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Bill 179

An Act to establish the Adjudicative Tribunal Justice Council and to improve the transparency, independence and capacities of administrative tribunals

Co-sponsors:

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Private Members' Bill

1st Reading March 25, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Fewer Backlogs and Less Partisan Tribunals Act, 2024* and makes related amendments to the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*. The major elements of the Act are set out below.

Part I sets out the purpose of the Act and interpretive provisions that apply to the Act. It also sets out a conflict provision stating that the Act prevails in the event of a conflict with other specified legislative instruments, unless those instruments expressly provide that they apply despite anything in this Act.

Part II provides for the establishment of the Adjudicative Tribunal Justice Council. The members of the Council are appointed by various specified groups. Procedural rules are set out. The Council is permitted to appoint employees. The Council's duties are set out, which include monitoring adjudicative tribunals, identifying impediments and advising the Assembly about various issues related to adjudicative tribunals. They must also prepare recruitment plans and take proactive steps to help fill vacancies in adjudicative tribunals. The Council is given the power to conduct inquiries and is required to prepare specified reports. The Attorney General is required to give the Council at least six months advance written notice of any intention to enact legislation or regulations or issue directives that have specified impacts on adjudicative tribunals, and the Council must provide its opinion on the impact of the proposed legislation, regulation or directive.

Part III provides for the selection and appointment of adjudicative tribunal members. This Part applies to the appointment of new members that are not currently serving as members of the adjudicative tribunal. The Attorney General is required to prepare a recruitment plan before making an appointment to the tribunal and a selection committee must be appointed in accordance with the plan. The selection committee is required to assess the qualifications of candidates and make recommendations about their appointment. The recommendations must be made for the most qualified candidates whose appointments would reflect the diversity of the tribunal's community of users.

Part IV establishes rules respecting adjudicative tribunals' members' terms, reappointments and renewals. It establishes default rules for the terms of both chairs and non-chairs of tribunals, which may be modified by regulations made by the Council. It also establishes procedural requirements that apply if there is an intention to not renew the appointment of a member of an adjudicative tribunal.

Part V establishes rules that apply to reductions in adjudicative tribunal positions. Positions with an adjudicative tribunal are, as specified, deemed to be permanent and must continue to be filled unless declared redundant. The responsible Minister for the adjudicative tribunal must meet certain criteria in order to declare a position redundant and must consider the Council's opinion on the plan.

Part VI sets out the power to make regulations under the Act.

Part VII sets out transitional provisions. The terms of appointments of certain members of adjudicative tribunals are extended. The Council is required to conduct a user satisfaction survey of adjudicative tribunals within a specified time frame. The Council may also make interim acting appointments.

Part VIII provides for amendments to the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*. The amendments assign several duties under that Act to the Council and require the appointments of non-chairs to be made in concurrence with the recommendation of a selection committee.

Part IX provides for the commencement and short title of the Act.

**An Act to establish the Adjudicative Tribunal Justice Council
and to improve the transparency, independence and capacities
of administrative tribunals**

CONTENTS

PART I

PURPOSE, INTERPRETATION AND CONFLICTS WITH OTHER ACTS

- 1. Purpose
- 2. Interpretation
- 3. Conflicts with other Acts

PART II

ADJUDICATIVE TRIBUNAL JUSTICE COUNCIL

- 4. Adjudicative Tribunal Justice Council
- 5. Meetings
- 6. Employees
- 7. Council duties
- 8. Inquiries
- 9. Adjudicative tribunal reports
- 10. Reports to the Legislature
- 11. Notice to Council of proposed changes

PART III

SELECTION AND APPOINTMENT OF ADJUDICATIVE TRIBUNAL MEMBERS

- 12. Application
- 13. Recruitment plan
- 14. Selection committee
- 15. Optimal diversity and inclusivity

PART IV

ADJUDICATIVE TRIBUNALS' MEMBERS' TERMS, REAPPOINTMENTS AND RENEWALS

- 16. Terms of appointments for non-chairs
- 17. Terms of appointments for chairs
- 18. Non-renewals for reasons that do not constitute just cause, non-chair
- 19. Non-renewal for reasons that constitute just cause for dismissal, non-chair
- 20. Non-renewal for reasons that constitute just cause for dismissal, chair

PART V

ROSTER REDUCTIONS

- 21. Positions deemed permanent
- 22. Redundant positions

PART VI

REGULATIONS

- 23. Regulations

PART VII

TRANSITION

- 24. Adjustment of terms of appointment
- 25. User satisfaction survey
- 26. Interim acting appointments

PART VIII

AMENDMENTS

- 27. Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009

PART IX

COMMENCEMENT AND SHORT TITLE

- 28. Commencement
- 29. Short title

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I
PURPOSE, INTERPRETATION AND CONFLICTS WITH OTHER ACTS

Purpose

1 The purpose of this Act is to ensure that Ontario’s adjudicative tribunals deliver accessible, timely, expert, inclusive, impartial and just resolutions of legal disputes by establishing an independent monitoring and advisory body.

