

7. Section 21 is amended by replacing “, declaring” in the first paragraph by “and declare”.

8. The Regulation is amended by adding Schedule I attached hereto.

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

SCHEDULE I

(s. 7.2.1)

Bras-Coupé-Désert controlled zone;

Maganasipi controlled zone;

Pontiac controlled zone;

Rapides-des-Joachims controlled zone;

Restigo controlled zone;

Saint-Patrice controlled zone;

Jaro controlled zone, including the territory referred to in Schedule CCI to the Regulation respecting hunting.

3244

Gouvernement du Québec

O.C. 76-2014, 6 February 2014

Professional Code
(chapter C-26)

Disciplinary council chairs

— Recruitment and selection procedure for disciplinary council chairs of professional orders

Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders

WHEREAS, under section 116 of the Professional Code (chapter C-26), a disciplinary council is constituted within each of the professional orders to which the Code applies;

WHEREAS, under the first paragraph of section 115.2 of the Code, disciplinary council chairs are appointed by the Government in accordance with the selection procedure the Government determines by regulation;

WHEREAS, under section 115.5 of the Code, the selection procedure for chairs sets out the procedure for running for office, provides for the establishment of a selection committee to assess the qualifications of candidates and provide an advisory opinion on them, and identifies the selection criteria that the committee is to take into account;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 11 September 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders

Professional Code
(chapter C-26, s. 115.2)

DIVISION I SCOPE

1. This Regulation determines the terms and conditions governing the procedure for the recruitment and selection of disciplinary council chairs of professional orders.

DIVISION II NOTICE OF RECRUITMENT

2. The Minister of Justice, taking into account the needs of the Bureau des présidents des conseils de discipline, requests the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to launch a competition and to publish in various daily newspapers

circulated in Québec and in the Journal du Barreau, on the website of the Ministère de la Justice and on the website of the Office des professions du Québec a notice of recruitment inviting any person to submit his or her candidacy for the position of disciplinary council chair of professional orders.

3. The notice of recruitment

(1) gives a summary description of the position of disciplinary council chair;

(2) indicates the main place where the person will hold the position;

(3) specifies the eligibility requirements and selection criteria as well as the particular professional, training or experience requirements sought given the needs of the Bureau;

(4) provides for the obligation for interested persons to submit their candidacy to the selection committee using the registration form provided in Schedule A, and to provide the documents needed in support of a candidacy; and

(5) indicates the closing date for submitting candidacies and the address to which they are to be sent.

DIVISION III CANDIDACY

4. A person wishing to submit his or her candidacy for the position of disciplinary council chair must, not later than the date indicated in the notice of recruitment, send to the address indicated therein the registration form provided in Schedule A duly completed, as well as proof that the person is entered on the roll of the Order of Advocates.

In addition, the candidate must

(1) consent to verifications to be made concerning the candidate

(a) with any disciplinary body, any professional order, police authorities and credit agencies;

(b) with the candidate's employers or partners of the last 10 years;

(2) undertake to preserve the confidentiality of the filing of the candidate's candidacy and that of any decision made in respect of the candidacy; and

(3) undertake not to exert directly or indirectly any influence on his or her appointment to the position.

Paper documents sent by mail are presumed received by the selection committee on the date of mailing. Technology-based documents are presumed received by the selection committee when they become accessible at the address of the committee, as provided for in section 31 of the Act to establish a legal framework for information technology (chapter C-1.1).

5. Where a candidate's file is complete, the chair of the selection committee so informs the candidate.

The chair of the selection committee returns to the candidate the file received after the closing date indicated in the notice of recruitment. Such a candidate is deemed not to have applied.

6. Members of a selection committee may not submit their candidacy for the position of disciplinary council chair during their term and for 1 year following the filing of the report of that committee.

DIVISION IV SELECTION COMMITTEE

7. Following publication of the notice of recruitment, the Minister requests the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to set up a selection committee. A committee is composed of

(1) a person who has already exercised adjudicative functions, designated by the Minister of Justice;

(2) a member of the Barreau du Québec designated by the Barreau du Québec;

(3) a person designated by the Office des professions du Québec, who is neither disciplinary council chair nor a member of the Barreau du Québec or the Chambre des notaires du Québec.

The person designated by the Minister of Justice in accordance with subparagraph 1 of the first paragraph acts as chair of the selection committee.

8. A selection committee's mandate is to

(1) examine the files of the candidates who have responded to the notice of recruitment in order to identify those who meet the eligibility requirements in the notice and to convoke them; and

(2) declare persons qualified to hold the position of disciplinary council chair.

