



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 597

**An Act to amend the Anti-Corruption
Act to make the Anti-Corruption
Commissioner a person designated by
the National Assembly**

Introduction

**Introduced by
Mr. Simon Jolin-Barrette
Member for Borduas**

**Québec Official Publisher
2016**

EXPLANATORY NOTES

This bill amends the Anti-Corruption Act to make the Anti-Corruption Commissioner a person designated by the National Assembly.

The bill specifies that the Anti-Corruption Commissioner is appointed by the National Assembly with the approval of two-thirds of its Members.

The Anti-Corruption Commissioner must prepare and submit budget estimates to the Office of the National Assembly and is governed by the financial management and public management rules that apply to persons designated by the National Assembly.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (chapter A-6.001);
- Anti-Corruption Act (chapter L-6.1).

Bill 597

AN ACT TO AMEND THE ANTI-CORRUPTION ACT TO MAKE THE ANTI-CORRUPTION COMMISSIONER A PERSON DESIGNATED BY THE NATIONAL ASSEMBLY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ANTI-CORRUPTION ACT

1. Section 5 of the Anti-Corruption Act (chapter L-6.1) is amended

(1) by replacing the first paragraph by the following paragraph:

“On a motion of the Premier, after consulting with the leaders of the other authorized parties represented in the National Assembly and with the approval of two-thirds of its Members, the Assembly appoints a Commissioner. The Commissioner must, in particular, meet the conditions set out in subparagraphs 1 and 2 of the second paragraph of section 12.”;

(2) by replacing “The Government determines” in the second paragraph by “In the same manner, the National Assembly determines”.

2. Section 6 of the Act is amended

(1) by replacing “the Minister may” wherever it appears by “the President of the National Assembly may, after consulting with the leaders of the authorized parties represented in the Assembly,”;

(2) by adding the following paragraph at the end:

“The National Assembly determines the remuneration and conditions of employment of the person appointed under this section.”

3. Section 8 of the Act is amended

(1) by striking out “also” in the first paragraph;

(2) by inserting “for a fixed term that cannot exceed five years” after “Associate Commissioners for Audits” in the first paragraph;

(3) by adding the following sentence at the end of the first paragraph: “They must, in particular, meet the conditions set out in subparagraphs 1 and 2 of the second paragraph of section 12.”;

(4) by replacing the second paragraph by the following paragraph:

“The Government determines the remuneration, employee benefits and other conditions of employment of the Associate Commissioners.”

4. Section 9 of the Act is amended

(1) by inserting “of Public Security” after “Minister” in subparagraph 5 of the first paragraph;

(2) by inserting “of Public Security” at the end of the third paragraph.

5. Section 24 of the Act is replaced by the following sections:

“24. The Commissioner prepares annual budget estimates and submits them before 1 April to the Office of the National Assembly, which approves them with or without modification.

The Commissioner may submit supplementary budget estimates to the Office of the National Assembly, if the Commissioner foresees that, in the course of the fiscal year, the appropriations granted to the Commissioner will be exceeded. The Office approves them with or without modification.

“24.1. The Public Administration Act (chapter A-6.01) applies to the Commissioner, except subparagraph 6 of the first paragraph of section 9 and the second paragraph of that section, sections 10 to 23, subparagraphs 1.1 and 3 of the second paragraph of section 24 and the third paragraph of that section, sections 25 to 28, the second paragraph of section 32, section 44, the fourth paragraph of section 45, sections 46 and 48 to 50, the third paragraph of section 57 and sections 64 to 66, 74, 75, 78 and 91.1 to 91.3. The annual management report required under section 24 of that Act is incorporated into the Commissioner’s activity report.

The President of the National Assembly tables in the Assembly the strategic plan adopted by the Commissioner under section 8 of the Public Administration Act.

“24.2. The sums required for the administration of this Act and for the exercise of any other function assigned by law to the Commissioner are taken out of the sums voted by an Act of the Parliament of Québec.

“24.3. The provisions of the Financial Administration Act (chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the Commissioner’s financial resources.

“24.4. The Act respecting contracting by public bodies (chapter C-65.1) applies to the Commissioner.”

6. Section 25 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“On or before 31 July each year, the Commissioner must submit a report on the Commissioner’s activities, together with financial statements for the preceding fiscal year, to the President of the National Assembly, who tables the report and the financial statements in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.”;

(2) by striking out subparagraph 6 of the second paragraph.

7. Section 73 of the Act is repealed.

FINANCIAL ADMINISTRATION ACT

8. Schedule I to the Financial Administration Act (chapter A-6.001) is amended by striking out “Anti-Corruption Commissioner”.

TRANSITIONAL AND FINAL PROVISIONS

9. The Anti-Corruption Commissioner in office on (*insert the date preceding the date of coming into force of this Act*) remains in office until reappointed or replaced in accordance with section 5 of the Anti-Corruption Act (chapter L-6.1), as amended by section 1 of this Act.

Section 6 of the Anti-Corruption Act, amended by section 2 of this Act, applies if the Commissioner is absent or unable to act or if the office of Commissioner is vacant.

10. The Government may, by a regulation made before (*insert the date that is three years after the date of coming into force of this Act*), enact any other transitional provision to rectify any omission in order to ensure the carrying out of this Act.

A regulation under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1). Despite section 17 of that Act, the regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation.

11. This Act comes into force on (*insert the date of assent to this Act*), except sections 4 to 10, which come into force on the first day of the fiscal year following the fiscal year during which a Commissioner is appointed in accordance with section 5 of the Anti-Corruption Act, as amended by section 1 of this Act.

