

Gouvernement du Québec

O.C. 1473-2022, 3 August 2022

Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20)

Coroners Act
(chapter R-0.2)

Procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term

Regulation respecting the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term

WHEREAS the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20) was assented to on 22 October 2020;

WHEREAS, under Order in Council 1472-2022 dated 3 August 2022, the date of coming into force of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner is set for 1 November 2022;

WHEREAS, under section 1 of the Act, the title of the Act respecting the determination of the causes and circumstances of death (chapter R-02) is replaced by the Coroners Act;

WHEREAS, under the first paragraph of section 163 of the Coroners Act, enacted by section 37 of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner, the Government is to establish, by regulation, the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner;

WHEREAS, under the first paragraph of section 163.1 of that Act, enacted by section 37 of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner, the Government is to establish, by regulation, the procedure for renewing a coroner's term;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the procedure for recruiting and selecting

persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term was published in Part 2 of the *Gazette officielle du Québec* of 13 April 2022 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 without amendment;

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

THAT the Regulation respecting the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term

Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20, s. 37)

Coroners Act
(chapter R-0.2 (chapter 20, s. 1), s. 163 and 163.1)

CHAPTER I
RECRUITMENT AND SELECTION OF PERSONS
QUALIFIED FOR APPOINTMENT AS CORONER,
CHIEF CORONER OR DEPUTY CHIEF CORONER

DIVISION I
NOTICE OF RECRUITMENT

1. Where it is expedient to draw up a list of persons declared qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner, as the case may be, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif publishes a notice of recruitment in a publication circulating or broadcast throughout Québec, inviting interested persons to submit an application for one of the offices.

2. The notice of recruitment gives

(1) a brief description of the duties of full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, as the case may be;

(2) the place where the person may be assigned to mainly perform the duties;

(3) in substance, the selection conditions and criteria set out in this Regulation and any professional qualifications, training or particular experience sought, given the needs of the position;

(4) in substance, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the applications; and

(5) the deadline and address for submitting an application.

3. A copy of the notice is sent to the Minister of Public Security and the Chief Coroner.**DIVISION II**
APPLICATIONS**4.** Only the following persons may submit an application to be declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner:

(1) a member of the Collège des médecins du Québec;

(2) a member of the Barreau du Québec;

(3) a member of the Chambre des notaires du Québec;

(4) a member of the Ordre des pharmaciens du Québec;

(5) a member of the Ordre des infirmières et infirmiers du Québec who holds a Master's degree in nursing or in another relevant field;

(6) a member of the Ordre des ingénieurs du Québec.

5. A member of a professional order referred to in section 4 must have the number of years of experience relevant to the office for which the member submits an application, namely,

(1) at least 10 years for the office of Chief Coroner;

(2) at least 8 years for the office of Deputy Chief Coroner, including at least 5 years of experience as full-time or part-time coroner;

(3) at least 8 years for the office of full-time coroner; and

(4) at least 4 years for the office of part-time coroner.

Despite subparagraph 4 of the first paragraph, in the territory situated north of the 50th parallel and in the Gaspésie-Îles-de-la-Madeleine administrative region, a member of a professional order may submit an application even if the member has less than 4 years of experience relevant to the office of part-time coroner.

A 30-credit block of relevant studies in addition to those required to become a member of one of those orders may be substituted for each year of experience that a member of a professional order does not have.

In addition, 1 year of relevant specialization for the purpose of obtaining a specialist's certificate from the Collège des médecins du Québec may be substituted for each year of experience that a member of the Collège des médecins du Québec does not have.