Interpretation

2 In this Act,

“adjudicative tribunal” has the same meaning as in the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*; (“tribunal décisionnel”)

“appointing body”, in relation to a member of an adjudicative tribunal, means the body that has the authority to appoint the member to the tribunal; (“autorité de nomination”)

“chair”, in relation to an adjudicative tribunal, means the chair of an adjudicative tribunal and, in the case of a cluster of adjudicative tribunals designated under section 15 of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, the executive chair of the cluster and the associate chair of each adjudicative tribunal in the cluster; (“président”)

“Council” means the Adjudicative Tribunal Justice Council established under section 4; (“Conseil”)

“member”, in relation to an adjudicative tribunal, means any person employed by an adjudicative tribunal or appointed to an adjudicative tribunal position who has statutory authority to exercise the adjudicative tribunal’s adjudicative powers or any part thereof and, for greater certainty, includes any chair or associate chair of the tribunal; (“membre”)

“Minister” means the Attorney General or such other member of the Executive Council to whom the administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“responsible Minister” means, in relation to an adjudicative tribunal, the Minister responsible for the adjudicative tribunal; (“ministre responsable”)

“selection committee” means a selection committee appointed in accordance with section 14. (“comité de sélection”)

Conflicts with other Acts

3 (1) Unless it is expressly provided in any other Act that its provisions and regulations, rules or by-laws made under it apply despite anything in this Act, the provisions of this Act prevail over the provisions of such other Act and over regulations, rules or by-laws made under such other Act with which it conflicts.

Expiration

(2) A declaration in another Act that its provisions and regulations, rules or by-laws made under it apply despite anything in this Act does not apply three years after the provision containing the declaration receives Royal Assent unless,

- (a) the provision is amended or re-enacted in a new Act of the Legislature; or
- (b) the provision expressly states that it applies despite this expiration provision.

PART II
ADJUDICATIVE TRIBUNAL JUSTICE COUNCIL

Adjudicative Tribunal Justice Council

4 (1) A council is established under the name Adjudicative Tribunal Justice Council in English and Conseil de justice régissant les tribunaux décisionnels in French.

Membership

(2) The Council shall be composed of the following members:

- 1. One member who shall serve as the chair of the Council and who shall be appointed in accordance with subsection (3).
- 2. Two members appointed by the Minister who are retired judges of the Superior Court of Justice or of the Ontario Court of Justice.
- 3. Two members appointed by the Society of Ontario Adjudicators and Regulators who have five or more years of experience working in adjudicative tribunals.

4. Two members appointed by the Minister who are neither judges nor lawyers nor paralegals and whose appointments would help the composition of the Council as a whole reflect Ontario's linguistic duality, the diversity of its population and gender balance.
5. One member appointed by the Association of Community Legal Clinics of Ontario who is a licensed lawyer or paralegal and who has five or more years of experience in community legal clinics.
6. One member appointed by the Administrative Law Section of the Ontario Bar Association who is a practising lawyer.
7. One member appointed by the Federation of Ontario Law Associations with expertise in administrative law.

Appointment of chair

- (3) The Assembly shall, by order, appoint a person to serve as the chair of the Council.

Selection by panel

- (4) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (3) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Officer of the Assembly

- (5) The chair of the Council is, by virtue of their office, an officer of the Assembly.

Term of chair

- (6) The member appointed to serve as the chair of the Council shall be appointed for a term of four years and may be reappointed up to two times by the Assembly.

Chair not to hold other offices

- (7) The Chair shall not be a member of the Assembly and shall not, without prior approval by the Speaker of the Assembly, hold any other office or employment with the Assembly.

Removal or suspension of Chair

- (8) The Chair may be removed or suspended from office for cause, by order passed by a vote of at least two-thirds of the members of the Assembly.

Term of member other than chair

- (9) A member other than the chair may be appointed for a term of up to three years.

Renewals of members other than chair

- (10) The appointment of a member other than the chair may be renewed up to two times, each for a term of up to three years, upon the recommendation of the chair of the Council.

