

22. The name of the Commission scolaire 10-01 is changed to the Commission scolaire de la Baie-James.

23. The name of the Commission scolaire 11-02 is changed to the Commission scolaire des Chic-Chocs.

24. The name of the Commission scolaire 11-03 is changed to the Commission scolaire René-Lévesque.

25. The name of the Commission scolaire 12-01 is changed to the Commission scolaire de la Côte-du-Sud.

26. The name of the Commission scolaire 12-04 is changed to the Commission scolaire des Navigateurs.

27. The name of the Commission scolaire 13-01 is changed to the Commission scolaire de Laval.

28. The name of the Commission scolaire 15-01 is changed to the Commission scolaire de la Seigneurie-des-Mille-Îles.

29. The name of the Commission scolaire 15-02 is changed to the Commission scolaire de la Rivière-du-Nord.

30. The name of the Commission scolaire 15-04 is changed to the Commission scolaire Pierre-Neveu.

31. The name of the Commission scolaire 16-02 is changed to the Commission scolaire de Saint-Hyacinthe.

32. The name of the Commission scolaire 16-03 is changed to the Commission scolaire des Hautes-Rivières.

33. The name of the Commission scolaire 16-04 is changed to the Commission scolaire Marie-Victorin.

34. The name of the Commission scolaire 16-05 is changed to the Commission scolaire des Patriotes.

35. The name of the Commission scolaire 16-07 is changed to the Commission scolaire des Grandes-Seigneuries.

36. The name of the Commission scolaire 50-01 is changed to the Commission scolaire Central Québec — Central Québec School Board.

37. The name of the Commission scolaire 50-05 is changed to the Commission scolaire Sir-Wilfrid-Laurier — Sir-Wilfrid-Laurier School Board.

38. The name of the Commission scolaire 50-06 is changed to the Commission scolaire Western Québec — Western Québec School Board.

39. The name of the Commission scolaire 50-09 is changed to the Commission scolaire New Frontiers — New Frontiers School Board.

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Gouvernement du Québec

O.C. 317-98, 18 March 1998

An Act respecting administrative justice
(1996, c. 54)

Administrative Tribunal of Québec — Procedure for the recruitment and selection

Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec and for the renewal of their term of office

WHEREAS under sections 42 and 49 of the Act respecting administrative justice (1996, c. 54), the Government establishes, by regulation, a recruiting and selection procedure of persons apt for appointment as members of the Administrative Tribunal of Québec and a procedure for the renewal of the term of office of the members;

WHEREAS under section 44 of the Act, the Government may, by regulation, fix the validity period of a declaration of aptitude;

WHEREAS under sections 45 and 50 of the Act, the members of a selection committee or an examination committee are entitled to receive remuneration or to be reimbursed for expenses incurred in the performance of their duties in the cases, subject to the conditions and to the extent as may be determined by regulation of the Government;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec and for the renewal of their term of office was published in the *Gazette officielle du Québec* of 14 May 1997;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, sections 42, 44, 45, 49 and 50 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 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 procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec and for the renewal of their term of office, attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec 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 members of the Administrative Tribunal of Québec and for the renewal of their term of office

An Act respecting administrative justice
(1996, c. 54, ss. 42, 44, 45, 49 and 50)

DIVISION I NOTICE OF RECRUITMENT

1. Where it is expedient to draw up a list of persons apt for appointment as members of the Administrative Tribunal of Québec, 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 member of the Tribunal.

2. The notice of recruitment shall give

(1) the name of the divisions of the Tribunal for which a member or members are to be recruited;

(2) a brief description of the duties of a member;

(3) the place where a member could be assigned to mainly perform his duties;

(4) in substance, the selection conditions and criteria prescribed by the Act and this Regulation and any quali-

fications, training and professional experience required for the Tribunal;

(5) 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

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

3. A copy of the notice shall be sent to the Minister of Justice, to the Ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal for which a member or members are to be recruited, and to the President of the Tribunal.

