

Appendix A

Key changes if Bill 68 is passed – Integrity Commissioner, Code of Conduct, *Municipal Conflict of Interest Act*

- Minister of Municipal Affairs and Housing can create minimum standards for Codes of Conduct.
- Integrity Commissioner is required by the *City of Toronto Act* to perform in an independent manner the function assigned by City Council with respect to *all* of the following duties:
 - Application of the Code of Conduct for members of City Council and local boards (restricted definition).
 - Application of any procedures, rules and policies of the City and local boards (restricted definition) governing ethical behaviour of members of City Council and local boards.
 - The application of section 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of City Council and local boards (restricted definition).
 - The conducting of, on the Commissioner's own initiative, inquiries about whether a member of City Council or a local board has contravened the Code of Conduct or section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.
 - Requests from members of City Council and local boards respecting their obligations under the Code of Conduct, ethical policies and procedures, and the *Municipal Conflict of Interest Act* (this will be a new requirement in COTA, but already exists in Chapter 3 of the Municipal Code).
 - The provision of educational information to members of Council and members of local boards about the Code and the MCIA.
- The Commissioner receives complaints from any person for an inquiry into whether section 5, 5.1 or 5.2 of the MCIA has been contravened; such applications must be made within six weeks and be *completed within 180 days*. The Commissioner can then apply to a judge to seek a determination under the MCIA about whether the MCIA has been contravened.
- The MCIA is amended to:
 - Include a preamble.
 - Permit a member to participate (but not vote) when Council is considering to suspend the member's pay pursuant to section 160(5) of the City of Toronto Act, 2006 (i.e. a Code of Conduct contravention).
 - Require written statements of disclosure of pecuniary conflicts of interest and a publicly accessible registry.
 - Broaden the types of decisions that councillors with pecuniary interests are precluded from influencing.
 - Broaden the penalties available to a Judge to include reprimands and suspension of pay.
 - Expressly recognize that a reviewing court can consider whether a member "disclosed the pecuniary interest and all relevant facts... to the Integrity Commissioner ... and acted in accordance with the advice..."