Transition

- (11) The terms of appointment of the first members appointed to the Council, other than the Chair, may be made subject to such shorter, staggered time limits as may be prescribed.

Meetings

- 5** (1) The members of the Council shall meet at least quarterly and shall meet at such additional times as the chair deems necessary or upon petition to the chair by a majority of the Council.

Quorum

- (2) Five members of the Council constitute a quorum.

Employees

- 6** The Council may appoint such employees as it determines are necessary for the proper and efficient conduct of its affairs.

Council duties

- 7** (1) The Council shall perform the following duties:

1. Monitor the structure, operation, administration, hearing processes, procedures, performance, training programs, term limit policies and severance policies of adjudicative tribunals.
2. Identify any impediments for the delivery of accessible, timely, expert, inclusive, impartial and just resolutions of legal disputes by adjudicative tribunals, including unfilled roster positions.
3. Advise the Assembly, the Minister and any relevant responsible Ministers about the need for any corrections of discrepancies or shortcomings in adjudicative tribunals.

4. Report to the Assembly about any discrepancies or shortcomings in adjudicative tribunals that, in the Council's opinion, are not being adequately addressed.
5. Prepare and update draft recruitment plans that the Minister may adopt to fill positions in adjudicative tribunals and take other proactive steps to help fill vacancies or anticipated vacancies in a timely manner.
6. Comply with the Council's obligations under this Act, the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* and any other Act.

Powers

(2) Except as limited by this Act, the Council has all the powers that are necessary or expedient for carrying out its duties.

No review of merits of decisions

(3) The Council shall not, in performing its duties, review the merits of an adjudicative tribunal's decision in any particular case.

Inquiries

8 (1) The Council may conduct an inquiry into any matter connected with its duties.

Application of *Public Inquiries Act, 2009*

(2) Section 33 of the *Public Inquiries Act, 2009* applies to an inquiry by the Council.

Adjudicative tribunal reports

9 (1) The Council may require an adjudicative tribunal to provide such information about the tribunal's structure, operation, administration, hearing processes, procedures or performance as the Council may specify.

Compliance

(2) The adjudicative tribunal shall provide the required information to the Council within the time specified by the Council.

Reports to the Legislature

10 (1) The Council shall make recommendations about improving the structure, operation, administration, hearing processes, procedures and performance of adjudicative tribunals as soon as possible after the Council has identified any substantial deficiencies or potential improvements to be addressed.

Provision of recommendations

(2) The Council shall provide its recommendations in a report to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next session.

Annual report in implementation of recommendations

(3) Within one year after the Council provides its recommendations to the Speaker, the Minister shall report to the Assembly on the progress the Government of Ontario has made in implementing the recommendations.

Notice to Council of proposed changes

11 (1) The Minister shall provide the Council with at least six months advance written notice of any intention by the government to enact legislation or regulations or to issue directives that,

- (a) are relevant to the structures, operations, administration, hearing processes, procedures or performance of any adjudicative tribunal; or
- (b) would have the effect of removing any adjudicative tribunals from being subject to any provision in this Act.

Council to provide opinion

(2) The Council shall, within 60 days after receiving notice under subsection (1) provide the Minister with its written opinion concerning the compliance and compatibility of the proposed legislation, regulation or directive with the delivery of accessible, timely, expert, inclusive, impartial and just resolutions of legal disputes.

Failure to provide timely notice

(3) If a Minister fails to provide notice as required under subsection (1), the Minister shall promptly provide the notice described in subsection (1) to the Council and shall report the failure to the Assembly.

PART III SELECTION AND APPOINTMENT OF ADJUDICATIVE TRIBUNAL MEMBERS

Application

12 This Part applies to the appointment of a member of an adjudicative tribunal who is not currently serving as a member of the tribunal.

Recruitment plan

13 (1) Before the Lieutenant Governor in Council or any Minister makes an appointment to fill a position in an adjudicative tribunal, the responsible Minister for that tribunal shall first apply to the Council for approval of a recruitment plan specifying,

- (a) the position or positions to be filled;
- (b) the minimum qualifications that successful candidates require for the position or positions to be filled;
- (c) the steps in the selection process that will be followed in determining the best qualified candidate for each position;
- (d) the composition of a proposed selection committee that will be appointed to perform the duties described in subsection 14 (3); and
- (e) the plan for attracting qualified candidates through the publication of timely recruiting notices in the range of media to best attract the interest of highly qualified candidates whose appointments would reflect the diversity of the tribunal's community of users.

