

## Regulations and other acts

Gouvernement du Québec

### O.C. 174-2006, 22 March 2006

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

#### **Administrative Tribunal of Québec — Code of ethics applicable to the members**

Code of ethics applicable to the members of the  
Administrative Tribunal of Québec

WHEREAS, under the first paragraph of section 180 of the Act respecting administrative justice (R.S.Q., c. J-3), the Conseil de la justice administrative, after consultation with the president, vice-presidents and members of the Administrative Tribunal of Québec, shall, by regulation, establish a code of ethics which shall be applicable to them;

WHEREAS, under the second paragraph of section 180 of the Act, the code of ethics shall be submitted to the Government for approval;

WHEREAS, under section 181 of the Act, the code of ethics shall set out the rules of conduct and the duties of the members of the Tribunal towards the public, the parties, their witnesses and the persons who represent them. It shall indicate, in particular, conduct that is derogatory to the honour, dignity or integrity of the members. In addition, the code of ethics may determine activities or situations that are incompatible with their office, their obligations concerning disclosure of interest, and the duties they may perform gratuitously;

WHEREAS, after conducting the consultations as provided in section 180 of the Act, the council adopted the Code of ethics applicable to the members of the Administrative Tribunal of Québec, at its sitting of 20 September 2000;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Code of ethics applicable to the members of the Administrative Tribunal of Québec was published in Part 2 of the *Gazette officielle du Québec* of 31 January 2001 with a notice that it could be approved by the Government on the expiry of 45 days following that publication and that any interested person could submit comments before the expiry of the 45-day period;

WHEREAS the comments received following that publication were studied by the council;

WHEREAS, following further consultation under section 180 of the Act, the council adopted the Code of ethics applicable to the members of the Administrative Tribunal of Québec, with amendments, at its sitting of 30 January 2003;

WHEREAS it is expedient to approve the Code of ethics applicable to the members of the Administrative Tribunal of Québec, attached to this Order in Council;

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

THAT the Code of ethics applicable to the members of the Administrative Tribunal of Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Code of ethics applicable to the members of the Administrative Tribunal of Québec**

An Act respecting administrative justice  
(R.S.Q., c. J-3, ss. 180 and 181)

#### **DIVISION 1 PRELIMINARY**

**1.** The purpose of this Code is to set out the rules of conduct and the duties of the members of the Administrative Tribunal of Québec with a view to sustain the public trust in the impartial and independent execution of their functions.

**2.** The members shall administer justice within the framework of the law.

#### **DIVISION 2 RULES OF CONDUCT AND DUTIES**

**3.** The member shall perform his office with honour, dignity and integrity; he shall avoid any conduct likely to bring it discredit.

**4.** The member shall perform his functions in full independence, without any interference.

**5.** The member shall be, and be seen to be, impartial and objective.

**6.** The member shall act in a respectful and courteous manner towards persons appearing before him, while exercising the authority required for the good conduct of the hearing.

**7.** The member shall perform his functions without discrimination.

**8.** The member shall act with reservedness in public.

**9.** The member shall uphold the integrity of his office and shall defend the independence thereof in the best interest of justice.

**10.** The member shall take the measures required to maintain his professional competence.

**11.** The member shall respect the secrecy of deliberation.

**12.** The member is bound to confidentiality regarding any matter brought to his knowledge in the performance of his functions; he shall avoid disclosing any confidential information.

### **DIVISION 3** INCOMPATIBLE SITUATIONS AND ACTIVITIES

**13.** The member shall refrain from engaging in any activity or placing himself in any situation which could affect the dignity of his office or discredit the Tribunal.

**14.** The member shall refrain from engaging in any activity or placing himself in any situation which could compromise the effective performance of his functions or could be a recurrent reason for recusation.

**15.** The member shall refrain from becoming involved in any cause or participating in any lobby whose objectives or activities are related to matters which come within the jurisdiction of the Tribunal.

**16.** The member shall not collect any donations, except in the case of restricted activities of a community, school, religious or family nature and shall refrain from associating his status to fund-raising activities.

**17.** The member shall not engage in any activity or partisan political participation at the federal, provincial, municipal or school level.

**18.** The part-time member may not act on behalf of a party before the Tribunal or before a body whose decisions may be contested before the Tribunal.

### **DIVISION 4** DUTIES PERFORMED GRATUITOUSLY

**19.** The full-time member may gratuitously perform duties within a non-profit organisation insofar as they do not compromise his impartiality or the effective performance of his office.

### **DIVISION 5** COMING INTO FORCE

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

7516

Gouvernement du Québec

### **O.C. 179-2006, 22 March 2006**

Professional Code  
(R.S.Q., c. C-26)

#### **Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders — Amendment**

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, namely the Chambre des huissiers de justice du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult, in particular, with the educational institutions and the order concerned, the Conférence des recteurs et des principaux des universités du Québec in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma, and the Minister of Education, Recreation and Sports;