

Gouvernement du Québec

O.C. 263-2018, 14 March 2018

Anti-Corruption Act
(chapter L-6.1)

Criteria to be used to evaluate candidates' aptitude to hold the offices of Anti-Corruption Commissioner, Associate Commissioners for Audits and Associate Commissioner for Investigations

Regulation respecting the criteria to be used to evaluate candidates' aptitude to hold the offices of Anti-Corruption Commissioner, Associate Commissioners for Audits and Associate Commissioner for Investigations

WHEREAS the Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses (2018, chapter 1) was assented to on 14 February 2018;

WHEREAS sections 5 and 7 of that Act replace sections 5 and 8 of the Anti-Corruption Act (chapter L-6.1) and introduce in particular sections 5.1, 8.1 and 8.3 into the Anti-Corruption Act;

WHEREAS section 5 of the Anti-Corruption Act, as replaced, provides that the Government appoints the Anti-Corruption Commissioner, on the recommendation of the Minister of Public Security, from among the persons declared qualified to hold the office by the selection committee formed for that purpose;

WHEREAS the first paragraph of section 8 of that Act, as replaced, provides among other things that the Government appoints Associate Commissioners for Audits, on the recommendation of the Minister of Public Security, from among the persons declared qualified to hold the office by a selection committee formed by the Minister;

WHEREAS the first paragraph of section 8.1 of that Act, as introduced, provides among other things that the Government appoints an Associate Commissioner for Investigations, on the recommendation of the Minister of Public Security, from among the persons declared qualified to hold the office by a selection committee formed by the Minister;

WHEREAS the third paragraph of section 5.1 of that Act, as introduced, provides among other things that the selection committee promptly evaluates the candidates' aptitude to hold the office of Anti-Corruption Commissioner

on the basis of their knowledge, particularly in criminal and penal law, their experience and their qualifications, according to the criteria determined by government regulation;

WHEREAS the second paragraph of section 8.3 of that Act, as introduced, provides that the third paragraph of section 5.1 applies, with the necessary modifications, in the case of Associate Commissioners for Audits and the Associate Commissioner for Investigations;

WHEREAS it is expedient to determine the criteria to be used to evaluate the candidates' aptitude to hold the offices of Anti-Corruption Commissioner, Associate Commissioners for Audits and Associate Commissioner for Investigations;

WHEREAS, under Order in Council 262-2018 dated 14 March 2018, the first regulation made under section 5.1 of the Anti-Corruption Act is excluded from the application of the Regulations Act (chapter R-18.1);

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

THAT the Regulation respecting the criteria to be used to evaluate candidates' aptitude to hold the offices of Anti-Corruption Commissioner, Associate Commissioners for Audits and Associate Commissioner for Investigations, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the criteria to be used to evaluate candidates' aptitude to hold the offices of Anti-Corruption Commissioner, Associate Commissioners for Audits and Associate Commissioner for Investigations

Anti-Corruption Act
(chapter L-6.1, ss. 5.1 and 8.3)

1. A selection committee formed pursuant to section 5.1 of the Anti-Corruption Act (chapter L-6.1) is to evaluate a candidate's aptitude to hold the office of Anti-Corruption Commissioner according to the following criteria:

- (1) the candidate's knowledge of
 - (a) criminal and penal law and laws relevant to the holding of the office of Anti-Corruption Commissioner;
 - (b) the investigative and auditing fields;

(c) the issues associated with corruption and public anti-corruption policies;

(d) management of public or parapublic bodies and regulatory framework governing public body contract management; and

(e) government organization and administrative operations;

(2) the candidate's experience and its relevance to the holding of the office of Anti-Corruption Commissioner

(a) as regards extensive criminal and penal investigations; and

(b) in a managerial capacity;

(3) the candidate's aptitudes, namely

(a) leadership;

(b) sense of public service, ethics and fairness;

(c) judgment and decisiveness;

(d) ability to develop a strategic vision and to lead the organization toward achievement of its objectives;

(e) ability to interpret a complex and evolving environment and adapt to it;

(f) ability to communicate and maintain working relationships and networks; and

(g) ability to manage highly confidential and extensive files.

2. A selection committee formed pursuant to section 8 or 8.1 of the Anti-Corruption Act (chapter L-6.1) is to evaluate a candidate's aptitude to hold the office of Associate Commissioner for Audits or Associate Commissioner for Investigations according to the following criteria:

(1) the candidate's knowledge of

(a) for the office of Associate Commissioner for Audits,

i. the auditing, taxation, accounting or corporate law fields;

ii. the regulatory framework governing public body contract management;

iii. the issues associated with corruption and public anti-corruption policies; and

(b) for the office of Associate Commissioner for Investigations,

i. the criminal and penal investigative field and related law;

ii. the issues associated with corruption and public anti-corruption policies;

(2) the candidate's experience and its relevance

(a) to the holding of the office of Associate Commissioner for Audits

i. as regards contract or investigation management or administrative auditing;

ii. in a managerial capacity; and

(b) to the holding of the office of Associate Commissioner for Investigations

i. as a peace officer, as regards the administration of extensive criminal and penal investigations;

ii. in a managerial capacity; and

(3) the candidate's aptitudes, namely

(a) leadership;

(b) sense of public service, ethics and fairness;

(c) judgment and decisiveness;

(d) tactfulness;

(e) ability to manage highly confidential and extensive files; and

(f) thoroughness and working methods.

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

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