Approval of plan

(2) The appointment shall proceed only in accordance with a recruitment plan that is approved by the Council.

Selection committee

14 (1) A selection committee shall be appointed in accordance with the approved recruitment plan.

Standing committee permitted

(2) For greater certainty, the recruitment plans of an adjudicative tribunal may provide for a standing selection committee that may be convened to appoint several members of the tribunal.

Selection committee mandate

(3) The selection committee shall,

- (a) assess the qualifications of candidates for the appointment using the criteria described in subsections 14 (1) and (2) of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*; and
- (b) make recommendations to the Lieutenant Governor in Council or to the responsible Minister for the adjudicative tribunal about the most qualified candidates whose appointments would also reflect the diversity of the tribunal's community of users.

Response to recommendations

(4) The Lieutenant Governor in Council or Minister shall, within 60 days after receiving the selection committee's recommendation,

- (a) accept the recommendation, advise the selection committee to notify the successful candidate and, if the candidate accepts, make the appointment;
- (b) defer the appointment and ask the selection committee to reconsider its recommendation; or
- (c) reject the recommendation.

Reasons

(5) If the Lieutenant Governor in Council or Minister chooses to respond to a recommendation by taking an action described in clause (4) (b) or (c), they shall immediately provide written reasons for their decision to the Council.

Response to request to reconsider

(6) A selection committee that receives a request to reconsider its recommendation shall review the reasons provided for the decision and either,

- (a) withdraw its recommendation and recommend a new candidate; or
- (b) affirm its recommendation to the government and provide written reasons to the Lieutenant Governor in Council or Minister, as applicable, that respond to their reasons for requesting a reconsideration.

Response to rejection of recommendation

(7) A selection committee that receives a rejection of its recommendation shall recommend the appointment of another candidate.

Confidentiality

(8) The Lieutenant Governor in Council, the Ministers and the members of a selection committee shall maintain any information related to the selection process in confidence.

Optimal diversity and inclusivity

15 An adjudicative tribunal's recruitment plan for members and its process for selecting its employees shall optimize the opportunities for establishing and maintaining a staff that is appropriately inclusive and that reflects the diversity of the tribunal's community of users.

PART IV ADJUDICATIVE TRIBUNALS' MEMBERS' TERMS, REAPPOINTMENTS AND RENEWALS

Terms of appointments for non-chairs

16 (1) The following rules apply to the appointment, reappointment or renewal of a term of appointment of a member of an adjudicative tribunal who is not the chair of the tribunal:

1. If the candidate had less than two years of experience in the exercise of an adjudicative function before their appointment, their first appointment shall be for a term of two years.
2. If the candidate had two or more years of experience in the exercise of an adjudicative function before their appointment, their first appointment shall be for a term of three years.
3. After their initial term expires, every member of an adjudicative tribunal may have their term renewed by their appointing body with a recommendation from the chair of the tribunal,
 - i. for a second term of three years,
 - ii. for a third term of five years, or
 - iii. for any subsequent terms, for a term of five years that is recommended by the chair of the tribunal and approved by the Council.

Clustered tribunals

(2) In the case of a cluster of adjudicative tribunals designated under section 15 of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, the associate chair of the tribunal is responsible for performing the chair's duty of deciding whether to recommend the renewal of a member's term.

Merit-based renewal

(3) The chair of an adjudicative tribunal may only recommend the renewal of a member's term of appointment if the chair is satisfied that the person's qualifications, as described in subsections 14 (1) and (2) of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, and the member's performance of their duties on the tribunal meet the tribunal's reasonable needs and expectations and if the renewal would reflect the diversity of the tribunal's community of users.

Delayed renewals

(4) If the renewal of a term of appointment of a member other than a chair has been recommended by the chair before the member's current term expires, the term of that member's appointment shall be deemed to have been extended past the expiry of their term until,

- (a) the member's term is renewed by their appointing body;
- (b) in the case of a non-renewal for reasons that do not constitute just cause, the day the notice period required by section 18 expires; or
- (c) in the case of a non-renewal for reasons that would constitute just cause, the earlier of,
 - (i) the day the Council reinstates the member in accordance with subsection 19 (3), or
 - (ii) the day a dismissal proceeding ordered under subsection 19 (3) is completed.

Regulations

(5) The regulations made by the Council may alter, vary or set out exceptions from the rules in this section.

