

## Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan(\*)

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 220)

**1.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the words “the Société des bingos du Québec Inc.” in paragraph 1 and following the alphabetical order.

**2.** This Order in Council comes into force on the date it is made by the Government, but has effect since 18 August 1997.

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Gouvernement du Québec

### O.C. 299-98, 18 March 1998

An Act respecting the Régie du logement  
(R.S.Q., c. R-8.1; 1997, c. 43)

#### Régie du logement — Procedure for the recruitment and selection

Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office

WHEREAS under sections 7.1 and 77 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), amended by the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43),

<sup>1</sup> Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec to 1 March 1996, amended by Orders in Council 556-96 dated 15 May 1996 (1996, G.O. 2, 2287), 557-96 dated 15 May 1996 (1996, G.O. 2, 2288), 821-96 dated 3 July 1996 (1996, G.O. 2, 3143), 1051-96 dated 28 August 1996 (1996, G.O. 2, 3975), 1493-96 dated 4 December 1996 (1996, G.O. 2, 4987), 1589-96 dated 18 December 1996 (1997, G.O. 2, 91), 629-97 dated 13 May 1997 (1997, G.O. 2, 2243), 788-97 dated 18 June 1997 (1997, G.O. 2, 3338), 1105-97 dated 28 August 1997 (1997, G.O. 2, 4561) and 1652-97 dated 17 December 1997 (1997, G.O. 2, 6287) and by sections 35 of Chapter 26 of the Statutes of 1997, 33 of Chapter 27 of the Statutes of 1997, 13 of Chapter 36 of the Statutes of 1997, 631 of Chapter 43 of the Statutes of 1997, 57 of Chapter 50 of the Statutes of 1997, 121 of Chapter 63 of the Statutes of 1997, 52 of Chapter 79 of the Statutes of 1997 and 37 of Chapter 83 of the Statutes of 1997.

the Government shall establish by regulation a procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office;

WHEREAS under section 7.2 of that Act, the Government may by regulation determine the validity period of a declaration of aptitude;

WHEREAS under sections 7.3 and 7.8 of that Act, the Government may by regulation determine in what cases, on what conditions and to what extent the members of a selection or renewal committee are entitled to remuneration or the reimbursement of expenses incurred in the performance of their duties;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office was published in the *Gazette officielle du Québec* of 3 December 1997;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, section 603 of the Act respecting the implementation of the Act respecting administrative justice will come into force on 1 April 1998;

WHEREAS section 55 of the Interpretation Act (R.S.Q., c. I-16) provides, *inter alia*, that whenever an act or any provision of an act comes into force at a date subsequent to its sanction, the regulations contemplated therein may validly be made and published before such date;

WHEREAS it is expedient to make the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office, attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office

An Act respecting the Régie du logement (R.S.Q., c. R-8.1, ss. 7.1, 7.2, 7.3, 7.7, 7.8; 1997, c. 43, s. 603)

### DIVISION I

#### NOTICE OF RECRUITMENT

**1.** Where it is expedient to draw up a list of persons apt for appointment as commissioners to the Régie du logement, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall publish a notice of recruitment in a publication circulating or broadcast throughout Québec, inviting interested persons to submit their candidacies for the position of commissioner of the Board.

**2.** The notice shall give

(1) a brief description of the duties of a commissioner;

(2) the place where the commissioner could be assigned to mainly perform his duties;

(3) in substance, the selection conditions and criteria prescribed by the Act and this Regulation and any qualifications, training and professional experience required for the Board;

(4) in substance, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the candidacies; and

(5) the deadline and address for submitting a candidacy.

**3.** A copy of the notice shall be sent to the Minister of Municipal Affairs and to the chairman of the Board.

### DIVISION II

#### CANDIDACIES

**4.** A person who wishes to submit his candidacy shall forward his résumé and the following information:

(1) his name, home address and telephone number and, where applicable, office address and telephone number;

(2) his date of birth;

(3) the nature of the activities that he has carried out and through which he has acquired the relevant experience;

(4) where applicable, proof that he has the qualifications mentioned in the notice, when they were acquired and for how many years they were required;

(5) any condemnation for an indictable offence or an offence punishable on summary conviction or any disciplinary decision, as well as the nature of the offence or fault in question and the imposed sentence or disciplinary penalty;

(6) any condemnation for a penal offence, the nature of the offence in question and the sentence imposed and whether one can reasonably believe that such offence is likely to question the integrity or impartiality of the Board or of the candidate, to interfere with his ability to perform his duties or to ruin the trust of the public in the office holder;

(7) where applicable, the names of his employers or partners over the past 10 years;

(8) where applicable, whether he has filed his candidacy for any such competition in the past 3 years;

(9) a summary of the reasons for his interest in the position of commissioner of the Board.

