



SEE: PART III 'Legal Aid Services' sections 14 and 33 for community legal services and PLE

Legal Aid Services Act 1998

S.O. 1998 CHAPTER 26

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PART I

INTERPRETATION

Purpose

- 1.** The purpose of this Act is to promote access to justice throughout Ontario for low-income individuals by means of,
- (a) providing consistently high quality legal aid services in a cost-effective and efficient manner to low-income individuals throughout Ontario;
 - (b) encouraging and facilitating flexibility and innovation in the provision of legal aid services, while recognizing the private bar as the foundation for the provision of legal aid services in the areas of criminal law and family law and clinics as the foundation for the provision of legal aid services in the area of clinic law;
 - (c) identifying, assessing and recognizing the diverse legal needs of low-income individuals and of disadvantaged communities in Ontario; and
 - (d) providing legal aid services to low-income individuals through a corporation that will operate independently from the Government of Ontario but within a framework of accountability to the Government of Ontario for the expenditure of public funds. 1998, c. 26, s. 1.

Definitions

2. In this Act,

“applicant” means a person who applies for or receives legal aid services; (“auteur de la demande”)

“certificate” means a certificate or provisional certificate issued under this Act authorizing an individual to obtain legal aid services from a lawyer or service-provider; (“certificat”)

“clinic” means an independent community organization structured as a corporation without share capital that provides legal aid services to the community it serves on a basis other than fee for service; (“clinique”)

“clinic committee” means the clinic committee of the board of directors of the Corporation; (“comité des cliniques”)

“clinic law” means the areas of law which particularly affect low-income individuals or disadvantaged communities, including legal matters related to,

(a) housing and shelter, income maintenance, social assistance and other similar government programs, and

(b) human rights, health, employment and education; (“domaines de pratique des cliniques”)

“Corporation” means Legal Aid Ontario established under this Act; (“Société”)

“criminal law” includes legal matters relating to,

(a) provincial offences, and

(b) the *Youth Criminal Justice Act* (Canada); (“droit criminel”)

“Law Society” means The Law Society of Upper Canada; (“Barreau”)

“lawyer” means a person licensed under the *Law Society Act* to practise law in Ontario as a barrister and solicitor; (“avocat”)

“legal aid services” means legal and other services provided under this Act; (“services d’aide juridique”)

“person responsible”, with respect to another person, means a person responsible for contributing towards the costs of legal aid services provided to the other person, as prescribed; (“personne responsable”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“service-provider” means a person, other than a lawyer, who provides legal aid services; (“fournisseur de services”)

“student” means a person enrolled in a program of pre-licensing education or training under the *Law Society Act* or in any law course approved by the Law Society. (“étudiant”) 1998, c. 26, s. 2; 2006, c. 19, Sched. D, s. 10 (1); 2006, c. 21, Sched. C, s. 115 (1).

PART II

LEGAL AID ONTARIO

Corporation established

3. (1) A corporation without share capital is established under the name Legal Aid Ontario in English and Aide juridique Ontario in French.

Membership

(2) The members of the Corporation shall consist of the members of its board of directors.

Not a Crown agency

(3) The Corporation is not an agent of Her Majesty nor a Crown agent for the purposes of the *Crown Agency Act*.

Independent from but accountable to the Ontario government

(4) The Corporation shall be independent from, but accountable to, the Government of Ontario as set out in this Act. 1998, c. 26, s. 3.

Objects

4. The objects of the Corporation are,

- (a) to establish and administer a cost-effective and efficient system for providing high quality legal aid services to low-income individuals in Ontario;
- (b) to establish policies and priorities for the provision of legal aid services based on its financial resources;
- (c) to facilitate co-ordination among the different methods by which legal aid services are provided;
- (d) to monitor and supervise legal aid services provided by clinics and other entities funded by the Corporation;
- (e) to co-ordinate services with other aspects of the justice system and with community services;
- (f) to advise the Attorney General on all aspects of legal aid services in Ontario, including any features of the justice system that affect or may affect the demand for or quality of legal aid services. 1998, c. 26, s. 4.

Board of directors

5. (1) The affairs of the Corporation shall be governed and managed by its board of directors.

Composition

(2) The board of directors of the Corporation shall be composed of persons appointed by the Lieutenant Governor in Council as follows:

1. One person, who shall be the chair of the board, selected by the Attorney General from a list of persons recommended by a committee comprised of the Attorney General or a person designated by him or her, the Treasurer of the Law Society or a person designated by him or her and a third party agreed upon by the Attorney General and the Treasurer of the Law Society or persons designated by them.
2. Five persons selected by the Attorney General from a list of persons recommended by the Law Society.
3. Five persons recommended by the Attorney General.

Non-voting member

(3) The president of the Corporation shall be a non-voting member of the board.

Criteria for selection

(4) In selecting and recommending persons under paragraphs 2 and 3 of subsection (2), the Attorney General shall ensure that the board as a whole has knowledge, skills and experience in the areas that the Attorney General considers appropriate, including the following areas:

1. Business, management and financial matters of public or private sector organizations.

2. Law and the operation of courts and tribunals.
3. The special legal needs of and the provision of legal services to low-income individuals and disadvantaged communities.
4. The operation of clinics.
5. The social and economic circumstances associated with the special legal needs of low-income individuals and of disadvantaged communities.

Same

(5) The Attorney General shall ensure that the persons selected and recommended under paragraphs 2 and 3 of subsection (2) reflect the geographic diversity of the province.

Majority non-lawyers

(6) The majority of the appointed members of the board shall be persons who are not lawyers.

No more than three benchers

(7) No more than three of the appointed members of the board shall be benchers of the Law Society.

Chair

(8) The chair of the board shall designate another appointed member of the board to act as chair in his or her absence and, if the chair fails to designate a person, or if the designated person is also absent, the other appointed members of the board shall designate a person to act as chair in the absence of the chair.

Quorum

(9) A majority of the appointed members of the board constitutes a quorum.

Vacancies

(10) If a position on the board becomes vacant, a person shall be appointed to fill the vacancy under the same provision that the person whose position is being filled was appointed and, until the replacement appointment is made, the board may continue to act.

Same

(11) An appointment to fill a vacancy may be for the remainder of the term of the member being replaced or for a full term, as may be considered appropriate by the Lieutenant Governor in Council.

Remuneration

(12) The Corporation shall pay the appointed members of the board remuneration and expenses as determined by the Lieutenant Governor in Council. 1998, c. 26, s. 5.

Term of office

6. (1) The appointed members of the board shall hold office for a term of two or three years.

Same

(2) Upon the expiry of a member's term of office, the member may continue in office until his or her reappointment or until his or her successor is appointed, as the case may be.

Termination for cause

[\(3\)](#) The appointment of an appointed member of the board shall not be terminated before the end of its term except for cause or under subsection 73 (5).

First board – term of office

[\(4\)](#) Despite subsection (1), the terms of office for the first board of directors of the Corporation appointed after Part III comes into force shall be as follows:

1. Three persons appointed under paragraph 2 of subsection 5 (2) shall hold office for a term of three years and two persons appointed under that paragraph shall hold office for a term of two years.
2. Three persons appointed under paragraph 3 of subsection 5 (2) shall hold office for a term of three years and two persons appointed under that paragraph shall hold office for a term of two years.
3. The chair shall hold office for a term of four years.

Full or part-time

[\(5\)](#) The persons appointed under subsection 5 (2) may be appointed as full or part-time members. 1998, c. 26, s. 6.

Advisory committees

[7. \(1\)](#) The board shall establish an advisory committee in each of criminal law, family law and clinic law and in any other prescribed area of law.

Same

[\(2\)](#) The board may establish other advisory committees that it considers appropriate.

Composition and functions

[\(3\)](#) The composition and functions of the advisory committees shall be as determined by the board. 1998, c. 26, s. 7.

Audit committee, clinic committee

[8. \(1\)](#) The board shall establish an audit committee and a clinic committee and may establish additional committees as it considers appropriate.

Composition

[\(2\)](#) The committees shall be composed of that number of members of the board of directors as determined by the board.

Functions – general

[\(3\)](#) The functions of the committees shall be as determined by the board.

Functions – clinic committee

- [\(4\)](#) In addition to any functions assigned to it by the board, the clinic committee shall,
- (a) recommend policies and guidelines to the board in respect of the Corporation's funding of clinics;
 - (b) recommend standards to the board for the operation of clinics;
 - (c) make decisions with respect to applications by clinics for funding and reconsider such decisions made by it or by an officer or employee of the Corporation. 1998, c. 26, s. 8.

Transitional board

9. (1) Despite sections 5 and 6, a transitional board shall be established on the day this Act receives Royal Assent.

Composition

(2) The transitional board shall be composed of five persons appointed by the Lieutenant Governor in Council.

Same

(3) The persons appointed to the transitional board shall be recommended by the Attorney General after consulting with the Law Society.

Chair

(4) The Lieutenant Governor in Council shall designate one of the members of the transitional board to be its chair.

Remuneration

(5) The members of the transitional board shall be paid remuneration and expenses as determined by the Lieutenant Governor in Council.

Dissolution

(6) The transitional board is dissolved on the earlier of the first anniversary of the day the transitional board was appointed or the day that the first board is appointed under section 5. 1998, c. 26, s. 9.

