

Bill 1

**Act to amend the rules governing the
appointment and dismissal of the Anti-
Corruption Commissioner, the Director
General of the Sûreté du Québec and
the Director of Criminal and Penal
Prosecutions**

Section 0.1

AMENDMENT:

Add before section 1:

0.1. Section 2 of the Anti-Corruption Act (chapter L-6.1) is amended by replacing paragraph 1.1 by the following paragraph:

“(1.1) a contravention of any of sections 27.5 to 27.11 and 27.13 of the Act respecting contracting by public bodies (chapter C-65.1);”.

*C. Paquette
adopté*

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Section 2

AMENDMENT:

Replace by:

2. Section 5.1 of the Act is amended by replacing “three” in the fourth paragraph by “two”.

*encluse
C.P.*

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Section 3

AMENDMENT:

Replace by:

3. The Act is amended by inserting the following section after section 5.2:

“5.2.1. Subject to a dismissal under a provision of the Police Act (chapter P-13.1), the Commissioner may be dismissed only by the National Assembly, for cause, on a motion of the Prime Minister and with the approval of two-thirds of its Members, after the Minister receives a report from the Commission de la fonction publique.

Before presenting a motion for the dismissal of the Commissioner, the Prime Minister designates a Member from his or her party and requests the leader of each other authorized party represented in the National Assembly to do likewise. A summary of the report of the Commission de la fonction publique is made available to the designated Members for consultation at a single in camera meeting.”

*accepté
tel
qu'amendé
(C.P.)*

SAM 1
AM 3
s. 3 (5.2.1)

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Section 3

AMENDMENT:

Insert "written" before "report" in the first paragraph of proposed section 5.2.1, as amended.

*adopté
C.P.*

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Section 3.1

AMENDMENT:

Insert after section 3:

3.1. The Act is amended by inserting the following section before section 5.3:

“5.2.2. The Commissioner may not be suspended without remuneration by the Government except for cause, on the recommendation of the Minister after the latter receives a written report from the Commission de la fonction publique. The suspension may not exceed three months.”

*adopté
C.P.*

AM 5
s. 5 (8.2)

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Section 5

AMENDMENT:

Insert "written" before "report" in the proposed paragraph.

*adopté
C.F.*

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Section 6

AMENDMENT:

In proposed section 56.2:

1. Replace “Where the Director General’s term is not renewed” in the first paragraph by “In the year preceding the expiry of the Director General’s term”.
2. Insert the following paragraph after the third paragraph:

If, once the evaluation is concluded, fewer than two candidates are considered fit to hold the office of Director General, the Minister must publish a new invitation for applications.

*adopté
C.F.*

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Section 6

AMENDMENT:

Replace “an administrator of state within the meaning of the Public Service Act (chapter F-3.1) designated by the Associate Secretary General responsible for senior positions at the Ministère du Conseil exécutif” in the second paragraph of proposed section 56.2, as amended, by “a person chosen by the Minister from among persons who work in a community sector organization”.

*adopté
E.P.*

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Section 6

AMENDMENT:

Replace proposed section 56.1 by:

“56.1. The Director General shall be appointed for a non-renewable seven-year term.

*adopté
C.P.*

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Section 6

AMENDMENT:

Strike out “reappointed or” in proposed section 56.3.

*adopté
C.F.*

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Section 6

AMENDMENT:

Add the following sentence at the end of the second paragraph of proposed section 56.3: "The Minister shall inform the President of the National Assembly without delay, in writing, of such a resignation."

*Adopté
C.P.*

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Section 7

AMENDMENT:

Replace by:

7. Section 57 of the Act is replaced by the following section:

“57. Except with regard to the Director General and deputy directors, the salary of the members and cadets of the Sûreté du Québec shall be determined by the Government. Their pay scales and classifications and the other conditions for the exercise of their functions shall be established by the Government.”

adopté

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Section 6

AMENDMENT:

Replace proposed section 56.5 by:

“**56.5.** Subject to a dismissal under a provision of the Police Act (chapter P-13.1), the Director General may be dismissed only by the National Assembly, for cause, on a motion of the Prime Minister and with the approval of two-thirds of its Members, after the Minister receives a written report from the Commission de la fonction publique.

Before presenting a motion for the dismissal of the Director General, the Prime Minister shall designate a Member from his or her party and request the leader of each other authorized party represented in the National Assembly to do likewise. A summary of the report of the Commission de la fonction publique shall be made available to the designated Members for consultation at a single in camera meeting.