The person shall also provide a written statement in which he agrees to a verification with, *inter alia*, a disciplinary body, any professional order of which he is or was a member, his employers in the last 10 years, police authorities and, where applicable, in which he agrees that the persons or organizations mentioned in section 14 be consulted.

### DIVISION III

#### FORMATION OF A SELECTION COMMITTEE

**5.** Following publication of the notice of recruitment, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee, designate a chairman and appoint to it

(1) the chairman of the Board or, after consulting him, another commissioner of the Board;

(2) a member of the staff of the Ministère du Conseil exécutif or the Ministère des Affaires municipales; and

(3) a representative of the public who is neither an advocate nor a notary or a representative of the legal community, or both.

**6.** Where his impartiality could be questioned, a member of the committee shall withdraw in respect of a candidate, particularly in the following situations:

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

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

(3) the member is or was a partner, employer, employee of the candidate in the last 10 years; notwithstanding the foregoing, a member who is in the public service shall withdraw in respect of a candidate only if he is or was the employee or immediate superior of the candidate.

Where a member of the committee has withdrawn, is absent or unable to act, the decision shall be made by the other members.

**7.** Before taking office, the members of the committee shall take oath by solemnly affirming the following: "I, (full name), swear that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office."

The oath shall be taken before a member of the staff of the Ministère du Conseil exécutif or the Ministère des Affaires Municipales empowered to administer oaths.

The writing evidencing the oath shall be sent to the Associate Secretary General.

**8.** A person may be appointed to more than one committee at the same time.

**9.** Travel and accommodation expenses of the committee members shall be reimbursed in accordance with Décret 2500-83 concernant les règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, dated 30 November 1983, as amended.

In addition to the reimbursement of their expenses, the committee members who are neither commissioners of the Board nor employees of a government department or body are entitled to fees of \$100 per half-day of sitting which they attend.

#### **DIVISION IV** FUNCTIONING OF THE SELECTION COMMITTEE

**10.** The list of candidates and their records shall be sent to the chairman of the selection committee.

**11.** The committee shall analyze the candidates' records and shall retain those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

**12.** The chairman of the committee shall inform the short-listed candidates of the date and place of their meeting with the committee and shall inform the other candidates that they were turned down and, as a result, will not be called to a meeting.

**13.** The committee's report shall list the candidates that were turned down, giving the reasons therefor.

#### **DIVISION V** CONSULTATIONS AND SELECTION CRITERIA

**14.** The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult with

(1) any person who has been, in the last 10 years, an employer, partner, immediate superior or first-line superior of the candidate;

(2) any legal person, partnership or professional association of which the candidate is or was a member.

**15.** The selection criteria that the committee shall take into account in determining a candidate's aptitude are

(1) the candidate's personal and intellectual qualities;

(2) the candidate's experience and the relevancy of that experience in relation to the duties of the Board;

(3) the extent of the candidate's knowledge or skills in view of the required qualifications, training and professional experience stated in the notice of recruitment;

(4) the candidate's ability to carry out adjudicative functions;

(5) the applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;

(6) the candidate's conception of the duties of a commissioner of the Board.

#### **DIVISION VI** REPORT OF THE SELECTION COMMITTEE

**16.** Committee decisions shall be made by a majority vote of its members. In the case of a tie-vote, the chairman of the committee shall have a casting vote.

**17.** Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee shall promptly submit a report including

(1) the names of the candidates with whom the committee met and whom it declared apt to be appointed as commissioners to the Board, their profession and the particulars concerning their work place; and

(2) any comments that the committee considers expedient, especially with respect to the particular characteristics or qualifications of the candidates considered apt.

That report shall be submitted to the Associate Secretary General and to the Minister of Municipal Affairs.

**18.** Wherever possible, the committee shall declare apt a number of candidates corresponding to at least twice the number of vacant positions.

**19.** A member may register his dissent with respect to all or part of the report.

#### **DIVISION VII** REGISTER OF DECLARATIONS OF APTITUDE

**20.** The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall write to the candidates to inform them that they have been declared apt or inapt to be appointed as commissioners to the Board.

**21.** The Associate Secretary General shall keep the register of declarations of aptitude up-to-date and shall enter therein the list of the candidates declared apt to be appointed as commissioners to the Board.

A declaration of aptitude is valid for a period of 3 years from its entry in the register.

The Associate Secretary General shall strike out an entry upon the expiry of the validity period of the declaration of aptitude, or when the person is appointed as commissioner to the Board, dies or asks that his entry be withdrawn from the register.