Powers of transitional board

- 10. (1)** The transitional board may,
- (a) oversee all matters necessary and incidental for the Corporation to be operational on the day Part III comes into force;
 - (b) arrange for the transfer from the Law Society to the Corporation of the records and other documents that are necessary for the Corporation to carry out its duties under this Act;
 - (c) develop the organizational structure of the Corporation;
 - (d) assign priorities for the areas of law, types of cases and types of proceedings for which the Corporation will provide legal aid services in the Corporation's first fiscal year after Part III comes into force;
 - (e) establish policies respecting the kinds of legal aid services to be provided for the different areas of law, types of cases and types of proceedings so that the Corporation will be able to provide legal aid services within its financial resources in the Corporation's first fiscal year after Part III comes into force;
 - (f) enter into an interim memorandum of understanding, as provided in section 71, to govern the period until the first board enters into a memorandum of understanding;
 - (g) prepare and submit for the Attorney General's approval the Corporation's budget for its first fiscal year after Part III comes into force, as provided in section 66;
 - (h) prepare the Corporation's business plan for its first fiscal year after Part III comes into force;
 - (i) hire and appoint officers and employees of the Corporation, as required;

- (j) if the first board of directors of the Corporation is not yet appointed when Part III comes into force, govern and manage the affairs of the Corporation and carry out its objects, in the place of the first board;
- (k) perform any other function assigned to it by the Attorney General.

Same

(2) The transitional board shall have all the powers and protections given to the board of directors of the Corporation under this Act.

Reports

(3) The transitional board shall report on its activities to the Attorney General at the times and in the manner as may be directed by the Attorney General. 1998, c. 26, s. 10.

Law Society to assist transitional board

11. (1) The Law Society shall co-operate with the transitional board,
- (a) by providing any records, documents or information relevant to the legal aid plan or the Legal Aid Fund;
 - (b) by assisting in the determination of the assets and liabilities of the Law Society associated with the legal aid plan or the Legal Aid Fund and by transferring those assets and liabilities to the Corporation, effective the day Part III comes into force.

Clinics, etc., to assist transitional board

(2) A clinic funded under the *Legal Aid Act*, a student legal aid society funded under the *Legal Aid Act* and every other entity funded by the legal aid plan immediately before Part III comes into force shall co-operate with the transitional board by providing any records, documents or information relevant to the Legal Aid Fund, the legal aid plan or the provision of legal aid. 1998, c. 26, s. 11.

PART III LEGAL AID SERVICES

Corporation to establish system for legal aid services

12. (1) The Corporation shall establish and administer a cost-effective and efficient system for providing high quality legal aid services within the financial resources available to the Corporation.

Corporation to establish priorities, policies

- (2) For the purpose of subsection (1), the Corporation shall,
- (a) determine the legal needs of low-income individuals and of disadvantaged communities in Ontario;
 - (b) establish priorities for the areas of law, types of cases and types of proceedings for which it will provide legal aid services; and
 - (c) establish policies for the kinds of legal aid services to be provided in the different areas of law, types of cases and types of proceedings. 1998, c. 26, s. 12.

Legal aid services to be provided

Specified areas of law

13. (1) The Corporation shall provide legal aid services in the areas of criminal law, family law, clinic law and mental health law.

Other areas of law

(2) Subject to subsection (3), the Corporation may provide legal aid services in areas of civil law not referred to in subsection (1).

Corporation not to provide services in specified areas

(3) The Corporation shall not provide legal aid services,

- (a) in proceedings wholly or partly in respect of a defamation;
- (b) in relator actions;
- (c) in proceedings for the recovery of a penalty where the proceedings may be taken by any person and the penalty in whole or in part may be payable to the person instituting the proceedings;
- (d) in proceedings relating to any election; or
- (e) in prescribed areas of civil law, for prescribed types of civil cases or for prescribed types of civil proceedings. 1998, c. 26, s. 13.

Methods of providing legal aid services

14. (1) Subject to subsections (2) and (3), the Corporation shall provide legal aid services by any method that it considers appropriate, having regard to the needs of low-income individuals and of disadvantaged communities, the need to achieve an effective balance among the different methods of providing legal aid services, the costs of providing such services and the Corporation's financial resources, including,

- (a) the authorization of lawyers, by means of certificates, to provide legal aid services to individuals or a group of individuals;
- (a.1) entering into agreements with lawyers, groups of lawyers or law firms under which the lawyer, group or law firm provides legal aid services;
- (b) the authorization of service-providers, by means of certificates, to provide legal aid services other than legal services to individuals or a group of individuals;
- (c) the funding of clinics;
- (d) the establishment and operation of legal aid services staff offices;
- (e) the funding of student legal aid services societies;
- (f) the funding of Aboriginal legal services corporations to provide legal aid services to Aboriginal individuals and communities;
- (g) the provision of duty counsel;
- (h) public legal education;**
- (i) assistance to individuals representing themselves, including the provision of summary advice, assistance in preparing documents, information packages or self-help kits;
- (j) the authorization of alternative dispute resolution services. 1998, c. 26, s. 14 (1); 2002, c. 19, s. 1.

Foundation for criminal and family law services

(2) The Corporation shall provide legal aid services in the areas of criminal and family law having regard to the fact that the private bar is the foundation for the provision of legal aid services in those areas. 1998, c. 26, s. 14 (2).

Foundation for clinic law services

(3) The Corporation shall provide legal aid services in the area of clinic law having regard to the fact that clinics are the foundation for the provision of legal aid services in that area. 1998, c. 26, s. 14 (3).

Legal services must be provided by lawyers

(4) Legal services shall only be provided by a lawyer or a person working under the direct supervision of a lawyer. 1998, c. 26, s. 14 (4).

Province divided into areas

15. (1) The Corporation shall designate areas within the province for the purpose of providing legal aid services.

Same

(2) Every part of the province must be in a designated area.

Areas may be merged, divided

(3) The Corporation may at any time change the areas established under subsection (1) as it considers appropriate, and in doing so, may merge two or more areas into one area or divide one area into two or more areas. 1998, c. 26, s. 15.

Eligibility for legal aid services

16. (1) An individual is eligible to receive legal aid services, by the method that the Corporation considers appropriate, having regard to its policies and priorities established under section 12, if,

- (a) he or she applies in accordance with the regulations;
- (b) he or she meets the prescribed financial eligibility requirements;
- (c) the matter for which he or she requires legal aid services is in an area of law and is a type of case and type of proceeding for which the Corporation provides legal aid services;
- (d) he or she pays the application fee, if any; and
- (e) the application for legal aid services is approved, in accordance with the procedures set out in the regulations. 1998, c. 26, s. 16 (1).

Direction under *Youth Criminal Justice Act (Canada)*

(2) If a court makes a direction under paragraph 25 (4) (b) of the *Youth Criminal Justice Act (Canada)*, the Attorney General may direct the Corporation under subsection 25 (5) of that Act to provide legal aid services, in accordance with the court direction, to the young person who is the subject of the court direction. 2006, c. 19, Sched. D, s. 10 (2).

Direction under *Young Offenders Act (Canada)*

(3) If a court makes a direction under paragraph 11 (4) (b) of the *Young Offenders Act (Canada)*, the Attorney General may direct the Corporation under subsection 11 (5) of that Act to provide legal aid services, in accordance with the court direction, to the young person who is the subject of the court direction. 2006, c. 19, Sched. D, s. 10 (2).

Application assessed

17. (1) Every application made in the prescribed manner shall be assessed, with respect to the applicant's eligibility for legal aid services, in accordance with the prescribed procedures.

Oaths taken in assessment process

(2) Every officer or employee of the Corporation is, in the performance of his or her duties to assess an applicant's financial eligibility for legal aid services, a commissioner for taking affidavits within the meaning of the *Commissioners for taking Affidavits Act*.

Applicant to provide information

(3) The applicant shall provide the Corporation with information on his or her income, disposable capital, indebtedness, requirements of persons dependent on the applicant and such other information as is necessary for the Corporation to assess whether the applicant meets the prescribed eligibility requirements.

Application refused or terms and conditions imposed

(4) An application for legal aid services may be refused if it does not meet the requirements set out in subsection 16 (1) or may be accepted subject to terms and conditions. 1998, c. 26, s. 17.

Law Society to carry on legal aid plan during transition

18. (1) During the period between the coming into force of Part II and the coming into force of this Part, the Law Society shall continue to administer the legal aid plan and the Legal Aid Fund in accordance with the *Legal Aid Act*.

Continuing liability of Law Society

(2) The Law Society remains liable only in respect of claims in relation to the legal aid plan or the Legal Aid Fund, or to any other matter chargeable to the Legal Aid Fund, arising before this Part comes into force, and only to the extent that the claim is covered by any insurance held by the Law Society.

Exception

(3) Subsection (2) does not apply to an account for professional services rendered pursuant to a certificate that was issued, before this Part comes into force, under the *Legal Aid Act*, if the account was not submitted before that date.

Same

(4) Subsection (2) does not apply to an account for professional services rendered, before this Part comes into force, by a duty counsel, if the account was not submitted before that date.

Same

(5) Subsection (2) does not apply to an application for funding by a clinic, student legal aid society or other entity that was approved, with respect to a period after this Part comes into force, under the *Legal Aid Act*.

Corporation's liability for claims other than professional accounts

(6) The Corporation is liable in respect of claims in relation to the legal aid plan or the Legal Aid Fund, or to any other matter chargeable to the Legal Aid Fund, arising before this Part comes into force, only to the extent that the claim is not covered by any insurance held by the Law Society.

Corporation's liability for certificates issued under prior Act

(7) The Corporation is liable for the payment of accounts,

- (a) for professional services rendered before this Part comes into force pursuant to a certificate that was issued, before that date, under the *Legal Aid Act*, if the accounts are submitted on or after that date;

- (b) for professional services rendered by duty counsel before this Part comes into force if the accounts are submitted on or after that date; and
- (c) for professional services rendered on or after the date this Part comes into force pursuant to a certificate that was issued, before that date, under the *Legal Aid Act*.

Corporation's liability for funding commitments

(8) The Corporation is liable for the funding, with respect to a period after this Part comes into force,

- (a) set out in a certificate issued to a clinic by the Director of Legal Aid under the *Legal Aid Act* before this Part comes into force;
- (b) committed to by the Law Society, before this Part comes into force, for a student legal aid society or other entity other than a clinic.

Accounts for old certificates determined under prior Act

(9) The determination of the accounts referred to in subsections (3), (4), (5) and (7) shall be in accordance with the *Legal Aid Act* and its regulations, despite their repeal or revocation, respectively. 1998, c. 26, s. 18.