*adopté
C.F.*

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Section 6

AMENDMENT:

Insert after proposed section 56.5:

“56.5.1. The Director General may not be suspended without remuneration by the Government except for cause, on the recommendation of the Minister after the latter receives a written report from the Commission de la fonction publique. The suspension may not exceed three months.

*adopté
C.P.*

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Section 6

AMENDMENT:

Add the following paragraph at the end of proposed section 56.7:

The Government shall determine their remuneration, employee benefits
and other conditions of employment.

adopted

SAM 1
AM 13
s. 6 (56.7)

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Section 6

AMENDMENT:

Insert “; the Director General’s remuneration, once set, may not be reduced” after
“employment” in proposed section 56.7, as amended.

*Adopté
C.P.*

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Section 6

AMENDMENT:

Replace proposed section 56.8 by:

“56.8. Where the Director General is absent or unable to act, the Minister may designate a deputy director to act in that capacity for the duration of the absence or inability.

Where the position of Director General is vacant following a resignation or otherwise, the Minister may designate a deputy director to act as interim director general for a period not exceeding 18 months.

*C. Paquette
adopté*

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Section 9

AMENDMENT:

Replace “must be recommended” in the second paragraph of proposed section 2
by “must be the one recommended”.

*adopté
C.P.*

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Section 9.1

AMENDMENT:

Insert after section 9:

9.1. Section 3 of the Act is amended by inserting the following paragraph after the third paragraph:

“If, once the evaluation is concluded, fewer than two candidates are considered qualified to hold the office of Director, the Minister must publish a new invitation for applications.”

*endepste
C.P.*

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Prosecutions**

Section 9.2

AMENDMENT:

Insert before section 10:

9.2. Section 4 of the Act is amended by inserting the following sentence at the end: "The Minister informs the President of the National Assembly without delay, in writing, of such a resignation."

*adopté
C.P.*

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Section 10

AMENDMENT:

Replace paragraph 1 by:

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

“The Director may be dismissed only by the National Assembly, for cause, on a motion of the Prime Minister following a recommendation made by the Minister to that effect and with the approval of two-thirds of its Members, after the Minister receives a written report from the Commission de la fonction publique.

Before presenting a motion for the dismissal of the Director, the Prime Minister designates a Member from his or her party and requests the leader of each other authorized party represented in the National Assembly to do likewise. A summary of the report of the Commission de la fonction publique is made available to the designated Members for consultation at a single in camera meeting.

The Director may not be suspended without remuneration by the Government except for cause, on the recommendation of the Minister after the latter receives a written report from the Commission de la fonction publique. The suspension may not exceed three months.”;

*adapte
C.F.*

AM 19
s. 11 (6.1)

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Section 11

AMENDMENT:

Insert “written” before “report” in the first paragraph of proposed section 6.1.

*adopté
C.P.*

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Section 11.1

AMENDMENT:

Insert after section 11:

11.1. Section 9 of the Act is amended

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

“The Director defines the duties of the Deputy Director. If the Director is absent or unable to act, the Deputy Director replaces the Director. The Deputy Director also replaces the Director, for a period not exceeding 18 months, if the latter’s position is vacant following a resignation or otherwise.”;

- (2) by replacing “six” in the second paragraph by “12”.

*adopté
C.P.*

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Section 12

AMENDMENT:

Replace by:

12. Section 115 of the Public Service Act (chapter F-3.1.1) is amended by replacing subparagraphs 3 and 4 of the first paragraph by the following subparagraphs:

“(3) report in writing to the Minister of Justice, after conducting an inquiry, on whether there is sufficient cause to dismiss or to suspend without remuneration the Director of Criminal and Penal Prosecutions or the Deputy Director of Criminal and Penal Prosecutions as provided for in section 6 or 6.1 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1);

“(4) report in writing to the Minister of Public Security, after conducting an inquiry, on whether there is sufficient cause to dismiss or to suspend without remuneration the Anti-Corruption Commissioner or an Associate Commissioner as provided for in section 5.2.1, 5.2.2 or 8.2 of the Anti-Corruption Act (chapter L-6.1);

“(5) report in writing to the Minister of Public Security, after conducting an inquiry, on whether there is sufficient cause to dismiss or to suspend without remuneration the Director General of the Sûreté du Québec as provided for in section 56.5 or 56.5.1 of the Police Act (chapter P-13.1).”

*adopté
C.P.*

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Section 2.1

AMENDMENT:

Insert after section 2:

2.1. Section 5.2 of the Act is amended by adding the following sentence at the end of the second paragraph: "The Minister informs the President of the National Assembly without delay, in writing, of such a resignation."

adopté
C. P.