Terms of appointments for chairs

17 (1) The following rules apply to the appointment, reappointment or renewal of a term of appointment of a chair of an adjudicative tribunal:

1. Their first appointment shall be for a term of five years.
2. After their initial term expires, the chair may have their term renewed,
 - i. for a second term of five years, or
 - ii. for a third term of five years.
3. A chair's term may not be renewed after they have served for a total of 15 years.

4. The appointing body shall give the Council the opportunity to provide advice on the appointment or reappointment, and the appointing body shall consider the Council's advice before making the appointment or reappointment.

Acting chair

(2) In the event of an unexpected vacancy in the position of chair of an adjudicative tribunal, the Council shall appoint an acting chair to serve until the recruitment and appointment of a new chair can be completed unless another Act provides for the assumption of the chair's duties by another person.

Merit-based renewal

(3) The Council may only recommend the renewal of a chair's term of appointment if the Council is satisfied that the person's qualifications, as described in subsections 14 (1) and (2) of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, and the chair's performance of their duties on the tribunal meet the tribunal's reasonable needs and expectations.

Regulations

(4) The regulations made by the Council may alter, vary or set out exceptions from the rules in this section.

Non-renewals for reasons that do not constitute just cause, non-chair

18 (1) If an appointing body determines that the appointment of a member of an adjudicative tribunal, other than a chair, should not be renewed for reasons that would not constitute just cause for dismissal, the appointing body shall give the member and the chair of the adjudicative tribunal confidential notice of that determination at least six months before the expiration of the member's current term.

Review

(2) A member who receives a notice described in subsection (1) may apply in confidence to the Council for a confidential review by the Council of the appointing body's grounds for refusing to renew the term, and upon completion of that review the Council may order such disposition of the matter as it sees fit.

Notice's effect on outstanding decisions

(3) Except as otherwise directed by the appointing body, a member who receives notice of a pending non-renewal and as a result leaves the adjudicative tribunal shall be authorized and required to complete their outstanding decisions.

Extension

(4) If a member is not given the six months of notice required by subsection (1), their term shall be extended until six months after they have received notice of the appointing body's determination.

Non-renewal for reasons that constitute just cause for dismissal, non-chair

19 (1) If an appointing body determines that the appointment of a member of an adjudicative tribunal, other than a chair, should not be renewed for reasons that would constitute just cause for dismissal, the appointing body shall advise the Council in confidence of their conclusion and the chair of the adjudicative tribunal shall halt the continuation of cases by that member.

Confidential review

(2) The Council shall arrange for a confidential review of the appointing body's determination by an investigator who is independent from the adjudicative tribunal.

Council's response

(3) On receiving the investigator's report, the Council may reinstate the member or proceed with a dismissal proceeding that provides the member with a fair hearing before an independent adjudicator chosen by the Council.

Non-renewal for reasons that constitute just cause for dismissal, chair

20 (1) If the Council does not recommend that a chair of an adjudicative tribunal should be renewed for reasons that would constitute just cause for dismissal, the Council shall, by confidential communication,

- (a) suspend the appointment of the chair; and
- (b) assign a person to assume the chair's responsibilities while the Council conducts an inquiry unless another Act provides for the assumption of the chair's duties by another person.

Council's response

(2) After completing the inquiry, the Council may reinstate the chair or proceed with a dismissal proceeding that provides the chair with a fair hearing before an independent adjudicator chosen by the Council.

PART V ROSTER REDUCTIONS

Positions deemed permanent

21 (1) Once a position with an adjudicative tribunal is established through the appointment of a person as a member of that tribunal, the position shall be deemed a permanent roster position.

Permanent roster position

(2) A permanent roster position shall continue to be filled through renewals of the term of the member who holds that position or through the filling of a vacancy in that position by the selection and appointment of another individual, unless the position is declared to be redundant in accordance with this Part.

Redundant positions

22 (1) If the responsible Minister for an adjudicative tribunal concludes, in consultation with the tribunal's chair, that the tribunal has a larger roster of members than it needs in order to deal in a timely fashion with the cases the tribunal can reasonably expect in the foreseeable future, the responsible Minister shall confidentially and in consultation with the tribunal's chair develop a roster reduction proposal specifying,

- (a) the facts and analysis on which the caseload projections and tribunal production levels are based;
- (b) the number of positions the responsible Minister proposes to declare redundant;
- (c) the protocol for identifying the particular positions that are to be declared redundant, including the members whose expected term renewals may have to be denied in support of the plan;
- (d) how the choice of members to be made redundant,
 - (i) meets the tribunal's standards and reasonable needs and expectations, and
 - (ii) would impact the ability of the tribunal's membership to reflect the diversity of the tribunal's community of users; and
- (e) the notice and compensation package for any members whose positions must be declared redundant and the plan for re-engaging them elsewhere where possible.

