereto by rubber stamp or by printing, lithographing, engraving or by other mechanical means. R.S.O. 1990, c. F.12, s. 11 (2); 1994, c. 17, s. 62 (2).

Destruction

(3) The Minister of Finance, with the approval of the Auditor General, may authorize the destruction from time to time of paid and cancelled cheques. R.S.O. 1990, c. F.12, s. 11 (3); 1994, c. 17, s. 62 (2); 2004, c. 17, s. 32.

Fees, etc., charge on Con. Rev. Fund

(4) With the approval of the Minister of Finance, any fees, commissions or expenses incurred in respect of deposits to, transfers within, or payments from the Consolidated Revenue Fund, or in respect of services furnished to the Crown in the operation of any account established under section 2 are a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 11 (4); 1991, c. 55, s. 4 (2); 1994, c. 17, s. 62 (2).

Deemed expense for purposes of subs. (4)

(5) An amount payable under Part IX of the *Excise Tax Act* (Canada) in respect of which the Crown is entitled to a refund is deemed to be an expense to which subsection (4) applies. 2009, c. 34, Sched. J, s. 8.

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 4 (2) - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1994; 1996, c. 24, s. 36 - 31/10/1996; 1996, c. 29, s. 1 - 9/12/1996

2004, c. 17, s. 32 - 30/11/2004

2009, c. 18, Sched. 12, s. 3 - 5/06/2009; 2009, c. 34, Sched. J, s. 8 - 15/12/2009

2010, c. 1, Sched. 7, s. 12 (1) - 18/05/2010; 2010, c. 1, Sched. 7, s. 12 (2) - 1/04/2010

Appropriation required

11.1 (1) Money shall not be paid out of the Consolidated Revenue Fund and neither a non-cash expense nor a non-cash investment shall be recognized by the Crown unless the payment or the recognition is authorized by this or another Act of the Legislature. 2009, c. 18, Sched. 12, s. 4.

Interim supply

(2) Nothing in this Act prohibits the payment of money out of the Consolidated Revenue Fund or the recognition by the Crown of a non-cash expense or a non-cash investment if the payment or the recognition is authorized by a resolution passed by the Legislative Assembly granting interim supply. 2009, c. 18, Sched. 12, s. 4.

Authority to recognize certain non-cash expenses

(3) The Crown may recognize a non-cash expense,

- (a) that is described in clause (b), (d), (e) or (g) of the definition of “non-cash expense” in section 1; or
- (b) that is prescribed by the regulations made under this Act or that belongs to a class of non-cash expenses prescribed by the regulations made under this Act. 2009, c. 18, Sched. 12, s. 4.

Effect of statutory appropriation for a specified purpose

(3.1) A provision of an Act that provides a statutory appropriation authorizing money to be paid out of the Consolidated Revenue Fund for a specified purpose is deemed to provide an additional statutory appropriation authorizing the Crown to incur non-cash expenses for the same purpose. 2010, c. 26, Sched. 7, s. 8.

Authority to recognize certain non-cash investments

(4) The Crown may recognize a non-cash investment that is prescribed by the regulations made under this Act or that belongs to a class of non-cash investments prescribed by the regulations made under this Act. 2009, c. 18, Sched. 12, s. 4.

No authority to pay money out of CRF on charging a non-cash expense, etc., to an appropriation

(5) The charging of a non-cash expense or a non-cash investment to an appropriation does not constitute authority for the payment of any money out of the Consolidated Revenue Fund. 2009, c. 18, Sched. 12, s. 4.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 2 - 27/06/2002; 2002, c. 22, s. 70 - 1/04/2003

2009, c. 18, Sched. 12, s. 4 - 1/04/2009

2010, c. 26, Sched. 7, s. 8 - 1/04/2010

Limits on charges to appropriations

11.2 (1) No appropriation shall be charged with an amount,

- (a) that is for a purpose other than that for which the appropriation was provided; or
- (b) that is in excess of the amount available under the appropriation. 2002, c. 8, Sched. B, s. 2.

(2) REPEALED: 2009, c. 34, Sched. J, s. 9.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 2 - 27/06/2002

2009, c. 34, Sched. J, s. 9 - 15/12/2009

Expenses limited to appropriations

11.3 (1) No agreement or undertaking shall be entered into in a fiscal year that would result in a charge to an appropriation for that fiscal year in excess of the amount available under that appropriation. 2002, c. 8, Sched. B, s. 2.

Agreements subject to appropriations

(2) Every agreement providing for the payment of money by the Crown is deemed to contain a provision stating that the payment by the Crown of moneys that come due under the agreement shall be subject to,

- (a) an appropriation to which that payment can be charged being available in the fiscal year in which the payment becomes due; or

(b) the payment having been charged to an appropriation for a previous fiscal year. 2002, c. 8, Sched. B, s. 2.

Same, non-cash expenses

(3) Every agreement that would require the Crown to recognize a non-cash expense is deemed to contain a provision stating that the performance by the Crown of the obligation that would require it to recognize the non-cash expense shall be subject to an appropriation to which that non-cash expense can be charged being available in the fiscal year in which the obligation must be performed. 2010, c. 26, Sched. 7, s. 9.

Same, non-cash investments

(4) Every agreement that would require the Crown to recognize a non-cash investment is deemed to contain a provision stating that the performance by the Crown of the obligation that would require it to recognize the non-cash investment shall be subject to an appropriation to which that non-cash investment can be charged being available in the fiscal year in which the obligation must be performed. 2010, c. 26, Sched. 7, s. 9.

Application

(5) Subsections (3) and (4) apply in respect of fiscal years commencing on or after April 1, 2010. 2010, c. 26, Sched. 7, s. 9.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 2 - 27/06/2002

2009, c. 34, Sched. J, s. 10 - 15/12/2009

2010, c. 26, Sched. 7, s. 9 - 1/04/2010

Certificate for payments

11.4 (1) No payment shall be made out of the Consolidated Revenue Fund unless, in addition to any other voucher or certificate that may be required, a person referred to in subsection (2) certifies,

- (a) in the case of a payment for the supply of goods or the rendering of services after the goods are delivered or the services are rendered, that the goods have been supplied or the services have been rendered and that,
 - (i) the payment is in accordance with the agreement, or
 - (ii) the amount of the payment is reasonable, if the amount of the payment is not specified in the agreement;
- (b) in the case of a payment for the supply of goods or the rendering of services before the delivery of the goods or the supply of the services, that the payment is in accordance with the agreement; or
- (c) in the case of a payment not described in clause (a) or (b), that the payee is eligible for or entitled to the payment. 2002, c. 8, Sched. B, s. 2.

Persons authorized to certify payments

(2) Only the following persons have authority to give a certificate under subsection (1):

1. A minister or deputy minister.
2. The Speaker of the Assembly.
3. The Auditor General.
4. The Chief Electoral Officer.
5. A person authorized by the Management Board of Cabinet.
6. A person authorized by a person referred to in any of paragraphs 1 to 5. 2002, c. 8, Sched. B, s. 2; 2004, c. 17, s. 32; 2007, c. 15, s. 40 (1).

(3) REPEALED: 2009, c. 34, Sched. J, s. 11.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 2 - 27/06/2002

2004, c. 17, s. 32 - 30/11/2004

2007, c. 15, s. 40 (1) - 4/06/2007

2009, c. 34, Sched. J, s. 11 - 15/12/2009

Authority to pay interest on overdue amounts

11.4.1 (1) REPEALED: 2010, c. 1, Sched. 7, s. 13 (1).

Treasury Board may direct payment of interest

(2) The Treasury Board may authorize and direct the payment of interest, on such terms and conditions as it may specify, on overdue amounts payable by ministries or by specified public entities. 2006, c. 33, Sched. J, s. 2; 2010, c. 1, Sched. 7, s. 13 (2).

Exception

(3) Despite subsection (2), the Treasury Board shall not authorize and direct the payment of interest under this section,

- (a) in respect of a period before April 1, 2007; or
- (b) in respect of a financial obligation,
 - (i) incurred contrary to subsection 11.3 (1) or section 18, or
 - (ii) to which subsection 28 (2) applies. 2006, c. 33, Sched. J, s. 2.

Same

(4) This section does not affect the authority of the Minister of Finance to agree to pay interest on an overdue amount in relation to a transaction to which section 3 applies or a borrowing of money in accordance with section 18. 2006, c. 33, Sched. J, s. 2.

Interest deemed to be expenditure for same purpose as overdue amount

(5) An interest payment authorized under this section shall be deemed to be an expenditure for the same purpose as the overdue amount to which it relates and shall be reported as such in the Public Accounts. 2006, c. 33, Sched. J, s. 2.

Not a charge on Consolidated Revenue Fund

(6) Section 19 does not apply to a payment of interest authorized under this section. 2006, c. 33, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2006, c. 33, Sched. J, s. 2 - 20/12/2006

2010, c. 1, Sched. 7, s. 13 (1,2) - 1/04/2010

Authorized investments

11.5 (1) Except as otherwise expressly provided in an Act of the Legislature, an appropriation for a fiscal year does not include the authority to make a loan, advance or other form of investment. 2002, c. 8, Sched. B, s. 2.

Treasury Board may authorize investments

(2) Despite subsection (1), on the recommendation of the Minister of Finance, the Treasury Board may authorize a payment pursuant to an appropriation to be made in the form of a loan, advance or other form of investment on such terms and conditions as the Treasury Board considers advisable. 2002, c. 8, Sched. B, s. 2.

(3) REPEALED: 2009, c. 34, Sched. J, s. 12.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 2 - 27/06/2002

2009, c. 34, Sched. J, s. 12 - 15/12/2009

Estimates

11.6 (1) All estimates submitted to the Legislature in respect of a fiscal year shall,

- (a) be for expenditures to be incurred during the fiscal year that are required to be voted on by the Legislature; and
- (b) include the amount of expenditures to be incurred during the fiscal year under statutory appropriations and such other information as the Treasury Board considers appropriate. 2002, c. 8, Sched. B, s. 2.

Exception, certain accrued liabilities

(1.1) Despite clause (1) (b), the estimates shall not include expenditures to be made on or after April 1, 2003 in satisfaction of liabilities incurred by the Crown before that date. 2004, c. 7, s. 8.

Lapse of appropriations

(2) The balance of an appropriation granted for a fiscal year that remains unexpended when the books of the Government of Ontario for that fiscal year are closed shall lapse. 2002, c. 8, Sched. B, s. 2.

Accrual of liabilities

(3) Despite section 11.2 and subsection (2), a liability that was incurred during a fiscal year but was not paid by the time the books of the Government of Ontario for the fiscal year are closed may be recorded as an expenditure and charged against an appropriation for the fiscal year if,

- (a) the liability was incurred for a purpose authorized by the appropriation;
- (b) the liability was less than or equal to the amount available under the appropriation immediately before the books of the Government of Ontario for the fiscal year are closed; and
- (c) a statement of account for the liability is received by the Minister of Finance before the books of the Government of Ontario for the fiscal year are closed. 2004, c. 31, Sched. 13, s. 2 (1).

Payment of accrued liabilities

(4) A liability described in subsection (3) may be paid out of the Consolidated Revenue Fund. 2002, c. 8, Sched. B, s. 2.

Reporting

(5) If, before the books of the Government of Ontario for a fiscal year are closed, the Minister of Finance becomes aware that, during the fiscal year, the Crown incurred a liability to make a payment out of the Consolidated Revenue Fund that comes due after the end of the fiscal year but the liability cannot be charged to an appropriation for the fiscal year under subsection (3), the Public Accounts for that fiscal year shall include a statement to that effect. 2004, c. 31, Sched. 13, s. 2 (2).

Late accounts

(6) A liability incurred in a fiscal year that is not paid or accrued under subsection (3) during the fiscal year, but that satisfies the requirements of subsection (7),

- (a) may be paid out of the Consolidated Revenue Fund;
- (b) may be recorded, despite section 11.2 and subsection (2) and subject to subsection (8), as a charge against,
 - (i) an appropriation for the fiscal year in which the payment is made that authorizes expenditures for the same purpose or for a purpose determined by the Minister of Finance to be similar, or
 - (ii) such appropriation for the fiscal year in which the payment is made as the Minister of Finance directs, if the Minister determines that there is no appropriation that satisfies the requirements of subclause (i); and
- (c) shall be reported in the Public Accounts for the fiscal year in which the payment is made. 2002, c. 8, Sched. B, s. 2.

Same

(7) For the purposes of subsection (6), the liability must satisfy the following requirements:

1. The liability must be incurred for a purpose authorized by an appropriation for the fiscal year in which it is incurred.
2. The liability must be less than or equal to the amount available under the appropriation referred to in paragraph 1 immediately before the books of the Government of Ontario for the fiscal year are closed. 2002, c. 8, Sched. B, s. 2; 2004, c. 31, Sched. 13, s. 2 (3).

Notice to Treasury Board

(8) A liability may be recorded in accordance with clause (6) (b) only if the Minister of Finance notifies the Treasury Board and specifies in the notice the appropriation against which the liability is charged. 2002, c. 8, Sched. B, s. 2.

