

This document is intended to inform candidates in provincial elections of the ethical principles and obligations they will be expected to observe, **if elected**, and the impact these may have on them and on their family members. This is a summary of the main provisions of the Code, and therefore is not exhaustive. Newly elected officials are invited to contact the Ethics Commissioner (hereinafter the “Commissioner”) as soon as they are elected so that the Commissioner can assess their particular situation.

ROLE OF THE COMMISSIONER

The Ethics Commissioner is an independent authority. To ensure compliance with the obligations set out in the Code, the Commissioner provides advice and advisory opinions at the request of the Members of the National Assembly, analyzes the various statements completed by Members, and offers them training on the ethical principles and rules of conduct. In addition, the Commissioner may conduct an inquiry where there are reasonable grounds to believe that breaches may have occurred.

VALUES AND ETHICAL PRINCIPLES

In carrying out your duties of office, your conduct must be guided by the values of the National Assembly and your actions must be consistent with certain ethical principles.

Values of the National Assembly:

1. Commitment to improving the social and economic situation of Quebecers;
2. High regard for and the protection of the National Assembly and its democratic institutions;
3. Respect for other Members, public servants and citizens.

Your conduct must be characterized by benevolence, integrity, adaptability, wisdom, honesty, sincerity and justice.

You must also:

1. Show loyalty towards the people of Québec;
2. Recognize that it is your duty to serve the citizens;
3. Show rigour and diligence;
4. Seek the truth and keep your word; and
5. Preserve the memory of how the National Assembly and its democratic institutions function.

■ **REFERENCE: SECTIONS 6 TO 9 OF THE CODE**

RULES OF CONDUCT

The rules of conduct set out in the Code prescribe the obligations you must observe at all times in carrying out your duties of office. Application of the Code could also have an impact on your family members.

Plurality of functions

Members may hold another office or post at the same time as the office of Member, provided that it is not one of the following incompatible offices or posts:

- Member of a municipal council or school service centre;
- Any position or other post to which remuneration or a benefit in lieu of remuneration is attached if it is held with:
 - the Government of Québec or one of its departments or a public body;
 - any other government, department or agency of Canada;
 - a foreign country;
 - an international non-profit organization;
- Lobbyist.

■ REFERENCE: **SECTIONS 10 TO 14 OF THE CODE**

Exclusivity of duties

Cabinet Ministers must devote themselves exclusively to the duties of office. No Cabinet Minister may, for example, hold the post of director or officer of a legal person, partnership or association.

■ REFERENCE: **SECTIONS 43 AND 44 OF THE CODE**

Conflict of interest

INDEPENDENCE OF JUDGMENT

Members must not place themselves in situations where their private interests may impair independence of judgment in carrying out the duties of office.

■ REFERENCE: **SECTION 15 OF THE CODE**

ACTIONS AND INFLUENCE

Members must not act, attempt to act or refrain from acting, so as to further their private interests or those of a family member (spouse or dependent child) or non-dependent child, or to improperly further another person's private interests.

Members must not use their office to influence or attempt to influence another person's decision so as to further their private interests or those of a family member (spouse or dependent child) or non-dependent child, or to improperly further another person's private interests.

■ REFERENCE: **SECTION 16 OF THE CODE**

DISCLOSURE OF INFORMATION

Members may not use, communicate or attempt to use or communicate information that is not generally available to the public so as to further their or another person's private interests.

■ REFERENCE: **SECTION 17 OF THE CODE**



PRIVATE FINANCIAL INTEREST

In the context of parliamentary proceedings, Members who have a private financial interest, not shared by the other Members or the general public, must withdraw from the debate on a matter that is being discussed in the National Assembly or a committee of which they are a member.

■ REFERENCE: SECTION 25 OF THE CODE

CONTRACTING WITH THE STATE

The term “State” is used to refer to “the Government or a department or public body.”

No Members may, directly or indirectly, be party to a contract with the State, but may:

- have interests in an enterprise that is party to such a contract, subject to certain conditions;
- receive a loan or any other benefit from the State under any Act, regulation or program; and
- hold securities issued by the Government or a public body on the same terms as are applicable to all.

■ REFERENCE: SECTIONS 18 TO 21 OF THE CODE

Cabinet Minister

Within 60 days after appointment to the Cabinet, Cabinet Ministers who hold interests in an enterprise whose securities are listed on an exchange or for whose securities there is a published market (exchange) must dispose of such interests or place them in a blind trust managed by an independent trustee.

Within 60 days after appointment to the Cabinet, Cabinet Ministers who hold interests in an enterprise whose securities are not listed on an exchange or for whose securities there is not a published market (over-the-counter) may maintain such interests solely if the enterprise is not party to a contract with the State. Otherwise, Cabinet Ministers must dispose of such interests.

Members of a Cabinet Minister’s family (spouse and dependent child) could also be required to dispose of their interests in a company that offers over-the-counter securities if that company is party to a contract with the State. However, the Commissioner may authorize the contract under certain conditions.

■ REFERENCE: SECTIONS 45 AND 46 OF THE CODE

Disclosure statement

Upon taking office, and annually thereafter, Members must file with the Commissioner a statement disclosing their private interests and those of their family members (spouse and dependent child). The items to be reported vary depending on the position held. In particular, Members and Cabinet Ministers must declare the following:

- Income or benefits;
- Immovable property;
- Notice of expropriation;
- Professional, commercial or industrial activity engaged in;
- Interest held in an enterprise.

Cabinet Ministers must also disclose various elements of information about their assets and liabilities.

The Commissioner performs a detailed analysis of the statements and publishes a summary in a public register on the Commissioner’s website. The Code identifies what information in the statement must be made public in a manner that balances the Members’ right to privacy with the transparency required to maintain public confidence.

■ REFERENCES: SECTIONS 37 TO 40 OF THE CODE (MEMBERS); SECTIONS 51 TO 55 OF THE CODE (CABINET MINISTERS)



Gifts and benefits

Members may accept a gift or benefit, with two exceptions:

- If it is offered in exchange for speaking or taking a certain position;
- If it may impair the Members' independence of judgment or may compromise their integrity or that of the National Assembly.

Members who accept any gift, benefit or other hospitality that has a value of more than \$200 must file a disclosure statement with the Commissioner who keeps a public register of such statements.

■ **REFERENCE: SECTIONS 29 TO 34 OF THE CODE**

Post-term issues

The post-term rules apply only to Cabinet Ministers who are leaving office.

Rules applicable **at all times**:

- Conduct themselves so as not to obtain undue benefit from their prior office.
- Not disclose confidential information or give advice based on information not available to the public.
- Not act in a matter in respect of which the Cabinet Ministers had acted in the exercise of their ministerial office.

Rules applicable for a period of **two years** after Cabinet Ministers leave office:

- Not accept a position or an appointment to a board of directors or as a member of an organization with which they had official, direct and significant dealings in the year preceding the cessation in office;
- Not intervene with any department or other State entity with which they had official, direct and significant dealings in the year preceding the cessation in office, unless they are still a Member.

■ **REFERENCES: SECTIONS 48 AND 56 TO 61 OF THE CODE, GUIDELINES ON THE POST-TERM RULES FOR CABINET MINISTERS**

For more information

USEFUL LINKS

[Code of ethics and conduct of the Members of the National Assembly](#) (CQLR, chapter C-23.1)

[Ethics Commissioner](#)

DO YOU HAVE QUESTIONS?

Without giving formal advice under the Code, the Commissioner can answer certain general questions to guide you in your thinking. To contact the Commissioner:

By telephone: 418 643-1277

By email: info@ced-qc.ca