LEGAL AID SERVICES STAFF OFFICES

Legal aid services staff office

19. (1) A legal aid services staff office established and operated by the Corporation may provide general legal aid services or may specialize in one or more areas of law or types of cases or types of proceedings or may specialize in providing legal aid services to one or more disadvantaged communities.

May be staffed by Corporation employees

(2) A legal aid services staff office established and operated by the Corporation may be staffed by lawyers and service-providers who are full or part-time employees of the Corporation or who enter into contracts with the Corporation to provide legal aid services. 1998, c. 26, s. 19.

DUTY COUNSEL

Duty counsel

20. (1) The Corporation may employ lawyers to act as duty counsel on a full or part-time basis or may enter into contracts for the regular or occasional services of lawyers as duty counsel.

Functions

(2) A lawyer who acts as duty counsel shall perform such functions as may be prescribed.

Panels of duty counsel

(3) An area director appointed under subsection 22 (3) may establish, in accordance with the regulations, a panel of lawyers who agree to provide professional services as duty counsel on a contract basis.

Payment for duty counsel

(4) Every lawyer who is not an employee of the Corporation who acts as duty counsel shall be paid by the Corporation a fee for the services rendered, determined in accordance with the regulations.

Overpayments

(5) Where the Corporation determines that a duty counsel has been overpaid by the Corporation for legal aid services, the Corporation may deduct the amount of the overpayment from any money payable by the Corporation to the duty counsel. 1998, c. 26, s. 20.

STUDENT LEGAL AID SERVICES SOCIETIES

Student legal aid services society

[21. \(1\)](#) A dean of an Ontario law school may apply to the Corporation for its approval to establish a student legal aid services society.

Same

[\(2\)](#) The application shall contain the information required by the Corporation.

Approval agreement

[\(3\)](#) The Corporation may enter into an agreement with the dean approving the establishment of a student legal aid services society to be operated by the law school and funded by the Corporation.

Operation, etc., to be as agreed

[\(4\)](#) The student legal aid services society shall be operated and shall provide legal aid services as provided in the agreement with the Corporation.

Corporation may establish guidelines

[\(5\)](#) The Corporation may establish guidelines and standards for the organization and operation of student legal aid services societies and for their provision of legal aid services.

Funding withheld

[\(6\)](#) The Corporation may cease to provide funding or may reduce the amount of funding to a student legal aid services society if it fails to comply with any provision of this Act or with the agreement with the Corporation or if it fails to meet the guidelines and standards established by the Corporation. 1998, c. 26, s. 21.

CERTIFICATES

Area committees

[22. \(1\)](#) The Corporation shall establish an area committee for each area established under section 15. 1998, c. 26, s. 22 (1).

Functions

[\(2\)](#) Area committees shall be responsible for the functions assigned to them under this Act and any additional functions assigned to them by the board of directors of the Corporation. 1998, c. 26, s. 22 (2).

Area directors to be appointed

[\(3\)](#) The Corporation shall appoint an area director for each area, who must be a person licensed under the *Law Society Act* to practise law in Ontario as a barrister and solicitor. 1998, c. 26, s. 22 (3); 2006, c. 21, Sched. C, s. 115 (2).

Area directors may be employees or contractors

[\(4\)](#) An area director may be a part or full-time employee of the Corporation or may enter into a contract with the Corporation to provide his or her services as area director. 1998, c. 26, s. 22 (4).

Functions of area directors

[\(5\)](#) Every area director shall act as the secretary of the area committee of which he or she is area director and shall carry out the functions assigned to him or her by this Act and any additional functions assigned to him or her by the board of directors of the Corporation. 1998, c. 26, s. 22 (5).

Area director not to provide legal services

[\(6\)](#) An area director shall not render legal services to any applicant, except as may be authorized by the board of directors of the Corporation. 1998, c. 26, s. 22 (6).

Panels of persons who agree to accept certificates

[23. \(1\)](#) The area directors may establish, in accordance with the regulations,

- (a) panels of lawyers who maintain an office or have an established practice in the area and who agree to accept certificates to provide legal aid services;
- (b) panels of service-providers who maintain an office or have an established practice in the area and who agree to accept certificates to provide legal aid services other than legal services;
- (c) such other panels of lawyers and service-providers as the area director may consider appropriate.

Same

[\(2\)](#) A panel may be subdivided as determined by the Corporation. 1998, c. 26, s. 23.

Application for certificate

[24. \(1\)](#) Every application for a certificate shall be made and decided in a manner approved by the Corporation. 2006, c. 19, Sched. B, s. 12.

Residents and non-residents

[\(2\)](#) The Corporation may approve different manners of making and deciding applications with respect to,

- (a) individuals who are ordinarily resident in Ontario; and
- (b) individuals who are not ordinarily resident in Ontario. 2006, c. 19, Sched. B, s. 12.

When certificate may issue

[25. \(1\)](#) The area director may issue a certificate to an applicant if the area director is of the opinion, based on the prescribed financial eligibility requirements, the report on the applicant's ability to contribute made under section 42, if any, and the policies and priorities established by the Corporation under section 12, that the issue of a certificate is justified.

Same

[\(2\)](#) Subject to subsections (3) and 26 (1), and whether or not a provisional certificate has been issued, the area director shall not issue a certificate until he or she has received the report on the applicant's ability to contribute.

Same

[\(3\)](#) Where the area director is satisfied that the applicant cannot make any contribution towards the cost of the legal aid services applied for, the area director may issue a certificate under subsection (1) without requiring a report on the applicant's ability to contribute.

Reference to area committee

[\(4\)](#) Where the area director is of the opinion that it is not appropriate for him or her to determine whether a certificate should be issued in any particular application, the area director shall refer the application and the supporting material to the area committee.

Same

[\(5\)](#) Where the area director is of the opinion that the issue of a certificate may be justified but the applicant does not meet the prescribed financial eligibility requirements, the area director may refer the application and the supporting material to the area committee. 1998, c. 26, s. 25.

Provisional certificate

[26. \(1\)](#) Where the area director is of the opinion that the circumstances of an application require the issue of a certificate immediately, he or she may issue a provisional certificate without having first received the report on the applicant's ability to contribute.

Limitations

[\(2\)](#) A provisional certificate may authorize only such legal aid services as may be necessary to protect the applicant's rights until a report on the applicant's ability to contribute, if it is required, can be prepared and reviewed by the area director or, in those cases to be determined by the area committee, until the decision of the area committee has been received.

Same

[\(3\)](#) A provisional certificate may authorize its holder to obtain a legal opinion letter. 1998, c. 26, s. 26.

Group certificate

[27.](#) Subject to the approval of the president of the Corporation, the area director may issue a certificate that permits a lawyer or service-provider to provide legal aid services to a group of individuals. 1998, c. 26, s. 27.

Approval of area committee required

[28. \(1\)](#) An area director may issue a certificate only with the approval of the area committee in respect of the following:

1. An appeal proceeding.
2. A proceeding by way of mandamus, quo warranto, certiorari, motion to quash, habeas corpus or prohibition.
3. Any matter referred to the area committee under subsection 25 (4) or (5).

Same

[\(2\)](#) The area director shall refer an application for a certificate in respect of a proceeding described in paragraph 1 or 2 of subsection (1), and the supporting material, to the area committee.

Area committee to determine issuance of certificate

[\(3\)](#) The area committee shall determine whether to issue a certificate in the case of an application referred to it, in accordance with the policies and priorities established by the Corporation under section 12.

Area director to issue certificate

[\(4\)](#) An area director may issue a certificate in respect of any matter referred by the area director to the area committee with the approval of the area committee.

Later applications

[\(5\)](#) Failure to have previously applied for a certificate or refusal to be issued a certificate in a previous application does not bar an application for a certificate in respect of a proceeding described in paragraph 1 or 2 of subsection (1).

Services provided under Court of Appeal or Supreme Court request

[\(6\)](#) The Corporation may issue a certificate to an individual who is an appellant or respondent in a criminal appeal if the Supreme Court of Canada or the Court of Appeal for Ontario is of the opinion that it is desirable in the interests of justice that the individual be represented and has requested that counsel be appointed to represent him or her. 1998, c. 26, s. 28.

Further powers of area director

Terms and conditions

[29. \(1\)](#) An area director may attach such terms and conditions as he or she considers appropriate upon the issuance of a certificate.

Cancellation, amendment

[\(2\)](#) An area director may at any time, subject to the regulations, amend or cancel a certificate he or she, or his or her predecessor, has issued. 1998, c. 26, s. 29.

Appeals

Appeal from refusal to issue certificate

[30. \(1\)](#) An appeal lies to the area committee from the refusal of the area director to issue a certificate or from the area director's cancellation of a certificate.

Appeal from area committee's decision

[\(2\)](#) A further appeal lies to the officer or employee of the Corporation designated by the board of directors of the Corporation from the decision of the area committee dismissing an

appeal under subsection (1) or refusing to approve the issuance of a certificate under subsection 28 (3).

Area director not to participate in appeal

(3) An area director shall not participate in any appeal from a decision made by him or her except to provide information on the application, to explain the reasons for his or her decision being appealed and to answer any questions from the members of the area committee respecting the application or decision. 1998, c. 26, s. 30.

Corporation to pay for certificate services

31. (1) The Corporation shall pay every lawyer and service-provider who provides legal aid services pursuant to a certificate a fee for the services rendered, determined in accordance with the regulations, and an amount for proper disbursements, determined in accordance with the regulations.

Verification of accounts

(2) The Corporation may request information from the lawyer or service-provider in support of the account submitted by the lawyer or service-provider and the lawyer or service-provider shall provide the Corporation with the information requested.

Appeal re accounts

(3) A lawyer or service-provider who provides legal aid services pursuant to a certificate may appeal the Corporation's determination of the lawyer's or service-provider's account in the manner set out in the regulations.

