



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 694

**An Act to regulate appointments to
certain senior positions**

Introduction

**Introduced by
Mr. Martin Ouellet
Member for René-Lévesque**

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EXPLANATORY NOTES

This bill proposes implementing a process providing that Members of the National Assembly must be consulted regarding appointments to certain senior positions and allows temporary appointments to be made when the National Assembly is dissolved.

The bill also provides for a similar consultation process for appointments to other senior positions when the candidates are not members of the Québec public service and for appointments of the members of certain boards of directors.

The bill further proposes that the president, president and chief executive officer, director general or chair of certain public bodies be appointed by the National Assembly on a motion of the Prime Minister with the approval of two-thirds of the Members.

In such cases, a report is sent to the appointing authority. The report is confidential, summarizes the observations and conclusions of the Members who met with the candidate and specifies the recruitment method used and the type of evaluation conducted.

Except in an urgent situation or for reasonable cause, no appointments may be made or terms of office renewed within 60 days before the issue of an order instituting a general election.

Terms of office may be renewed only within 90 days before the expected end of employment.

Lastly, no transition allowance or severance pay is paid to a person who resigns or accepts a public office or a position in the public service.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Caisse de dépôt et placement du Québec (chapter C-2);
- Act respecting the national capital commission (chapter C-33.1);
- Act respecting the regulation of the financial sector (chapter E-6.1);

- Hydro-Québec Act (chapter H-5);
- Public Infrastructure Act (chapter I-8.3);
- Act respecting Investissement Québec (chapter I-16.0.1);
- Act respecting La Financière agricole du Québec (chapter L-0.1);
- Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);
- Act respecting Retraite Québec (chapter R-26.3);
- Act respecting the Société d'habitation du Québec (chapter S-8);
- Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Act respecting the Société des établissements de plein air du Québec (chapter S-13.01);
- Act respecting the Société des loteries du Québec (chapter S-13.1).

Bill 694

AN ACT TO REGULATE APPOINTMENTS TO CERTAIN SENIOR POSITIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Before appointing a person to a position listed in Schedule I or a person who is not a member of the public service to a position listed in Schedule II, the appointing authority sends the Prime Minister the name of the candidate considered fit to hold that position.

The candidate must meet with Members at a single in camera meeting to evaluate the candidate's experience and competencies. To that end, 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.

Within 15 days after the request, the Members must submit a joint report to the appointing authority containing each Member's recommendation regarding the candidacy of the person they met with. The report is confidential.

2. The authority responsible for appointing a person to a position listed in Schedule I may appoint a person without following the prescriptions of section 1 when the procedure set out in that section cannot be followed owing to the dissolution of the National Assembly.

The appointment ceases to have effect, however, on the expiry of 90 days after resumption of the National Assembly, unless it is ratified in the manner provided for in section 1, with the necessary modifications.

3. On a motion of the Prime Minister and with the approval of two-thirds of its Members, the National Assembly appoints the president, president and chief executive officer, director general or chair of a body listed in Schedule III.

4. Before proposing a candidate considered fit to hold a position referred to in section 3, the candidate must meet with Members at a single in camera meeting to evaluate the candidate's experience and competencies.

To that end, 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.

Within 15 days after the request, the Members must submit a joint report to the Prime Minister containing each Member's recommendation regarding the candidacy of the person they met with. The report is confidential.

5. Section 4 applies, with the necessary modifications, to the appointment of a member or chair of the board of directors of a body listed in Schedule III.

6. The report provided for in sections 1 and 4 must summarize the observations and conclusions of the Members who met with the candidate.

Among other things, the report must specify the recruitment method used and the type of evaluation conducted.

7. Except in an urgent situation or for reasonable cause, no appointments may be made or terms of office renewed under this Act within 60 days before the issue of an order instituting a general election.

8. When an appointment is made or renewed within 60 days before the issue of an order instituting a general election, the appointment must be ratified within 90 days after resumption of the National Assembly

(1) in the manner provided for in section 1, with the necessary modifications, for an appointment to one of the positions listed in Schedule I;

(2) in the manner provided for in section 1, with the necessary modifications, for an appointment to one of the positions listed in Schedule II when the candidate was not a member of the public service; or

(3) in the manner provided for in section 4, with the necessary modifications, for an appointment to one of the offices referred to in section 5.

9. A term of office may be renewed, where permitted by law, only within 90 days before the expected end of the employment.

10. No transition allowance or severance pay is paid to a person holding a position for which the appointment process is governed by this Act who resigns during his term of office or accepts a public office or position in the public service.

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

II. Section 5.3 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2) is amended

(1) by striking out “board of directors shall appoint the” and “and with the approval of the Government” in the first paragraph;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*),” after “officer” in the first paragraph.

ACT RESPECTING THE NATIONAL CAPITAL COMMISSION

12. Section 5 of the Act respecting the national capital commission (chapter C-33.1) is amended, in the first paragraph,

(1) by striking out “appointed by the Government”;

(2) by inserting “The chairman is appointed in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*) and the other members are appointed by the Government.” after “chairman.”.

ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR

13. Section 20 of the Act respecting the regulation of the financial sector (chapter E-6.1) is amended

(1) by replacing “by the Government, which shall determine the remuneration, employee benefits and other terms of employment of the President and Chief Executive Officer” in the first paragraph by “in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)”;

(2) by inserting the following paragraph after the first paragraph:

“The Government shall determine the remuneration, employee benefits and other terms of employment of the President and Chief Executive Officer.”

HYDRO-QUÉBEC ACT

14. Section 11.6 of the Hydro-Québec Act (chapter H-5) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government shall appoint the” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*),” after “officer”.

PUBLIC INFRASTRUCTURE ACT

15. Section 64 of the Public Infrastructure Act (chapter I-8.3) is amended by replacing the first paragraph by the following paragraph:

“The president and chief executive officer is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*). The Government appoints the number of vice-presidents it determines to assist the president and chief executive officer.”

ACT RESPECTING INVESTISSEMENT QUÉBEC

16. Section 42 of the Act respecting Investissement Québec (chapter I-16.0.1) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government appoints the” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*),” after “officer”.

17. Section 43 of the Act is amended by replacing “the Government may appoint the president and chief executive officer” by “the president and chief executive officer may be appointed in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)”.

ACT RESPECTING LA FINANCIÈRE AGRICOLE DU QUÉBEC

18. Section 6.5 of the Act respecting La Financière agricole du Québec (chapter L-0.1) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government shall appoint the” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)” after “officer”.

19. Section 6.6 of the Act is amended by replacing “the Government may appoint the president and chief executive officer” by “the president and chief executive officer may be appointed in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)”.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

20. Section 7.0.3 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government shall appoint the” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)” after “officer”.

ACT RESPECTING RETRAITE QUÉBEC

21. Section 21 of the Act respecting Retraite Québec (chapter R-26.3) is amended

(1) by replacing “On the recommendation of the board of directors, the Government appoints the” in the first paragraph by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*),” after “officer” in the first paragraph;

(3) by replacing “the Government may appoint the president and chief executive officer” in the second paragraph by “the president and chief executive officer may be appointed in accordance with the Act to regulate appointments to certain senior positions”.

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

22. Section 13 of the Act respecting the Société d'habitation du Québec (chapter S-8) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government shall appoint” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)” after “officer”.

23. Section 13.0.1 of the Act is amended by replacing “the Government may appoint the president and chief executive officer” by “the president and chief executive officer may be appointed in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)”.

ACT RESPECTING THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE
DU QUÉBEC

24. Section 10 of the Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government shall appoint the” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*),” after “officer”.

25. Section 10.1 of the Act is amended by replacing “the Government may appoint the president and chief executive officer” by “the president and chief executive officer may be appointed in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)”.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

26. Section 12 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government shall appoint the” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*),” after “officer”.

27. Section 12.1 of the Act is amended by replacing “the Government may appoint the president and chief executive officer” by “the president and chief executive officer may be appointed in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)”.

ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN
AIR DU QUÉBEC

28. Section 10 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government shall appoint the” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)” after “officer”.

29. Section 10.1 of the Act is amended by replacing “the Government may appoint the president and chief executive officer” by “the president and chief executive officer may be appointed in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)”.

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

30. Section 9.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1) is amended, in the first paragraph,

(1) by replacing “On the recommendation of the board of directors, the Government appoints the” by “The”;

(2) by inserting “is appointed on the recommendation of the board of directors and in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*),” after “officer”.

31. Section 9.2 of the Act is amended by replacing “the Government may appoint the president and chief executive officer” by “the president and chief executive officer may be appointed in accordance with the Act to regulate appointments to certain senior positions (*insert the year and chapter number of that Act*)”.

TRANSITIONAL AND FINAL PROVISIONS

32. The following persons who are in office on (*insert the date of assent to this Act*) continue their terms for the time set out by their deeds of appointment:

- (1) persons holding a position listed in Schedule I;
- (2) persons holding a position listed in Schedule II who were not members of the public service before their appointment;
- (3) persons holding a position referred to in section 3; and
- (4) persons holding a position referred to in section 5.

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

SCHEDULE I
(Sections 1, 2, 8 and 32)

Secretary General of the Conseil exécutif

Secretary of the Conseil du trésor

Deputy ministers

Chief forester

Delegates-general of Québec

President of the Office de la protection du consommateur

SCHEDULE II
(Sections 1, 8 and 32)

Associate secretaries general and deputy secretaries of the Ministère du Conseil exécutif

Associate secretaries and assistant secretaries of the Conseil du trésor

Associate or assistant deputy ministers

Director general of the Institut de la statistique du Québec

Members of the Office de la protection du consommateur

SCHEDULE III
(Sections 3 and 5)

Autorité des marchés financiers

Caisse de dépôt et placement du Québec

Commission de la capitale nationale du Québec

Hydro-Québec

Investissement Québec

La Financière agricole du Québec

Régie de l'assurance maladie du Québec

Retraite Québec

Société de l'assurance automobile du Québec

Société des alcools du Québec

Société des établissements de plein air du Québec

Société des loteries du Québec

Société d'habitation du Québec

Société québécoise des infrastructures