Appropriation deemed to include purpose

(9) If a liability is recorded as a charge against an appropriation under clause (6) (b), the appropriation is deemed to include the purpose for which the liability was incurred. 2002, c. 8, Sched. B, s. 2.

(10) REPEALED: 2009, c. 34, Sched. J, s. 13.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 2 - 27/06/2002

2004, c. 7, s. 8 - 17/06/2004; 2004, c. 31, Sched. 13, s. 2 (1-3) - 1/04/2004

2009, c. 34, Sched. J, s. 13 - 15/12/2009

Payment of certain accrued liabilities

11.7 (1) The Minister of Finance is authorized to make payments out of the Consolidated Revenue Fund during a fiscal year that begins on or after April 1, 2003 in satisfaction of liabilities incurred by the Crown before April 1, 2003, if the payments are payable during the fiscal year and are not otherwise authorized by an Act of the Legislature. 2004, c. 7, s. 9.

Restriction

(2) The aggregate amount of payments authorized by subsection (1) shall not exceed the aggregate amount of the following liabilities as at March 31, 2003 as stated in the Public Accounts of Ontario for the fiscal year ending March 31, 2003, the payment of which is not otherwise provided for by any other Act of the Legislature:

1. Accounts payable and accrued liabilities.
2. Retirement benefits.
3. Other liabilities. 2004, c. 7, s. 9.

(3) REPEALED: 2015, c. 20, Sched. 11, s. 8.

Section Amendments with date in force (d/m/y)

2004, c. 7, s. 9 - 17/06/2004

2015, c. 20, Sched. 11, s. 8 - 4/06/2015

Payment re: certain environmental remediation liabilities

11.8 (1) This section applies with respect to amounts in satisfaction of environmental remediation liabilities incurred by a ministry or specified public entity before April 1, 2015, if,

- (a) the remediation is required to comply with Ontario's or the Government of Canada's environmental standards legislation; and
- (b) payment of the amount is not otherwise authorized by an Act of the Legislature. 2015, c. 20, Sched. 11, s. 9.

Appropriation

(2) Amounts in satisfaction of the environmental remediation liabilities described in subsection (1) are a charge upon and payable out of the Consolidated Revenue Fund during a fiscal year that begins on or after April 1, 2015. 2015, c. 20, Sched. 11, s. 9.

Restriction

(3) However, the aggregate amount authorized by subsection (2) for a ministry or specified public entity shall not exceed the aggregate amount of environmental remediation liabilities of that ministry or specified public entity at March 31, 2015 arising under Ontario's or the Government of Canada's environmental standards legislation, as stated in the Public Accounts for Ontario for the fiscal year ending March 31, 2015, or in financial information supplementary thereto, the payment of which is not otherwise authorized by an Act of the Legislature. 2015, c. 20, Sched. 11, s. 9.

Exclusion from the estimates

(4) Despite clause 11.6 (1) (b), the estimates shall not include expenditures to be made on or after April 1, 2015 under the authority of this section. 2015, c. 20, Sched. 11, s. 9.

Transition

(5) If an amount in satisfaction of a liability described in subsection (1) is charged to an appropriation on or after April 1, 2015 and before the day on which the *Building Ontario Up Act (Budget Measures), 2015* receives Royal Assent, the amount is deemed, as of the day on which it was charged, not to have been charged to that appropriation but to have been charged instead to the appropriation provided by subsection (2). 2015, c. 20, Sched. 11, s. 9.

Same

(6) If a liability described in subsection (1) was recognized in the financial accounts before the day on which the *Building Ontario Up Act (Budget Measures), 2015* receives Royal Assent, but was not charged to an appropriation, the appropriation provided by subsection (2) is deemed for accounting purposes to have been available when the liability was recognized. 2015, c. 20, Sched. 11, s. 9.

Section Amendments with date in force (d/m/y)

2004, c. 31, Sched. 13, s. 3 - 1/04/2004

2015, c. 20, Sched. 11, s. 9 - 4/06/2015

11.9 REPEALED: 2009, c. 34, Sched. J, s. 14.

Section Amendments with date in force (d/m/y)

2004, c. 31, Sched. 13, s. 3 - 1/04/2004

2009, c. 18, Sched. 12, s. 5 - 1/04/2009; 2009, c. 34, Sched. J, s. 14 - 15/12/2009

Payment of guarantee or indemnity

12 Any amount required to be paid by or on behalf of the Crown by the terms of a guarantee or indemnity given pursuant to this or any other Act may be paid by the Minister of Finance from the Consolidated Revenue Fund. 1996, c. 29, s. 2.

Section Amendments with date in force (d/m/y)

1996, c. 29, s. 2 - 9/12/1996

How public money to be paid in certain circumstances

13 If any public money is appropriated by an Act for any purpose or is directed by the judgment of a court or the award of arbitrators or other lawful authority to be paid by the Crown or the Lieutenant Governor and no other provision is made respecting it, such money is payable under warrant of the Lieutenant Governor, directed to the Minister of Finance, out of the Consolidated Revenue Fund, and all persons entrusted with the expenditure of any such money or a part thereof shall account for it in such manner and form, with such vouchers, at such periods and to such officer as the Minister of Finance may direct. R.S.O. 1990, c. F.12, s. 13; 1994, c. 17, s. 62 (2).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

14 REPEALED: 2009, c. 34, Sched. J, s. 15.

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

2002, c. 8, Sched. B, s. 3 - 27/06/2002

2009, c. 34, Sched. J, s. 15 - 15/12/2009

Advances

14.1 (1) On the application of a minister, the Minister of Finance may authorize an advance out of the Consolidated Revenue Fund for the purpose of incurring expenditures authorized by an appropriation, if it is impracticable to incur such expenditures in accordance with section 11. 2002, c. 8, Sched. B, s. 4.

Accountability for advance

(2) A minister who receives an advance under subsection (1) is accountable to the Minister of Finance for the amount of the advance. 2002, c. 8, Sched. B, s. 4.

Duty to repay or account for advance

(3) If the Minister of Finance does not receive an accounting or repayment of an advance made under subsection (1) by the end of the fiscal year in which the advance is made, the advance shall be repaid or accounted for before the books of the Government of Ontario for that fiscal year are closed. 2002, c. 8, Sched. B, s. 4.

(4) REPEALED: 2009, c. 34, Sched. J, s. 16.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 4 - 27/06/2002

2009, c. 34, Sched. J, s. 16 - 15/12/2009

Interim payments from CRF

15 (1) REPEALED: 2010, c. 1, Sched. 7, s. 14 (1).

Eligible activities

(2) This section applies if a ministry or specified public entity engages in any of the following activities:

1. Providing goods or services to another ministry, public entity, entity or person in exchange for payment of a fee or charge.
2. Permitting another ministry, public entity, entity or person to use property owned by the Crown in exchange for payment of a fee or charge.
3. Exercising a regulatory power or performing a regulatory duty and requiring regulated persons or entities to pay a fee, charge or assessment to the Crown for the purposes of cost recovery by the Crown.
4. Engaging in activities with respect to which, under a cost-sharing arrangement, the Crown will become entitled to receive funds from another person or entity.
5. Engaging in activities with respect to which, under a cost-sharing arrangement, the ministry or specified public entity will become entitled to receive funds from an appropriation provided to another ministry.
6. Engaging in activities with respect to which the ministry will become entitled to reimbursement under a statutory appropriation administered by that ministry. 2005, c. 28, Sched. E, s. 1; 2010, c. 1, Sched. 7, s. 14 (2, 3); 2016, c. 5, Sched. 9, s. 4.

Interim payments

(3) On the recommendation of the Minister of Finance, the Treasury Board may authorize the Minister of Finance to make interim payments from the Consolidated Revenue Fund to a ministry to pay the costs incurred by the ministry, or by a specified public entity for which the ministry is responsible, in engaging in an activity described in subsection (2), but only if one or both of the following conditions is satisfied:

1. The corresponding payment, assessment or funds referred to in subsection (2) will be recovered or will become recoverable into the Consolidated Revenue Fund in the fiscal year in which the interim payment is made.
2. The interim payment will be charged or become chargeable to an appropriation relating to the fiscal year in which the interim payment is made. 2005, c. 28, Sched. E, s. 1; 2010, c. 1, Sched. 7, s. 14 (4).

Insufficient recovery

(4) If any part of an interim payment (the “outstanding amount”) is not recovered into the Consolidated Revenue Fund or charged to an appropriation by the time the books of the Government of Ontario for the fiscal year in which the interim payment is made are closed, the outstanding amount shall be repaid to the Consolidated Revenue Fund by a deduction from the ministry’s appropriations for the following fiscal year and the deduction shall be made in such manner as the Minister of Finance considers appropriate. 2005, c. 28, Sched. E, s. 1.

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 6 - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1994

2002, c. 8, Sched. B, s. 5 - 27/06/2002

2005, c. 28, Sched. E, s. 1 - 01/04/2005

2009, c. 34, Sched. J, s. 17 - 15/12/2009

2010, c. 1, Sched. 7, s. 14 (1-4) - 01/04/2010

2016, c. 5, Sched. 9, s. 4 - 01/04/2016

15.1 REPEALED: 2005, c. 28, Sched. E, s. 1.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 6 - 27/06/2002

2005, c. 28, Sched. E, s. 1 - 01/04/2005

16 REPEALED: 2009, c. 34, Sched. J, s. 18.

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

2002, c. 8, Sched. B, s. 7 - 27/06/2002

2009, c. 34, Sched. J, s. 18 - 15/12/2009

Refund or repayment of expenditure or advance

16.0.1 (1) A refund or repayment of an expenditure or advance charged to an appropriation for a fiscal year, other than a statutory appropriation, or a reduction of a liability charged to an appropriation for a fiscal year, other than a statutory appropriation, that is received or has become receivable in a known amount before the books of the Government of Ontario are closed for the fiscal year in which the expenditure, advance or liability was incurred shall be credited to the appropriation against which it was charged. 2016, c. 5, Sched. 9, s. 5.

Same

(2) If a refund or repayment of an expenditure or advance charged to an appropriation for a fiscal year, other than a statutory appropriation, or a reduction of a liability charged to an appropriation for a fiscal year, other than a statutory appropriation, does not become receivable in a known amount until after the books of the Government of Ontario are closed for the fiscal year in which the expenditure, advance or liability was incurred, all or part of the refund, repayment or reduction, as the Treasury Board may determine, may be credited to an appropriation,

- (a) that is for the fiscal year in which the refund, repayment or reduction becomes receivable in a known amount; and
- (b) that authorizes expenditures for the same purpose as the expenditure, advance or liability to which the refund, repayment or reduction relates or for a purpose determined by the Board to be similar. 2016, c. 5, Sched. 9, s. 5.

Same, statutory appropriation

(3) A refund or repayment of an expenditure or advance charged to a statutory appropriation or a reduction of a liability charged to a statutory appropriation that is received or has become receivable in a known amount shall be credited to the appropriation against which it was charged. 2016, c. 5, Sched. 9, s. 5.

Section Amendments with date in force (d/m/y)

2002, c. 8, Sched. B, s. 8 - 27/06/2002

2009, c. 34, Sched. J, s. 19 - 15/12/2009

2015, c. 20, Sched. 11 s. 10 (1, 2) - 04/06/2015

2016, c. 5, Sched. 9, s. 5 - 01/04/2016

Application of accounting principles

16.0.2 For the purposes of this Part, the following matters shall be determined in accordance with the accounting principles set out in the Public Accounts for the relevant fiscal year:

- 1. Whether a ministry or specified public entity has incurred a liability during the fiscal year.
 - 1.1 Whether a debt owing to the Crown has become uncollectible and is a bad debt.
- 2. Any other matter prescribed by the regulations. 2008, c. 7, Sched. H, s. 1; 2009, c. 18, Sched. 12, s. 6; 2010, c. 1, Sched. 7, s. 15.

Section Amendments with date in force (d/m/y)

2008, c. 7, Sched. H, s. 1 - 14/05/2008

2009, c. 18, Sched. 12, s. 6 - 1/04/2009

2010, c. 1, Sched. 7, s. 15 - 1/04/2010

Collection agency fees

16.1 The fees and commissions of a collection agency registered under the *Collection and Debt Settlement Services Act* that are charged for the collection or attempted collection of an amount owed to the Crown, a ministry or a specified public entity are payable from the Consolidated Revenue Fund, subject to such terms and conditions as may be established by the Minister of Finance. 1991, c. 55, s. 7; 1994, c. 17, s. 62 (2); 2010, c. 1, Sched. 7, s. 16; 2013, c. 13, Sched. 1, s. 14.

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 7 - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1994

2010, c. 1, Sched. 7, s. 16 - 1/04/2010

2013, c. 13, Sched. 1, s. 14 - 1/01/2015

16.2 REPEALED: 2009, c. 34, Sched. J, s. 20.

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 7 - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1994

2002, c. 8, Sched. B, s. 9 - 27/06/2002

2009, c. 34, Sched. J, s. 20 - 15/12/2009

**PART II.1
FINANCIAL MANAGEMENT AND CONTROL**

Definition

16.3 In this Part,

“public entity” includes the Accountant of the Superior Court of Justice. 2010, c. 1, Sched. 7, s. 17.