6. A person who wishes to submit an application must, not later than the date indicated in the notice of recruitment, send a résumé and the following information:

(1) name and address and telephone number of the residence and, where applicable, place of work;

(2) date of birth;

(3) university diplomas and other relevant certificates held;

(4) proof that the person is a member of a professional order referred to in section 4, the year of admission to that order and the number of years of practice completed, along with the main sectors of activities in which the person has worked;

(5) the nature of the activities that the person has carried out and through which the person has acquired the relevant experience required;

(6) where applicable, proof that the person has the qualifications indicated in the notice;

(7) any conviction, in any place, for an indictable or a criminal offence or any disciplinary decision, as well as the nature of the offence or fault concerned and the imposed sentence or disciplinary penalty;

(8) any conviction for a penal offence, the nature of the offence concerned and the sentence imposed and whether one can reasonably believe that such offence is likely to

call into question the integrity or impartiality of the candidate or the office of coroner, to interfere with the ability to perform the duties or to undermine the trust of the public in the office holder;

(9) where applicable, the names of employers, partners or immediate or line superiors in the last 10 years;

(10) where applicable, the name of any legal person, partnership or professional association of which the person is or was a member;

(11) where applicable, whether the person has submitted an application for the office of Chief Coroner, Deputy Chief Coroner or full-time or part-time coroner in the preceding 3 years;

(12) a summary of the reasons for the person's interest in the office of Chief Coroner, Deputy Chief Coroner or full-time or part-time coroner.

The person must also provide a writing in which the person agrees to a verification with, in particular, a disciplinary body, a professional order of which the person is or was a member, the person's employers in the last 10 years, police forces and, where applicable, in which the person agrees that the persons, partnerships or associations mentioned in section 16 may be consulted.

7. Despite this Chapter, applications may be requested by invitation in the territory situated north of the 50th parallel and in the Gaspésie-Iles-de-la-Madeleine administrative region.

DIVISION III ESTABLISHMENT OF A SELECTION COMMITTEE

8. Following the publication of the notice of recruitment, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif establishes a selection committee, designates the chair and appoints to it, as the case may be,

(1) for the assessment of the candidates' qualifications for appointment as Chief Coroner:

(a) a chief executive officer;

(b) the Deputy Minister of Public Safety or, after consulting the Deputy Minister, one of his or her representatives;

(c) a representative of the public qualified to assess the qualifications required for the office of Chief Coroner who is not a chief executive officer;

(2) for the assessment of the candidates' qualifications for appointment as Deputy Chief Coroner:

(a) the Chief Coroner or, after consulting the Chief Coroner, a Deputy Chief Coroner or another coroner;

(b) the Deputy Minister of Public Safety or, after consulting the Deputy Minister, one of his or her representatives;

(c) a representative of the public qualified to assess the qualifications required for the office of Deputy Chief Coroner;

(3) for the assessment of the candidates' qualifications for appointment as full-time or part-time coroner:

(a) the Chief Coroner or, after consulting the Chief Coroner, a Deputy Chief Coroner or another coroner;

(b) a member of a professional order referred to in section 4;

(c) a representative of the public qualified to assess the qualifications required for the office of coroner who is not a coroner or a member of a professional order referred to in section 4.

9. A committee member whose impartiality could be questioned must withdraw with respect to a candidate, including in the following situations:

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

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

(3) the member is or was a partner, employer or employee of the candidate in the last 10 years; despite the foregoing, a member who is in the public service must withdraw with respect to a candidate only if the member is or was the employee or immediate superior of the candidate.

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.

Where a member of the committee has withdrawn, is absent or is unable to act, the decision must be made by the other members.

10. Before taking office, the members of the committee must take the following oath: “I, (full name), swear that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office.”.

The oath is taken before a member of the staff of the Ministère du Conseil exécutif or the Ministère de la Sécurité publique 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 the reimbursement of their expenses, the chair and the committee members who are not a coroner nor employees of a government department or body are entitled respectively to fees of \$250 or \$200 per half-day of sitting they attend.

DIVISION IV **OPERATION OF THE SELECTION COMMITTEE**

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 those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

15. The chair of the committee informs the candidates found eligible at this stage of the date and place of their meeting with the committee and informs the other candidates that their application has not been retained and, as a result, they will not be called to a meeting.

DIVISION IV **CONSULTATIONS AND SELECTION CRITERIA**

16. The committee may, on any matter in a candidate’s record or any aspect of an application or of the applications as a whole, consult with

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

(2) any legal person, partnership or professional association of which the candidate is or was a member.

