



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 992

An Act to amend the Public Administration Act and other legislative provisions to make deputy ministers and chief executive officers accountable for their government department's or public body's efficiency

Introduction

**Introduced by
Mr. Éric Caire
Member for La Peltrie**

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EXPLANATORY NOTES

The purpose of this bill is to make deputy ministers and chief executive officers accountable for their government department's or public body's efficiency and to eliminate the job security that may be attached to their duties as deputy ministers or chief executive officers.

The bill amends the Public Administration Act to introduce deputy ministers' and chief executive officers' accountability for their department's or body's efficiency into the government management framework. To that end, the bill provides that each department and body is assigned a rating reflecting its efficiency level by the Auditor General.

The Public Administration Act is also amended with regard to management of the departments' and bodies' performance. The departments' and bodies' strategic plans must comply with the standards established by the Conseil du trésor after consulting the Auditor General. All strategic plans prepared by government departments or public bodies must be approved by the Conseil du trésor.

The Public Administration Act is further amended with regard to the departments' and bodies' accountability, requiring them to include the latest efficiency rating they were assigned by the Auditor General in a separate section of their annual management report. The bill also requires the Auditor General to table a report in the National Assembly presenting the conclusions that led him or her to assign an unsatisfactory efficiency rating to a department or a body. The competent parliamentary committee of the National Assembly must, in the course of the year after the Auditor General's report is tabled, hear deputy ministers and chief executive officers whose department or body was assigned an unsatisfactory efficiency rating.

The bill also states that deputy ministers and chief executive officers may be dismissed from office if the departments or bodies they are responsible for failed to achieve the results set out in their strategic plan or were assigned an unsatisfactory efficiency rating by the Auditor General. Deputy ministers or chief executive officers dismissed from office for either reason may not be employed in the public service unless they are demoted to the class of positions they belonged to before their appointment. The bill specifies that demoted

deputy ministers and chief executive officers will receive the salary attached to the classification they had before being appointed deputy minister or chief executive officer.

In addition, the bill amends the provisions of the Public Service Act concerning administrators of state, specifying that the latter lose their administrator of state classification once they no longer hold that position and that they receive the salary attached to the class of positions they then belong to. Under the bill, a person who is not a public servant and is hired under contract as an administrator of state may not automatically be appointed a public servant.

Lastly, the bill amends the Auditor General Act to create the position of Assistant Auditor General for Accountability, whose role is to assist the Auditor General in advising the Conseil du trésor on determining the objectives to be included in the departments' and bodies' strategic plans. The bill also provides that the Assistant Auditor General for Accountability assists the Auditor General in assessing the efficiency of the departments and bodies governed by the Public Administration Act.

LEGISLATION AMENDED BY THIS BILL:

- Public Administration Act (chapter A-6.01);
- Public Service Act (chapter F-3.1.1);
- Auditor General Act (chapter V-5.01).

Bill 992

AN ACT TO AMEND THE PUBLIC ADMINISTRATION ACT AND OTHER LEGISLATIVE PROVISIONS TO MAKE DEPUTY MINISTERS AND CHIEF EXECUTIVE OFFICERS ACCOUNTABLE FOR THEIR GOVERNMENT DEPARTMENT'S OR PUBLIC BODY'S EFFICIENCY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PUBLIC ADMINISTRATION ACT

1. Section 1 of the Public Administration Act (chapter A-6.01) is amended by replacing “results-based management framework centred on transparency” in the first paragraph by “management framework centred on results, the Administration’s efficiency and the principle of transparency”.

2. Section 2 of the Act is amended by inserting the following paragraph after paragraph 6:

“(6.1) deputy ministers’ and chief executive officers’ accountability for their department’s or body’s efficiency;”.

3. Section 9 of the Act is amended by replacing “may” in the second paragraph by “must, after consulting the Auditor General,”.

4. The Act is amended by inserting the following section after section 9:

“**9.1.** The Conseil du trésor must approve all strategic plans prepared by a department or body before they are forwarded to the Government.”