Section Amendments with date in force (d/m/y)

1996, c. 29, s. 3 - 9/12/1996

2006, c. 19, Sched. C, s. 1 (3) - 22/06/2006

2010, c. 1, Sched. 7, s. 17 - 1/04/2010

Payment of surplus funds into consolidated revenue fund

16.4 (1) Despite any other Act or regulation, a ministry or public entity may pay into the Consolidated Revenue Fund at any time any amount of its funds held outside the Consolidated Revenue Fund that it determines to be surplus to its current needs. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 18 (1).

Same

(2) Despite any other Act or regulation, a ministry or public entity shall pay into the Consolidated Revenue Fund, when ordered to do so by the Minister of Finance, any amount of its funds held outside the Consolidated Revenue Fund that is determined by the Minister of Finance to be surplus to the current needs of the ministry or public entity. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 18 (2).

Application of subsection (2)

(3) Subsection (2) applies whether or not a payment is or has been made under subsection (1). 1996, c. 29, s. 3.

Reserves

(4) In determining an amount payable under subsection (2), the Minister of Finance may allow such amount to be retained for the future needs of the ministry or public entity making the payment as the Minister of Finance considers appropriate. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 18 (3).

Obligation not impaired

(5) The Minister of Finance shall make such arrangements as he or she considers necessary to provide that a payment ordered under subsection (2) will not impair the ability of the ministry or public entity making the payment to meet its financial liabilities or obligations as they come due or to fulfil its contractual commitments. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 18 (4).

Credit facility authorized

(6) An arrangement under subsection (5) may include the provision to a ministry or public entity by Ontario, the Ontario Financing Authority, a bank or a financial institution of a credit facility sufficient to allow the ministry or public entity to meet its financial liabilities and obligations or to fulfil its contractual commitments. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 18 (5).

Section Amendments with date in force (d/m/y)

1996, c. 29, s. 3 - 9/12/1996

2010, c. 1, Sched. 7, s. 18 (1-5) - 1/04/2010

Deposits and investment by ministries of surplus funds

16.5 (1) REPEALED: 2002, c. 8, Sched. B, s. 10.

Investment in Ontario securities

(2) Despite any Act or regulation, every ministry or public entity may invest money held outside the Consolidated Revenue Fund and belonging to it or held by it in trust for the Crown in the purchase, acquisition or holding of,

- (a) notes, bonds, debentures, deposit receipts, short term securities or other evidences of indebtedness issued or guaranteed as to principal and interest by Ontario; or
- (b) any security, financial agreement or evidence of indebtedness, or class of securities, financial agreements or evidences of indebtedness, authorized in writing by the Minister of Finance for the investment by the ministry or public entity named in the authorization of funds from time to time held by that ministry or public entity outside the Consolidated Revenue Fund.
- (c) REPEALED: 2004, c. 31, Sched. 13, s. 4 (1).

1996, c. 29, s. 3; 2004, c. 31, Sched. 13, s. 4 (1); 2010, c. 1, Sched. 7, s. 19 (1, 2).

Minister of Finance may issue and sell securities

(3) In addition to the issue and sale of securities authorized under any other Act or under any other provision of this Act, the Minister of Finance may issue and sell on behalf of Ontario in accordance with this section notes, bonds, debentures, deposit receipts, short term securities and other evidences of indebtedness to any ministry or public entity for the purposes of an investment that the ministry or public entity is authorized to make under clause (2) (a) or (c). 1996, c. 29, s. 3; 2004, c. 31, Sched. 13, s. 4 (2); 2010, c. 1, Sched. 7, s. 19 (3).

Same

(4) For any note, bond, debenture, deposit receipt, short term security or other evidence of indebtedness issued and sold by the Minister of Finance under subsection (3), the Minister of Finance may determine the date of issue and maturity, the rate or rates and the date or dates of the payment of interest, if any, the price or prices for which any of them may be sold, and subject to subsection (5), such other conditions as the Minister of Finance considers appropriate. 1996, c. 29, s. 3.

Same

(5) A note, bond, debenture, deposit receipt, short term security or other evidence of indebtedness issued and sold under subsection (3),

- (a) shall state on its face that it is issued under this section;
- (b) shall not be paid, renewed, repaid or replaced under section 21;
- (c) may provide that it shall not be assigned or pledged as security by the holder thereof and may be sold only to Ontario or the Ontario Financing Authority; and
- (d) shall be deemed not to be a loan for the purpose of section 18. 1996, c. 29, s. 3.

Authorized investments

(6) An investment pursuant to this section or section 16.6 by, or on behalf of, a ministry or public entity of all or any part of the assets belonging to it or held by it in trust for the Crown shall not be deemed to be contrary to or prevented by any rule of law or enactment. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 19 (4).

Section Amendments with date in force (d/m/y)

1996, c. 29, s. 3 - 9/12/1996

2002, c. 8, Sched. B, s. 10 - 5/01/2005

2004, c. 31, Sched. 13, s. 4 (1-2) - 16/12/2004

2010, c. 1, Sched. 7, s. 19 (1-4) - 1/04/2010

Financial activities

Definitions

16.6 (1) In this section,

“designated minister or ministry” means a minister or ministry that has been designated for the purpose of this section by order of the Lieutenant Governor in Council; (“ministre ou ministère désigné”)

“designated public entity” means a public entity that has been designated for the purpose of this section by order of the Lieutenant Governor in Council; (“entité publique désignée”)

“financial activities” includes borrowing, leasing, investing and banking and the management of cash, financial assets, financial risks and financial liabilities. (“activités financières”) 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 20 (1).

Control of financial activities

(2) Despite any other Act or the regulations under any other Act, the Minister of Finance may authorize the Ontario Financing Authority to direct, control or carry out some or all of the financial activities that any designated minister or ministry or any designated public entity is authorized by any Act, regulation or agreement to undertake or carry out. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 20 (2).

Authorization

(3) An authorization under subsection (2),

- (a) shall be in writing;
- (b) shall state the minister, ministry or public entity to which it applies and specify the order of the Lieutenant Governor in Council designating that minister, ministry or public entity;
- (c) shall indicate the financial activities that the Ontario Financing Authority is authorized to direct, control or carry out; and
- (d) shall set out such other terms and conditions as the Minister of Finance considers appropriate for the purpose of the authorization. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 20 (3).

Same

(4) The Minister of Finance, from time to time in writing, may vary the provisions of an authorization, as he or she considers appropriate, and may rescind any authorization at any time. 1996, c. 29, s. 3.

Power of Ontario Financing Authority

(5) For the purpose of directing, controlling or carrying out any financial activities mentioned in an authorization under subsection (2), the Ontario Financing Authority may in the name of and on behalf of the minister, ministry or public entity to which the authorization applies,

- (a) negotiate, enter into, carry out or perform any agreement concerning financial activities that it is authorized under subsection (2) to direct, control or carry out;
- (b) exercise the rights and discharge the obligations of the minister, ministry or public entity to which the authorization applies under any agreement to which the Crown or that minister, ministry or public entity is a party; and
- (c) execute all documents and do such other acts and things as the Ontario Financing Authority considers necessary or desirable to direct, control or carry out the financial activities authorized under subsection (2). 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 20 (4, 5).

Investment in market securities

(6) Unless otherwise agreed by a minister, ministry or public entity, as the case may be, securities issued by Ontario and purchased as an investment by or on behalf of the minister, ministry or public entity pursuant to an authorization under subsection (2) shall be purchased at prices, and bear interest, if any, comparable to the prices and rates of interest for similar securities issued and sold by Ontario in the public capital markets of Canada. 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 20 (6).

No action to be commenced

(7) Subject to subsection (8), no action or proceeding of any kind shall be commenced against the Ontario Financing Authority, a minister, ministry or public entity, or against an employee, officer, director or agent of the Ontario Financing Authority, a minister, ministry or public entity, for any act, omission, neglect or default in good faith done or omitted to be done in connection with implementing or complying with an authorization under subsection (2). 1996, c. 29, s. 3; 2010, c. 1, Sched. 7, s. 20 (7).

Agreements not affected

(8) Subsection (7) shall not be construed to limit the validity or enforceability of any agreement made or purporting to be made pursuant to an authorization under subsection (2). 1996, c. 29, s. 3.

Section Amendments with date in force (d/m/y)

1996, c. 29, s. 3 - 9/12/1996

2010, c. 1, Sched. 7, s. 20 (1-7) - 1/04/2010

PART III PUBLIC DEBT

Definitions

17 In this Part,

“certificated security” means a security that is represented by a certificate; (“valeur mobilière avec certificat”)

“securities” means securities of Ontario, and includes Ontario Government stock, bonds, debentures, interest bearing and non-interest bearing treasury bills, notes and any other security representing part of the public debt of Ontario; (“valeurs mobilières”)

“security certificate” means a certificate representing a security, but does not include a certificate in electronic form; (“certificat de valeur mobilière”)

“uncertificated security” means a security that is not represented by a certificate. (“valeur mobilière sans certificat”) R.S.O. 1990, c. F.12, s. 17; 2010, c. 26, Sched. 7, s. 10.

Section Amendments with date in force (d/m/y)

2010, c. 26, Sched. 7, s. 10 - 8/12/2010

Loans to be authorized

18 No money shall be raised by way of loan by the Crown except under this or any other Act of the Legislature. R.S.O. 1990, c. F.12, s. 18.

Money raised a charge on Con. Rev. Fund

19 All money raised by way of loan and the interest thereon and the principal amount of and interest and premiums on all securities issued are a charge on and are payable out of the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 19.

Authorization to borrow

20 (1) If this or any other Act authorizes a sum of money to be borrowed or raised by way of loan on behalf of Ontario, the Lieutenant Governor in Council may by order authorize the Minister of Finance to borrow a specified sum not exceeding the maximum amount authorized by the Act or Acts that authorize the borrowing, and, for the purpose of borrowing that sum, the Minister of Finance is authorized on behalf of Ontario,

- (a) to issue and sell from time to time one or more issues of securities to the maximum aggregate principal amount specified and at such discount or premium as the Minister of Finance considers advisable;
 - (b) to determine the rate or rates of interest payable by Ontario in respect of a security issued and sold by Ontario, or to issue and sell a security without interest and at such price or prices less than the principal amount repayable on the maturity of the security as, in the opinion of the Minister of Finance, reflect the rate of interest and market conditions current for the security at the time of its issue and sale and in the place or places where it is issued and sold;
 - (c) to determine, as a term of a security and on such terms and conditions as the Minister of Finance approves, that some or all of the principal repayable on the security or the rate of interest payable shall be calculated and paid by reference to changes in the value of,
 - (i) a stock or commodity specified by the Minister of Finance or an index of stocks or commodities specified by the Minister of Finance,
 - (ii) the Consumer Price Index for Canada, as published by Statistics Canada under the *Statistics Act* (Canada), or
 - (iii) any other index or basis of reference specified by the Minister of Finance;
 - (d) to determine, with respect to a security to be issued and sold, the length of the term to maturity, the time and manner of the payment of interest, if any, the amount and conditions of any payment of any premium payable, and the currency in which any interest, premium or principal is to be paid;
- (d.1) to determine, with respect to a security,
- (i) the form in which it is to be issued, including whether it is to be issued in registered form or bearer form, issued as a certificated security or an uncertificated security, issued in physical or electronic form or issued in any other form acceptable to the Minister of Finance, and

- (ii) the manner in which the security may be held, including whether it may be held directly or held indirectly through a clearing agency, a clearing system or a securities depository or held in any other manner acceptable to the Minister of Finance;
- (e) to make a security redeemable or payable in advance of maturity on such terms and conditions as to time and place as the Minister of Finance considers appropriate at the time of the issue and sale of the security;
- (f) to approve, and cause to be delivered or filed when required, any registration statement, prospectus, offering circular or other document, including any amendment or supplement to any of them, required in any jurisdiction with respect to the issue and sale of securities by Ontario, and to supply all financial and other information required to be shown in any of them;
- (g) to enter into an underwriting, fiscal agency, exchange rate agency, paying agency, trust, registrar or other agreement considered by the Minister of Finance to be necessary or desirable with respect to the issue and sale of securities and, if securities are sold by way of auction, to enter into such agreements governing auctions or to establish such terms and conditions governing auctions as the Minister of Finance considers to be necessary or desirable;
- (h) to execute all documents and instruments, and do all other acts and things, for the issue and sale of any securities or to effect or maintain their registration, qualification, exemption from registration or exemption from qualification for issue, offer, sale or trade in accordance with any applicable legislation, and when considered desirable by the Minister of Finance, for the listing of any securities on a Canadian or other stock exchange;
- (h.1) to enter into agreements and arrangements with clearing agencies, securities depositories and other entities, to take such other steps in connection with the issuance of securities as the Minister of Finance considers to be necessary or advisable and to maintain the register for securities issued by Ontario;
- (i) to settle the commission to be paid to an underwriter or to an agent acting for Ontario with respect to the issue and sale of securities;
- (j) to provide, as a term of a security or a loan, for the payment by Ontario of additional amounts to compensate for present or future withholding taxes, duties, assessments or charges that are imposed by law on, or with respect to, a payment to the holder under the security or to the lender under the loan;
- (j.1) to provide, as a term of a security or a loan, that the Minister of Finance will not exercise a right of set-off in respect of amounts due and payable by Ontario under the security or loan subject to such terms and conditions as the Minister of Finance considers appropriate, whether the right of set-off arises under this Act or otherwise;
- (k) to provide, as a term of a security and on such terms and conditions as the Minister of Finance approves, that the security may be exchanged for another security previously issued and sold by Ontario to raise money by way of loan under this or any other Act if the exchange will not increase the total outstanding principal amount of debt owed by Ontario;
- (k.1) subject to the terms of any order made under this Act, to do any of the following things as considered appropriate by the Minister of Finance:
 - (i) to determine the terms and conditions of a security, and
 - (ii) to certify the terms and conditions that apply to an uncertificated security and to specify the document in which the applicable terms and conditions are stated;
- (l) to borrow money from a bank, corporation, government, person or authority,
 - (i) by way of loan repayable on demand or at a fixed time and raised by way of bank overdraft, loan agreement or the giving of short term security by Ontario,
 - (ii) within such maximum principal amount as may be specified by the Lieutenant Governor in Council in the order made under this subsection, and
 - (iii) on such terms and conditions as the Minister of Finance considers advisable and expedient, including the terms and conditions that may be authorized under this subsection for securities,
 and to enter into such agreements, execute such documents and instruments and take such other steps as the Minister of Finance considers to be necessary or advisable in connection with the borrowing. 1991, c. 55, s. 8; 1994, c. 17, s. 62 (2); 2010, c. 26, Sched. 7, s. 11 (1-7).