17. The selection criteria to be taken into account by the committee in determining a candidate’s qualifications for appointment as full-time or part-time coroner are

(1) the candidate’s personal and intellectual qualities;

(2) the holding of a diploma in a field relevant to the office;

(3) the minimum experience required and any other experience relevant to the office;

(4) the extent of the candidate’s knowledge and skills in view of the qualifications, training or particular experience specified in the notice of recruitment;

(5) the candidate’s ability to perform the duties of coroner, including the candidate’s judgment, ability to act with impartiality, open-mindedness, insight, empathy, level-headedness, capacity for analysis and synthesis, decision-making, ability to work in a team, quality of oral and written expression and ability to engage in ethical conduct;

(6) the candidate’s conception of the duties of coroner.

18. The selection criteria to be taken into account by the committee in determining a candidate’s qualifications for appointment as Deputy Chief Coroner are, in addition to those provided for in section 17,

(1) knowledge of the following:

(a) statutes relevant to the duties;

(b) issues relating to mortality phenomena and the prevention of deaths due in particular to violence or neglect;

(2) experience as manager, as well as mentor or coordinator and relevance to the duties of Deputy Chief Coroner;

(3) professional skills, namely,

(a) ability to participate in the development of a strategic vision;

(b) ability to disseminate and implement directions;

(c) ability to implement mechanisms, tools and indicators for measuring the degree to which the objectives have been attained;

(d) ability to mentor coroners;

(e) ability to ensure the development and maintenance of skills of coroners, particularly by determining the needs, organization and preparation of training activities and verification of achievements;

(f) writing skills and ability to assess the quality of drafting of coroners reports;

(g) leadership, sense of public service, tactfulness, thoroughness and working methods.

19. The selection criteria to be taken into account by the committee in determining a candidate's qualifications for appointment as Chief Coroner are, in addition to those provided for in sections 17 and 18,

(1) knowledge of the following:

(a) statutes relevant to the duties of Chief Coroner;

(b) as regards management, particularly the management of public bodies and the management of human resources;

(c) government organization and administrative operations;

(2) experiences as manager and relevance to the duties of Chief Coroner;

(3) professional skills, namely,

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

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

(c) ability to communicate and maintain working relationships and networks.

20. The selection committee may apply evaluative measures that it determines to candidates who meet the eligibility requirements.

DIVISION VI REPORT OF THE SELECTION COMMITTEE

21. Committee decisions are made by a majority of its members. In the case of a tie-vote, the chair of the committee has a casting vote.

22. Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee promptly submits a report including

(1) the names of the candidates who have not been retained and have not been met, with reasons;

(2) the names of the candidates with whom the committee met but who have not been retained, with reasons;

(3) the names of the candidates with whom the committee met and whom it declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, their profession and the particulars concerning their work place;

(4) any comments that the committee considers appropriate, particularly with respect to the special characteristics, qualifications or experience of the candidates declared qualified.

The report is submitted to the Associate Secretary General, the Minister and the Chief Coroner, unless the report does not concern his or her office, if the latter is not a member of the committee.

23. A person may be declared qualified for appointment to more than one office.

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

If, once the assessment is concluded, fewer than 2 candidates are declared qualified for appointment as Chief Coroner, the Associate Secretary General must publish a new notice of recruitment.

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

DIVISION VII REGISTER OF CERTIFICATES OF QUALIFICATION

25. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif writes to the candidates to inform them whether or not they have been declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner.

26. The Associate Secretary General keeps the register of certificates of qualification up to date and enters therein the list of the persons declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner.

The certificate of qualification is valid for a period of 3 years from the date on which it is entered in the register.

The Associate Secretary General strikes out an entry on the expiry of the validity period of the certificate of qualification, or before where the person is appointed as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, dies or asks to be withdrawn from the register.

DIVISION VIII RECOMMENDATION

27. On being notified of a vacant position of full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif sends a copy of the updated list of persons declared qualified for appointment to the position concerned to the Minister.

28. If the Minister is of the opinion that he or she cannot, considering the list of persons declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner and in the best interest of the proper operation of the position to be filled, recommend an appointment, the Minister then asks the Associate Secretary General to have a notice of recruitment published in accordance with Division I.

