

Gouvernement du Québec

O.C. 901-2017, 6 September 2017

Environment Quality Act
(chapter Q-2)

**Bureau d'audiences publiques sur l'environnement
— Procedure for selecting persons qualified for
appointment as members**

Regulation respecting the procedure for selecting persons qualified for appointment as members of the Bureau d'audiences publiques sur l'environnement

WHEREAS, under section 6.2.2 of the Environment Quality Act (chapter Q-2), the Government is to establish a procedure for selecting the members of the Bureau d'audiences publiques sur l'environnement that must include the creation of a selection committee;

WHEREAS, under section 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), no proposed regulation may be made before the expiry of 60 days from its publication in the *Gazette officielle du Québec*;

WHEREAS, under section 12 of the Regulations Act, a proposed regulation may be made without having been published, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made;

WHEREAS, under the first paragraph of section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the following circumstances warrant the absence of prior publication of the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Bureau d'audiences publiques sur l'environnement and the coming into force of the Regulation on the date it is published:

— The terms of certain members of the Bureau d'audiences publiques sur l'environnement expire in November 2017;

WHEREAS it is expedient to make the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Bureau d'audiences publiques sur l'environnement;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and the Fight against Climate Change:

THAT the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Bureau d'audiences publiques sur l'environnement, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,
Associate Secretary General

**Regulation respecting the procedure
for selecting persons qualified for
appointment as members of the Bureau
d'audiences publiques sur l'environnement**

Environment Quality Act
(chapter Q-2, s. 6.2.2)

**CHAPTER I
GENERAL**

1. The purpose of this Regulation is to establish the procedure for selecting persons qualified for appointment as members of the Bureau. It also establishes the reappointment procedure for the members of the Bureau.

2. For the purposes of this Regulation,

(1) “Bureau” means the Bureau d'audiences publiques sur l'environnement established under section 6.1 of the Act;

(2) “committee” means the selection committee established under section 7 of this Regulation;

(3) “member” means a full-time member of the Bureau or an additional member appointed on a part-time basis;

(4) “Minister” means the Minister responsible for the administration of the Environment Quality Act (chapter Q-2);

(5) “Associate Secretary General” means the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif.

CHAPTER II NOTICE OF RECRUITMENT

3. Where it is expedient to draw up a list of persons qualified for appointment as members of the Bureau, the Associate Secretary General publishes a notice of recruitment in one or more publications circulating or broadcast throughout Québec, inviting interested persons to submit their candidacies for the position of member of the Bureau.

4. The recruitment notice sets forth

- (1) a brief description of the duties of a member;
- (2) the place where the member may be called on to chiefly perform duties;
- (3) the selection criteria set out in this Regulation and any eligibility requirements and professional and training or specific experience requirements sought in light of the needs of the Bureau;
- (4) the system of confidentiality applicable to the selection procedure with an indication that the selection committee may hold consultations on the candidacies; and
- (5) the deadline for submitting candidacies and the address to which they must be sent.

5. A copy of the notice of recruitment must be sent to the Minister and to the president of the Bureau.

CHAPTER III CANDIDACIES

6. Persons who wish to submit their candidacy must, not later than the date indicated in the notice of recruitment, submit their résumé and provide the following information:

(1) name, residential address and personal telephone number and, where applicable, address and telephone number of their place of work;

(2) date of birth;

(3) university degrees and other relevant certificates held;

(4) where applicable, proof that the requirements set out in this Regulation are met as well as those stated in the notice of recruitment;

(5) the nature of the activities engaged in that are considered to have resulted in the relevant experience being acquired in relation to the duties of a member;

(6) where applicable, the fact that the candidate has been convicted of a criminal or indictable offence or has been the subject of a disciplinary decision, along with a description of the offence or breach and the penalty or disciplinary measure imposed;

(7) where applicable, the fact that the candidate has been convicted of a regulatory offence along with a description of the offence and the penalty imposed, if it is reasonable to believe that such an offence could call into question the integrity or impartiality of the Bureau or the candidate, affect the candidate’s ability to perform duties, or undermine the public’s trust in the office holder;

(8) where applicable, the names of the candidate’s employers, partners or immediate or line superiors in the last 10 years;

(9) where applicable, the name of every legal person, partnership or professional association of which the candidate is or has been a member in the last 10 years;

(10) where applicable, mention that a candidacy for the position of member of the Bureau has been submitted in the 5 preceding years; and

(11) a brief summary of the reasons for the interest in performing the duties of a member of the Bureau.