Maximum borrowing authority to be stated

(2) If an order is made under this section for the purpose of borrowing or raising by way of loan money authorized to be borrowed or raised by way of loan by one or more Acts other than this Act, the order shall state the maximum aggregate

amount that the Minister of Finance may borrow under the authority of the order to be an amount that does not exceed the maximum amount authorized and not borrowed under the Act or Acts at the date of the order. 1991, c. 55, s. 8; 1994, c. 17, s. 62 (2).

Borrowing under two or more Acts

(3) An order under this section may authorize the Minister of Finance to issue and sell securities to borrow or raise by way of loan a sum of money representing the amounts that, at the time the order is made, are authorized to be borrowed or raised by way of loan under two or more Acts, and the securities issued and sold under that authority are exchangeable for other securities issued and sold under that authority on the terms and conditions established by the Minister of Finance or as otherwise provided by this Act. 1991, c. 55, s. 8; 1994, c. 17, s. 62 (2).

Payment of interest and discounts

(4) An order of the Lieutenant Governor in Council under this section may specify a maximum rate of interest that may be paid by the Minister of Finance on an interest bearing security or a maximum rate of interest by which the principal amount repayable on a security bearing no interest may be discounted in determining the price to be paid to Ontario for the issue and sale of the security before any deduction for commissions or expenses. 1991, c. 55, s. 8; 1994, c. 17, s. 62 (2).

Limitation on Minister of Finance's authority

(5) In an order under this section, the Lieutenant Governor in Council may impose any condition, restriction or limitation specified in the order with respect to the exercise by the Minister of Finance of a power or authority contained in this section. 1991, c. 55, s. 8; 1994, c. 17, s. 62 (2).

Delegation

(6) In an order under this section, the Lieutenant Governor in Council may delegate to a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in the Ministry of Finance, other than in the office of the Minister of Finance, or to a solicitor engaged to act for the Minister of Finance, any or all of the powers of the Minister of Finance under this section. 1991, c. 55, s. 8; 1994, c. 17, s. 62 (2); 2006, c. 35, Sched. C, s. 42 (2).

Short term securities

(7) If an order of the Lieutenant Governor in Council under this section expressly refers to this subsection and authorizes the Minister of Finance to raise by way of loan a maximum amount of money by the issue and sale of short term securities, the following terms and conditions apply:

1. The Minister of Finance may issue, reissue, renew or replace securities issued under the order if the maximum aggregate principal amount, determined in accordance with this Act, of securities issued under the order and outstanding from time to time does not at any time exceed the maximum amount specified in the order.
2. Every security issued under the authority of the order shall bear a date of maturity not later than three years from its date of issue.
3. Subject to paragraph 2, all of the powers of the Minister of Finance under subsection (1) apply with respect to securities issued under the order.
4. A security to which this subsection applies shall not be paid, renewed, repaid or replaced under section 21.
5. The borrowing limitation under any Act under the authority of which money has been borrowed by the issue of short term securities under this subsection shall be reduced by the maximum amount stated in the order referred to in this subsection. 1991, c. 55, s. 8; 1994, c. 17, s. 62 (2); 2010, c. 26, Sched. 7, s. 11 (8-10).

Same, transition

(8) The following rules apply with respect to the orders made under this section that expressly refer to subsection (7) and are in force on the day that the *Helping Ontario Families and Managing Responsibly Act, 2010* received Royal Assent:

1. Subsection (7) as it reads on the day that the *Helping Ontario Families and Managing Responsibly Act, 2010* receives Royal Assent applies with respect to those orders on and after that day.
2. If the Lieutenant Governor in Council amends or replaces one or more of those orders, the aggregate maximum amount of all of those orders, as they existed immediately before the *Helping Ontario Families and Managing Responsibly Act, 2010* received Royal Assent, cannot be increased as a result of the amendment or replacement. 2010, c. 26, Sched. 7, s. 11 (11).

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 8 - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1994

2006, c. 35, Sched. C, s. 42 (2) - 20/08/2007

2010, c. 26, Sched. 7, s. 11 (1-11) - 8/12/2010

Additional borrowing authorized

21 (1) In addition to all money authorized by any other Act to be borrowed or raised by way of loan, the Lieutenant Governor in Council may raise money by way of loan or by the issue and sale of securities for any of the following purposes:

1. The payment, renewal, repayment or replacement of all or part of any loan raised or security issued under this or any other Act if all of the following conditions are satisfied:
 - i. The Lieutenant Governor in Council makes an order under this paragraph.
 - ii. The order specifies the maximum aggregate amount of the money that may be raised under this paragraph within 24 months after the date on which the order is made.
 - iii. The maximum aggregate amount specified in the order does not exceed the amount necessary for the payment, renewal, repayment or replacement of the following loans and securities:
 - A. Loans that come due and securities that mature no earlier than 12 months before the date on which the order is made and no later than 12 months after the date on which the order is made.
 - B. Loans and securities that are purchased or cancelled by Ontario no earlier than 12 months before the date on which the order is made and no later than the date on which the order is made.
2. Payment of the whole or any part of a loan, security, liability or other obligation of any kind, payment of which is guaranteed or assumed by Ontario or that Ontario has agreed to indemnify.
3. The provision of funds, in an amount determined by the Lieutenant Governor in Council on the recommendation of the Minister of Finance, that are required for the expenditures of the Government of Ontario for a period not exceeding twelve months if, at the time the borrowing is authorized by the Lieutenant Governor in Council, the Legislature is prorogued or dissolved and there is insufficient authority under any other Act to borrow the amount, but no loan authorized or securities authorized to be issued and sold for the raising of the amount shall be for a period longer than one year or be paid, renewed, repaid or replaced under paragraph 1. 1991, c. 55, s. 9; 1994, c. 17, s. 62 (2); 2006, c. 33, Sched. J, s. 3; 2016, c. 37, Sched. 7, s. 1 (1).

Refinancing may increase indebtedness or extend term

(2) The money raised for a purpose described in paragraph 1 of subsection (1) may increase the amount of the public debt or extend the term of years, if any, fixed by the Act that authorized the raising of the loan or the issue and sale of the securities being paid, renewed, repaid or replaced. 2016, c. 37, Sched. 7, s. 1 (2).

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 9 - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1991

2006, c. 33, Sched. J, s. 3 - 20/12/2006

2016, c. 37, Sched. 7, s. 1 (1, 2) - 08/12/2016

Guarantee or indemnity authorized

22 (1) The Lieutenant Governor in Council may by order authorize the Minister of Finance, on behalf of Ontario, to agree to guarantee or indemnify the debts, obligations, securities or undertakings of any person. 1991, c. 55, s. 9; 1994, c. 17, s. 62 (2).

Terms and conditions

(2) In respect of a guarantee or indemnity authorized under subsection (1), the Lieutenant Governor in Council may fix such terms and conditions as are considered advisable or may authorize the Minister of Finance, subject to any maximum liability specified for the guarantee or indemnity by the Lieutenant Governor in Council, to determine the terms, conditions and amount on which the guarantee or indemnity will be given. 1991, c. 55, s. 9; 1994, c. 17, s. 62 (2).

Application

(3) This section does not apply to authorize the giving of a guarantee or indemnity that the Lieutenant Governor in Council or the Crown or the Minister of Finance is authorized by any other Act to give. 1991, c. 55, s. 9; 1994, c. 17, s. 62 (2).

Guarantee fee

(4) In respect of a guarantee or indemnity authorized under this section or under any other Act, the Lieutenant Governor in Council may require the payment to the Minister of Finance of an annual or other fee fixed by the order authorizing the guarantee or indemnity or computed in accordance with the regulations made under this Act, and the fee is payable as a debt due to the Crown. 1991, c. 55, s. 9; 1994, c. 17, s. 62 (2).

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 9 - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1994

Temporary bank loans not exceeding \$4 billion authorized

23 (1) In addition to all money authorized to be raised by way of loan by this or any other Act, the Minister of Finance, subject to the approval of the Lieutenant Governor in Council, may borrow from time to time for the purposes,

- (a) of discharging any indebtedness or obligation of Ontario;
- (b) of making any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund; or
- (c) of reimbursing the Consolidated Revenue Fund for any moneys expended for any such purposes,

by way of temporary loan for not more than 365 days from any bank, corporation, government, person or authority, such sums not exceeding at any one time \$4,000,000,000, as the Minister of Finance considers necessary, either by way of bank overdraft or loan or in any other manner whatsoever. R.S.O. 1990, c. F.12, s. 23 (1); 1991, c. 55, s. 10; 1994, c. 17, s. 62 (2); 1996, c. 24, s. 37 (1).

Execution of instruments

(2) Any cheques, written authorizations, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection (1) may be executed by the Minister of Finance in such manner as the Minister of Finance may determine. R.S.O. 1990, c. F.12, s. 23 (2); 1994, c. 17, s. 62 (2).

Limitation

(3) A loan under this section shall not be paid, renewed, repaid or replaced under paragraph 1 of section 21. 1996, c. 24, s. 37 (2).

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 10 - 19/12/1991; 1994, c. 17, s. 62 (2) - 23/06/1994; 1996, c. 24, s. 37 (1-2) - 31/10/1996

Recitals and declarations

24 (1) A recital or declaration of any thing in an order of the Lieutenant Governor in Council made under this Part is conclusive evidence of the thing and is binding on Ontario in respect of any act done, money paid or lent or agreement entered into in reliance on the recital or declaration. 1991, c. 55, s. 11.

Official Notices Publication Act

(2) Clause 2 (c) of the *Official Notices Publication Act* does not apply with respect to an advertisement, notice or publication that is required by a security issued and sold under this Act, by a loan made to Ontario under this Act or by an agreement entered into, or a document or instrument issued, by or for the Minister of Finance in connection with such a security or loan. 1997, c. 43, Sched. F, s. 4 (2).

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 11 - 19/12/1991; 1997, c. 43, Sched. F, s. 4 (2) - 18/12/1997

Borrowing in foreign currencies authorized

25 A security issued and sold under the authority of this Act, and money borrowed under the authority of this or any other Act, may be made payable or repayable in the currency or currencies of any country or in a currency prescribed by the regulations made under this Act. 1991, c. 55, s. 12.

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 12 - 19/12/1991

Calculation of borrowing limit

26 (1) For the purpose of computing a borrowing limit under this or any other Act, the amount borrowed or raised by way of loan or by the issue and sale of securities is the amount expressed in Canadian dollars determined in accordance with

subsections (2), (3) and (4) in cases to which they apply and, in all other cases, is the principal amount in Canadian dollars that is to be paid by Ontario on the maturity date of the loan or security. 1991, c. 55, s. 12; 1996, c. 24, s. 38 (1).

Loans in foreign currency

(2) If, under the authority of this or any other Act, money is borrowed or securities are issued and sold in a currency other than Canadian dollars, the amount borrowed or the amount for which the securities were sold is deemed, in Canadian dollars, to be the amount that would be realized by converting to Canadian dollars the amount of the loan or the amount received by Ontario on the sale of the securities, before any deduction for commission, expenses or other similar costs of their issue and sale, at the following rate:

1. If, on the date on which the agreement to borrow the money or sell the securities is entered into, the Bank of Canada provides a Canadian dollar spot exchange rate for that currency, the currency conversion is calculated at that rate.
2. If paragraph 1 does not apply, and subject to subsection (5), the currency conversion is calculated at the Canadian dollar spot exchange rate for that currency as provided by the Bank of Canada for the date that is before, and is as close as possible to, the date described in paragraph 1. 2015, c. 20, Sched. 11, s. 11 (1); 2016, c. 37, Sched. 7, s. 2 (1).