A selection committee must, inasmuch as possible, consider, in the performance of the mandate, the Government's desire to reach gender parity and ensure the representation of cultural communities among the disciplinary council chairs.

9. Members of a selection committee must take an oath of discretion solemnly declaring that they will neither disclose nor make known to anyone, without due authorization, any information that comes to their knowledge in the carrying out of their mandate. The writing evidencing the oath is sent to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif.

In addition, they must take the measures required to ensure the confidentiality of the information referred to in section 20.

10. A selection committee member whose impartiality could be questioned must withdraw with respect to a candidate, in particular if

- (1) the member is or was the candidate's spouse;
- (2) the member is related to the candidate by blood or marriage to the degree of first cousin inclusively; or
- (3) the member is a partner, employer, immediate superior or employee of the candidate or was such a partner, employer, immediate superior or employee in the last 5 years.

A member must immediately bring to the attention of the chair of the committee any fact to justify reasonable apprehension of bias.

A candidate may bring a ground for disqualification of one of its members to the attention of the committee that assesses his or her candidacy.

11. Where a member of a selection committee withdraws, is absent or unable to act, the decision is made by the other members.

12. Travel and lodging expenses of a selection committee member are reimbursed in accordance with the Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, made by Order in Council 2500-83 dated 30 November 1983.

In addition to the reimbursement of their expenses, the chair and the other members of a committee who are not employees of a government department or body are entitled respectively to fees of \$250 or \$200 per half-day

of sitting of the committee. However, a selection committee member who is retired from the public sector as defined in the Schedule to the Regulation respecting the ethics and professional conduct of public office holders (chapter M-30, r. 1), receives the fees less an amount corresponding to half the retirement pension received by the committee member from the public sector.

DIVISION V OPERATION OF THE SELECTION COMMITTEE

13. The chair of a selection committee decides every question relating to the operation, work and report of the committee, including those relating to the application of section 10.

A committee may submit the candidates who meet the eligibility requirements to the evaluative measures it determines.

The chair of a committee informs the candidates who meet the evaluative measures of the date and place of their meeting with the committee and informs the other candidates that they were turned down and will not be called to a meeting.

The chair of a committee may exceptionally authorize, instead of a meeting, the holding of an interview by video-conference or by any other means that allow participants to see and hear each other outside each other's presence.

DIVISION VI CONSULTATIONS AND SELECTION CRITERIA

14. A selection committee may, on any matter in a candidate's file 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 supervisor of the candidate;
- (2) any legal person, partnership or professional association of which the candidate is or was a member.

15. A selection committee assesses a candidacy for the position of disciplinary council chair by considering the following criteria:

- (1) the candidate's competencies, including
 - (a) personal and intellectual qualities, integrity, knowledge and general experience;
 - (b) knowledge of the law and experience in the areas of law in which the candidate will hold the position; and

(c) judgment, insight, level-headedness, ability to set priorities and to render a decision within a reasonable time, and quality of expression;

(2) the candidate's conception of the position and motivation for the position;

(3) the candidate's professional experience.

DIVISION VII REPORT OF THE SELECTION COMMITTEE

16. In order for the Minister to make a recommendation to the Government, a selection committee prepares a report in which the names of the persons declared qualified to hold the position of disciplinary council chair are indicated. Inasmuch as possible, the number of persons declared qualified must be greater than the number of positions to be filled.

In its report, the committee writes any comment the committee considers appropriate, especially with respect to the qualities or particular competencies of the persons declared qualified.

No political affiliation may be considered by a committee when assessing the candidacies and making a report of persons declared qualified to the Minister or by the Minister when choosing a candidate to be recommended to the Government.

17. The chair of a selection committee gives to the Minister and to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif the report and the candidacy file of the persons declared qualified to hold the position of disciplinary council chair. The chair also gives the Associate Secretary General all the other documents held by the committee.

18. The Associate Secretary General for Senior Positions informs in writing the persons who have been declared qualified to hold the position of disciplinary council chair as well as the persons who have not.

Every person informed that he or she has been declared qualified must inform the Associate Secretary General of any change in the information submitted in his or her candidacy.

DIVISION VIII MISCELLANEOUS

19. As soon as the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif is notified of a vacant position, the Associate Secretary General forwards a copy of the updated list of persons declared qualified to the Minister.

If the Minister is of the opinion that he cannot, considering the list of persons qualified to be appointed as disciplinary council chairs and in the interests of, and to best carry out the duties of the Bureau, recommend an appointment, the Minister then asks the Associate Secretary General to have a notice of recruitment published, in accordance with Division II.