The committee in charge of assessing the qualifications of the candidates who submitted an application after the publication of another notice of recruitment and of reporting in accordance with the second paragraph of section 22 may be composed of persons previously designated to sit on a preceding committee.

29. The Minister recommends to the Government the name of a person who has been declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, according to the position to be filled.

CHAPTER II RENEWAL OF THE TERM OF A CORONER

30. In the 12 months before the expiry of the term of a full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif asks that person to provide him or her with the information mentioned in subparagraphs 7 and 8 of the first paragraph of section 6 and with a writing in which the person agrees to a verification with, in particular, a disciplinary body, a professional order of which the person is or was a member

and police forces and, where applicable, in which the person agrees that the persons, partnerships or associations mentioned in section 16 be consulted.

31. The Associate Secretary General establishes an examination committee to examine the renewal of the coroner's term of office, designates the chair and appoints a representative of the public qualified to assess the qualities required to perform the duties of coroner, a person who has performed the duties of coroner and a member of a professional order in a relevant field. Those persons must not belong to the Administration within the meaning of the Public Administration Act (chapter A-6.01) or represent it.

Sections 9 to 12 then apply.

32. The committee ascertains whether the coroner is a member of a professional order referred to in section 4 and, if the coroner still meets the criteria set out in section 17, considers the coroner's annual performance evaluations and takes into account the needs of the office of full-time or part-time coroner. The committee may, on any matter in the record, consult as provided for in section 16.

33. Committee decisions are made by a majority vote of its members. In the case of a tie-vote, the chair of the committee has a casting vote. A member may register dissent.

The committee sends its recommendation to the Associate Secretary General, the Minister and the Chief Coroner.

34. The Associate Secretary General is the agent empowered to notify a coroner of the non-renewal of a term of office.

CHAPTER III CONFIDENTIALITY

35. The names of candidates, the reports of selection committees, the recommendations of the committees for the examination of the renewal of terms, the register of certificates of qualification, the list of candidates declared qualified for appointment as full-time or part-time coroner, Chief Coroner and Deputy Chief Coroner and any information or document related to a consultation or decision by a committee are confidential.

Despite the foregoing, a full-time or part-time coroner whose term is not renewed may consult the recommendation of the examination committee concerning him or her.

CHAPTER IV FINAL

36. This Regulation replaces the Regulation respecting criteria and procedures for selecting persons fit for the post of coroner (chapter R-0.2, r. 2).

37. This Regulation comes into force on 1 November 2022.

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Gouvernement du Québec

O.C. 1474-2022, 3 August 2022

Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20)

Coroners Act
(chapter R-0.2)

Training of coroners

Regulation respecting the training of coroners

WHEREAS the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20) was assented to on 22 October 2020;

WHEREAS, under Order in Council 1472-2022 dated 3 August 2022, the date of coming into force of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner is set for 1 November 2022;

WHEREAS, under section 1 of the Act, the title of the Act respecting the determination of the causes and circumstances of death (chapter R-02) is replaced by the Coroners Act;

WHEREAS, under section 163.4 of that Act, enacted by section 37 of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner, the Government is to determine, by regulation, basic training criteria and continuing education requirements;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the training of coroners was published in Part 2 of the *Gazette officielle du Québec* of 13 April 2022 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 without amendment;

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

THAT the Regulation respecting the training of coroners, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the training of coroners

Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20, s. 37)

Coroners Act
(chapter R-0.2 (2020, chapter 20, s. 1), s. 163.4)

CHAPTER I BASIC TRAINING PROGRAM

1. The objectives of the basic training program are the acquisition and development of the skills and knowledge required to perform the duties of a coroner. The program covers, in particular,

- (1) the methods and tools for conducting an investigation;
- (2) the relevant medical and legal notions;
- (3) the rules of conduct and ethics that a coroner must comply with and the personal skills that a coroner must have;
- (4) computer tools; and
- (5) the organization, operation, activities and relations of the Bureau du coroner.

The basic training program comprises initial training required to perform the duties of a coroner, as well as additional training consisting in particular of practical studies that must take place after a coroner begins performing the duties, at the time determined by the Chief Coroner.

2. The basic training program lasts not less than 60 hours.