Plan to be shared with Council

(2) The responsible Minister shall share the proposed roster reduction plan in confidence with the Council, which shall consult on the opinion with the chair of the adjudicative tribunal and give the Minister its opinion of the plan.

Minister's response

(3) The responsible Minister may implement the roster reduction plan after considering the Council's opinion and making such adjustments, if any, to the plan as the responsible Minister considers necessary in response to the opinion.

Effect of redundancy

(4) Any member whose position is declared redundant by the responsible Minister shall be authorized and required to complete their outstanding decisions and may, with the chair's approval, continue the hearing of cases of which they were seized at the time of the declaration.

PART VI REGULATIONS

Regulations

Lieutenant Governor in Council

23 (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that is required or permitted under this Act to be prescribed or to be done by or in accordance with the regulations;
- (b) governing any transitional matters that may arise due to the enactment of this Act.

Council

(2) Subject to the approval of the Lieutenant Governor in Council, the Council may make regulations governing the terms of appointment for members of adjudicative tribunals, which may alter, vary or set out exceptions from the rules set out in section 16 or 17.

PART VII TRANSITION

Adjustment of terms of appointment

24 On the day this section comes into force, the terms of appointments of any existing members of adjudicative tribunals that are set to expire within less than 12 months after that day may have their terms extended to such dates as the Council may determine.

User satisfaction survey

25 (1) The Council shall begin conducting a user satisfaction survey as soon as it determines it to be practical.

Survey

(2) The survey shall assess the satisfaction of individuals who were parties to the disputes that each adjudicative tribunal had resolved by decisions issued during a period specified by the Council and of advocates who represented the parties in those proceedings.

Contact information required

(3) Every adjudicative tribunal shall provide the Council with contact information for the parties and advocates described in subsection (2) within the deadline specified for the tribunal by the Council.

Information to be held in confidence

(4) The Council shall hold the information provided under subsection (2) in confidence and shall only use it for the purpose of conducting the user satisfaction survey.

Prioritization

(5) In the administration of these surveys, the Council may prioritize the order of adjudicative tribunals to be surveyed based on the Council's judgment of the urgency and gravity of possible dysfunctionality.

Results

(6) The results of the user satisfaction surveys shall be reported to the Council and to the chairs of the adjudicative tribunals and may be discussed in confidence with affected tribunal chairs or members.

Interim acting appointments

26 During the two-year period following the day on which this section is proclaimed in force, the Council may appoint individuals to be members of adjudicative tribunals in an acting capacity for terms of not more than one year as needed to fill vacancies without needing to comply with the requirements of Parts III and IV.

PART VIII AMENDMENTS

Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009

27 (1) **Section 2 of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* is amended by adding the following definitions:**

“Council” means the Adjudicative Tribunal Justice Council established under section 4 of the *Fewer Backlogs and Less Partisan Tribunals Act, 2024*; (“Conseil”)

“selection committee” has the same meaning as in section 2 of the *Fewer Backlogs and Less Partisan Tribunals Act, 2024*; (“comité de sélection”)

(2) Subsection 4 (4) of the Act is amended by striking out “the tribunal’s responsible minister” at the end and substituting “the Council”.

(3) Subsection 5 (3) of the Act is amended by striking out “the tribunal’s responsible minister” at the end and substituting “the Council”.

(4) Subsection 7 (3) of the Act is amended by striking out “the tribunal’s responsible minister” at the end and substituting “the Council”.

(5) Subsection 14 (4) of the Act is repealed and the following substituted:

Appointment of non-chair

(4) No person shall be appointed as a non-chair member of an adjudicative tribunal unless the chair of the tribunal, after being consulted as to their assessment of the person’s qualifications under subsections (1) and (2), concurs with the selection committee’s recommendation that the person be appointed.

Reappointment of non-chair

(4.1) No person shall be reappointed as a non-chair member of an adjudicative tribunal unless the chair of the tribunal, after being consulted as to their assessment of the person's qualifications under subsections (1) and (2) and of the member's performance of their duties on the tribunal, recommends that the person be reappointed.

**PART IX
COMMENCEMENT AND SHORT TITLE**

Commencement

28 This Act comes into force on the first anniversary of the day this Act receives Royal Assent.

Short title

29 The short title of this Act is the *Fewer Backlogs and Less Partisan Tribunals Act, 2024*.