Securities sold at a discount or premium

(3) If, under the authority of this Act, a security is issued and sold for an amount payable to Ontario before deduction for commission, expenses or similar costs of issue and sale that is not the amount of principal stated in the security to be payable on its maturity, the amount for which the security was sold by Ontario shall be deemed to be the amount received by Ontario for the sale before deduction for commission, expenses or similar costs of issue and sale, converted to Canadian dollars, where applicable, in accordance with subsection (2). 1991, c. 55, s. 12.

Foreign currency securities refinanced under section 21

(4) For the purpose of specifying in Canadian dollars the maximum aggregate amount of money in an order under paragraph 1 of section 21, the Minister of Finance may approve a method for calculating the conversion into Canadian dollars of the amount necessary for the payment, renewal, repayment or replacement of all or part of a loan or security denominated in a currency other than Canadian dollars. 2016, c. 37, Sched. 7, s. 2 (2).

Bank of Canada rate not available

(5) If, in respect of a foreign currency to be converted to Canadian dollars in accordance with subsection (2), the Bank of Canada has not quoted a Canadian dollar spot exchange rate in the 10 days preceding the date described in paragraph 1 of subsection (2), the conversion shall be at the Canadian dollar exchange rate for that currency quoted on a day and by a financial service or financial institution acceptable to the Minister of Finance. 2016, c. 37, Sched. 7, s. 2 (2).

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 12 - 19/12/1991; 1996, c. 24, s. 38 (1-3) - 31/10/1996; 1996, c. 29, s. 4 (1) - 31/10/1996

2015, c. 20, Sched. 11, s. 11 (1-3) - 4/06/2015

2016, c. 37, Sched. 7, s. 2 (1, 2) - 08/12/2016

Power to change form of debt

26.1 (1) In addition to any authority in any other Act for money to be borrowed or raised by way of loan, the Lieutenant Governor in Council may change the form of any part of the debt of Ontario by authorizing the issue under this Act of a security or class of securities to be exchanged for any securities or class of securities if,

- (a) the present value of the security to be exchanged is equivalent to the present value of the security for which it is exchanged; and
- (b) the consent of the registered holder of the security to be exchanged is obtained before the exchange takes place. 1991, c. 55, s. 12; 2010, c. 1, Sched. 7, s. 21.

Exchange for unissued securities

(2) Despite this or any other Act, the Minister of Finance, on any terms and conditions he or she approves, may determine as a term of a security issued under this Act that the security may be exchanged for one or more securities of Ontario to be subsequently issued with a maturity, rate of interest or other terms and conditions different from those contained in the security for which it is to be exchanged if the exchange will not increase the total outstanding principal amount of debt owed by Ontario. 1996, c. 24, s. 39.

Same

(3) The Minister of Finance may, without further order of the Lieutenant Governor in Council, issue securities of Ontario to effect the exchange in accordance with the terms and conditions of the security that provide for the exchange. 1996, c. 24, s. 39.

Borrowing limit not affected

(4) The subsequent issue of securities under subsection (3) shall not be taken into account in computing a borrowing limit under this or any other Act. 1996, c. 24, s. 39.

Application of section 21

(5) Section 21 does not apply with respect to securities exchanged for subsequently issued securities pursuant to subsection (2). 1996, c. 24, s. 39.

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 12 - 19/12/1991; 1996, c. 24, s. 39 - 31/10/1996

2010, c. 1, Sched. 7, s. 21 - 18/05/2010

Exemption from taxation

27 The Lieutenant Governor in Council may direct that securities, the money invested therein and the interest thereon shall be free from all taxes, succession duties, charges and impositions now or hereafter imposed by Ontario and by any taxing authority thereof or therein. R.S.O. 1990, c. F.12, s. 27.

Transactions that increase provincial liabilities

28 (1) Despite any other Act, a ministry or public entity shall not enter into any financial arrangement, financial commitment, guarantee, indemnity or similar transaction that would increase, directly or indirectly, the indebtedness or contingent liabilities of Ontario, or seek the approval of the Lieutenant Governor in Council to do so, unless the arrangement, commitment, guarantee, indemnity or transaction,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28 (1) of the Act is amended by striking out “a ministry or public entity” in the portion before clause (a) and substituting “a ministry or prescribed public entity”. (See: 2017, c. 8, Sched. 10, s. 1 (1))

- (a) is approved under subsection (1.1);
- (b) falls within a class that is approved under subsection (1.2);
- (c) is exempted from the application of this subsection under subsection (1.3); or
- (d) falls within a class that is exempted from the application of this subsection under subsection (1.4). 2015, c. 20, Sched. 11, s. 12 (1).

Approval by the Minister

(1.1) The Minister may, in writing, approve a financial arrangement, financial commitment, guarantee, indemnity or similar transaction referred to in subsection (1) and may impose terms and conditions that apply in relation to the approval. 2015, c. 20, Sched. 11, s. 12 (1).

Same, class of transactions

(1.2) The Minister may, in writing, approve a class of financial arrangements, financial commitments, guarantees, indemnities or similar transactions referred to in subsection (1) and may impose terms and conditions that apply in relation to the approval. 2015, c. 20, Sched. 11, s. 12 (1).

Exemption by the Minister

(1.3) The Minister may, in writing, exempt a financial arrangement, financial commitment, guarantee, indemnity or similar transaction from the application of subsection (1) and may impose terms and conditions that apply in relation to the exemption. 2015, c. 20, Sched. 11, s. 12 (1).

Same, class of transactions

(1.4) The Minister may, by regulation, exempt a class of financial arrangements, financial commitments, guarantees, indemnities or similar transactions from the application of subsection (1) and may impose terms and conditions that apply in relation to the exemption. 2015, c. 20, Sched. 11, s. 12 (1).

Liability not binding or enforceable without approval, unless exempted

(2) A financial arrangement, financial commitment, guarantee, indemnity or similar transaction that a ministry or public entity purports to enter into contrary to subsection (1) on or after April 1, 2003 is not binding on or enforceable against any ministry or public entity unless the Minister declares, in writing, that this subsection does not apply to the transaction. The Minister may impose terms and conditions that apply in relation to the declaration. 2010, c. 1, Sched. 7, s. 22 (3); 2015, c. 20, Sched. 11, s. 12 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28 (2) of the Act is amended by striking out “a ministry or public entity purports to enter into” and substituting “a ministry or prescribed public entity enters into”. (See: 2017, c. 8, Sched. 10, s. 1 (2))

Non-application of *Legislation Act, 2006*, Part III

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to an approval under subsection (1.2). 2015, c. 20, Sched. 11, s. 12 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28 of the Act is amended by adding the following subsections: (See: 2017, c. 8, Sched. 10, s. 1 (3))

Prescribed public entities

(4) The Minister may, by regulation, prescribe a public entity or a class of public entities for the purposes of this section and may impose terms and conditions that apply to the public entity or the class for the purposes of this section. 2017, c. 8, Sched. 10, s. 1 (3).

Same

(5) For the purposes of subsection (4) and without limitation, a class may be defined in terms of the existence or nonexistence of specified circumstances. 2017, c. 8, Sched. 10, s. 1 (3).

Transition

(6) This section, as it read immediately before the day subsection 1 (3) of Schedule 10 to the *Stronger, Healthier Ontario Act (Budget Measures), 2017* came into force, continues to apply with respect to transactions entered into before that day. 2017, c. 8, Sched. 10, s. 1 (3).

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 13 - 19/10/1991; 1994, c. 17, s. 62 (2) - 23/06/1994

2002, c. 8, Sched. B, s. 11 - 1/04/2003; 2002, c. 22, s. 71 - 1/04/2003

2010, c. 1, Sched. 7, s. 22 (1-3) - 1/04/2010

2015, c. 20, Sched. 11, s. 12 (1-3) - 4/06/2015

2017, c. 8, Sched. 10, s. 1 - not in force

Execution of security certificates

29 The Lieutenant Governor in Council may provide for the manner of executing security certificates and the coupons, if any, attached thereto, and may provide that any signature or signatures upon the securities and the coupons attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced. R.S.O. 1990, c. F.12, s. 29; 2010, c. 26, Sched. 7, s. 12.

Section Amendments with date in force (d/m/y)

2010, c. 26, Sched. 7, s. 12 - 8/12/2010

Contents and conditions of securities

30 The Lieutenant Governor in Council may provide that any securities to be issued shall contain or be subject to such conditions or provisions, including conditions or provisions with respect to the registration and transfer thereof and with respect to the exchange of securities of one form or denomination for securities of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest, as he or she considers expedient. R.S.O. 1990, c. F.12, s. 30.

Registrars and fiscal agents

31 (1) The Lieutenant Governor in Council may,

- (a) appoint one or more registrars to perform such services in respect of the registration of securities as he or she prescribes;

- (b) appoint one or more fiscal agents to perform such services in respect of loans as he or she prescribes;
- (c) prescribe the duties of registrars and fiscal agents;
- (d) fix the remuneration or compensation of any such registrar or fiscal agent. R.S.O. 1990, c. F.12, s. 31 (1).

Accounting by fiscal agents and registrars

(2) Every registrar and fiscal agent shall as often as required by the Minister of Finance give to the Minister of Finance an accounting, in such form and containing such information as the Minister of Finance may prescribe, of all the registrar's or fiscal agents transactions as registrar or fiscal agent. R.S.O. 1990, c. F.12, s. 31 (2); 1994, c. 17, s. 62 (2).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

Officers not bound to see to trust

32 No officer or person employed in the inscription, registration, transfer, management or redemption of any securities, or in the payment of any interest thereon, is bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or is liable in any way to any person for anything so done by the officer or person so employed. R.S.O. 1990, c. F.12, s. 32.

Payment of lost securities

33 In the event of the loss of any securities or interest coupons thereon by a holder thereof, the Minister of Finance may pay the amount thereof out of the Consolidated Revenue Fund and may take a bond in such amount and in such form as the Minister of Finance considers advisable indemnifying Ontario against loss in respect of such payment. R.S.O. 1990, c. F.12, s. 33; 1994, c. 17, s. 62 (2).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

Sinking funds

34 The Lieutenant Governor in Council may provide for the creation and management of a special sinking fund with respect to any issue of securities or of a general sinking fund with respect to such securities as have been or are hereafter issued without provision for a sinking fund with respect to them. R.S.O. 1990, c. F.12, s. 34.

Payment of loan expenses out of Con. Rev. Fund

35 All money required to provide a sinking fund or otherwise required to secure repayment of securities, the remuneration and compensation of registrars and fiscal agents and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof may be paid out of the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 35.

Power to cancel securities acquired on sinking fund account

36 The Minister of Finance may cancel securities that come into the Minister of Finance's hands through purchase for sinking fund or otherwise, and upon cancellation such securities cease to be a charge upon the Consolidated Revenue Fund. R.S.O. 1990, c. F.12, s. 36; 1994, c. 17, s. 62 (2).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

Statement re authority

37 If a security is issued pursuant to this Act, the terms and conditions of the security must include a statement that the security is issued pursuant to this Act. 2010, c. 26, Sched. 7, s. 13.

Section Amendments with date in force (d/m/y)

2010, c. 26, Sched. 7, s. 13 - 8/12/2010

Regulations

38 (1) The Lieutenant Governor in Council may make such regulations as he or she considers necessary,

- (a) for the management of the public debt;
- (a.1) prescribing types of expenses not requiring an outlay of money or the incurring of a liability that are non-cash expenses for the purposes of the definition of "non-cash expense" in section 1;

- (a.2) prescribing types of capital investments not requiring an outlay of money or the incurring of a liability that are non-cash investments for the purposes of the definition of “non-cash investment” in section 1;
- (a.3) prescribing entities that are excluded from the definition of “broader public sector” in subsection 1.0.19 (2);
- (a.4) prescribing information for the purposes of paragraph 4 of subsection 1.0.25.1 (2);
 - (b) prescribing the terms and conditions of securities or prescribing the documents in which the terms and conditions of uncertificated securities may be stated;
- (b.1) for the issuance, sale, registration and holding of uncertificated securities;
 - (c) for the registration, transfer, exchange, redemption, cancellation and destruction of securities;
- (c.1) prescribing fees for the purpose of section 8.1;
- (c.2) prescribing non-cash expenses or classes of non-cash expenses for the purposes of subsection 11.1 (3) or non-cash investments or classes of non-cash investments for the purposes of subsection 11.1 (4);
 - (c.2.1) prescribing matters for the purposes of section 16.0.2;
 - (c.3) prescribing the manner in which fees shall be computed for the purpose of subsection 22 (4);
 - (c.4) prescribing as a currency for the purpose of section 25 any monetary unit or composite monetary unit generally recognized in international commerce;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 38 (1) of the Act is amended by adding the following clauses: (See: 2017, c. 8, Sched. 10, s. 2)

- (c.5) defining terms used in section 28 that are not already defined in this Act;
- (c.6) governing what does or does not constitute a direct or indirect increase to the indebtedness or contingent liabilities of Ontario for the purposes of subsection 28 (1);
 - (d) prescribing a rate of interest per annum for the purpose of subsection 39 (3). R.S.O. 1990, c. F.12, s. 38; 1991, c. 55, s. 14; 2002, c. 8, Sched. B, s. 12; 2008, c. 7, Sched. H, s. 2; 2009, c. 18, Sched. 12, s. 7 (1-4); 2010, c. 26, Sched. 7, s. 14; 2012, c. 8, Sched. 14, s. 6; 2015, c. 38, Sched. 5, s. 2.