The committee in charge of evaluating the aptitude of the persons whose candidacy is submitted following another notice of recruitment may be composed of persons previously designated to sit on a preceding committee.

20. The names of the candidates for the position of disciplinary council chair, the report of the selection committee, the list of persons declared qualified and any information and document relating to a candidacy are confidential.

21. The Associate Secretary General keeps the register of declarations of aptitude up-to-date and enters therein the list of the persons declared qualified to hold the position of disciplinary council chair.

The declaration of aptitude is valid for a period of 3 years from the date it is entered in the register.

The Associate Secretary General strikes out an entry on the expiry of that period or when the person is appointed disciplinary council chair, dies or asks to be withdrawn from the register.

22. The Minister files on the website of the Ministère de la Justice, for each year during which the Government appoints disciplinary council chairs, a report containing an analysis of the appointments made considering the representation of men and women, and cultural communities.

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

SCHEDULE A

(ss. 3 and 4)

REGISTRATION FORM UNDER THE REGULATION RESPECTING THE RECRUITMENT AND SELECTION PROCEDURE FOR DISCIPLINARY COUNCIL CHAIRS OF PROFESSIONAL ORDERS

RECRUITMENT OF PERSONS QUALIFIED TO BE APPOINTED DISCIPLINARY COUNCIL CHAIRS OF PROFESSIONAL ORDERS

CANDIDACY FILE

NOTICE: The documents and information relating to your candidacy are treated in a confidential manner.

1	Identity
	Surname Given name
2	Contact information and various information <i>(please complete Schedule I)</i>
3	Nature of activities engaged in that enabled you to acquire the required relevant experience <i>(please complete Schedule II)</i>
4	Consultations provided for in section 4 of the Regulation
Please designate any person who, during the last ten (10) years, was your employer, partner, immediate superior or hierarchical superior	
	Name Title or position held Organization Address Telephone
Please identify any legal person, partnership or professional association of which you are or were a member during the last ten (10) years	
	Name Address Telephone
5	Declaration under section 4 of the Regulation <i>(please complete Schedule III)</i>
6	Summary of the reasons for your interest in holding the position of disciplinary council chair of professional orders <i>(please complete Schedule IV)</i>

7 Certification and consent

I certify that the information provided is complete and in keeping with the truth. I understand that a false statement may entail rejection of my candidacy.

I authorize the selection committee or the persons mandated for that purpose to carry out the verifications deemed necessary.

(Signature)

(Date)

Send the form, duly signed, to the address indicated in the notice of recruitment.

SCHEDULE I

Contact information and various information

SURNAME	GIVEN NAME	Reserved for secretariat

A Contact information	
☎ Home telephone: () _____ ☎ Fax at home: () _____ ✉ Email *: _____ 🏠 Home address: _____	☎ Work telephone: () _____ ☎ Fax at work: () _____ ✉ Email: _____ 🏠 Address at work: _____
Do you have permanent status as an employee of the civil service of Québec? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, what is your classification? _____	

B Personal information <small>(kept confidentially in the file and used, if need be, for statistical purposes in connection with equal access employment programs)</small>	
Date of birth: _____ Country of birth: _____ Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male Do you consider yourself a member of a visible minority? Yes <input type="checkbox"/> No <input type="checkbox"/> Do you consider yourself a Native person (Amerindian or Inuit)? Yes <input type="checkbox"/> No <input type="checkbox"/> Do you have permanent limitations that affect the performance of daily life activities? Yes (specify) <input type="checkbox"/> No <input type="checkbox"/> <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div>	Mother tongue: <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other(s) (specify below) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> Spoken language(s) : <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other(s) (specify below) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> Written language(s): <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other(s) (specify below) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> In what language are you able to hear and preside over a hearing: <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other(s) (specify below) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

C	Years of practice as an advocate (eligibility requirement set out in section 115.3 of the Professional Code (chapter C-26))	
Number of years of practice as advocate: _____		Year and month of admission to the Barreau du Québec:
Proof of membership with the Barreau du Québec: (<i>attach proof to this document</i>) Membership card of the Barreau <input type="checkbox"/> Attestation from the Barreau <input type="checkbox"/> Not entered on the roll of the Order of Advocates <input type="checkbox"/> (<i>If so, give reasons</i>)		
Membership with other professional orders (<i>if yes, attach proof of membership</i>)		Yes <input type="checkbox"/> _____ (<i>If applicable, indicate orders</i>) No <input type="checkbox"/>
D	Academic training (please begin with the last diploma obtained; <i>attach attestations of studies</i>)	
Year	Institution	Diploma obtained/field

