



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 392

**An Act to provide a framework for
appointments to certain senior positions**

Introduction

**Introduced by
Mr. Christian Dubé
Member for Lévis**

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EXPLANATORY NOTES

This bill introduces a process whereby Members of the National Assembly must be consulted regarding appointments to certain senior positions, and allows temporary appointments to be made when the Assembly stands prorogued or the Legislature has been dissolved.

Another similar consultation process is introduced whereby a committee set up by the Commission de la fonction publique must be consulted regarding appointments to other senior positions when the candidates are not part of the Québec public service.

Bill 392

AN ACT TO PROVIDE A FRAMEWORK FOR APPOINTMENTS TO CERTAIN SENIOR POSITIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Before appointing a person to a position listed in Schedule I, the appointing authority sends the Committee on Public Administration of the National Assembly the name of the candidate considered fit to hold that position.

2. The members of the Committee on Public Administration meet the candidate in private to evaluate the candidate's experience and skills.

The members summarize their observations and conclusions in a report submitted to the appointing authority. The Committee report is confidential.

3. On appointing a person to a position listed in Schedule I, the appointing authority publishes the Committee report on that person.

4. Before appointing a person to a position listed in Schedule II, the appointing authority sends the Commission de la fonction publique established by the Public Service Act (chapter F-3.1.1) the name of the candidate considered fit to hold that position if that candidate is not a member of the public service.

5. On receiving a candidate's name, the Commission de la fonction publique sets up a committee to evaluate the candidate's experience and skills.

The committee consists of a member of the Commission, who chairs the committee, two persons who hold a senior position in the public service or have retired from such a position, and two persons in management positions outside the public service.

Committee members are assisted by public servants of the Commission.

6. Committee members are entitled to the reimbursement of transportation, meal and accommodation expenses in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 194603 dated 30 March 2000).

In addition to the reimbursement of those expenses, committee members who are not members of the Commission de la fonction publique or employees of a government department or body are entitled to a fee of \$100 for each half-day of committee meetings they attend.

Expenses and fees are authorized by the chair of the Commission and paid out of sums voted for that purpose by the Parliament.

7. The members of the committee meet the candidate who is not a member of the public service in private to evaluate the candidate's experience and skills.

The members summarize their observations and conclusions in a report sent to the appointing authority. The committee report is confidential.

8. On appointing a person who is not a member of the public service to a position listed in Schedule II, the appointing authority publishes the committee report on that person.

9. Sections 1 to 3 apply, with the necessary modifications, to the appointment of the president, the president and chief executive officer or the chief executive officer, and the chair of the board of directors of a body listed in Schedule III.

Sections 4 to 8 apply, with the necessary modifications, to other appointments to the board of directors of such a body.

10. The appointing authority responsible for making an appointment that must be examined by the Commission on Public Administration may appoint a person when the procedure set out in sections 1 to 3 cannot be followed owing to the prorogation of the session or the dissolution of the Legislature.

However, the appointment ceases to have effect on the expiry of 90 days after resumption of the National Assembly unless it is ratified as provided for in sections 1 to 3, with the necessary modifications.

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

SCHEDULE I
(*Section 1*)

Secretary General of the Conseil exécutif

Secretary of the Conseil du trésor

Deputy ministers

Chief forester

Delegates general of Québec

President and director general of the Autorité des marchés financiers

Members of the Commission de la fonction publique

Chair of the board of directors and chief executive officer of the Commission
de la santé et de la sécurité du travail

President of the Office de la protection du consommateur

Director General of the Sûreté du Québec

SCHEDULE II
(*Section 4*)

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

Deputy secretaries and associate 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
(Section 9)

Agence de l'efficacité énergétique

Caisse de dépôt et placement du Québec

Commission administrative des régimes de retraite et d'assurances

Commission de la capitale nationale

Hydro-Québec

Infrastructure Québec

Investissement Québec

La Financière agricole du Québec

Régie de l'assurance maladie du Québec

Régie des rentes du 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 immobilière du Québec