Effective date

(2) A regulation made under clause (1) (a.1), (a.2) or (c.2) is, if it so provides, effective for a period commencing no earlier than April 1, 2009. 2009, c. 18, Sched. 12, s. 7 (5).

Section Amendments with date in force (d/m/y)

1991, c. 55, s. 14 - 19/10/1991
 2002, c. 8, Sched. B, s. 12 - 1/04/2003
 2008, c. 7, Sched. H, s. 2 - 14/05/2008
 2009, c. 18, Sched. 12, s. 7 (1-5) - 1/04/2009
 2010, c. 26, Sched. 7, s. 14 - 8/12/2010
 2012, c. 8, Sched. 14, s. 6 - 20/06/2012
 2015, c. 38, Sched. 5, s. 2 - 10/12/2015
 2017, c. 8, Sched. 10, s. 2 - not in force

PART IV CIVIL LIABILITY

Notice to person failing to pay over public money

39 (1) Where the Minister of Finance has reason to believe that a person,

- (a) has received money for the Crown and has not paid it over;
- (b) has received money for which the person is accountable to the Crown and has not accounted for it; or
- (c) has in the person’s hands any public money applicable to a purpose and has not applied it to that purpose,

the Minister of Finance may give notice to such person, or to his or her personal representative in case of his or her death, requiring the person within such time from the service of the notice as is stated therein, to pay over, account for, or so apply such money, as the case may be, and to transmit to the Minister of Finance proper vouchers that the person has done so. R.S.O. 1990, c. F.12, s. 39 (1); 1994, c. 17, s. 62 (2).

Service of notice

(2) The notice may be served by delivering a copy to the person to whom it is addressed or by leaving it for the person at the person's usual place of residence. R.S.O. 1990, c. F.12, s. 39 (2).

Proceedings where notice not complied with

(3) Where a person fails to comply with the notice given under subsection (1) within the time stated therein, the Minister of Finance may state an account between the Crown and such person showing the amount of the money not paid over, accounted for or applied, as the case may be, and, in the discretion of the Minister of Finance, charging interest on the whole or any part thereof at a rate of interest per annum prescribed by the Lieutenant Governor in Council from such date as the Minister of Finance may determine, and in any proceedings for the recovery of such money a copy of the account so stated by the Minister of Finance, certified by him or her, is admissible in evidence as proof, in the absence of evidence to the contrary, that the amount stated therein, together with interest, is due and payable to the Crown, without proof of the signature of the Minister of Finance or his or her official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to the Crown in any court of competent jurisdiction. R.S.O. 1990, c. F.12, s. 39 (3); 1994, c. 17, s. 62 (2).

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

Unapplied public money for purpose to be applied out of Con. Rev. Fund

40 Where a person has received public money to be applied to a purpose and has not so applied it and a notice has been given under subsection 39 (1), an equal sum out of the Consolidated Revenue Fund may in the meantime be applied to the purpose to which such sum ought to have been applied. R.S.O. 1990, c. F.12, s. 40.

Evidence

41 Where it appears,

- (a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue;
- (b) in any accounting by such person; or
- (c) by the person's written acknowledgment or confession,

that such person has, by virtue of the person's office or employment, received money belonging to the Crown and has neglected or refused to pay it over to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, is, in any proceedings for the recovery of such money, admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein. R.S.O. 1990, c. F.12, s. 41.

Liability for loss

42 Where by reason of any malfeasance, nonfeasance or misfeasance by a person employed in collecting or receiving any public money, any sum of money is lost to the Crown, such person is accountable for such sum as if the person had collected and received it and it may be recovered from the person as if the person had collected and received it. R.S.O. 1990, c. F.12, s. 42.

Collection of debt by set-off

Definitions

43 (1) In this section,

“Crown” includes any agency of the Crown; (“Couronne”)

“overpayment” means a payment of money to which the recipient is not entitled at the time of the payment or to which the recipient ceases to be entitled at any time after the payment. (“paiement en trop”) R.S.O. 1990, c. F.12, s. 43 (1); 2006, c. 33, Sched. J, s. 4 (1).

Set-off

(2) If, in the opinion of the Minister of Finance, a person is indebted to the Crown or the Crown in right of Canada in any specific sum of money or has received an overpayment of a specified sum from the Crown, the Minister of Finance may,

- (a) retain by way of deduction or set-off, out of any money that is due and payable by the Crown in right of Ontario to such person, such sum as the Minister of Finance sees fit in the circumstances; and
- (b) pay such sum to such public officer as the Minister of Finance thinks appropriate to receive it. R.S.O. 1990, c. F.12, s. 43 (2); 1994, c. 17, s. 62 (2); 2006, c. 33, Sched. J, s. 4 (2).

Application of subs. (2)

(3) Subsection (2) applies despite any other Act unless the other Act expressly provides that it applies despite subsection (2). 2009, c. 34, Sched. J, s. 21.

Section Amendments with date in force (d/m/y)

1994, c. 17, s. 62 (2) - 23/06/1994

2006, c. 33, Sched. J, s. 4 (1-2) - 20/12/2006

2009, c. 34, Sched. J, s. 21 - 15/12/2009

Books, etc., property of the Crown

44 All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in connection with the collection, management, disbursement or accounting of public money, by virtue of that employment, shall be deemed to be chattels belonging to the Crown, and all money and valuable securities received or taken into the possession of any such person by virtue of the person's employment shall be deemed to be money and valuable securities belonging to the Crown. R.S.O. 1990, c. F.12, s. 44.

Nothing in this Act to impair other remedies of the Crown

45 Nothing in this Act affects any remedy that the Crown by virtue of any other Act or law has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown and in the possession of any person or any remedy that the Crown or any person has against such person or the person's sureties or against any other person. R.S.O. 1990, c. F.12, s. 45.

PART V RECIPROCAL TAXATION AGREEMENTS

Reciprocal taxation agreements

46 (1) The Minister of Finance may enter into reciprocal taxation agreements with the Government of Canada relating to the payment, collection and remittance of taxes, including provisions relating to,

- (a) the payment by the Crown of tax payable under the *Excise Tax Act* (Canada), other than tax payable under Part IX of that Act, as though that Act, other than Part IX, applied to Ontario;
- (b) the payment by the Crown of tax under Part IX of the *Excise Tax Act* (Canada), as if that Act applied to Ontario in respect of,
 - (i) supplies of property or services acquired by provincial entities, and
 - (ii) supplies of property or services acquired in the name of a person or entity other than the Crown;
- (c) the application by Ontario provincial entities to receive refunds, input tax credits, rebates and remissions under the *Excise Tax Act* (Canada);
- (d) the collection and remittance by the Crown of tax payable by third parties under the *Excise Tax Act* (Canada);
- (e) the payment of interest, but not penalties, in respect of any amount collectible by the Crown under the *Excise Tax Act* (Canada);
- (f) the payment or the collection and remittance by the Crown in right of Canada of any tax, interest or fee imposed under the laws of Ontario or required to be collected and remitted under the laws of Ontario. 2006, c. 33, Sched. J, s. 5.

Payment out of Consolidated Revenue Fund

(2) All amounts authorized to be paid by the Crown under a reciprocal taxation agreement may be paid out of the Consolidated Revenue Fund at such times and in such manner as the agreement provides. 2006, c. 33, Sched. J, s. 5.

Section Amendments with date in force (d/m/y)

2006, c. 33, Sched. J, s. 5 - 20/12/2006

**PART VI
DISBURSEMENTS FOR EVENTS AT WHICH POLITICIANS SPEAK**

Prohibition

47 (1) A ministry or public entity shall not pay an admission or sponsorship fee for an event out of public money or other revenues if one of the following individuals is expected to speak at the event:

1. A minister of the Crown in right of Canada, a minister of the Crown in right of a province or a territorial minister.
2. A member of the Senate of Canada, the House of Commons of Canada or the legislative assembly of a province or territory.
3. The leader of a political party in Canada, whether federal, provincial or territorial.
4. A member of the council of a municipality in Canada. 2019, c. 7, Sched. 24, s. 1.

Exception, other speakers

(2) The prohibition in subsection (1) does not apply to an event at which an individual who is not described in subsection (1) is also expected to speak. 2019, c. 7, Sched. 24, s. 1.

Section Amendments with date in force (d/m/y)

2019, c. 7, Sched. 24, s. 1 - 01/07/2019

Français

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Advisory College Council

Terms of Reference

April 14, 2026



ST. CLAIR

C O L L E G E

Advisory College Council Terms of Reference

1.0 AUTHORITY

The Ministry of Colleges and Universities Minister's Binding Policy Directive, Governance and Accountability Framework, issued in 2003 and revised in 2010, includes the following provision:

Advisory College Council: The Board of Governors is to ensure that an Advisory College Council is established, the purpose of which is to provide a means for students and staff of the college to provide advice to the President on matters of importance to students and staff. The Board of Governors is to ensure that the structure, composition, terms of reference, and procedures for the council are established in a by-law. A report from this Advisory Council shall be included in each college's annual report.

2.0 NAME

"The St. Clair College Advisory College Council" name can also be referred to "Advisory College Council" or "Advisory Council".

3.0 PURPOSE

The Advisory College Council shall be comprised of internal members of the St. Clair College ("the College") community and will serve as an advisory body to the President on matters of importance to students and staff.

The scope of issues that may be addressed by the Advisory College Council include, but are not limited to, the following:

- The College's Strategic Plan
- Policies, processes, and practices that affect students and staff
- Academic programming and curriculum
- Key Performance Indicators
- Promotion of academic excellence
- Teaching methodology and standards
- Standards of student conduct, discipline, and appeal processes
- Research and development
- Facilities
- Student services
- Student rights and responsibilities
- Matters affecting the academic reputation or educational effectiveness of the College

The Advisory College Council will generally provide a college-wide perspective on issues of strategic significance but may also consider and advise on operational issues when relevant.

The Advisory College Council will aim to foster the inclusion of diverse perspectives and develop and support a culture of continuous dialogue, collaboration, and consensus building.

The Advisory College Council will not address matters of a legal or contractual nature that require confidentiality, nor make recommendations on any matter that pertains to specific individuals.

An annual report of the Advisory College Council will be included in St. Clair College's Annual Report.

4.0 ADVISORY COLLEGE COUNCIL MEMBERSHIP

Advisory College Council shall be comprised of voting and non-voting members.

If an Advisory College Council member ceases to be a member of the constituent group from which they are elected or appointed, the person ceases to be a member of the Advisory College Council. Administrative staff who serve on the Advisory College Council as a result of their position serve for so long as they hold that position.

Where provided for, designates must be members of constituent groups.

Advisory College Council membership is outlined in Appendix A.

4.1 Faculty Representation (Voting)

Faculty shall mean a person who is a member of Local 138 in Good Standing.

Advisory College Council shall include 9 Faculty Representatives, one from each academic school, one counsellor and one member of the CAE office, who are voting members.

Faculty Representatives and alternates will be appointed to Advisory College Council by Local 138.

The Local President shall notify the Advisory College Council Chair of the appointment of a Faculty Representative(s) and their alternate to the Advisory College Council.

Faculty Representative term of office shall be three years beginning September 1 and ending August 31.

Faculty Representatives shall serve as many subsequent terms as desired with no restrictions

4.2 Support Staff Representation (Voting)

Support Staff shall mean a person who is a member of Local 137.

Advisory College Council shall include 4 Support Staff Representatives who are voting members:

- At least 3 members shall be full-time employees.
- At least 1 member shall be an employee at the Chatham campus.

Support Staff Representatives and alternates shall normally be appointed to Advisory College Council by way of election at a General Membership Meeting of their respective Local and in accordance with their Local's customary voting procedures.

The respective Local President shall notify the Advisory College Council Chair of the appointment of Support Staff Representative(s) to the Advisory College Council.

Support Staff Representatives' term of office shall be two years beginning September 1 and ending August 31. Support Staff Representatives shall serve as many subsequent terms as desired with no restrictions.

4.3 Vacancies of Elected Members and Alternates

If an elected member resigns or ceases to be a member of the constituent group, they shall be replaced by the alternate who will serve to the end of the original two-year term of the member they are replacing.

Where, at any time, a vacancy exists without an alternate, the relevant Local may fill the vacancy by appointing a representative from the appropriate constituent group until such time as a General Membership Meeting of the Local is called or an election otherwise held.

4.4 Student Representation (Voting)

A student shall mean a person who is enrolled in a program of instruction at St. Clair College.

