

WHEREAS it is expedient to amend the Regulation ;

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

THAT the Regulation to amend 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.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend 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*

An Act respecting administrative justice (R.S.Q., c. J-3, s. 49 ; 2002, c. 22, s. 4)

1. The following is substituted for the second and third paragraphs of section 26 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 :

“The committee shall be composed of a representative from the legal community, a retired person having exercised an adjudicative function within a body of the administrative branch and a university representative who is a member of a professional order. The committee members shall neither belong to nor represent the Administration within the meaning of the Public Administration Act (R.S.Q., c. A-6.01).”

2. Section 27 is amended by inserting “, consider the member’s annual performance assessments” after “15”.

3. 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. 1180-2002, 2 October 2002

An Act respecting administrative justice (R.S.Q., c. J-3)

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

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

WHEREAS, under subparagraph 1 of the first paragraph of section 56 of the Act respecting administrative justice (R.S.Q., c. J-3), amended by section 5 of chapter 22 of the Statutes of 2002, the Government shall make regulations determining the mode of remuneration of the members of the Administrative Tribunal of Québec and the applicable standards and scales as well as the method for determining the annual percentage of salary advancement of members up to the maximum salary rate and of the adjustment of the remuneration of members whose salary has reached the maximum rate ;

WHEREAS, by Order in Council 318-98 dated 18 March 1998, the Government made the Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec ;

WHEREAS it is expedient to amend the Regulation ;

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

THAT the Regulation to amend the Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

* 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, made by Order in Council 317-98 dated 18 March 1998 (1998, *G.O.* 2, 1439), has not been amended since it was made.

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

An Act respecting administrative justice
(R.S.Q., c. J-3, s. 56, 1st par., subpar. 1; 2002, c. 22, s. 5)

1. Section 7 of the Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec is amended

(1) by substituting “10%” for “5%” in the first and second paragraphs; and

(2) by substituting the following for the third paragraph:

“Where a member of the Tribunal already in office is designated as president of the Tribunal, his salary shall be increased by 20%. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.”.

2. The following is substituted for section 9:

“**9.** The salary of a full-time member shall be increased, up to the regular maximum salary of the applicable scale, by the annual percentage determined according to the following formula:

$$(0.1 \times \% \text{ attributed for the "A" performance rating}) + (0.3 \times \% \text{ attributed for the "B" performance rating}) + (0.6 \times \% \text{ attributed for the "C" performance rating})$$

The percentages of increase shall be the annual percentages provided for salary advancement under the government policy on performance assessments for members of a body appointed by the Government.

Where a member's salary reaches the maximum, the salary shall be adjusted with a lump sum the annual percentage of which is determined according to the above formula. The percentages shall be the annual percentages for performance bonuses under that policy. The lump sum shall, if applicable, be reduced to take into account the percentage of increase that the member has received under the first paragraph or the portion of the salary that exceeds the regular maximum of the salary scale applicable to that position.

With respect to a full-time member who has retired from the public sector as described in Schedule III, the regular maximum of the applicable salary scale shall be determined by taking into account the deduction made at the time of the member's appointment or term renewal in accordance with section 4.

A full-time member who has been in office less than four months during the period used as reference for salary advancement and remuneration adjustment does not benefit from the provisions of this section.”.

3. Section 14 is amended

(1) by substituting “Pension Plan of Management Personnel” for “Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees” in paragraph 1;

(2) by substituting the following for paragraph 2:

“(2) the vice-presidents of the Administrative Tribunal shall participate in the Pension Plan of Management Personnel and be subject to the special retirement provisions prescribed by Orders in Council 245-92 dated 26 February 1992 and 461-92 dated 1 April 1992 and any consequential amendments, as employees not subject to Schedule I to the latter Order in Council;”;

(3) by substituting “Pension Plan of Management Personnel and be subject” for “Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees and are subject” in paragraph 3.

4. Section 18 is amended by substituting “\$4140” for “\$3600” and “\$2415” for “\$2100” in the first paragraph.

5. Section 1 of Schedule I is amended by substituting “Level 7” for “Level 6”.

6. 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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* The Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec made by Order in Council 318-98 dated 18 March 1998 (1998, G.O. 2, 1443), has not been amended since it was made.