The candidate must also submit a written statement expressing agreement to verification with a disciplinary body, a professional order of which the candidate is or has been a member, employers in the last 10 years, or police authorities and if required, to consultations with the persons or partnerships referred to in section 18.

CHAPTER IV FORMATION AND OPERATION OF A SELECTION COMMITTEE

7. Following publication of the notice of recruitment, the Associate Secretary General is to establish a selection committee and appoint to it

(1) two members from the Government; and

(2) a representative of the public qualified to assess the qualifications required to perform the duties of a member of the Bureau, who is neither a part of nor represents the Administration within the meaning of the Public Administration Act (chapter A-6.01).

8. The committee is responsible for ascertaining a candidate's qualification to hold the position of member of the Bureau. The committee is to submit a report on its activities.

9. A member of the committee must withdraw from any deliberation in respect of a candidate if the member's impartiality could be questioned, in particular if the member

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

(2) is related to the candidate by birth, marriage or civil union, to the degree of first cousin inclusively;

(3) in respect of the candidate, is or has been the employer, an employee or a partner in the last 10 years. Despite the foregoing, a member employed in the public service is not required to withdraw in respect of a candidate unless the member is or has been under the candidate's direct supervision or is or has been the candidate's immediate superior.

A member must immediately bring to the attention of the other members of the committee any fact that may give rise to a reasonable apprehension of bias.

10. Before taking office, the members of the committee must take an oath by solemnly affirming the following: "I, (full name), swear that I will neither reveal nor disclose, without due authorization to do so, anything whatsoever that comes to my knowledge in the exercise of my office."

The oath is taken before a person empowered to administer oaths.

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

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

12. Travel and accommodation expenses of the committee members are reimbursed in accordance with the Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux (D. 2500-83, 83-11-30), as amended from time to time.

In addition to reimbursement of their expenses, committee members who are not members of the Bureau or employed in a government department or body are entitled respectively to fees of \$250 or \$200 per half-day of sitting they attend. If they are retired from the public sector as defined in Schedule I to the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein (D. 450-2007, 2007-06-20), as amended, an amount corresponding to half the retirement pension they receive from that sector is deducted from the attendance fees for committee sittings.

13. The list of candidates and their records are sent to the members of the selection committee.

14. The committee analyzes the candidates' records and retains the candidacy of those who, in its opinion, meet the eligibility requirements.

The committee, in view of the positions to fill or large number of candidates, may apply evaluative measures to the candidates retained, established in particular in consultation with the Bureau.

15. Committee decisions are made by a majority of the members.

If a majority is not possible because a member has withdrawn, is absent or unable to act, a consensus must be obtained by the two remaining committee members.

16. The committee must inform the candidates found eligible at this stage and, if applicable, specify the time and place where the committee will meet with them, and inform the other candidates that their candidacy has not been retained.

CHAPTER V SELECTION CRITERIA AND CONSULTATIONS

17. The selection criteria considered by the committee in determining a candidate's qualification are

(1) the candidate's extent of knowledge and skill in view of the professional, training or specific experience requirements stated in the notice of recruitment;

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

(3) the candidate's skill as relates to the performance of the duties of a member, in particular the candidate's judgment, open-mindedness, insight, level-headedness, analytical capability, ability to work in a team, quality of expression and ability to engage in ethical conduct; and

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

18. The committee may, on any matter in a candidate's record or on any other aspect in connection with a candidacy or the candidacies as a whole, consult in particular with

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

(2) any legal person, partnership or professional association of which a candidate is or has been a member in the last 10 years.

CHAPTER VI

REPORT OF THE SELECTION COMMITTEE

19. Not later than 30 days after a request by the Associate Secretary General, the selection committee is to promptly submit a report

(1) stating the names of the candidates found eligible but whose candidacy has not been retained;

(2) stating the names of the candidates the committee has declared qualified for appointment as members of the Bureau, their profession and the contact information for their place of work; and

(3) containing any comments the committee considers advisable to make, in particular as regards the specific characteristics or qualifications of the candidates found to be qualified.

The report is submitted to the Minister and to the Associate Secretary General.

20. Unless it is unable to do so, the committee is to declare as qualified a number of candidates corresponding normally to at least twice the number of vacant positions, if any.

21. A committee member may register dissent with respect to all or any part of the report.

CHAPTER VII

LIST OF DECLARATIONS OF QUALIFICATION

22. The candidates are informed in writing by the Associate Secretary General of whether or not they have been declared qualified for appointment as members of the Bureau.

