



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 392

**An Act respecting the selection of
Québec senators**

Introduction

**Introduced by
Madam Catherine Fournier
Member for Marie-Victorin**

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EXPLANATORY NOTES

The purpose of this bill is to affirm Québec's participation in and nominees for the selection of senators representing Québec in the Senate of Canada.

The bill aims to establish a legal framework to serve as the basis for a constitutional agreement between Québec and the federal government to ensure Québec's participation in the selection procedure for Québec senators.

The bill defines the terms and conditions governing the selection procedure for the three candidates proposed by Québec to the federal government for appointment to a Senate seat when one of the 24 seats reserved for Québec under the Constitution Act, 1867 is vacant or about to become vacant.

Under the bill, a selection committee composed, among others, of Members of the National Assembly is responsible for assessing candidates' applications and for designating, in a report sent to the Members of the National Assembly, the three candidates considered most qualified to occupy the office of Québec senator.

The candidacies designated by the selection committee are submitted to the National Assembly in a motion by the Premier. Each candidacy must be approved by three-quarters of the Members of the Assembly.

The President of the National Assembly sends a letter to the federal government communicating the names of the three candidates chosen by the Assembly for appointment to a vacant Québec seat in the Senate.

Bill 392

AN ACT RESPECTING THE SELECTION OF QUÉBEC SENATORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PRELIMINARY PROVISIONS

- 1.** This Act establishes the terms and conditions governing the procedure for selecting three candidates to be proposed to the federal government for the appointment of a senator representing Québec when one of the 24 seats reserved for Québec is vacant or about to become vacant.
- 2.** For the purposes of this Act and unless otherwise specified, “senator” means a senator representing Québec in the Senate of Canada.

CHAPTER II

SECRETARY FOR THE SELECTION OF CANDIDATES FOR THE OFFICE OF SENATOR

- 3.** The procedure for selecting candidates for Senate appointment is administered by the Secretary for the Selection of Candidates for the Office of Senator (Secretary).

The juriconsult appointed under the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1) exercises the functions assigned to the Secretary.

- 4.** The Secretary takes the necessary measures to ensure that candidates’ applications and the information contained in candidates’ files remain confidential.
- 5.** The Secretary and the persons assisting the Secretary must take the oath of non-disclosure provided in Schedule I before the President of the National Assembly.
- 6.** The Secretary attends the meetings of the selection committee formed under section 14 but may not vote.

CHAPTER III

SELECTION PROCEDURE

DIVISION I

OPENING A COMPETITION

7. As soon as a Senate seat becomes vacant, the Secretary opens a competition to select the three candidates most qualified to fill the seat.

The Secretary also opens a competition two months before a senator reaches the age of retirement.

8. As soon as a competition is opened, a notice inviting persons interested in submitting their applications is published on the National Assembly website and in a publication circulated or disseminated throughout Québec.

The notice includes the following:

(1) the qualifications for the office of senator set out in the Constitution Act, 1867 and the selection criteria set out in this Act;

(2) the requirement that persons interested submit their application on the form prescribed by regulation;

(3) the list of required supporting documents;

(4) the personal information protection measures applicable throughout the selection procedure; and

(5) the application deadline and the address to which the application must be sent.

DIVISION II

SELECTION CRITERIA

9. To assess a candidate's application, the selection committee considers the following criteria:

(1) the candidate's competencies, including

(a) personal and intellectual qualities;

(b) education and professional experience;

(c) human, social and community experience;

(d) integrity and good moral character; and

(e) extent of knowledge of the Canadian parliamentary and political systems and extent of legal knowledge;

(2) the candidate's motivation for seeking a Senate seat;

(3) the candidate's achievements and peer recognition of his or her qualities and competencies;

(4) the candidate's level of awareness of Québec's social realities and social values; and

(5) the candidate's ability to defend Québec's interests.

DIVISION III

APPLYING FOR THE OFFICE OF SENATOR

10. Persons wishing to apply for the office of senator must, within two weeks following publication of the notice, send the Secretary a duly completed application form and the required supporting documents.

They must also submit a written statement in which they authorize verifications to be carried out with the educational institutions they attended, the professional orders they belonged to, their employers over the last 10 years, disciplinary bodies, credit agencies and police authorities.

11. Past applicants for appointment to a Senate seat must reapply when a new competition is opened.

12. When a candidate's file is complete, provided the candidate has the required qualifications, the Secretary sends the file to the chair of the selection committee and informs the candidate.

If a candidate's file is received after the application deadline indicated in the notice or if the candidate does not meet the legal requirements for qualification, the Secretary returns the file to the candidate and the candidate is deemed not to have applied.

13. Members of the selection committee formed under section 14 may not, during their term of office and for one year after the selection committee report is filed, apply to be proposed by Québec for the office of senator.