Overpayments

(4) Where the Corporation determines that a lawyer or service-provider has been overpaid by the Corporation for legal aid services, the Corporation may deduct the amount of the overpayment from any money payable by the Corporation to the lawyer or service-provider. 1998, c. 26, s. 31.

Transition

Re issue of certificates

32. (1) A certificate issued under the *Legal Aid Act* before this Part comes into force shall be deemed to have been issued under this Act on the day this Part comes into force.

Re application for certificates

(2) An application for a certificate made under the *Legal Aid Act* before its repeal but not finally determined before its repeal shall be decided in accordance with this Part.

Re appeals

(3) An appeal, in respect of a refusal to issue a certificate under the *Legal Aid Act* or in respect of an account submitted for professional services rendered pursuant to a certificate issued under that Act, commenced but not concluded before this Part comes into force shall be continued after this Part comes into force and shall be determined in accordance with the *Legal Aid Act* and its regulations, despite their repeal and revocation, respectively. 1998, c. 26, s. 32.

CLINICS

Corporation may fund clinic

33. (1) The Corporation may provide funding to a clinic to enable the clinic to provide legal aid services to low-income individuals or disadvantaged communities.

Considerations

(2) In deciding whether to provide funding to a clinic, the Corporation shall consider any matter it considers relevant to the decision, including,

- (a) the legal needs of the individuals or communities that the clinic will serve;

- (b) the cost-effectiveness and efficiency of providing legal aid services through the clinic;
- (c) the past performance of the clinic, if any, in meeting the legal needs of the individuals and communities that it served in a cost-effective and efficient manner.

Same

(3) In deciding whether to provide funding to a clinic, the Corporation may also consider the legal needs of other communities, funding applications by other clinics, the Corporation's policies and priorities established under section 12, the financial resources of the Corporation and any other matter that the Corporation considers relevant. 1998, c. 26, s. 33.

Funding for clinics

34. (1) The Corporation may agree to provide funding to a clinic for a period of up to three years.

Subsequent funding agreements

(2) The Corporation may agree to provide funding to a clinic for subsequent periods of up to three years each.

Additional funding

(3) The Corporation may provide additional funding for a particular case or project to a clinic at any time during a funding period.

Funding for prior period

(4) The Corporation may provide funding to a clinic in respect of a period before the funding decision is made.

Conditions

(5) The Corporation may impose any terms and conditions on the funding of a clinic that it considers appropriate, including,

- (a) that the members of the clinic and of the board of directors of the clinic are members of the community or communities served or to be served by the clinic;
- (b) that the clinic employ at least one lawyer in the clinic;
- (c) that some or all of the staff of the clinic undergo training specified by the Corporation;
- (d) that the clinic assess the eligibility of applications for legal aid services to be provided by it.

Transition for funding applications

(6) An application for funding by a clinic that was made to the Director of Legal Aid under the *Legal Aid Act* but not yet decided before this Part comes into force shall be determined by the Corporation in accordance with this Part. 1998, c. 26, s. 34.

Application for funding

35. (1) An application for funding by a clinic shall be accompanied by information, as requested by the Corporation, respecting the organization, activities, methods of business and financial transactions of the clinic, and such other information that the Corporation may request.

Review

(2) An application for funding by a clinic shall be reviewed by an officer or employee of the Corporation designated by the board of directors of the Corporation.

Decision

(3) The designated person may make a decision in respect of the application or may refer the application to the clinic committee for further review.

Reasons for referral to clinic committee

(4) If an application is referred to the clinic committee, the designated person shall provide the clinic with written reasons for the referral.

Decision or referral back by clinic committee

(5) The clinic committee shall consider an application referred to it and may make the decision in respect of the application itself or may refer the application back to the designated person with directions.

Reasons for decision

(6) If the clinic committee makes a decision in respect of the application, it shall provide the clinic with its decision, and reasons for it, in writing. 1998, c. 26, s. 35.

Reconsideration of funding decision

36. (1) A clinic may ask the clinic committee to reconsider the decision of the designated person or of the clinic committee with respect to its application for funding.

Same

(2) Upon receipt of a request, the clinic committee shall reconsider the decision and may confirm, reverse or vary the decision.

Reasons for decision

(3) The clinic committee shall provide the clinic with its decision, and reasons for it, in writing. 1998, c. 26, s. 36.

Corporation to monitor clinic

37. (1) The Corporation shall monitor the operation of a clinic funded by it to determine whether the clinic is meeting the Corporation's standards for the operation of clinics, and the Corporation may conduct audits of such clinic, as it considers necessary for that purpose.

Reports to Corporation

(2) A clinic funded by the Corporation shall provide the Corporation, in the form and at the times requested by the Corporation,

- (a) audited financial statements for the funding period;
- (b) a summary of the legal aid services provided by the clinic during the funding period, specifying the number of each type of case or proceeding handled by the clinic;
- (c) a summary of the complaints received by the clinic from individuals who received or were refused legal aid services from the clinic, and from persons affected by the legal aid services provided by the clinic and a description of the disposition of each such complaint;
- (d) any other financial or other information relating to the operation of the clinic that the Corporation may request.

Confidential information withheld

(3) The clinic may withhold from the information provided under clause (2) (c) any information that is confidential to an individual to whom the clinic has provided legal aid services, unless the individual consents to the disclosure or unless the information pertains to the financial eligibility of the individual to receive legal aid services.

Corporation to have access to clinic records

(4) For the purpose of verifying any information provided under clause (2) (b) or (d), the Corporation may require that the clinic provide the board of directors of the Corporation, or any person or persons designated by the board of directors of the Corporation, with access to the premises of the clinic at any reasonable time and to all its books, accounts, financial records, reports, files and documents, but the clinic may withhold any of them that is confidential to any individual to whom the clinic has provided legal aid services, unless the individual consents to such access, or unless the information pertains to the financial eligibility of the individual to receive legal aid services. 1998, c. 26, s. 37.

Direction from Corporation

38. (1) If a clinic fails to comply with this Act or to meet the terms and conditions of its funding, the board of directors of the Corporation may direct the clinic to do anything that the board of directors of the Corporation considers appropriate to ensure that the clinic complies with this Act and the terms and conditions of its funding and, generally, for the more effective operation of the clinic.

Request for reconsideration

(2) The board of directors of the clinic may ask the board of directors of the Corporation to reconsider a direction issued by it and the board of directors of the Corporation may reconsider its direction and may confirm, vary or revoke the direction. 1998, c. 26, s. 38.

Duties of clinic board

39. (1) The board of directors of a clinic funded by the Corporation shall ensure that,
- (a) the clinic complies with this Act and the terms and conditions attached to the funding;
 - (b) the clinic complies with any direction issued by the board of directors of the Corporation; and
 - (c) the clinic meets the operational standards established by the Corporation.

Same

(2) Subject to this Act, the board of directors of a clinic funded by the Corporation shall determine the legal needs of the individuals and communities served or to be served by the clinic and shall ensure that the clinic provides legal aid services in the area of clinic law in accordance with those needs.

Same

(3) The board of directors of a clinic funded by the Corporation shall, on its own initiative or at the request of the clinic committee, advise the clinic committee on matters relevant to the provision of legal aid services by means of clinics.

Non-compliance by clinic

(4) If the board of directors of the Corporation is of the opinion at any time that a clinic funded by the Corporation is not complying with this Act or with the terms and conditions attached to its funding or with a direction issued under section 38 or is not meeting the operational standards established by the Corporation, the board of directors may reduce or suspend the funding of the clinic.

Notice to clinic

(5) Before taking any action under subsection (4), the board of directors of the Corporation shall give the board of directors of the clinic notice of its intent and a reasonable opportunity to comply with this Act or the terms and conditions or direction or to meet the operational standards. 1998, c. 26, s. 39.

PART IV RECOVERY OF COSTS FOR LEGAL AID SERVICES

Corporation may require applicant to contribute towards costs

40. (1) The Corporation may require an applicant, as a condition to receiving legal aid services, to agree to contribute towards the costs for the legal aid services to be provided to the applicant, in an amount determined or to be determined in accordance with the regulations.

Same, certificates

(2) In the case of a certificate, the area director may require the applicant, or person responsible for the applicant, to agree as provided under subsection (1) upon the issuance of the certificate.

Terms of agreement

(3) An agreement under this section may provide for the times and manner of payment and for the payment of a prescribed rate of interest on overdue payments. 1998, c. 26, s. 40.

Obligation to disclose financial information

41. (1) The applicant shall provide the Corporation with the prescribed information and any other information that is necessary for the Corporation to determine his or her ability to contribute towards the costs of the legal aid services applied for and shall disclose any change in his or her financial circumstances upon the occurrence of the change.

Same – certificate

(2) In the case of an application for a certificate, the applicant, or a person responsible for the applicant, shall provide the person designated by the Corporation with the prescribed information and any other information that is necessary for the designated person to determine their ability to contribute towards the costs of the legal aid services applied for and shall disclose to the area director any change in their financial circumstances upon the occurrence of the change. 1998, c. 26, s. 41.

Certificate applications – report on ability to contribute

42. (1) The area director shall refer every application for a certificate to a person designated by the Corporation to investigate and report as to whether the applicant, or person responsible for the applicant, can make a contribution towards the costs of the legal aid services applied for.

Exception

(2) Subsection (1) does not apply where the area director is satisfied that the applicant, or person responsible for the applicant, cannot make any contribution towards the costs of the legal aid services applied for.

Determination of ability to contribute

(3) The person to whom the application for a certificate is referred shall consider the applicant's and person responsible for the applicant's income, disposable capital, indebtedness and requirements of persons dependent on them, and such other circumstances as are prescribed or as he or she considers to be relevant and that are disclosed in the application or that are ascertained after investigation.

Report

(4) The person to whom the application for a certificate is referred shall report to the area director as to whether the applicant, or person responsible for the applicant, can make any contribution towards the costs of the legal aid services applied for and the amount, if any, they are able to contribute.

