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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 190

**An Act respecting the selection process  
applicable to persons to be appointed by  
the National Assembly and amending the  
Act respecting the National Assembly**

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**Introduction**

**Introduced by  
Mr Thomas J. Mulcair  
Member for Chomedey**

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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 a selection process established by the Committee on the National Assembly.*

*A list of the names of the persons declared qualified will be forwarded to the Premier who will then propose to the National Assembly the person he or she has chosen for the office to be filled, 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 bill contains a schedule setting out the selection process applicable to persons to be appointed by the National Assembly.*

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

## **Bill 190**

### **AN ACT RESPECTING THE SELECTION PROCESS APPLICABLE TO 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 after section 28 :

#### **“DIVISION VII**

#### **“PERSONS APPOINTED BY THE ASSEMBLY**

“28.1. The persons who are appointed by the Assembly must first have been selected according to a selection process established by the Committee on the National Assembly. The persons who are 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 of the Commission de la fonction publique and the substitute commissioners of that Commission ;
- (5) the Public Protector ;
- (6) the Auditor General ;
- (7) the Secretary General and the associate secretaries general of the Assembly ; and
- (8) the jurisconsult of the Assembly.

“28.2. In addition to providing for any expedient measure, the selection process shall determine

- (1) the manner in which a call for candidacies is made;
- (2) the manner in which a person may submit his or her candidacy and the information that may be required;
- (3) the rules governing the formation of the selection committee; and
- (4) the procedural rules of the selection committee.

The selection process shall be adopted by the Committee on the National Assembly by a majority vote of the members of each parliamentary group.

“28.3. A list of the persons whom the committee considers qualified for the office to be filled shall be forwarded to the Premier by the President of the Assembly.

Within 30 days of 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 on the candidacy the Premier wishes to propose to the Assembly.

“28.4. The Premier shall inform the Assembly without delay of the candidate the Premier proposes for the office to be filled.”

2. The selection process 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.

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

## SCHEDULE

### SELECTION PROCESS APPLICABLE TO PERSONS TO BE APPOINTED BY THE NATIONAL ASSEMBLY

#### **DIVISION I**

##### NOTICE OF VACANCY

1. Not 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 shall publish in two daily newspapers circulated in Québec a notice inviting candidacies and stating that any person may nominate a person he or she considers to be qualified for the office.

In the case of an office that is vacant on (*insert here the date of assent to this Act*) or where, on that date, the incumbent continues to hold office despite the expiry of his or her term, the President of the Assembly shall publish the notice provided for in the first paragraph not later than (*insert here the date occurring six months after the date of assent to this Act*).

2. The notice shall specify

(1) the office for which a person may submit his or her candidacy or nominate another person ; and

(2) the date before which the candidacy or nomination must be submitted.

#### **DIVISION II**

##### SELECTION OF CANDIDATES

3. A person shall submit his or her candidacy by sending to the President of the Assembly a resumé containing

(1) the person's name and date of birth ;

(2) the address and telephone number of the person's office and residence ;

(3) the office for which the person is submitting his or her candidacy ;

(4) a brief summary of the reasons why the person is interested in the office ;

(5) where applicable, the names of the person's employers in the last 10 years ;

(6) at the person's option, a statement of consent to the candidacy being made public ; and

(7) a statement indicating whether the person would agree to being convened to a public hearing or would prefer having his or her candidacy examined solely on the basis of the dossier submitted.

4. A person may nominate any person he or she considers to be qualified for the office.

Such a candidacy shall be retained by the President of the Assembly only with the consent of the person nominated.

The President of the Assembly may not reveal the name of the nominator to the candidate without the nominator's consent in writing.

5. After the deadline for submitting candidacies, the President of the Assembly shall forward all valid candidacies to the steering committee of the Committee on the National Assembly and shall so inform the candidates.

### **DIVISION III**

#### **FORMATION OF A SELECTION COMMITTEE**

6. After receipt of the valid candidacies, the chair of the steering committee of the Committee on the National Assembly shall form a selection committee, which he or she shall chair.

7. The selection committee shall be composed of the members of the steering committee of the Committee on the National Assembly and six other Members representing the parliamentary groups in equal proportions. The Members shall be designated by the leader of each parliamentary group.

8. A committee member must disqualify himself or herself if

(1) the committee member is related to the candidate by birth or marriage, to the degree of first cousin inclusively ; or

(2) the committee member is or was a partner, employer or employee of the candidate.

9. The committee members shall make an oath of discretion, solemnly swearing that they will neither reveal nor make known, without being duly authorized, anything whatsoever they may learn in the exercise of their mandate.

## **DIVISION IV**

### **COMMITTEE PROCEEDINGS**

**10.** The mandate of the committee is to determine a candidate's qualifications to hold the office for which the candidate has submitted his or her candidacy. For that purpose, the committee shall evaluate the personal and intellectual qualities of the candidate and the candidate's experience.

In particular, the committee shall consider the extent of the person's knowledge of the field in which the person will be exercising his or her functions, the person's discernment, perceptiveness, level-headedness, objectivity and decision-making abilities, and the person's conception of the office.

**11.** The committee shall receive the candidacies and examine each dossier.

The committee may not, however, make a candidacy public without the written consent of the person concerned.

**12.** The committee may, if it considers it expedient, call the persons it considers to be qualified to an interview.

Interviews shall be held in the absence of any publicity, at such a place and time as to ensure discretion.

**13.** If a person does not appear for the interview, the committee may nevertheless examine and retain the candidacy.

**14.** For a person to be declared qualified to be appointed by the Assembly, the person's candidacy must be approved by a vote of two thirds of the members of the committee who are present.

**15.** If the committee is unable to declare one or more persons qualified, the committee may, before submitting its report, convene candidates to a public sitting.

**16.** The procedural rules that apply to the parliamentary committees apply to a public sitting held by the committee.

**17.** At a public sitting, the committee may allow any Member to put questions to the candidates. The chair of the committee may require the Member to justify the pertinence of any question put to or comment made to a candidate. To be found pertinent, questions and comments must have a bearing on the candidate's qualifications for the office for which the candidacy was submitted.

A Member may, for the purposes of a public sitting, have access to the information concerning each candidacy.

**18.** The committee shall make a report for submission to the President of the Assembly. The report shall contain

(1) if persons have been declared qualified, their names and the number of candidacies received;

(2) if one or more public sittings were held, the names of the persons declared qualified, and the observations of the committee members and any dissent expressed; or

(3) if no public sitting was held, any dissent expressed.

If a person did not appear for an interview or public sitting, mention of that fact must be made in the report.

## **DIVISION V**

### **REPORT TO THE PRESIDENT OF THE ASSEMBLY**

**19.** The committee shall with dispatch submit its report to the President of the Assembly.

**20.** The chair of the committee shall inform the persons having submitted candidacies as soon as the report is forwarded to the President of the Assembly.

**21.** The President of the Assembly shall forward the committee's report to the Premier, 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.

**22.** The President of the Assembly shall table the report before the National Assembly not later than 15 days after receiving the report or, if the Assembly is not sitting, within 15 days of resumption.

If the Assembly has not resumed sitting within 15 days after the President receives the report, the President shall make the report public.