DIVISION IV

FORMING A SELECTION COMMITTEE

14. A selection committee is formed to assess the candidates' applications and designate the three candidates it considers most qualified for Senate appointment. The committee is composed of

(1) the Chief Judge of the Court of Québec, or a judge designated by the Chief Judge from among the judges of the Court of Québec, who acts as the committee chair;

(2) a Member from the Government party;

(3) a Member from the Official Opposition party; and

(4) a Member from any other opposition party.

15. As soon as the competition is opened, the Secretary sends the notice to

(1) the Chief Judge of the Court of Québec;

(2) the Premier;

(3) the leader of the Official Opposition party; and

(4) the leader of any other opposition party.

Within five days of receiving the notice, the persons referred to in the first paragraph must send a letter to the Secretary designating a person to sit on the selection committee and a person to act as a substitute.

16. Before taking up committee functions, selection committee members must take the oath of non-disclosure provided in Schedule I before the Secretary.

DIVISION V

SELECTION COMMITTEE OPERATION

17. The selection committee chair decides all matters concerning the selection committee's operation, work and report.

18. Selection committee meetings may not proceed in the absence of any committee member.

19. Selection committee members must not make comments about candidates outside selection committee meetings.

20. Selection committee members may not discuss candidates' applications with the candidates outside selection committee meetings with those candidates.

21. Selection committee members must show discretion and impartiality throughout the selection committee's work.

22. A selection committee member must withdraw from the committee if

- (1) the member is or has been a candidate's spouse;
- (2) the member is related to a candidate or connected to a candidate by marriage or civil union up to and including the degree of first cousin;
- (3) the member is or has been a candidate's colleague, employer, immediate superior or employee in the last five years; or
- (4) there exists a reasonable apprehension that the member could be biased for any other reason.

For the purposes of subparagraph 4 of the first paragraph, selection committee members must immediately bring to the committee chair's attention any fact of such a nature as to justify a reasonable apprehension of bias.

A candidate may bring grounds for disqualifying a member involved in assessing the candidate's application to the selection committee's attention, in which case the committee chair decides whether the member is to remove himself or herself from the assessment of that application.

DIVISION VI

MEETINGS WITH CANDIDATES

23. The selection committee examines the candidates' files and determines with which candidates it will meet.

24. The Secretary informs the candidates selected of the date and place the selection committee will meet with them and informs the other candidates that they have not been selected.

25. The selection committee meets with the candidates in camera.

DIVISION VII

SELECTION COMMITTEE REPORT

26. No later than 60 days after the competition's closing date, the selection committee must produce a confidential report indicating, in alphabetical order, the names of the three candidates it considers best qualified for appointment to the Senate.

The report includes any comments the selection committee considers appropriate, in particular concerning the characteristics and special qualifications of the three candidates named in the report, without, however, ranking the candidates.

27. A candidate is designated when the majority of selection committee members are in favour of the proposal.

28. For each of the three candidates designated in the selection committee report, the Secretary carries out the necessary verifications with disciplinary bodies, professional orders, police authorities and credit agencies.

Should the verifications reveal information considered cause for concern, the Secretary must advise the selection committee members, who may decide to designate a different candidate.

29. The selection committee's designations are valid only for the competition for which the selection committee is formed.

30. The Secretary sends a copy of the selection committee report, in a sealed envelope, to each Member of the National Assembly.

The Members must take the necessary measures to ensure the confidentiality of the report's contents.

CHAPTER IV

PROPOSAL OF CANDIDATES BY THE NATIONAL ASSEMBLY

31. The National Assembly proposes three candidates for appointment to the office of senator within 15 days of receiving the selection committee report or, if the Assembly is not sitting, within three days of resumption.

32. The three candidates that the National Assembly proposes must be those designated in the selection committee report or any other candidate designated by the selection committee in accordance with the procedure provided for in section 33.

A candidate is proposed by the National Assembly on a motion by the Premier and approved by at least three-quarters of the Members.

33. Before presenting the motions, the Premier may, after consulting with the leader of the Official Opposition party, the leaders of the other parliamentary groups and the independent Members, contact the Secretary to ask that the selection committee designate one or more other candidates.

The Secretary takes the measures necessary for the selection committee to meet as soon as possible and to designate the number of candidates requested by the Premier from among those who were not designated in the selection committee report.

34. The name of a candidate designated under section 33, along with the selection committee's comments on the candidate, must be sent to the Members of the National Assembly in accordance with the procedure set out in section 30.

35. The President of the National Assembly sends a letter to the federal government stating the names of the three candidates proposed by Québec for appointment to a Senate seat that is vacant or about to become vacant.

CHAPTER V

FINAL PROVISIONS

36. The sums required for the purposes of this Act are those voted pursuant to an Act of the Parliament of Québec.

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

SCHEDULE I
(Sections 5 and 16)

OATH OF NON-DISCLOSURE

I, (*name*), declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in the exercise of my functions.

