

COMMITTEE OF THE WHOLE FEBRUARY 7, 2005

ELECTED OFFICIALS IMMUNITY ACT, 2004

Recommendation

Councillor Carella recommends that the following resolution be adopted by Council:

WHEREAS a Private Member's Bill entitled the 'Elected Officials Immunity Act, 2004' has been introduced in the Legislative Assembly of Ontario by Member of Provincial Parliament Jerry J. Ouellette;

AND WHEREAS the Bill, if passed, will provide elected members of municipal councils and school boards the same privilege, immunities, and powers presently granted to members of the Legislative Assembly;

AND WHEREAS the legislation is designed to assist elected officials and municipalities by allowing more freedom of speech and public debate in chamber settings without the reprise of court action;

AND WHEREAS MPP Jerry J. Ouellette has written a letter to Council dated December 14, 2004 stating that any support or assistance that can be provided would be greatly appreciated, and requesting that the local MPP as well as Premier Dalton McGuinty be contacted with Council's endorsement of this Bill;

AND WHEREAS Council supports and endorses the Bill;

NOW THEREFORE BE IT RESOLVED THAT Council of the City of Vaughan hereby confirms its support and endorsement of the Private Member's Bill entitled the 'Elected Officials Immunity Act, 2004' that has been introduced in the Legislative Assembly of Ontario by Member of Provincial Parliament Jerry J. Ouellette.

AND that a copy of this resolution be forwarded to the Premier of Ontario, Dalton McGuinty, the local Member of Provincial Parliament, the Honourable Greg Sorbara, Minister of Finance, and the local Member of Provincial Parliament, Mario G. Racco.

Purpose

To provide Council with a resolution to confirm its support and endorsement of the Private Member's Bill entitled the 'Elected Officials Immunity Act, 2004' that has been introduced in the Legislative Assembly of Ontario by Member of Provincial Parliament Jerry J. Ouellette.

Background - Analysis and Options

A Private Member's Bill entitled the 'Elected Officials Immunity Act, 2004' has been introduced in the Legislative Assembly of Ontario by Member of Provincial Parliament Jerry J. Ouellette. The Bill, if passed, will provide elected members of municipal councils and school boards the same privilege, immunities, and powers presently granted to members of the Legislative Assembly. The legislation is designed to assist elected officials and municipalities by allowing more freedom of speech and public debate in chamber settings without the reprise of court action. MPP Jerry J. Ouellette has written a letter to Council dated December 14, 2004 stating that any support or assistance that can be provided would be greatly appreciated, and requesting that the local MPP as well as Premier Dalton McGuinty be contacted with Council's endorsement of this Bill.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

This resolution confirms the support and endorsement of Council of the Private Member's Bill entitled the 'Elected Officials Immunity Act, 2004' that has been introduced in the Legislative Assembly of Ontario by Member of Provincial Parliament Jerry J. Oullette.

Attachments

1. Letter dated December 14, 2004 from MPP Jerry J. Oullette.

Respectfully submitted,

Councillor Carella

RECEIVED JAN 03 2004

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Oshawa

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December 14, 2004

Mayor Michael Di Biase & Council
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Dear Mayor & Council:

I am pleased to be able to provide you with a copy of my Private Member's Bill, the 'Elected Officials Immunity Act 2004', which I introduced in the Legislative Assembly of Ontario.

This Bill, if passed will provide elected members of municipal councils and school boards the same privilege, immunities, and powers presently granted to members of the Legislative Assembly. The legislation is designed to assist elected officials and municipalities by allowing more freedom of speech and public debate in chamber settings without the reprise of court action.

Any support or assistance that you can provide would be greatly appreciated. Please contact your local MPP as well as Premier Dalton McGuinty of your endorsement of this Bill.

I look forward to your valuable input and appreciate all your support.

Yours Sincerely,



Jerry J. Ouellette, MPP
Oshawa

Bill _____

Projet de loi _____

MOTION FOR FIRST READING

MOTION DE PREMIÈRE LECTURE

Mr. Ouellette

M. Ouellette

moves that leave be given to introduce a
Bill entitled

propose qu'il soit permis de déposer un
projet de loi intitulé

"An Act to provide elected members of municipal councils and school boards with
certain privileges, immunities and powers

Loi octroyant certains privilèges et pouvoirs et certaines immunités aux membres élus des
conseils municipaux et des conseils scolaires"

and that it now be read the first time.

et que ce texte soit maintenant lu une première
fois.

Elected Officials Immunity Act, 2004

EXPLANATORY NOTE

The purpose of the Bill is to extend to elected members of municipal councils and school boards those privileges, immunities and powers presently enjoyed by members of the Legislative Assembly of Ontario.

BILL

PROJET DE LOI

An Act to provide elected members of
municipal councils and school boards with
certain privileges, immunities and powers

Loi octroyant certains privilèges et pouvoirs et
certaines immunités aux membres élus des
conseils municipaux et des conseils scolaires

1st Reading

1^{re} lecture

Mr. Ouellette

M. Ouellette

(Private Member's Bill)

(Projet de loi de député)

An Act to provide elected members of municipal councils and school boards with certain privileges, immunities and powers

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

Grant of privileges, immunities and powers

1. An elected member of a council of a municipality or of a school board has the same privileges, immunities and powers as the law confers on a member of the Legislative Assembly of Ontario.

Commencement

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

Short title

3. The short title of this Act is the *Elected Officials Immunity Act, 2004*.

Loi de 2004 sur l'immunité des élus

NOTE EXPLICATIVE

L'objet de la présente loi est d'accorder aux membres élus des conseils municipaux et des conseils scolaires les privilèges, immunités et pouvoirs dont les députés à l'Assemblée législative de l'Ontario sont présentement investis.

Loi octroyant certains privilèges et pouvoirs et certaines immunités aux membres élus des conseils municipaux et des conseils scolaires

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

Octroi de privilèges, immunités et pouvoirs

1. Le membre élu d'un conseil municipal ou d'un conseil scolaire dispose des mêmes privilèges, immunités et pouvoirs que ceux que la loi confère aux députés à l'Assemblée législative de l'Ontario.

Entrée en vigueur

2. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

3. Le titre abrégé de la présente loi est *Loi de 2004 sur l'immunité des élus*.