23. The Associate Secretary General is to maintain a list of declarations of qualification on which the names of the persons declared qualified for appointment as members of the Bureau are entered.

A candidate's declaration of qualification is valid for a period of 5 years after entry on the list.

The Associate Secretary General is to strike an entry from the list on the expiry of the validity period of the declaration of qualification or in the event that the person is appointed as a member, dies or submits a written request to be removed from the list.

24. On being notified of a vacant position, the Associate Secretary General must send to the Minister a copy of the current list of persons declared qualified for appointment as members.

25. The Minister recommends to the Government the name of a person entered on the list of declarations of qualification.

Where the position of president or vice-president of the Bureau is to be filled, the Minister recommends to the Government the name of a member or of a person entered on the list of declarations of qualification.

26. If the Minister is of the opinion that, in view of the list of declarations of qualification, it would not be in the best interests of the proper discharge of the functions of the Bureau to recommend a person for appointment as a member, the Minister is to provide supporting reasons and request the Associate Secretary General have a notice of recruitment published in accordance with Chapter II.

If the Minister is of the opinion that, owing to exceptional circumstances, no recommendation on the appointment of a president or vice-president from among the members in office or the persons declared qualified for appointment as members can be made, the Minister is to provide supporting reasons and recommend to the Government the name of a person recognized as qualified for appointment as president or vice-president following a procedure established by a selection committee established by the Associate Secretary General that takes into account the criteria set out in section 17 and the skills required by those duties.

CHAPTER VIII REAPPOINTMENT

27. In the 12 months before the expiry of a member's term, the Associate Secretary General is to request the member provide the information required by subparagraphs 6 and 7 of the first paragraph of section 6 and submit a written statement expressing agreement to verification with a disciplinary body, a professional order of which the member is or has been a member, or police authorities, and if required, to consultations with a person or partnership referred to in section 16.

28. The Associate Secretary General is to establish a reappointment committee to examine whether a member may be reappointed.

The reappointment committee is composed of a representative of the public qualified to assess the qualifications required to perform the duties of a member of the Bureau, who is neither a part of nor represents the Administration within the meaning of the Public Administration Act (chapter A-6.01), and two members from the Government.

Sections 9 to 12 apply to the reappointment committee.

29. The reappointment committee ascertains whether the member still meets the criteria set out in section 17, considers the member's annual performance evaluations and takes into account the needs of the Bureau. The reappointment committee may, on any matter in the record, consult as provided in section 18.

30. Committee decisions are made by a majority of the members. In the case of a tie, the second paragraph of section 15 applies. A member may register dissent.

The reappointment committee is to send its recommendation to the Associate Secretary General and to the Minister.

31. The Associate Secretary General is the agent empowered to notify a notice of non-reappointment to a member.

CHAPTER IX CONFIDENTIALITY

32. The names of the candidates, the reports of the selection and reappointment committees, the list of declarations of qualification and all information or documents relating to a consultation or a decision by a committee are confidential.

CHAPTER X FINAL

33. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

103133

M.O., 2017

Order of Minister of Finance dated 29 August 2017

An Act respecting the Agence du revenu du Québec (chapter A-7.003)

CONCERNING the Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec

THE MINISTER OF FINANCE,

CONCERNING the first paragraph of section 40 of the Act respecting the Agence du revenu du Québec (chapter A-7.003), which provides that, with respect to the functions and powers conferred on the Minister, a deed, document or writing binds the Minister or the Agence du revenu du Québec, or may be attributed to them, only if it is signed by the Minister, the president and chief executive officer, a vice-president or another employee of the Agence, but in the latter case, only to the extent determined by a regulation of the Minister;

CONCERNING the second paragraph of section 40 of the Act respecting the Agence du revenu du Québec, which provides that the regulation of the Minister may allow that a facsimile of the signature of a person mentioned in the first paragraph of that section be affixed on the documents specified in the regulation and that the facsimile has the same force as the signature itself;

CONCERNING the third paragraph of section 40 of the Act respecting the Agence du revenu du Québec, which provides that the regulation of the Minister comes into force on the date it is made or on any later date specified in the regulation and is published in the *Gazette officielle du Québec*;

CONCERNING the fourth paragraph of section 40 of the Act respecting the Agence du revenu du Québec, which provides that the regulation of the Minister may apply to a period prior to its publication;