

Exhibit 5

Government Advertising Act, 2004

S.O. 2004, Chapter 20

No Amendments.

Interpretation

1. (1) In this Act,

“government office” means a ministry, Cabinet Office, the Office of the Premier or such other entity as may be designated by regulation; (“bureau gouvernemental”)

“item” means a reviewable advertisement, reviewable printed matter or a reviewable message, as the case may be; (“document”)

“prescribed” means prescribed by a regulation made under this Act. (“prescrit”) 2004, c. 20, s. 1 (1).

Head of an office

(2) For the purposes of this Act, the deputy minister of a ministry is the head of the ministry, the Secretary of the Cabinet is the head of Cabinet Office and the head of the Office of the Premier, and the regulations may specify the person who is the head of such other government offices as are designated by regulation. 2004, c. 20, s. 1 (2).

Requirements re advertisements

Application

2. (1) This section applies with respect to any advertisement that a government office proposes to

pay to have published in a newspaper or magazine, displayed on a billboard or broadcast on radio or on television. 2004, c. 20, s. 2 (1).

Submission for review

(2) The head of the government office shall give a copy of the advertisement to the Office of the Auditor General for review. 2004, c. 20, s. 2 (2).

Prohibition on use pending review

(3) The government office shall not publish, display or broadcast the advertisement before the head of the office receives notice, or is deemed to have received notice, of the results of the review. 2004, c. 20, s. 2 (3).

Prohibition

(4) The government office shall not publish, display or broadcast the advertisement if the head of the office receives notice that, in the Auditor General’s opinion, the advertisement does not meet the standards required by this Act. 2004, c. 20, s. 2 (4).

Non-application

(5) This section does not apply with respect to a notice to the public that is required by law, an advertisement about an urgent matter affecting public health or safety, a job advertisement or an advertisement about the provision of goods or services to a government office. 2004, c. 20, s. 2 (5).

Requirements re printed matter

Application

3. (1) This section applies with respect to printed matter that a government office proposes to pay to have distributed to households in Ontario either by bulk mail or by another method of bulk delivery. 2004, c. 20, s. 3 (1).

Submission for review

(2) The head of the government office shall give a copy of the printed matter to the Office of the Auditor General for review. 2004, c. 20, s. 3 (2).

Prohibition on use pending review

(3) The government office shall not distribute the printed matter before the head of the office receives notice, or is deemed to have received notice, of the results of the review. 2004, c. 20, s. 3 (3).

Prohibition

(4) The government office shall not distribute the printed matter if the head of the office receives notice that, in the Auditor General's opinion, it does not meet the standards required by this Act. 2004, c. 20, s. 3 (4).

Non-application

(5) This section does not apply with respect to a notice to the public that is required by law or printed matter about an urgent matter affecting public health or safety or about the provision of goods or services to a government office. 2004, c. 20, s. 3 (5).

Interpretation

(6) For the purposes of this section, printed matter is distributed by bulk mail or another method of bulk delivery if, when it is distributed, it is not individually addressed to the intended recipient. 2004, c. 20, s. 3 (6).

Requirements re additional classes of messages

Application

4. (1) This section applies with respect to such additional classes of messages as may be prescribed that a government office proposes to convey to the public in such circumstances as may be prescribed. 2004, c. 20, s. 4 (1).

Submission for review

(2) The head of the government office shall give a copy of the message to the Office of the Auditor General for review. 2004, c. 20, s. 4 (2).

Prohibition on use pending review

(3) The government office shall not convey the message before the head of the office receives notice, or is deemed to have received notice, of the results of the review. 2004, c. 20, s. 4 (3).

Prohibition

(4) The government office shall not convey the message if the head of the office receives notice that, in the Auditor General's opinion, the message does not meet the standards required by this Act. 2004, c. 20, s. 4 (4).

Non-application

(5) This section does not apply with respect to a message that is a notice to the public that is required by law, that concerns an urgent matter affecting public health or safety, that is a job advertisement or that concerns the provision of goods or services to a government office. 2004, c. 20, s. 4 (5).

Review by the Auditor General

5. (1) When an item is given to the Office of the Auditor General for review, the Auditor General shall review it to determine whether, in his or her opinion, it meets the standards required by this Act. 2004, c. 20, s. 5 (1).

Decision

(2) The decision of the Auditor General is final. 2004, c. 20, s. 5 (2).

Required standards

6. (1) The following are the standards that an item is required to meet:

1. It must be a reasonable means of achieving one or more of the following purposes:
 - i. To inform the public of current or proposed government policies, programs or services available to them.
 - ii. To inform the public of their rights and responsibilities under the law.
 - iii. To encourage or discourage specific social behaviour, in the public interest.
 - iv. To promote Ontario or any part of Ontario as a good place to live, work, invest, study or visit or to promote any economic activity or sector of Ontario's economy.
2. It must include a statement that the item is paid for by the Government of Ontario.
3. It must not include the name, voice or image of a member of the Executive Council or a member of the Assembly.
4. It must not be partisan.
5. It must not be a primary objective of the item to foster a positive impression of the governing party or a negative impression of a person or entity who is critical of the government.
6. It must meet such additional standards as may be prescribed. 2004, c. 20, s. 6 (1).

