



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 190

**An Act respecting the procedure for
selecting persons to be appointed by the
National Assembly and amending the
Act respecting the National Assembly**

Introduction

**Introduced by
Mr. Marc Picard
Member for Chutes-de-la-Chaudière**

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EXPLANATORY NOTES

The purpose of this bill is to amend the Act respecting the National Assembly to provide that persons appointed by the National Assembly must first have been declared qualified according to the selection procedure established by the Committee on the National Assembly.

A list of the persons declared qualified will be provided to the Premier. After consulting the Member who is the leader of the Official Opposition party and the Member who is the leader of any other party represented in the National Assembly, the Premier will propose one of those persons for appointment to the office to be filled.

The bill contains a schedule setting out the procedure for selecting persons to be appointed by the National Assembly.

Lastly, the bill provides that the Committee on the National Assembly may amend the selection procedure.

Bill 190

AN ACT RESPECTING THE PROCEDURE FOR SELECTING PERSONS TO BE APPOINTED BY THE NATIONAL ASSEMBLY AND AMENDING THE ACT RESPECTING THE NATIONAL ASSEMBLY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by inserting the following division after section 28:

“DIVISION VII

“PERSONS APPOINTED BY THE ASSEMBLY

“28.1. The persons who are appointed by the Assembly must be selected beforehand according to a procedure established by the Committee on the National Assembly. The persons appointed by the Assembly are:

- (1) the members of the Commission d'accès à l'information;
- (2) the members of the Commission des droits de la personne et des droits de la jeunesse;
- (3) the Chief Electoral Officer and the commissioners of the Commission de la représentation;
- (4) the members and substitute commissioners of the Commission de la fonction publique;
- (5) the Health and Welfare Commissioner;
- (6) the Lobbyists Commissioner;
- (7) the Public Protector;
- (8) the Auditor General;
- (9) the Secretary General and the associate secretaries general of the Assembly; and
- (10) the jurisconsult of the Assembly.

“28.2. In addition to providing for any other expedient measure, the selection procedure must determine

- (1) the manner in which a call for candidates is made;
- (2) the manner in which a person may seek office and the information that may be required of the candidate;
- (3) the rules governing the establishment of the selection committee; and
- (4) the selection committee’s operating rules and the selection criteria it must take into account.

“28.3. The selection procedure must be approved by the Committee on the National Assembly by a majority vote of the members of each parliamentary group.

“28.4. A list of the persons the selection committee considers qualified for the office to be filled is sent to the Premier by the President of the Assembly.

Within 30 days after receiving the list, the Premier shall consult the Member who is the leader of the Official Opposition party and the Member who is the leader of any other party represented in the Assembly regarding the candidacy of the person the Premier wishes to propose to the Assembly.

“28.5. The Premier informs the Assembly without delay of the name of the candidate the Premier proposes for appointment to the office to be filled.”

2. The Act respecting the Health and Welfare Commissioner (2005, chapter 18) is amended by replacing section 1 by the following section:

“1. A person is appointed as Health and Welfare Commissioner on a motion of the Premier adopted by not less than two-thirds of the Members of the National Assembly.”

3. Sections 4 to 7 of the Act are repealed.

4. The selection procedure provided for in section 28.1 of the Act respecting the National Assembly, enacted by section 1, is set out in the schedule to this Act and may be amended by the Committee on the National Assembly.

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

SCHEDULE

PROCEDURE FOR SELECTING PERSONS TO BE APPOINTED BY THE NATIONAL ASSEMBLY

CHAPTER I

RECRUITMENT NOTICE

1. No later than six months before the expiry of the term of a person holding an office referred to in section 28.1 of the Act respecting the National Assembly, the President of the National Assembly publishes a recruitment notice in two daily newspapers in Québec, inviting interested persons to submit their candidacy or that of any other person they consider qualified for the office.

In the case of an office vacant on (*insert the date of assent to this Act*) or held, on that date, by a person despite the expiry of the person's term, the President of the National Assembly publishes the recruitment notice no later than (*insert the date occurring six months after the date of assent to this Act*).

2. The notice must

(1) contain a brief description of the office to be filled;

(2) indicate the place where the person may be principally assigned;

(3) set out the selection conditions and criteria prescribed by law and this procedure and, where applicable, the professional qualifications and particular experience sought;

(4) describe the system of confidentiality applicable to the selection procedure, and mention that the selection committee may consult with third parties; and

(5) state the deadline for submitting a candidacy and the address where documents are to be sent.