5. The Act is amended by replacing Division IV of Chapter II by the following division:

“DIVISION IV

“EFFICIENCY RATING

“**12.** The Auditor General shall assess the efficiency of all departments and bodies and then assign them a rating reflecting their efficiency level.

The Government shall determine by regulation, after consulting the Auditor General, the criteria to be used to establish the efficiency rating and the intervals at which the rating is to be assigned.

The department or body shall include the latest efficiency rating assigned to it in a separate section of its annual management report.

“13. If the Auditor General assigns an unsatisfactory efficiency rating to a department or body, he or she must table a report presenting his or her conclusions in the National Assembly within 30 days after assigning the efficiency rating or, if the Assembly is not sitting, within 30 days of resumption.

The competent parliamentary committee of the National Assembly shall then give precedence to hearing the deputy minister or chief executive officer concerned on this subject in the course of the year after the report is tabled.”

6. Section 24 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) the latest efficiency rating assigned to the department or body by the Auditor General;”;

(2) by striking out the third paragraph.

7. Section 25 of the Act is amended by striking out “, together with the annual management report of each administrative unit within the public body that is covered by a performance and accountability agreement”.

8. Section 26 of the Act is replaced by the following section:

“26. The annual management report of a department or body under a minister’s responsibility shall be tabled in the National Assembly by the minister concerned within four months after the end of its fiscal year or, if the Assembly is not sitting, within 15 days of resumption.”

9. The Act is amended by inserting the following division after section 29:

“DIVISION V.1

“ACCOUNTABILITY

“29.1. Despite any contrary provision, if a department or body failed to achieve the results set out for the period covered in its strategic plan or was assigned an unsatisfactory efficiency rating by the Auditor General, the deputy minister or chief executive officer concerned may be dismissed from office.

“29.2. A deputy minister or chief executive officer who has been dismissed from office for a reason referred to in section 29.1 may not be employed in the public service unless he or she is demoted to the class of positions he or she belonged to before being appointed.

The demoted deputy minister or chief executive officer shall receive the salary attached to the classification he or she had before being appointed deputy minister or chief executive officer.”

PUBLIC SERVICE ACT

10. Section 14 of the Public Service Act (chapter F-3.1.1) is amended by inserting the following paragraph after the first paragraph:

“A public servant who is appointed deputy minister or chief executive officer under the Public Administration Act (chapter A-6.01) loses his permanent tenure.”

11. Section 55 of the Act is amended by adding the following paragraph at the end:

“The person loses his classification of administrator of state if he no longer holds a position listed in subparagraphs 1 to 3 of the first paragraph. He receives the salary attached to the class of positions he then belongs to.”

12. Section 57 of the Act is amended by adding the following paragraph at the end:

“At the expiry of his term, the person may not automatically be appointed a public servant. However, this paragraph does not prevent a person from being appointed in accordance with Division II of Chapter III.”

13. Section 60 of the Act is amended by inserting “for the duration of their term” after “state”.

14. The Act is amended by inserting the following section after section 62:

“62.1. An administrator of state’s term ends without compensation other than that provided for in his instrument of appointment.”

AUDITOR GENERAL ACT

15. Section 17 of the Auditor General Act (chapter V-5.01) is amended by replacing the first paragraph by the following paragraphs:

“The Auditor General shall, with the approval of the Office of the National Assembly, appoint an Assistant Auditor General bearing the title of Assistant Auditor General for Accountability and an Assistant Auditor General bearing the title of Sustainable Development Commissioner.

The Assistant Auditor General for Accountability shall assist the Auditor General when the latter is consulted by the Conseil du trésor to determine the information to be included in the departments' and bodies' strategic plans and when he assesses the efficiency of the departments and bodies governed by the Public Administration Act (chapter A-6.01).

The Sustainable Development Commissioner shall assist the Auditor General in the performance of the duties of office relating to sustainable development auditing.”

16. This Act comes into force on *(insert the date of assent to this Act)*.