#### **DIVISION VIII** RECOMMENDATION

**22.** As soon as he is notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list of persons declared apt to the Minister of Municipal Affairs.

**23.** If the Minister of Municipal Affairs is of the opinion that he cannot, considering the list of persons apt to be appointed as commissioners and in the interests of, and to best carry out the duties of the Board, recommend an appointment, he shall then ask the Associate Secretary General to have a notice of recruitment published, in accordance with Division I.

The committee in charge of evaluating the aptitude of the candidates who submitted their candidacy after another notice of recruitment and of reporting to the Minister may be composed of persons previously designated to sit on a preceding committee.

**24.** The Minister of Municipal Affairs shall recommend to the Government the name of a person who has been declared apt to be appointed as commissioner to the Board.

Where the vacant position is that of chairman or a position of vice-chairman of the Board, the Minister of Municipal Affairs shall recommend to the Government the name of a commissioner of the Board or the name of a person declared apt to be appointed as a commissioner to the Board.

#### **DIVISION IX** RENEWAL OF TERMS OF OFFICE

**25.** In the 12 months before the expiry of a commissioner's term of office, the Secretary General for Senior Positions of the Ministère du Conseil exécutif shall ask that commissioner to provide him with the information mentioned in subparagraphs 5 and 6 of section 4 and with a written statement in which he agrees to a verification with, *inter alia*, a disciplinary body, any professional order of which he is or was a member and police authorities and, where applicable, in which he agrees that the persons or organizations mentioned in section 14 be consulted.

**26.** The Associate Secretary General shall form a committee to examine the renewal of the commissioner's term of office and shall designate the chairman thereof.

The committee shall be composed of the Chairman of the Board or another commissioner of the Board design-

nated by the Chairman, a member of the staff of the Ministère du Conseil exécutif or Ministère des Affaires municipales and a representative of the legal community. Notwithstanding the foregoing, the Chairman of the Board may not be represented by the person who has been, during the last year of the term of office of the commissioner whose renewal is examined, the vice-chairman of the division to which that member was assigned.

In the case of a commissioner who performs administrative duties within the Board, the committee in charge of examining the renewal of his term of office shall be composed of a member of the staff of the Ministère of the Conseil exécutif, a member of the staff of the Ministère des Affaires municipales and a representative of the legal community.

Sections 6 to 9 then apply.

**27.** The committee shall determine whether the commissioner still fulfils the criteria set out in section 15, taking into account the needs of the Board and may hold the consultations provided for in section 14 on any matter in the record.

**28.** Committee decisions shall be made by a majority vote of its members. In the case of a tie-vote, the chairman of the committee shall have a casting vote. A member may register his dissent.

The committee shall forward its recommendation to the Associate Secretary General and to the Minister of Municipal Affairs.

**29.** The Associate Secretary General shall be the agent empowered to notify a commissioner of the non-renewal of his term of office.

#### **DIVISION X CONFIDENTIALITY**

**30.** The names of candidates, the reports of selection or renewal committees, the register, the list of candidates declared apt to be appointed as commissioners to the Board, as well as any information or document related to a consultation or decision by a committee, are confidential.

Notwithstanding the foregoing, a commissioner whose term of office is not renewed may consult the recommendation of the renewal committee concerning him.

**31.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

### **O.C. 300-98, 18 March 1998**

An Act respecting the Régie du logement  
(R.S.Q., c. R-8.1; 1997, c. 43)

#### **Régie du logement — Remuneration and other conditions of office**

Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement

WHEREAS under the first and second paragraphs of section 7.14 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), made by section 603 of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43), the Government may, by regulation, determine the mode, standards and scales of remuneration of the commissioners of the Régie du logement, as well as the conditions subject to which and the extent to which a commissioner may be reimbursed the expenses incurred in the performance of his duties; the Government may also determine other conditions of office applicable to all or certain members, including fringe benefits other than the pension plan;

WHEREAS the third paragraph of the same section of the Act provides that regulatory provisions may vary according to whether they apply to full-time or part-time commissioners or to a commissioner charged with an administrative office within the Board;

WHEREAS the fourth paragraph of the same section of the Act provides that the regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, section 7.14 of the Act, made by section 603 of Chapter 43 of the Statutes of 1997 comes into force on 1 April 1998;

WHEREAS section 55 of the Interpretation Act (R.S.Q., c. I-16) provides in particular that whenever an act or any provision of an act comes into force at a date subsequent to its sanction, the regulations contemplated therein may validly be made and published before such date;

WHEREAS it is expedient to make the Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement attached to this Order in Council;