Reference back

(5) The area director may, at any time before or after a certificate is issued, refer the report back to the person who made it, or to another designated person, for further investigation and reporting on the applicant's, or person responsible for the applicant's, ability to contribute.

Subsequent determination

(6) The area director may, at any time after a certificate is issued, require the applicant or person responsible for the applicant to agree to contribute towards the costs of the legal aid services provided or to be provided to the applicant, or to amend a prior agreement entered into with respect to the certificate if the area director is of the opinion that the applicant, or person responsible for the applicant, is able to contribute more or less towards the costs of the legal aid services than had been previously agreed. 1998, c. 26, s. 42.

Disclosure of applicant information

Information given to lawyer, service-provider

43. (1) The Corporation or area director may give the information given by the applicant, or person responsible for the applicant, under section 41 or 42 to the lawyer or service-provider who is providing legal aid services to the applicant.

Lawyer's, service-provider's obligation to disclose information

(2) Where anything comes to the attention of the lawyer or service-provider which indicates that the applicant may have misrepresented his or her circumstances in applying for legal aid services, may have failed to make full disclosure of such circumstances or of any change in his or her circumstances and, accordingly, that the applicant may not have been entitled to the legal aid services on the terms provided or may no longer be entitled to the legal aid services on the terms provided, the lawyer or service-provider shall forthwith notify the Corporation or, in the case of a certificate, the area director.

Same

(3) Where legal aid services are provided to an applicant pursuant to a certificate, subsection (2) also applies in respect of a misrepresentation or failure to disclose by a person responsible for the applicant. 1998, c. 26, s. 43.

Hearing re failure to disclose

44. (1) Where anything comes to the attention of the board of directors of the Corporation which indicates that a person may not have discharged an obligation imposed under section 41 or 43, a person designated by the board may, on notice to the person, hold a hearing to determine whether any of the obligations have not been discharged.

Same, certificates

(2) Where anything comes to the attention of the area director which indicates that a person may not have discharged an obligation imposed under section 41 or 43, the area director may, on notice to the person, the applicant and the lawyer or service-provider, hold a hearing to determine whether any of the obligations have not been discharged.

Legal aid services may be cancelled

(3) If, after a hearing under subsection (1), the designated person finds that the person failed to discharge any obligation, the Corporation may cease to provide legal aid services to the applicant and may declare that, with respect to part or all of the legal aid services rendered, the applicant is not entitled to legal aid services, and the Corporation may recover from the applicant the amount that it has paid or is obligated to pay to the lawyer or service-provider.

Same, certificates

(4) If, after a hearing under subsection (2), the area director finds that the applicant or person responsible for the applicant failed to discharge any obligation, the area director may

cancel the certificate and may declare that, with respect to part or all of the legal aid services rendered, the applicant is not entitled to legal aid services, and the Corporation may recover from the applicant the amount that it has paid or is obligated to pay to the lawyer or service-provider.

Same

(5) If, after a hearing under subsection (2), the area director finds that the lawyer or service-provider has knowingly failed to discharge any obligation, the area director may declare that, with respect to part or all of the legal aid services, the lawyer or service-provider is not entitled to payment by the Corporation and, if payment has already been made for such services, the Corporation may recover the amount it has paid for services rendered after the date of the failure to discharge the obligation. 1998, c. 26, s. 44.

Recovery of contributions

45. (1) The amount that an applicant or person responsible for the applicant agrees to contribute towards the costs of the legal aid services given to the applicant shall be paid by the applicant or person responsible for the applicant, and is a debt owing to the Corporation and may be recovered in any court of competent jurisdiction. 1998, c. 26, s. 45 (1).

Enforcement by court

(2) If a person does not pay an amount that he or she agreed to contribute when it becomes due, the Corporation may issue a notice stating that the person is in default under this Act and setting out the amount owed to the Corporation. 1998, c. 26, s. 45 (2).

Same

(3) The Corporation may file the notice with the Superior Court of Justice or with the Small Claims Court and it shall be entered in the same way as an order of that court and is enforceable as such. Despite any other rule of the court, the Corporation may file the notice by mail and personal attendance at the court is not required. 1998, c. 26, s. 45 (3); 2006, c. 19, Sched. C, s. 1 (1).

Costs orders by court unaffected by legal aid services

46. (1) The costs awarded in any order made in favour of an individual who has received legal aid services are recoverable in the same manner and to the same extent as though awarded to an individual who has not received legal aid services.

Same

(2) Subsection (1) applies even if no part of the costs of the legal aid services received by the individual in whose favour the order is made has been contributed or is or will be contributed to the Corporation by the individual or by a person responsible for him or her.

Same

(3) Subsection (1) applies even if the costs so ordered are in excess of the total amount contributed or to be contributed to the Corporation by the individual, or by a person responsible for him or her, for the costs of the legal aid services received by the individual.

Costs payable to Corporation

(4) All costs ordered by a court to be paid to an individual who has received legal aid services are the property of the Corporation and shall be paid to the Corporation. 1998, c. 26, s. 46.

Charges for recovery of legal aid costs

Charge on sum recovered

47. (1) Where an applicant recovers any sum in respect of the matter for which he or she received legal aid services under a judgment, order, settlement or otherwise, the amount of the costs of the legal aid services provided to the applicant is a charge against the sum so recovered and shall be deducted from the sum recovered and paid to the Corporation.

Charge on property recovered

(2) Where an applicant who has been given legal aid services in any matter recovers property other than money, the Corporation has a charge against the property so recovered for

the amount of the costs of the legal aid services provided to the applicant and may enforce such charge.

Registration against personal property

[\(3\)](#) If the recovered property is personal property, the charge shall be in the form of a financing statement as prescribed by regulation under the *Personal Property Security Act* and may be tendered for registration at a branch office as provided in Part IV of that Act.

Errors in documents

[\(4\)](#) The charge is not invalidated nor its effect impaired by reason only of an error or omission in the charge or in its execution or registration, unless a reasonable person is likely to be materially misled by the error or omission.

Registration against land

[\(5\)](#) If the recovered property is real property, the Corporation may register the charge against it in the proper land registry office and the Corporation may enforce the charge by sale of the real property against which it is registered in the same manner as a sale to realize on a mortgage. 1998, c. 26, s. 47.

Registration of lien against land

[48. \(1\)](#) Where a person who owns or has any interest in any land in Ontario has agreed to contribute towards the costs of legal aid services given to him or her or to a person for whom he or she is the person responsible, the Corporation may register a notice of lien for an amount equal to the amount that he or she agreed to contribute against the person's land in the proper land registry office. 1998, c. 26, s. 48 (1).

Sale of land

[\(2\)](#) If the person fails to pay the Corporation an amount he or she agreed to contribute, the Corporation may enforce the lien by sale of the real property against which it is registered in the same manner as a sale to realize on a mortgage. 1998, c. 26, s. 48 (2).

Same

[\(3\)](#) The Corporation shall not be required to enforce the lien immediately upon default occurring, but may delay enforcing the lien to a later date or, in accordance with the terms of the agreement entered into by the person and the Corporation, to the occurrence of an event. 1998, c. 26, s. 48 (3).

Form of charge against real property

[\(4\)](#) A charge against real property under this section or subsection 47 (5) shall be in a form prescribed under this Act or prescribed or approved under an Act administered by the Minister of Consumer and Business Services. 1998, c. 26, s. 48 (4); 2001, c. 9, Sched. D, s. 13.

Corporation may waive collection rights

[49.](#) The Corporation may, in accordance with the regulations, waive any of its rights under sections 45, 46, 47 and 48 to collect amounts due to it and may accept payment from an applicant or person responsible for an applicant in a lesser amount than that owed by the applicant or person to the Corporation. 1998, c. 26, s. 49.

Application of this Part

[50.](#) This Part, except section 46, does not apply in respect of legal aid services provided by a clinic or by any other entity that is not the Corporation. 1998, c. 26, s. 50.

PART V CORPORATE POWERS, FINANCES AND ADMINISTRATION

Powers of a natural person

[51.](#) The Corporation has the capacity and the rights, powers and privileges of a natural person, subject to the limitations set out in this Act. 1998, c. 26, s. 51.

Application of corporate law Acts

52. (1) The *Corporations Act* and *Corporations Information Act* do not apply to the Corporation, except as specifically made applicable by the regulations.

Conflict of interest and indemnification

(2) Sections 132 and 136 of the *Business Corporations Act* apply with necessary modifications to the Corporation, the members of its board of directors and its officers. 1998, c. 26, s. 52.

Real property

53. Except as provided in sections 47, 48 and 68, the Corporation may not, for its own purposes, acquire, hold or dispose of real property, other than a leasehold interest, without first obtaining the approval of the Lieutenant Governor in Council. 1998, c. 26, s. 53.

Subsidiary corporations

54. Except with the approval of the Treasury Board, the board of directors of the Corporation shall not establish a subsidiary corporation. 1998, c. 26, s. 54; 2008, c. 19, Sched. K, s. 1.

Banking

55. The Corporation shall establish its banking arrangements with a bank listed in Schedule I or II to the *Bank Act (Canada)* or a loan or trust corporation registered under the *Loan and Trust Corporations Act*. 2002, c. 8, Sched. I, s. 14.

Borrowing

56. The Corporation shall have such borrowing powers as may be prescribed. 1998, c. 26, s. 56.

Investment

57. (1) The Corporation shall have such investment powers as may be prescribed.

Investment agent

(2) If the Corporation selects an agent to make investments for it, it shall select as agent a person that the Corporation is satisfied is suitable to perform the act for which the agent is selected and it is responsible for prudent and reasonable supervision of the agent.

Same

(3) An investment agent for the Corporation is subject to the standards with necessary modifications that apply to an administrator of a pension plan under subsections 22 (1), (2) and (4) of the *Pension Benefits Act*. 1998, c. 26, s. 57.