Advertising outside Ontario

(2) Paragraph 3 of subsection (1) does not apply with respect to an item for which the primary target audience is located outside of Ontario. 2004, c. 20, s. 6 (2).

Partisan advertising

(3) An item is partisan if, in the opinion of the Auditor General, a primary objective of the item is to promote the partisan political interests of the governing party. 2004, c. 20, s. 6 (3).

Same

(4) The Auditor General shall consider such factors as may be prescribed, and may consider such additional factors as he or she considers appropriate, in deciding whether a primary objective of an item is to promote the partisan political interests of the governing party. 2004, c. 20, s. 6 (4).

Notice of results of review

7. (1) The Office of the Auditor General shall notify the head of the government office of the results of the review within the prescribed number of days after receiving an item for review. 2004, c. 20, s. 7 (1).

Deemed notice

(2) If the notice is not given within that period, the head shall be deemed to have received notice that the item meets the standards required by this Act. 2004, c. 20, s. 7 (2).

Submission of revised version

8. (1) If the head of a government office is notified that an item does not meet the standards required by this Act and if the government office proposes to use a revised version of it, the head shall give the revised version to the Office of the Auditor General for a further review. 2004, c. 20, s. 8 (1).

Prohibition on use pending review

(2) The government office shall not use the revised version before the head of the office receives notice, or is deemed to have received notice, of the results of the review. 2004, c. 20, s. 8 (2).

Prohibition

(3) The government office shall not use the revised version if the head of the office receives notice that, in the Auditor General's opinion, the revised version does not meet the standards required by this Act. 2004, c. 20, s. 8 (3).

Review of revised version

(4) Sections 5 and 6 apply with respect to the review. 2004, c. 20, s. 8 (4).

Notice of results of review, revised version

(5) The Office of the Auditor General shall notify the head of the results of the further review within the prescribed number of days after receiving the revised version. 2004, c. 20, s. 8 (5).

Deemed notice

(6) If the notice is not given within that period, the head shall be deemed to have received notice that the revised version meets the standards required by this Act. 2004, c. 20, s. 8 (6).

Reports to the Assembly

Annual report

9. (1) Each year, the Auditor General shall report to the Speaker of the Assembly about such matters as the Auditor General considers appropriate relating to his or her powers and duties under this Act. 2004, c. 20, s. 9 (1).

Same

(2) In the annual report, the Auditor General shall notify the Speaker about any contraventions of section 2, 3, 4 or 8. 2004, c. 20, s. 9 (2).

Special report

(3) The Auditor General may make a special report to the Speaker at any time on any matter that in the opinion of the Auditor General should not be deferred until the annual report. 2004, c. 20, s. 9 (3).

Tabling of reports

(4) The Speaker shall lay each annual report or special report of the Auditor General before the Assembly forthwith if it is in session or, if not, not later than the 10th day of the next session. 2004, c. 20, s. 9 (4).

Access to records

10. The Auditor General may examine the records of a government office at any time for the purpose of determining whether section 2, 3, 4 or 8 has been contravened, and the Auditor General or his or her designate shall be given access to such records as he or she considers necessary for that purpose. 2004, c. 20, s. 10.

Immunity

11. (1) No action or other proceeding shall be brought against a person who publishes, displays or broadcasts a reviewable advertisement on the sole ground that, under this Act, a government office was not permitted to use it to communicate with the public. 2004, c. 20, s. 11 (1).

Same

(2) No action or other proceeding shall be brought against a person who distributes reviewable printed matter on the sole ground that, under this Act, a government office was not permitted to distribute it. 2004, c. 20, s. 11 (2).

Same

(3) No action or other proceeding shall be brought against a person who conveys to the public on behalf of a government office a reviewable

message on the sole ground that, under this Act, a government office was not permitted to convey it to the public. 2004, c. 20, s. 11 (3).

Regulations

12. The Lieutenant Governor in Council may make regulations,

- (a) designating an entity or class of entities as a government office and specifying who is the head of the government office for the purposes of this Act;
- (b) prescribing additional classes of messages and circumstances for the purposes of subsection 4 (1);
- (c) prescribing additional standards for the purposes of paragraph 6 of subsection 6 (1);

- (d) prescribing additional factors for the purposes of subsection 6 (4);
- (e) prescribing a number of days for the purposes of subsection 7 (1) and for the purposes of subsection 8 (5). 2004, c. 20, s. 12.

13. OMITTED (AMENDS OR REPEALS OTHER ACTS). 2004, c. 20, s. 13.

14. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2004, c. 20, s. 14.

15. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2004, c. 20, s. 15.