Advisory College Council shall include 4 Student Representatives who are ex officio voting members:

- SRC President
- SRC Vice President – Student Affairs
- TSI President
- SSAA President

An ex officio Student Representative may appoint a designate to Advisory College Council by notifying the Advisory College Council's Chair in advance of any Advisory College Council meeting of said designation.

4.5 Administrative Staff Representation (Voting)

Administrative shall mean a person who is employed full-time in administration.

Advisory College Council shall include 4 Administrative Staff Representatives who are ex officio voting members:

- Registrar
- Director, Student Services
- Director, International Recruitment
- Institutional Lead, Campus Operations and Student Services (Chatham)

An ex officio Administrative Staff Representative may appoint a designate to Advisory College Council by notifying the Advisory College Council's Chair in advance of any Advisory College Council meeting of said designation.

4.6 Designates and Alternates

Designates or alternates for voting members have the right to vote.

4.7 Ex Officio Non-Voting Members

Ex-officio non-voting members serve on Advisory College Council to provide information and College-wide perspective on issues.

Ex-officio non-voting members of the Advisory College Council are:

- Executive Director, Centre for Academic Excellence, Quality Assurance and Accountability
- Associate Vice President, Human Resources Office Administration and Facilities Services
- Director, Continuing Education & Corporate Training
- Director, IT Enterprise & Cyber Security
- President, Local 137
- President, Local 138

An ex officio non-voting member may appoint a designate to Advisory College Council by notifying the Advisory College Council's Chair in advance of any Advisory College Council meeting of said designation.

4.8 Appointment of Supplementary Members

When it is determined that a significant area of the College community is under-represented, it is the Advisory College Council's prerogative to add up to three members. Supplementary members may be voting or non-voting members, as determined by Advisory College Council.

The process for the appointment of a supplementary member to the Advisory College Council requires that the matter be on Advisory College Council's agenda in advance of any meeting at which the issue will be addressed. Following a resolution by the Advisory College Council for the appointment of a supplementary member, the selected member shall be the collaborative choice of the Chair following input from members of the Advisory College Council, and in consultation with the President of the relevant Local, where appropriate.

The term of appointment of a supplementary member shall not exceed any subsequent revision of these Terms of Reference.

5.0 STRUCTURE OF ADVISORY COLLEGE COUNCIL

The Registrar shall serve as Chair of the Advisory College Council.

The Advisory College Council Chair shall:

- Preside over the conduct of meetings
- Liaise with the President to bring items to the Advisory College Council for review and report on recommendations
- Determine the agenda and call meetings
- Prepare material and reports for the Advisory College Council
- Address attendance issues with members
- Prepare the annual report of activities for inclusion in the College's annual report
- Perform such other duties as may from time to time be determined by the Advisory College Council

The Registrar shall serve as the Meeting Chair.

A Secretary of the Advisory College Council shall be appointed by the President. The Secretary of the Advisory College Council shall not be a member of the Advisory College Council.

The Secretary shall:

- Attend all meetings of the Advisory College Council
- Send out meeting notifications, along with copies of Agenda and Minutes, as requested by the Chair
- Keep a record of the minutes of the Advisory College Council meetings
- Perform such other duties as the Advisory College Council may direct, subject to the approval of the President

6.0 RESPONSIBILITIES OF MEMBERS

Advisory College Council membership and participation are recognized as important and beneficial to the College's mission. Advisory College Council membership by non-ex-officio members is voluntary. Members may not receive remuneration for their participation, although reasonable travel expenses may be reimbursed.

Meetings will be scheduled to accommodate members' schedules to the extent possible.

Members shall participate fully in all meetings of the Advisory College Council. Every member of the Advisory College Council shall:

- Encourage and maintain a student-centered focus
- Act honestly and in good faith with a view to the best interests of the College

Non-voting ex-officio members are expected to bring a college-wide perspective to Advisory College Council.

Voting members are expected to represent the perspective of their constituent group and to bring forward issues and concerns from their constituent group to Advisory College Council. The responsibility for ensuring communication between Advisory College Council and constituent groups should be shared between the constituent group representative and the Advisory College Council Chair. Mechanisms may be established to ensure input and feedback from constituent groups on issues before the Advisory College Council.

Elected members who are unable to attend an Advisory College Council meeting are responsible for communicating with their alternate to ensure representation at the meeting.

Ex-officio members who are unable to attend an Advisory College Council meeting should notify the Chair of their designate one week in advance of the meeting date, if possible.

Members are expected to serve on Advisory College Council subcommittees, as appropriate to their expertise, availability, and interest.

7.0 MEETINGS AND CONDUCT OF BUSINESS

The Advisory College Council shall meet three (3) times per year, generally once per semester. Special meetings may be called by the Chair or at the request of the majority of voting members.

Whenever possible, the Advisory College Council shall bring forward recommendations based on consensus. Conventional rules of order shall be followed, as appropriate.

Advisory College Council meetings are open to the College community.

7.1 Quorum

A quorum shall consist of a simple majority (50% plus one) of all voting members, excluding vacancies, of the Advisory College Council.

7.2 Meeting Agenda

The Chair will establish an agenda for each Advisory College Council meeting and circulate it to members and alternates at least one (1) week before the scheduled meeting.

A member of the Advisory College Council who wants to add an item to the agenda must notify the Chair at least ten (10) days before the meeting and provide a written summary of the issue to be discussed and relevant background material that can be circulated to members in advance. The Chair will determine whether the item falls within the scope of the work of the Advisory College Council and, if so, the meeting in which it will be considered.

The agenda will be tabled at the start of the meeting by way of a Notice of Motion. An agenda item can be added to the circulated agenda by a special resolution requiring the approval of two-thirds (2/3) of the voting members present.

7.3 Meeting Minutes

Advisory College Council Meeting Minutes for approval shall be distributed to members with the agenda.

Minutes approved by the Advisory College Council shall be posted to the College website and circulated to the President, SOG, and Presidents of Locals.

7.4 Voting

The Advisory College Council meeting must have a quorum where any matter is put to a vote.

Subject to special resolution provisions pursuant to rules of order, resolutions will succeed if supported by 50% plus one of the voting members present at the meeting.

Members with voting rights, their alternate or delegate, may vote, except for the Meeting Chair who may only vote in the event of a tie vote.

8.0 SUBCOMMITTEES

Advisory College Council may establish subcommittees to carry out the work of the Advisory College Council. Subcommittees may be ongoing and serve over a long term as standing committees or be initiated as ad hoc committees or task forces to address specific issues and then be disbanded when those issues have been addressed to the satisfaction of the Advisory College Council. All subcommittee reports or recommendations must be submitted to the Advisory College Council.

The operating procedures and Terms of Reference of any subcommittee will be determined by the Advisory College Council. Subcommittees shall be chaired by a member of the Advisory College Council. If the Advisory College Council Chair is not a member of the subcommittee, the subcommittee Chair shall ensure that the Advisory College Council Chair is informed of all meetings of the subcommittee and may participate as ex-officio members of all subcommittees.

9.0 RECOMMENDATIONS TO THE PRESIDENT

Advisory College Council recommendations to the President should, where possible, be by a resolution based on consensus.

Any resolution that takes the form of a recommendation to the President shall be added to the following Advisory College Council Agenda.

The President may follow up on Advisory College Council recommendations with the following actions:

- Approve the recommendation and advise as to the implementation process.
- Reject the recommendation and provide Advisory College Council with a rationale.
- Request reconsideration and return to Advisory College Council for further study/review.

10. CHANGES TO THE TERMS OF REFERENCE

The Terms of Reference will be reviewed by the Advisory College Advisory Council every two years.

Appendix A

Advisory College Council Membership Roster

Date:

	Voting Members			Term Start Date	Term End Date
Faculty					
1	Business	Local 138 Election	Alternate		
2	Community Studies	Local 138 Election	Alternate		
3	Engineering Technologies	Local 138 Election	Alternate		
4	Health Sciences	Local 138 Election	Alternate		
5	Information Technology	Local 138 Election	Alternate		
6	Nursing	Local 138 Election	Alternate		
7	Skilled Trades	Local 138 Election	Alternate		
8	Counsellor/Student Services	Local 138 Election	Alternate		
9	CAE	Local 138 Election	Alternate		
Students					
1	SRC President	Ex-officio	Designate		
2	SRC VP Downtown Affairs	Ex-officio	Designate		
3	TSI President	Ex-officio	Designate		
4	SSAA President	Ex-officio	Designate		
Support					
1	Member Local 137	Local 137 Election	Alternate		
2	Member Local 137	Local 137 Election	Alternate		
3	Member Local 137	Local 137 Election	Alternate		
4	Member Local 137 (Chatham)	Local 137 Election	Alternate		
Administration					
1	Registrar	Ex-officio	Designate		
2	Director Student Services	Ex-officio	Designate		
3	Institutional Lead, Campus Operations & Student Services (Chatham)	Ex-officio	Designate		
4	Director, International Recruitment	Ex-officio	Designate		

Ex-officio Non-Voting					
1	Executive Director, Centre for Academic Excellence, Quality Assurance and Accountability	Ex-officio	Designate		
2	Associate Vice President, Human Resources Office Administration and Facilities Services	Ex-officio	Designate		
3	Director, IT Enterprise & Cyber Security	Ex-officio	Designate		
4	Director, Con-Ed & Corporate Training	Ex-officio	Designate		
5	President Local 137	Ex-officio	Designate		
6	President Local 138	Ex-officio	Designate		
Supplementary Members					

Appendix B

Advisory College Council – Meeting Attendance Roster Template

Date:

		Voting Status	Member	Alternate/ Designate	In Attendance
Faculty					
1	Business	Voting			
2	Community Studies	Voting			
3	Engineering Technologies	Voting			
4	Health Sciences	Voting			
5	Information Technology	Voting			
6	Nursing	Voting			
7	Skilled Trades	Voting			
8	Counsellor	Voting			
9	CAE	Voting			
1	SRC President	Voting			
2	SRC Vice President	Voting			
3	TSI President	Voting			
4	SSAA President	Voting			
1	Member Local 137	Voting			
2	Member Local 137	Voting			
3	Member Local 137	Voting			
4	Member Local 137 (Chatham)	Voting			
1	Registrar	Voting			
2	Institutional Lead, Campus Operations & Student Services (Chatham)	Voting			
3	Director, Student Services	Voting			
4	Director, International Recruitment	Voting			

1	Executive Director, Centre for Academic Excellence, Quality Assurance and Accountability	Non-Voting			
2	Associate Vice President, Human Resources Office Administration and Facilities Services	Non-Voting			
3	Director, Con-Ed & Corporate Training	Non-Voting			
4	Director, IT Enterprise & Cyber Security	Non-Voting			
5	President Local 137	Non-Voting			
6	President Local 138	Non-Voting			
Supplementary Members					

Policy Title:	College Program Advisory Committees	Area of Responsibility: Vice President, Academic
Policy Section:	ACADEMIC	
Effective Date:	April 30, 2019	Policy No: 1.1.4
Supersedes:	Policy 1.1.3	Page 1 of 6
Mandatory Review Date:	April 30, 2023	

1.1.4

Preamble

Program Advisory Committees (PAC) are formed to assist the College with its post-secondary degree, diploma and certificate programs by ensuring such programs remain relevant and current with respect to business, industry and community needs, upcoming trends, graduate requirements, equipment, and any other factor necessary to ensure the quality of all College programs. This policy addresses the procedure for establishing and maintaining such committees.

Policy

Role of a Program Advisory Committee

A Program Advisory Committee is established by the Board of Governors with the assistance of the College President and Vice President, Academic to assist the College in any or all of the following:

1. To provide input and advice on all aspects of our College programs, including feedback on the quality and relevance of program structure, curriculum, and recommendations for curriculum and program improvement or change.
2. To provide input and advice on student recruitment, retention practices and strategies for student success.
3. To provide input and advice on new program opportunities and the training necessary to meet the evolving needs of industry and the community, including advising the College on emerging trends and developments in the labour.

4. To provide input and advice on all aspects of College services and facilities available to students, industry, and community members.
5. To provide advice on technology, equipment, and facilities based upon current or anticipated needs.
6. To provide input and advice on the current and anticipated employer graduate expectations, including appropriate levels of knowledge, training and the skill competencies required by industry, including identifying employment opportunities for graduates.
7. To identify work-integrated learning opportunities for students, career opportunities and job placements for students, including identifying student field placements, capstone projects, co-op opportunities, internship and student international experiences.
8. To assist in establishing scholarships and bursaries for students.
9. To represent the College as goodwill ambassadors in the wider community, thereby building connections with the College and the regions it serves.