Agreements with other governments

58. (1) With the approval of the Lieutenant Governor in Council, the Corporation may enter into agreements with the government of Canada or of a province or territory of Canada or with the appropriate authority of any such government to provide for co-operation in matters relating to the provision of legal aid services, including cost-sharing, recovery of amounts paid for legal aid services on behalf of non-resident clients and funding arrangements.

Same

(2) With the approval of the Lieutenant Governor in Council, the Corporation may enter into agreements with the government of Canada or of a province or territory of Canada or with an agency, board or commission of such a government under which, for purposes related to the provision of legal aid services under this Act or comparable services in another jurisdiction,

- (a) the government, agency, board or commission will be allowed access to information obtained by the Corporation under this Act; and
- (b) the government, agency, board or commission will allow the Corporation to have access to information obtained by the government, agency, board or commission under statutory authority. 1998, c. 26, s. 58.

Corporation may charge fees for other services

59. The Corporation may charge fees for any service it provides, other than legal aid services, including application fees and fees for the provision of research publications. 1998, c. 26, s. 59.

Duties of board

60. (1) The board of directors of the Corporation shall,

- (a) establish operational and strategic policy;
- (b) develop strategic plans to establish the overall objectives for the Corporation by assessing current and future needs for legal aid services, formulating strategies to meet those needs and setting performance measures to determine if the objectives have been met;
- (c) review and approve investment policies;
- (d) establish and implement quality control mechanisms and evaluate the programs of the Corporation;
- (e) develop the Corporation's capacity to participate in the development of an integrated justice system in collaboration with other partners in the justice system;
- (f) develop a management information and information-technology strategy;
- (g) establish policies for the retention, preservation and destruction of records;
- (h) undertake any inquiry or investigation which the board considers necessary or expedient in relation to the discharge of its functions;
- (i) provide legal aid services within the financial resources available to the Corporation.

Board to act responsibly

(2) The board of directors shall act in a financially responsible and accountable manner in exercising its powers and performing its duties.

Standard of care

(3) Members of the board of directors shall act in good faith with a view to the best interests of the Corporation and shall exercise the care, diligence and skill of a reasonably prudent person. 1998, c. 26, s. 60.

Delegation

61. (1) The board of directors may delegate any power or duty to any committee, to any member of a committee or to any officer or employee of the Corporation.

Same

(2) A delegation shall be in writing and shall be on the terms and subject to the limitations, conditions or requirements specified in it. 1998, c. 26, s. 61.

Board meetings

62. (1) The board of directors shall meet at the call of the chair and in no case shall the board meet less often than once every two months.

Place

(2) The board may meet in any place in the province that is convenient.

Same

(3) The board may conduct its meetings in person or through electronic means, including telephone conferencing and video conferencing. 1998, c. 26, s. 62.

By-laws

63. (1) The board of directors may pass by-laws generally for the management of the Corporation and for the conduct and administration of its business and affairs, including by-laws,

- (a) determining its own practices and procedures;

(b) creating forms and providing for their use;

(c) governing the duties and powers of the Corporation's officers and employees. 1998, c. 26, s. 63 (1).

Conflict of interest by-laws

(2) The board shall pass by-laws governing conflicts of interest of members of the board and of the Corporation's officers and employees and, if the board considers it appropriate, imposing restrictions on the activities of such persons to avoid conflicts of interest. 1998, c. 26, s. 63 (2).

Copies to Minister

(3) The board shall forward copies of its by-laws, when they are made, to the Attorney General. 1998, c. 26, s. 63 (3).

Legislation Act, 2006, Part III

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the Corporation's by-laws. 1998, c. 26, s. 63 (4); 2006, c. 21, Sched. F, s. 136 (1).

President, officers and staff

64. (1) The board of directors shall appoint a president of the Corporation. 1998, c. 26, s. 64 (1).

First president

(2) Despite subsection (1), the first president of the Corporation after Part II comes into force shall be appointed by the Attorney General in consultation with the Treasurer of the Law Society and shall serve for a term of not more than one year. 1998, c. 26, s. 64 (2).

Duties

(3) The president is the chief executive officer of the Corporation and is responsible for the management and operation of the Corporation under the supervision of the board of directors. 1998, c. 26, s. 64 (3).

Same

(4) The president shall implement the policies established by the board and shall perform such other functions as are assigned to him or her by the board. 1998, c. 26, s. 64 (4).

Other officers

(5) The board shall appoint a secretary of the Corporation and may appoint such other officers as it considers appropriate. 1998, c. 26, s. 64 (5).

Employees

(6) The Corporation may employ such persons as it considers necessary for its purposes. 1998, c. 26, s. 64 (6).

Not an employee of the Crown

(7) An employee of the Corporation is not and shall not be deemed to be an employee of the Crown. 2006, c. 35, Sched. C, s. 59.

Persons hired from Law Society given continuity of service

(8) If the Corporation hires a person who, at the time of the hiring, is an employee of the Law Society working in the area of legal aid, the period of employment of the employee with the Corporation shall be deemed, for the purposes of Parts VII, VIII, XI and XIV of the *Employment Standards Act*, to include his or her employment with the Law Society. 1998, c. 26, s. 64 (8).

Financial statements

Fiscal year

65. (1) The fiscal year of the Corporation is April 1 to March 31 of the following year.

Annual statements

(2) The Corporation shall prepare annual financial statements for each fiscal year in accordance with generally accepted accounting principles.

Auditor General

[\(3\)](#) The Auditor General shall audit the financial statements of the Corporation. 1998, c. 26, s. 65; 2004, c. 17, s. 32.

Budget

[66. \(1\)](#) The Corporation shall submit its annual budget for the next fiscal year to the Attorney General for approval by October 1 in each year or by such other date as may be specified by the Attorney General.

Contents

- [\(2\)](#) The annual budget shall be based on a three-year cycle, and shall set out,
- (a) the Corporation's proposed operating budget for the next fiscal year;
 - (b) the sum required by the Corporation from the Government of Ontario for the next fiscal year, taking into account an estimate of the money that the Corporation will receive from other sources and any surplus or deficit approved under subsection (3);
 - (c) the Corporation's projected operating budgets for the two fiscal years after the next fiscal year.

Same

[\(3\)](#) The Corporation may, in its financial statements, allocate any surplus or deficit in a fiscal year to either or both of the two subsequent fiscal years with the approval of the Attorney General.

Reserve fund

[\(4\)](#) The Corporation shall maintain a contingency reserve fund as prescribed.

Minimum allocation to clinics for three years

[\(5\)](#) For three consecutive fiscal years beginning with the fiscal year that begins April 1, 1999, the Corporation shall allocate to the funding of clinics an amount that is not less than the amount allocated by the Attorney General to the Law Society for the funding of clinics for the fiscal year of the Government of Ontario that began April 1, 1998.

Minimum allocation for immigration and refugee law for two years

[\(6\)](#) For two consecutive fiscal years beginning with the fiscal year that begins April 1, 1999, the Corporation shall allocate to the provision of legal aid services in the area of immigration and refugee law an amount equal to the amount expended from the Legal Aid Fund during the 1997-98 fiscal year for such services. 1998, c. 26, s. 66.

Government funding**Approved budget reviewed for inclusion in estimates**

[67. \(1\)](#) The annual budget approved by the Attorney General under section 66 shall be submitted to Treasury Board to be reviewed for inclusion in the estimates of the Ministry of the Attorney General to be recommended to the Legislature. 1998, c. 26, s. 67 (1); 2008, c. 19, Sched. K, s. 2.

Appropriation by Legislature

[\(2\)](#) The money required for the purposes of this Act shall be paid out of such money as is appropriated therefor by the Legislature. 1998, c. 26, s. 67 (2).

Instalments

[\(3\)](#) The money required for the purposes of this Act may be paid to the Corporation in such instalments as the Attorney General may direct. 1998, c. 26, s. 67 (3).

Other sources of funding

[68. \(1\)](#) The Corporation may enter into arrangements, as it considers appropriate, to receive additional funding from any person or organization.

Gifts, bequests, devises

(2) The Corporation may receive gifts, bequests and devises of real or personal property, to hold, use and manage or dispose of in the furtherance of its objects, subject to the terms of any trust affecting the property. 1998, c. 26, s. 68.

Consolidated Revenue Fund

Corporation's money not part of Consolidated Revenue Fund

69. (1) The Corporation's money and investments, including the money paid to it under section 67, do not form part of the Consolidated Revenue Fund and shall be used by the Corporation in carrying out its objects.

Payment into Consolidated Revenue Fund

(2) When ordered to do so by the Minister of Finance, the Corporation shall pay into the Consolidated Revenue Fund such of its surplus funds as are determined by the Minister. 1998, c. 26, s. 69.

Non-application of *Financial Administration Act*

70. The *Financial Administration Act* does not apply to the Corporation, except as specifically made applicable by the regulations. 1998, c. 26, s. 70.

Memorandum of understanding

71. (1) Every five years, beginning with the Corporation's first fiscal year after Part II comes into force, the Corporation and the Attorney General shall enter into a memorandum of understanding. 1998, c. 26, s. 71 (1).

Contents

(2) The memorandum of understanding shall require the Corporation to be accountable for the expenditure of public funds and for the provision of legal aid services to low-income individuals in a manner that both meets the needs of low-income individuals and is cost-effective and efficient by providing the Attorney General with,

- (a) annual business plans;
- (b) any plans for significant changes in the Corporation's operations or activities;
- (c) strategic plans for the number of years specified by the Attorney General;
- (d) an annual statement of the Corporation's policies and priorities for providing legal aid services;
- (e) an annual statement of the Corporation's investment policies and goals;
- (f) the agenda of all meetings of the board of directors of the Corporation before they are held;
- (g) the performance standards that the Corporation must meet;
- (h) any other matter that may be required by the Lieutenant Governor in Council, the Treasury Board or the Attorney General. 1998, c. 26, s. 71 (2); 2008, c. 19, Sched. K, s. 3.