CHAPTER II

CANDIDACIES

3. A person who wishes to submit his or her candidacy must send the President of the National Assembly a résumé containing the following information:

(1) the person's name, home address and telephone number and, where applicable, office address and telephone number;

- (2) the person's date of birth;
- (3) the college and university diplomas the person holds;
- (4) if the person is a member of a professional order, the year of admission to the order, proof of membership and the number of years of practice completed, along with the main sectors of activity in which the person has worked;
- (5) a description of the activities through which the person acquired experience relevant to the office to be filled;
- (6) any sanction imposed on the person by the committee on discipline of his or her professional order or by the Professions Tribunal, along with the subject of and grounds for the sanction;
- (7) the names of the person's employers or partners over the last 10 years; and
- (8) a summary of the reasons for the person's interest in the office to be filled.

The person must also provide a written statement agreeing to inquiries being made of an educational institution the person attended, a professional order to which the person belongs or belonged, the person's employers in the last 10 years, a disciplinary body and police authorities.

4. If a person has proposed the candidacy of another person for appointment to the office to be filled, the President of the National Assembly accepts the candidacy only after having obtained that other person's consent. The latter must then meet the requirements set out in section 3.

The name of the person having proposed the candidacy may not be disclosed without that person's written consent.

CHAPTER III

ESTABLISHMENT OF A SELECTION COMMITTEE

5. Following the publication of the recruitment notice, the Committee on the National Assembly establishes a selection committee consisting of nine members, including a chair. It appoints to the committee the members of the steering committee of the competent parliamentary committee and six other Members of the National Assembly designated in the following manner by the Member who is the leader of their party: three from the Government party and three from the Official Opposition party or, where there are several opposition parties, two from the Official Opposition party and one from the party among the remaining opposition parties having obtained the greatest number of seats

or, in the case of equality of seats, from that having obtained the greatest number of valid votes.

6. A committee member whose impartiality could be questioned must withdraw with respect to a candidate, particularly in the following situations:

(1) the member is or was the candidate's spouse;

(2) the member is related to the candidate by birth or marriage, up to the degree of first cousin; or

(3) the member is or was a partner, employer or employee of the candidate in the last 10 years.

7. Committee members must take an oath of discretion before the President of the National Assembly, solemnly declaring that they will not disclose, without due authorization, any information that comes to their knowledge in the exercise of their functions.

8. The President of the National Assembly sends the list of candidates and their files to the chair of the committee.

CHAPTER IV

OPERATION OF THE SELECTION COMMITTEE

9. The committee's mandate is to determine whether a candidate is qualified for the office to be filled.

10. The committee analyzes the candidates' files and short-lists the candidates who, in its opinion, meet the eligibility requirements and perform well on any additional evaluative measures applied in view of the office to be filled or the large number of candidates.

11. The chair of the committee informs the short-listed candidates of the date and place of their meeting with the committee and informs the other candidates that they have not been selected.

Interviews are held without publicity, and at a discreet time and place.

If a candidate does not appear for the interview, the committee may nevertheless analyze the candidate's file and determine that the candidate is qualified.

12. For a person to be declared qualified for appointment, the person's candidacy must be approved by a majority of committee members.

CHAPTER V

SELECTION CRITERIA

13. The selection criteria to be taken into account by the committee in determining whether a candidate is qualified are

(1) the candidate's personal and intellectual qualities, experience and knowledge and interest for the office to be filled;

(2) the candidate's judgment, listening skills, perceptiveness, level-headedness and decision-making abilities; and

(3) the candidate's understanding of the office to be filled.

CHAPTER VI

REPORT OF THE SELECTION COMMITTEE

14. The report must include the names of the candidates the committee considers qualified for the office to be filled and the names of the persons who were not selected.

The report must also include any comments that the committee considers appropriate, especially with respect to the particular characteristics or qualifications of the qualified candidates.

The list of qualified candidates remains valid for two years.

15. Whenever possible, a number of candidates corresponding to at least twice the number of vacant positions are declared qualified by the committee.

16. A committee member may register dissent with respect to all or part of the report.

17. The committee promptly submits its report to the President of the National Assembly.

18. The committee informs the candidates as soon as the report is sent to the President of the National Assembly.