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 name of each division of the Tribunal for which he submits his candidacy;

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

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

(6) 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;

(7) 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 Tribunal 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;

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

(9) where applicable, whether he has filed his candidacy for the position of member of the Tribunal in the past 3 years; and

(10) a summary of the reasons for his interest in the position of member of the Tribunal.

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 over 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 President of the Tribunal or, after consulting the President, another member of the Tribunal;

(2) a member of the staff of the Ministère du Conseil exécutif or the Ministère de la Justice; 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 candidate by birth or marriage, to the degree of first cousin inclusively; or

(3) the member is or was a partner, employer, employee of the candidate in the past 10 years; notwithstanding the foregoing, a member who is in the public service shall withdraw in respect of a candidate only where the member is or was 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 an oath by solemnly affirming the following: "I, (full name), swear that I will neither reveal or

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 de la Justice 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 members of the Tribunal 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 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 or first-line superior of the candidate;

(2) any legal person, partnership or professional association of which a 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 Tribunal;

(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 candidate's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities; and

(6) the candidate's conception of the duties of a member of the Tribunal.

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 to the Tribunal, the divisions to which they may be assigned, 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, to the Minister of Justice and to the Minis-

ters responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal for which a member or members are to be recruited.

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 of the committee 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 to the Tribunal.

21. The Associate Secretary General shall keep the register of declarations of aptitude up-to-date and shall enter therein, in respect of each division, the list of the candidates declared apt to be appointed to the Tribunal.

A declaration of aptitude is valid for a 3-year period 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 to the Tribunal, dies or asks to 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 Justice and to the Ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal in which there is a vacant position.

23. If the Minister of Justice is of the opinion that he cannot, considering the list of persons apt to be appointed as members and in the interests of, and to best carry out the duties of the Tribunal, 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 in charge of reporting to the Minister may be composed of persons previously designated to sit on a preceding committee.

24. The Minister of Justice, having consulted the Ministers responsible for the administration of statutes providing for recourses before the division of the Tribunal where there is a vacant position, shall recommend to the Government the name of a person who has been declared apt to be appointed as member of the Tribunal.

Where the vacant position is the position of president or a position of vice-president of the Tribunal, the Minister of Justice shall recommend to the Government the name of a member of the Tribunal or the name of a person declared apt to be appointed as member of the Tribunal.

DIVISION IX **RENEWAL OF TERMS OF OFFICE**

25. In the 12 months before the expiry of a member's term of office, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall ask the member to provide him with the information mentioned in subparagraphs 6 and 7 of the first paragraph 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 term of the member and shall designate the chairman thereof.

The committee shall be composed of the President of the Tribunal or another member of the Tribunal designated by the President, a member of the staff of the Ministère du Conseil exécutif or the Ministère de la Justice and a representative of the legal community. Notwithstanding the foregoing, the President of the Tribunal may not be represented by the person who has been, during the last year of the term of the member whose renewal is examined, the vice-president of the division to which the member was assigned.

In the case of a member who performs administrative duties within the Tribunal, 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 de la Justice, a member of the staff of the Ministère de la Justice and a representative of the legal community.

Sections 6 to 9 then apply.

27. The committee shall determine whether the member still fulfils the criteria set out in section 15, taking

into account the needs of the Tribunal, 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 Justice.

29. The Associate Secretary General shall be the agent empowered to notify a member 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 to the Tribunal, as well as any information or document relating to a consultation or decision by a committee, are confidential.

Notwithstanding the foregoing, a member 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*.

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Gouvernement du Québec

O.C. 318-98, 18 March 1998

Administrative Tribunal of Québec **— Remuneration and other conditions of office**

Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec

WHEREAS under the first and second paragraphs of section 56 of the Act respecting administrative justice (1996, c. 54), the Government may, by regulation, determine the mode, standards and scales of remuneration of the members of the Administrative Tribunal of Québec, as well as the conditions subject to which and the extent to which a member may be reimbursed the expenses incurred in the performance of his duties; the Government may also determine other conditions of office ap-