Corporation to comply with memorandum of understanding

(3) The Corporation shall comply with the memorandum of understanding, but the failure to do so does not affect the validity of any action taken by the Corporation or give rise in any person to any rights or remedies. 1998, c. 26, s. 71 (3).

Annual report

72. (1) The Corporation shall submit an annual report to the Attorney General within four months after the end of its fiscal year.

Contents

- (2) The annual report shall contain,
- (a) the audited financial statements of the Corporation and of its subsidiary corporations, if any;

- (b) a statement of the nature and amount of legal aid services provided during the year;
- (c) a statement as to how the Corporation has met its performance standards;
- (d) general information as to the working of this Act and the regulations and advice, if any, on the need for amendments to this Act and the regulations in order to improve the provision or efficiency of legal aid services;
- (e) any information that the Corporation considers necessary to advise the Attorney General about the provision of legal aid services, including any features of the justice system that affect or may affect the demand for or quality of legal aid services; and
- (f) such other information as the Attorney General may request.

Tabled

(3) The Attorney General shall submit the report to the Lieutenant Governor in Council and shall table the report before the Assembly.

Other reports

(4) The Attorney General may at any time require the Corporation or any of its subsidiary corporations to report to him or her on any aspect of its affairs or to provide information on its activities, operations and financial affairs as the Attorney General may request. 1998, c. 26, s. 72.

**PART VI
TEMPORARY ADMINISTRATION**

Appointment of administrator

73. (1) The Attorney General may apply to the Superior Court of Justice for an order appointing an administrator to administer the Corporation in the name of and on behalf of the Corporation. 1998, c. 26, s. 73 (1); 2006, c. 19, Sched. C, s. 1 (1).

Order to appoint administrator

(2) The court may make the order applied for under subsection (1) if the court is satisfied that the appointment is in the public interest and is needed to ensure the continued and effective provision of legal aid services. 1998, c. 26, s. 73 (2).

Independent review of Corporation

(3) The Attorney General may, before making an application under subsection (1), appoint an independent party to review the activities of the Corporation and to advise the Attorney General whether, in his or her opinion, the appointment of an administrator is in the public interest and is needed to ensure the continued and effective provision of legal aid services. 1998, c. 26, s. 73 (3).

Review by independent party

(4) The Corporation shall give the independent party access to all its books, records and documents in order for the independent party to review the activities of the Corporation. 1998, c. 26, s. 73 (4).

Board of directors terminated

(5) Upon the appointment of an administrator, the terms of office of the members of the board of directors of the Corporation are terminated. 1998, c. 26, s. 73 (5).

Notice to board

(6) The Attorney General shall give the board of directors of the Corporation reasonable notice of his or her intention to apply for an order under subsection (1). 1998, c. 26, s. 73 (6).

Period of appointment

74. (1) The order of the court shall provide for the administrator's term of office, which shall not be longer than 12 months.

Six-month extension

[\(2\)](#) Despite subsection (1), the Attorney General may, at any time during or at the end of the administrator's term of appointment, apply to court to extend the administrator's term for further terms of not more than six months each.

Same

[\(3\)](#) The court may order an extension of the administrator's term for not more than six months if the court is satisfied that the extension,

- (a) is in the public interest;
- (b) is required to ensure the continued and effective provision of legal aid services; and
- (c) is required to enable the administrator to carry out the duties set out in section 75.

Termination of appointment

[\(4\)](#) The Attorney General or the administrator may apply to court for an order terminating the appointment before the end of the term and the court may make the order if the court is satisfied that the appointment is no longer,

- (a) in the public interest; or
- (b) required to ensure the continued and effective provision of legal aid services.

Same

[\(5\)](#) The Attorney General may apply to court for an order terminating the appointment of the administrator before the end of the term and the court may make the order if the court is satisfied that the administrator is not fulfilling the terms or conditions of the appointment. 1998, c. 26, s. 74.

Duties of administrator

[75. \(1\)](#) The administrator shall,

- (a) manage the property and conduct the affairs of the Corporation;
- (b) ensure that the Corporation is carrying out its duties in accordance with this Act and the regulations;
- (c) carry out any other duty that may be set out in the order of appointment. 1998, c. 26, s. 75 (1).

Terms of appointment

[\(2\)](#) The order of appointment may specify any terms or conditions of the administrator's appointment. 1998, c. 26, s. 75 (2).

Application to court for directions

[\(3\)](#) The administrator may apply to the Superior Court of Justice for directions in respect of any issue arising in the administration of the Corporation and the court may make any order that it considers necessary or appropriate to enable the administrator to carry out the administration of the Corporation in an effective and proper manner. 1998, c. 26, s. 75 (3); 2006, c. 19, Sched. C, s. 1 (1).

Powers of administrator

[76.](#) The administrator has all the powers and protections of the board of directors of the Corporation including the power,

- (a) to make by-laws and regulations;
- (b) to arrange for all matters related to banking and bank accounts and to authorize persons to sign cheques and other documents;
- (c) to hire and dismiss staff;
- (d) to enter into contracts;
- (e) to sue and be sued. 1998, c. 26, s. 76.

Co-operation with administrator

Duty of former board to co-operate

[77. \(1\)](#) The members of the last board of directors of the Corporation before the appointment of the administrator shall co-operate with the administrator by providing any assistance that the administrator may request.

Duty of officers, employees to co-operate

[\(2\)](#) The officers, former officers and employees of the Corporation shall co-operate with the administrator by providing any assistance that the administrator may request, including giving the administrator full access to the Corporation's books, records and documents that are in their possession or control. 1998, c. 26, s. 77.

Reports

[78. \(1\)](#) The Attorney General may request that the administrator prepare and submit reports to him or her on any matter relevant to the administrator's administration of the Corporation and the administrator shall prepare and submit the reports as requested.

Limitation

[\(2\)](#) The Attorney General shall not request, and the administrator shall not provide, reports on specific applicants for legal aid services. 1998, c. 26, s. 78.

Issued certificates unaffected

[79. \(1\)](#) Certificates issued by the Corporation before the appointment of the administrator remain valid and in force after the appointment of the administrator.

Same

[\(2\)](#) The administrator shall pay for the services rendered pursuant to a certificate that was issued before the administrator was appointed in the same manner and on the same terms as the Corporation was bound immediately before the appointment. 1998, c. 26, s. 79.

Funding obligations unaffected

[80.](#) The administrator shall be bound by any funding obligations made by the Corporation to a clinic, student legal aid services society or other entity before the administrator was appointed. 1998, c. 26, s. 80.

Protection from personal liability

[81. \(1\)](#) No action or other proceeding for damages shall be instituted against the administrator or the administrator's employees or agents for any act or omission in the execution or intended execution of a duty or for any alleged neglect or default in the execution in good faith of that duty.

Crown liability

[\(2\)](#) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person described in that subsection to which it would otherwise be subject. 1998, c. 26, s. 81.

PART VII GENERAL

[82.](#) Repealed: 1998, c. 26, s. 82 (2).

Non-application of *Statutory Powers Procedure Act*

[83. \(1\)](#) The *Statutory Powers Procedure Act* does not apply to any decisions made or proceedings conducted under this Act, whether by the Corporation, by a committee of the board of directors of the Corporation, by an officer or employee of the Corporation or by an area director or an area committee.

Decisions final

[\(2\)](#) Except as specifically provided in this Act, every decision of the Corporation, its employees or a committee of its board of directors, and every decision of an area director or area committee is final and shall not be subject to appeal or judicial review. 1998, c. 26, s. 83.

Application of *Freedom of Information and Protection of Privacy Act*

84. The Corporation may collect personal information, within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act*, for the purpose of carrying out its duties and exercising its powers under this Act. 1998, c. 26, s. 84.

Recommendation of lawyer or service-provider prohibited

85. (1) Subject to subsections (2) and (3), no lawyer or service-provider or officer or employee of the Corporation shall, in connection with or arising out of his or her duties under this Act, suggest or recommend to an applicant any lawyer or service-provider as being suitable to act for the person pursuant to a certificate.

Exception

(2) If it appears to an officer or employee of the Corporation that, because of physical or mental disability or other legal incapacity, or for any similar reason, an applicant is unable to make a choice of lawyer or service-provider and that there is no other person who might reasonably be expected to make that choice for the applicant, then the officer or employee may suggest or recommend to the applicant one or more lawyer or service-provider who might act for the applicant pursuant to a certificate.

Same

(3) An officer or employee of the Corporation may advise the applicant of the names of those lawyers or service-providers within the area who can take instructions in a language in which the applicant can converse. 1998, c. 26, s. 85.

Protection from personal liability

86. (1) No action or other proceeding for damages shall be instituted against a member of the board of directors, an officer or employee of the Corporation, an area director or a member of an area committee for any act or omission in the execution or intended execution of his or her duty under this Act or for any alleged neglect or default in the execution in good faith of that duty.

Corporate liability

(2) Subsection (1) does not relieve the Corporation of any liability to which it would otherwise be subject in respect of a tort committed by a person referred to in subsection (1). 1998, c. 26, s. 86.

Corporation not liable for lawyers and service-providers

87. (1) The Corporation is not liable for any act or omission of any lawyer or student or service-provider who provides legal aid services under this Act.

Exception

(2) Subsection (1) does not apply in respect of an act or omission of a lawyer or service-provider who provides legal aid services under this Act as an employee of the Corporation. 1998, c. 26, s. 87.

Compellability of witnesses

88. (1) Except with the consent of the Corporation, members of the board of directors, officers and employees of the Corporation, area directors and members of area committees are not compellable witnesses before a court or tribunal respecting any information or material furnished to or received by them while acting within the scope of their appointment or employment under this Act.

Exception

(2) If the Corporation is a party to a proceeding, the persons referred to in subsection (1) may be determined to be compellable witnesses.

Production of documents

(3) The Corporation and the persons referred to in subsection (1) are not required to produce, in a proceeding in which the Corporation is not a party, any information or material furnished, obtained, made or received in the performance of the Corporation's or the person's duties under this Act. 1998, c. 26, s. 88.

