



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 4

An Act to amend the Act respecting administrative justice

Introduction

**Introduced by
Mr. Marc Bellemare
Minister of Justice**

**Québec Official Publisher
2003**

EXPLANATORY NOTES

This bill amends the Act respecting administrative justice to establish that proceedings brought before the Administrative Tribunal of Québec shall be heard and determined by a single member, except where otherwise specially provided. In that connection, the bill maintains the special provisions governing proceedings pertaining to measures concerning an accused in respect of whom a verdict of not criminally responsible by reason of a mental disorder has been rendered or who has been found unfit to stand trial, and proceedings pertaining to the protection of persons whose mental state presents a danger to themselves or to others. The bill amends the special provisions governing proceedings pertaining to income security or income support and to education matters.

The bill grants to the president of the Tribunal the power to designate, on his or her own initiative or at the request of the applicant, a panel of two members where necessary in view of the difficulty raised and the dual expertise required by the nature of the proceedings and the alleged facts. The criterion of expediency that allowed the president of the Tribunal to increase the number of members hearing and determining a proceeding by reason of the complexity or importance of the case is replaced by the criterion of necessity.

Lastly, the bill contains a transitional provision applicable to proceedings before the Tribunal the hearing of which has already begun.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting administrative justice (R.S.Q., chapter J-3).

Bill 4

AN ACT TO AMEND THE ACT RESPECTING ADMINISTRATIVE JUSTICE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting administrative justice (R.S.Q., chapter J-3) is amended by inserting the following after section 17 and before Chapter II of Title II :

“CHAPTER I.1

“COMPOSITION OF PANELS

“17.1. Proceedings brought before the Tribunal shall be heard and determined by a single member, except where otherwise specially provided.

However, where the president of the Tribunal considers it necessary, he or she may, on his or her own initiative or at the request of the applicant, form a panel of two members to hear and determine a case which, by reason of its nature and the facts, raises a particular difficulty and requires a dual expertise.

As well, where the president considers it necessary by reason of the complexity or importance of a case, he or she may form a panel comprising a greater number of members, not exceeding five, to hear and determine the case.

In all cases, a single member shall sit in order to determine measures relating to the management of proceedings or matters incidental thereto.

Mention of the decisions of the president modifying the composition of panels shall be made in the annual report.”

2. Section 21 of the said Act is replaced by the following section :

“21. Proceedings shall be heard and determined by a member who shall be an advocate or a notary, except in the case of proceedings under section 139 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001) to contest a decision concerning the assessment of a temporarily limited capacity for employment for the reason set out in subparagraph 1 of the first paragraph of section 24 of that Act, the assessment of a severely limited capacity for employment referred to in section 25 of that Act or the assessment of a permanently or indefinitely limited capacity for employment referred to in section 62 of that Act.”

3. Section 25 of the said Act, amended by section 2 of chapter 22 and by section 127 of chapter 69 of the statutes of 2002, is replaced by the following section :

“25. Proceedings referred to in paragraphs 2.1 and 5.1 of section 3 of Schedule I shall be heard and determined by a member who shall be an advocate or a notary.”

4. Sections 27, 29, 31, 33, 35 and 37 of the said Act are repealed.

5. Section 82 of the said Act is amended by striking out the last four paragraphs.

6. Section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 35 of chapter 22 of the statutes of 2002, is again amended by striking out “33,” in the fifth line of paragraph 8.3.

7. The provisions relating to the composition of a panel formed to hear and determine a proceeding before the Administrative Tribunal of Québec that are in force on *(insert the date preceding the date of coming into force of this Act)* continue to apply to proceedings the hearing of which has already begun on that date.

8. This Act comes into force on the date to be determined by the Government.