SCHEDULE II

Description of activities through which you acquired the required relevant experience

SURNAME	GIVEN NAME
A Work experience	
Please state all your work experience starting with the latest and giving the period of time covered by each experience, the title of the position held and a short description of the activities, as well as the law field(s) practised during the employment.	
Date of beginning: _____ Date of end: _____ Title of position: _____	
Employer: _____	
Law field related to that employment: _____	
Description of activities: _____	
Date of beginning: _____ Date of end: _____ Title of position: _____	
Employer: _____	
Law field related to that employment: _____	
Description of activities: _____	
Date of beginning: _____ Date of end: _____ Title of position: _____	
Employer: _____	
Law field related to that employment: _____	
Description of activities: _____	

Date of beginning: _____ Date of end: _____ Title of position: _____
Employer: _____
Law field related to that employment: _____
Description of activities: _____

Professional experience, publications, honorary or academic awards you wish to mention to the committee (please provide a brief description)

SCHEDULE III

Background statement under section 4 of the *Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders*

A	Indictable offence or criminal offence¹
Have you been found guilty of an indictable offence or a criminal offence?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If you have been found guilty of an indictable offence or criminal offence, please specify the offence in question and the sentence imposed, including any offence for which you have been granted a record suspension ² within the meaning of the <i>Criminal Records Act</i> (Revised Statutes of Canada 1985, chapter C-47).	
B	Penal offence³
Have you been found guilty of a penal offence likely to question the integrity or impartiality of the Bureau des présidents des conseils de discipline, of yourself or of disciplinary councils, to interfere with your ability to perform your duties or to ruin the trust of the public in you?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If you have been found guilty of a penal offence and it is reasonable to believe that it could have the above-mentioned effects, please specify the offence in question and the sentence imposed.	
C	Disciplinary decision
Have you been the subject of a complaint before a competent body of a professional order?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, describe the object of any complaint/attach any relevant document.	

¹ Indictable offence or criminal offence means any offence under the *Criminal Code* or qualified as an indictable offence or criminal offence in any other federal law.

² Criminal record suspension within the meaning of the *Criminal Records Act* (Revised Statutes of Canada 1985, chapter C-47), formerly called pardon, is a clemency measure that may be granted to a person who has been convicted under a federal law. Therefore, criminal record suspension is only possible in respect of an offence under the *Criminal Code* or another federal penal law.

³ Penal offence means any offence, other than a criminal offence, created and penalized under a provincial or federal law or regulation (for example the *Highway Safety Act*).

Have you been the subject of a disciplinary decision rendered by a competent body of a professional order or by the Professions Tribunal?
Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, describe the object of any complaint/attach any relevant document.

SCHEDULE III (cont'd)

Background statement under section 4 of the *Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders*

C	Disciplinary decision (cont'd)
<p>Have you been the subject of a complaint outside Québec that, if it had been made in Québec, would have been made before a competent body of a professional order?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>If yes, describe the object of any complaint/attach any relevant document.</p>	
<p> </p>	
<p> </p>	
<p> </p>	
<p>Have you been the subject of a disciplinary decision rendered outside Québec that, if it had been rendered in Québec, would have had the effect of a decision rendered by a competent body of a professional order or by the Professions Tribunal?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>If yes, describe the object of any complaint/attach any relevant document.</p>	
<p> </p>	
<p> </p>	
<p> </p>	
D	Other situations
<p>Are you or have you been in the last five years in a precarious financial situation?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>If yes, explain briefly.</p>	
<p> </p>	
<p> </p>	
<p> </p>	
<p>Is there a current or past fact or situation that may have negative consequences for yourself, for the Bureau des présidents des conseils de discipline or for disciplinary councils and that should be disclosed?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>If yes, describe the fact or situation.</p>	
<p> </p>	
<p> </p>	
<p> </p>	

I undertake to preserve the confidentiality of the filing of my candidacy and that of any decision made in respect of my candidacy.

I undertake not to exert directly or indirectly any pressure or influence on my appointment to the position of disciplinary council chair of professional orders.

I certify that all the information provided is accurate to my knowledge.

I consent to verifications to be made concerning me with any disciplinary body, any professional order, including the Barreau du Québec, to which I belong or have belonged, and with police authorities and credit agencies. For that purpose, my date of birth and my social insurance number are:

Date of birth

Social insurance number

Signature

Date

SCHEDULE IV

**Summary of the reasons for your interest in holding the position
of disciplinary council chair of professional orders**

SURNAME	GIVEN NAME
Please indicate the reasons for your interest in holding the position of disciplinary council chair of professional orders.	