Privileged communications

89. (1) All legal communications between the Corporation, an officer or employee of the Corporation, an area director or member of an area committee and an applicant for legal aid services are privileged in the same manner and to the same extent as solicitor-client communications.

Same

(2) All legal communications between a lawyer, student or service-provider at a clinic, student legal aid services society or other entity funded by the Corporation, or any other member, officer or employee of a clinic, student legal aid services society or other entity funded by the Corporation and an applicant for legal aid services are privileged in the same manner and to the same extent as solicitor-client communications.

Same

(3) Disclosure of privileged information to the Corporation that is required under this Act does not negate or constitute a waiver of privilege. 1998, c. 26, s. 89.

Prohibition re disclosing information

90. (1) A member of the board of directors, an officer or employee of the Corporation, an area director, a member of an area committee, a lawyer, a service-provider or a member, officer, director or employee of a clinic, student legal aid services society or other entity funded by the Corporation shall not disclose or permit to be disclosed any information or material furnished to or received by him or her in the course of his or her duties or in the provision of legal aid services.

Exception

(2) A person referred to in subsection (1) may disclose information or allow it to be disclosed in the performance of his or her duties or in the provision of legal aid services or with the consent of the applicant or if authorized by the Corporation. 1998, c. 26, s. 90.

Evidence of Corporation documents

91. A document that purports to be signed on behalf of the Corporation shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the document without proof of the signature or the position of the person appearing to have signed the document. 1998, c. 26, s. 91.

Quality assurance program

92. (1) The Corporation shall establish a quality assurance program to ensure that it is providing high quality legal aid services in a cost-effective and efficient manner.

Quality assurance audits

(2) For the purpose of subsection (1) and subject to subsection (8), the Corporation may conduct quality assurance audits of the service-providers, clinics, student legal aid services societies or other entities funded by the Corporation that provide legal aid services.

Powers

(3) For the purpose of conducting a quality assurance audit, an employee of the Corporation may enter the office of a service-provider who is providing or has provided legal aid services, or the office of a clinic, student legal aid services society or other entity funded by the Corporation, during normal business hours and on notice to the service-provider, clinic, society or other entity, and may, despite subsections 37 (3) and (4), review their records with respect to the provision of legal aid services.

Co-operation required

(4) Every student and service-provider, and every employee of a clinic, student legal aid services society or other entity funded by the Corporation shall co-operate with the employee of the Corporation or of the Law Society conducting a quality assurance audit even if that requires the production of information or documents that are privileged or confidential.

Privileged preserved for other purposes

(5) Subsections (3) and (4) do not negate or constitute a waiver of a privilege.

Confidentiality

[\(6\)](#) The Corporation and its employees shall keep confidential any information obtained in a quality assurance audit.

Same

[\(7\)](#) The Corporation and its employees are governed by the rules of solicitor-client confidentiality with respect to any legal communications obtained in a quality assurance audit.

Law Society to conduct audits of lawyers

[\(8\)](#) The Corporation shall not itself conduct quality assurance audits of lawyers who provide legal aid services but shall direct the Law Society to conduct those quality assurance audits.

Law Society may conduct other audits

[\(9\)](#) The Corporation may delegate to the Law Society its power to conduct quality assurance audits on the persons listed in subsection (2), or any of them.

Law Society's audits governed by regulations

[\(10\)](#) The Law Society shall conduct quality assurance audits under a direction or delegation under this section, as directed or delegated by the Corporation and in accordance with the regulations.

Reimbursement

[\(11\)](#) The Law Society shall be reimbursed by the Corporation for its costs of conducting quality assurance audits.

Report to Corporation

[\(12\)](#) The Law Society shall report to the Corporation on the quality assurance audits conducted by it, as directed or delegated by the Corporation and in accordance with the regulations, and shall include in its reports the information required by the direction, delegation or regulations, whether or not such information is governed by the rules of solicitor-client confidentiality, but shall not disclose any information that is subject to solicitor-client privilege.

Same

[\(13\)](#) Subsections (3), (4) and (5) apply with necessary modifications to the Law Society and its employees with respect to quality assurance audits of lawyers in the same manner as they apply to the Corporation and its employees. 1998, c. 26, s. 92.

Solicitor-client relationship

[93.](#) The relationship between a lawyer who provides legal aid services and the individual who is receiving those services is the customary solicitor-client relationship, whether the legal aid services are provided pursuant to a certificate, in a legal aid services staff office, clinic, student legal aid services society or other entity funded by the Corporation or by any other method under this Act. 1998, c. 26, s. 93.

Extension of time

[94.](#) The Corporation may extend the time that may be set out in the regulations for doing any act or taking any proceeding and may do so even after the prescribed time has expired. 1998, c. 26, s. 94.

Other payments prohibited

[95. \(1\)](#) Except in accordance with this Act, no person shall take or receive any payment or other benefit in respect of any legal aid services provided by the person under this Act.

No lien for legal aid services

[\(2\)](#) No lawyer has a lien for his or her fees, charges or expenses on the property or papers in the lawyer's possession belonging to an individual to whom the lawyer provided legal aid services.

Lien for non-legal aid services unaffected

(3) Nothing in this section shall be deemed to deprive a lawyer of a lien for his or her fees, charges and expenses on the property and papers in his or her possession belonging to an individual to whom the lawyer provided services other than legal aid services. 1998, c. 26, s. 95.

Offences

96. (1) Any person who intentionally contravenes or fails to comply with section 90 or subsection 92 (6) or 95 (1) is guilty of an offence.

Same

(2) Any person who intentionally provides false information or fails to make full disclosure under section 41 is guilty of an offence.

Same

(3) Any lawyer or service-provider who intentionally provides false information or fails to make full disclosure in respect of an account submitted under section 31 is guilty of an offence. 1998, c. 26, s. 96.

Regulations

97. (1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may make regulations respecting its administration of the system for providing legal aid services and, without limiting the generality of the foregoing, may make regulations,

- (a) governing the processes for submitting and assessing applications for legal aid services;
- (b) governing the establishment of panels of duty counsel and prescribing the functions of duty counsel;
- (c) prescribing the composition and functions of area committees;
- (d) governing the establishment of panels of lawyers and service-providers;
- (e) governing student legal aid services societies, including the application process, the authority of the dean of the law school, rules respecting the participation of students in providing legal aid services and requiring reports on their activities to the Corporation;
- (f) governing applications for certificates by individuals who are not residents of Ontario;
- (g) governing the administration, cancellation, amendment and discharge of certificates;
- (h) governing appeals under subsections 30 (1) and (2) from a refusal to be issued a certificate or a cancellation of a certificate;
- (i) providing for the examination, settlement, approval and payment of accounts submitted by lawyers and service-providers;
- (j) governing appeals by lawyers and service-providers of their accounts;
- (k) prescribing other methods by which lawyers and service-providers may be paid for providing legal aid services and governing such payment methods;
- (l) governing applications for funding by clinics and the approval or rejection of such applications;
- (m) governing the reconsideration of clinic funding decisions;
- (n) governing the recovery of the costs of legal aid services from the individual who received them, or from a person responsible for the individual, including prescribing information to be provided by an applicant or person responsible for an applicant that is necessary to determine the applicant's entitlement to legal aid services, prescribing circumstances to be considered in determining their ability to contribute, prescribing a method for determining their ability to contribute and for determining

the amount they are required to contribute and prescribing the rate of interest, or a method for determining it, to be charged on overdue payments;

- (o) governing the recovery of costs of legal aid services from court awards, settlements and cost awards;
- (p) governing the application of section 49, including prescribing circumstances when and the manner in which the Corporation may exercise its discretion under that section;
- (q) prescribing oaths of office and secrecy and requiring persons, or any class thereof, to take and subscribe such oaths or either of them;
- (r) governing quality assurance audits to be conducted by the Law Society and governing the reports to be made by the Law Society on such audits;
- (s) establishing a process for investigating and resolving complaints made against lawyers and service-providers providing legal aid services;
- (t) governing the investigation and resolution of alleged violations of this Act;
- (u) prescribing forms for the purposes of this Act;
- (v) governing any matter necessary or advisable to carry out the purposes of this Act.

Same

(2) The Lieutenant Governor in Council may make regulations,

- (a) prescribing areas of law for which the board of directors of the Corporation shall establish an advisory committee;
- (b) prescribing areas of civil law, types of civil cases and types of civil proceedings (including proceedings in which the damages sought are above a specified amount) for which the Corporation may not provide legal aid services;
- (c) prescribing financial eligibility requirements for an individual to receive legal aid services;
- (d) prescribing who is a person responsible for an applicant for the purposes of Part IV;
- (e) prescribing the fees and disbursements to be paid to lawyers and service-providers and governing their payment;
- (f) prescribing the fees to be paid to duty counsel who are not employees of the Corporation and governing their payment;
- (g) prescribing the provisions of the *Corporations Act* and *Corporations Information Act* that apply to the Corporation;
- (h) prescribing the provisions of the *Workplace Safety and Insurance Act, 1997* and of regulations made under that Act that apply to the Corporation;
- (i) prescribing the provisions of the *Financial Administration Act* that apply to the Corporation;
- (j) prescribing the Corporation's borrowing and investment powers;
- (k) governing the establishment, operation and amount of the contingency reserve fund to be maintained by the Corporation.

General or particular

(3) A regulation may be general or particular in its application.

Classes

(4) A regulation may create different classes and may establish different requirements in relation to the different classes.

Retroactive

[\(5\)](#) A regulation may be retroactive in its operation. 1998, c. 26, s. 97.

[98.-109.](#) Omitted (amends or repeals other Acts). 1998, c. 26, ss. 98-109.

[110.](#) Omitted (provides for coming into force of provisions of this Act). 1998, c. 26, s. 110.

[111.](#) Omitted (enacts short title of this Act). 1998, c. 26, s. 111.

[Français](#)

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