Operational Procedures for Program Advisory Committees

Establishing and Maintaining Membership

1. The committee shall be comprised of a cross-section of persons, external to the College that have significant and current diversity of experience, knowledge, expertise and a direct interest in the particular occupational area addressed by the program.
2. Full or part-time employees of the College in any capacity, employed at any time during the academic year to which the meeting applies, are not external to the college and are not allowed to sit as committee members. They are allowed to attend meetings as observers only. Academic programs with the sole purpose of preparing students for further studies are exempted from this membership restriction.
3. Committee members shall be appointed by the Program Chair for a period of not less than two years and not more than six years.
4. Committees shall have a minimum number of four members and shall represent all community interests in the occupational area addressed by the program.
5. Where more than one program requires the same or similar community representation, a Program Chair or Manager may allow a single committee to represent multiple programs. In such circumstances, a meeting of such a committee shall count as a meeting for each program it represents.
6. The College shall follow a common format approved of by the Vice President, Academic for the submission of nominees and appointment of all committee members. The Vice President, Academic shall send a letter to each member thanking them for serving on the committee.

7. When committee members finish their terms, the Vice President, Academic shall be notified by the Program Chair or Manager. The Vice President, Academic shall send a letter to those members thanking them for their service on the committee.

Frequency of Meetings

1. Committee meetings shall be held no less than once per academic year. An academic year shall be defined as August 27th of the current year to August 26th of the following year.

The Advisory Committee Chair:

1. Each committee shall elect annually a Committee Chair from amongst its members.
2. The Committee Chair provides leadership to the Committee, and works closely with the Program Chair to provide logistical support to the Committee;
3. The Committee Chair shall:
 - a) Chair all committee meetings.
 - b) Ensure meetings are run effectively and all members are given a fair opportunity to contribute.
 - c) Approve Agendas prepared by Program Chairs or Managers.
 - d) Review pre-meeting information packages ideally before distribution to members.
 - e) Assist in recruitment and orientation of new members.
 - f) Approve meeting Minutes.

The Program Chair or Manager

1. The Program Chair or Manager is a College employee who acts as a link between the College and the Committee, and is responsible for:
 - a) Ensuring new members are provided an orientation of the program and role of the Advisory Committee.
 - b) Preparing agendas and pre-meeting information for approval of the Advisory Committee Chair.
 - c) Scheduling of meetings, providing notice of meetings to Committee Members, and distributing pre-meeting information packages to all members, including placement reports and Key Performance Indicator reports.
 - d) Acting as a resource person to the Committee with information on College policies, procedures, planning, organizational changes and program information.
 - e) Providing a room for the meeting and a recording secretary for the taking of minutes.
 - f) Ensuring minutes are finalized, distributed among committee members, and filed with the Vice President, Academic no later than 60 days after the completion of the meeting.
 - g) Ensuring that a tentative date for the next meeting is agreed to by the committee before completion of the current meeting.
 - h) Ensuring committee members execute a Conflict of Interest Agreement requiring members to disclose any personal or professional conflict, with an issue under discussion at a Committee meeting.

- i) Ensuring the Committee's input and recommendations are reviewed by program faculty and any other College member that may be affected by such recommendations.
 - j) Approving action items and ensuring that approved action items are consistent with other College policies and procedures that may impact the action item and the approval of other College departments is obtained where required.
 - k) Ensuring that whenever possible, input and recommendations are acted upon by the College and that College personnel are kept updated with respect to the status of such input.
 - l) Maintaining a current membership list with the Vice President, Academic and assisting the Vice President, College Communications and Community Relations with an annual appreciation event for all Committee members on the list. The membership list shall include a member's name, organization and contact information and shall be filed with the Vice President, Academic.
 - m) Monitoring the progress of any action items resulting from the Committee meeting and ensuring such action items are completed in a timely fashion.
2. For the purposes of ensuring completion of the tasks itemized above, the Program Chair may request the assistance of the Program Coordinator and may delegate non-managerial tasks to the Program Coordinator as required.

Meeting Procedure

1. All members shall be treated with respect and provided a fair opportunity to be heard and contribute.
2. Minutes of the meeting shall be recorded in the form prescribed in the Program Advisory Committee Protocol and shall include a record of persons in attendance. Members may attend in person or electronically. Electronic attendance includes attendance by means of any electronic communication system or by providing written input in advance of the meeting by electronic means.
3. Subject to paragraph 4 below, generally it is not necessary to have a quorum of committee members for the meeting to proceed; however, if in the opinion of the Committee Chair, Program Chair, or Manager, there is an insufficient number of committee members present to have a meaningful and productive discussion on the issues, the meeting shall be adjourned and rescheduled in the current academic year.
4. Any recommendation to change a program's curriculum or hours by more than 25% shall require a consensus of 50% + 1 of the total number of committee members listed on the most recent Committee Membership List on file with the Vice President, Academic.
5. There should also be a sufficient number of College program staff present at the meeting to act as resource persons for the committee and to observe the discussion of committee members.
6. The committee meeting shall be considered as Phase I of the process. Following a thorough discussion on the issues, the meeting shall end and committee members shall be excused.

7. Following Phase I, the process shall enter into Phase II. Phase II provides College program staff an opportunity to analyze feedback, including recommendations for improvement received from committee members in Phase I. As part of Phase II, College staff shall determine if action items are required to address any concerns raised or recommendations made by committee members.
8. Required action items shall be created by College staff in Phase II. All action items shall be in compliance with requirements set out in the Program Advisory Committee Protocol.
9. All suggested action items shall be reviewed by the Program Chair, who shall determine if it is feasible to implement the action item. If it reasonable to do so, the action item shall be implemented provided it is consistent with other College policies and procedures that may impact approval and implementation of the particular action item and the approval of other College departments is obtained when required.
10. All action items shall be recorded in a separate portion of the Minutes Template as a record of all action items resulting from the committee meeting.

Board Reports

1. Each year, Program Chairs and Managers are responsible for submitting an Advisory Committee Annual Report to the Board of Governors, including major issues discussed, recommendations made, and plans for the next academic year for each advisory committee.
2. These reports are submitted in an established format according to the Program Advisory Committee Protocol.
3. Following receipt of these reports, the Vice President, Academic shall prepare an Executive Summary for the President.
4. These Board Reports, Executive Summary, and Committee Membership Lists shall be submitted to the Board of Governors annually.

Ad Hoc Program Advisory Committees

1. When a new program is proposed or when an existing program has been suspended with the intention of improving and relaunching it, an Ad Hoc Advisory Committee shall be created on a temporary basis to help guide its development. This committee confirms and clarifies the need for the program, potential for graduate employment, provides feedback on program design and input on curriculum.

2. For the development of new programs and the relaunch of suspended programs, the Ad Hoc Committee shall meet as many times as required to fulfill its mandate, and in any event no less than two times.
3. Ad Hoc Advisory Committees are expected to endorse a motion to support the proposed program for it to proceed to implementation. A quorum is required for any such vote. A quorum shall consist of 50% + 1 of the total number of committee members.
4. Once the program has been approved and launched, the Ad Hoc Advisory Committee will be disbanded and a Program Advisory Committee will be created for the new program in accordance with this policy.

Appendix E
Election Procedures for Internal Board Members

**Election Procedures for Internal Members of the Board of Governors of
St. Clair College of Applied Arts & Technology**

1. **Definition of Eligible Candidates**

For the purpose of this policy, the definition of eligible candidates and their constituencies are as follows:

a) **Academic Staff Member**

A person who is employed full-time by the Board of Governors as a member of the faculty in accordance to the collective agreement.

b) **Administrative Staff Member**

A person who is employed full-time by the Board of Governors who does not fit the definition of an academic or support staff person.

c) **Support Staff Member**

A person who is employed full-time by the Board of Governors as a support staff member in accordance to the collective agreement.

d) **Student**

A person enrolled in a full-time post-secondary program, which leads to a St. Clair College certificate, diploma or degree recognized by the Ministry of Colleges and Universities (MCU), in good standing and in the term that he/she is acting as the Student representative. The applicant must have gone through an official election process and hold one of the executive positions, excluding President, with Student Government; Student Representative Council (SRC), Thames Students Incorporated (TSI) or the Student Athletic Association (SAA).

2. **Terms of Office, Right to Renewal and Filling of Vacancies**

Terms of office and right to renewal are as outlined in the Ontario Colleges of Applied Arts and Technology Act, 2002, Ontario Regulation 34/03, until such time that the Regulation is revised.

3. **Provision for Time to Attend Meetings and Activities of the Board**

The Board will not schedule meetings in a deliberate attempt to exclude any elected member from attending because of his/her work. Every attempt will be made to release an elected member from his/her work assignment to attend meetings and activities of the Board.

4. **Coordination and Conduct of Elections**

The Secretary to the Board will coordinate all election proceedings and report the results to the Board of Governors.

5. **The Election Process**

a) **Call for Nominations**

Nomination forms (as appended) will be made available to all eligible members, to be returned completed to the Secretary of the Board on or before the closing date of nominations.

The College will undertake to inform all eligible voters about roles and responsibilities of members of the Board of Governors so that those choosing to stand for election can make their choice on an informed basis.

The call for nominations will be five weeks prior to the date of the vote. The closing date for nominations will be at 4:00 p.m. on the fifteenth working day before the date of the vote.

The vote will be scheduled to occur no later than the third week in April of the year in which the seat becomes vacant, where possible.

b) Campaigning Time

Three weeks will be provided for nominees to campaign for office. Candidates will be required to follow internal rules established for any election conducted on College property.

After nominations are closed, a list of nominees for each group, in alphabetical order, will be prepared by the Secretary to the Board and circulated throughout all campuses.

c) Ballot

A ballot for each group will be prepared by the Secretary to the Board from the Nomination Lists.

d) Voting

An eligible voter is only permitted to cast one ballot in the election. The individual is limited to voting in the specific constituent group of whom they belong.

Voting will take place at one location on each campus or through electronic/virtual means, and will be conducted by secret ballot.

Board of Governors' appointees will supervise the elections on each campus.

e) Election Results

The successful candidate will be determined by simple plurality of votes. In the event of a tie, a draw by lot will be conducted by the Chair or Vice Chair of the Board of Governors.

The candidates from the various constituent groups will be notified of the day the ballots will be counted so that they or their designated representatives may be in attendance throughout the count procedures.

On the specified day, the ballot boxes will be opened in the presence of the candidates and counted by the Secretary of the Board.

Ballots will be held for no less than ten working days upon publication of the successfully elected candidates, after which time they will be officially recorded and destroyed.

6. DISPUTE RESOLUTION

Disputes regarding the election procedures and election results must be submitted in writing to the Corporate Secretary of the Board of Governors no later than five (5) working days following the announcement of the election results. The Corporate Secretary will serve as the Dispute Resolution Officer for any such matters. Where a candidate has made an application for a recount of the election results, which shall be made within five (5) working days of the published election results, the recount will be conducted using the ballots that have been cast.

7. NOTIFICATION

a) Candidates

Candidates will be informed by the Secretary to the Board of Governors after the official count has been completed.

b) Board of Governors

The Board of Governors will be informed at the meeting of the Board immediately following the published election results.

8. ORIENTATION OF ELECTED MEMBERS

Elected members will be invited to participate in the new Board member orientation, scheduled in September.

9. INSTALLATION OF NEW MEMBERS

New members will begin their duties on September 1 of each year or at such time when they are to fill a vacancy.



Name:

A Conflict of Interest arises when a Board member’s private or personal interest supersedes or competes with his or her official duties and responsibilities as a member of the St. Clair College Board of Governors. This could arise from actual, potential, or perceived conflict of interest of a financial or other nature.

This Conflict-of-Interest Disclosure Form should disclose any personal, family, financial, business, volunteer affiliations or otherwise that may give rise to a real or apparent conflict of interest.

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest:

I have no conflict-of-interest to report.

I have the following affiliations that may result in a real or perceived conflict of interest, which includes all volunteer, employment or Board participation.

1. _____

2. _____

3. _____

4. _____

5. _____

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Signature: _____

Date: _____

GOVERNOR NAME:
DATE:

Please rate the response that best reflects your opinion. The rating scale for each statement is: Strongly Disagree (1); Disagree (2); Maybe or Unsure (3); Agree (4); Strongly Agree (5).

STATEMENT	RATING
1. I have a good record of meeting attendance to fulfill my duties and responsibilities as a Governor.	
2. I read the minutes, reports and other materials in advance of all Board meetings.	
3. I am familiar with the Board By-laws and Board Policies or access them when necessary.	
4. I maintain the confidentiality of all Board discussions and decisions.	
5. When I have a difference of opinion than the majority, I respectfully raise it.	
6. I support Board decisions once made even in circumstances when I am not in agreement.	
7. I promoted the work of the College in the community whenever the opportunity arose.	
8. I have completed the Certificate of Good Governance.	
9. I have attended/completed relevant Board of Governors professional development, ie. Certificate of Advanced Good Governance, CIGan Conference, Board Retreats, etc.	
10. I have the ability to focus at a strategic level and contribute to the development of strategic objectives as required.	
11. My contributions to Board discussions are forward thinking, constructive, timely, independent and to the point.	
12. I treat other Governors and College staff with respect and dignity at all times.	
My Overall Rating: (add together all the ratings):	
<input type="checkbox"/> Excellent (37+) <input type="checkbox"/> Satisfactory (26-36) <input type="checkbox"/> Poor (9-25)	

COMMENTS:
GOVERNOR SIGNATURE:
DATE:
BOARD OF GOVERNOR CHAIR REVIEW & COMMENTS: