

Summary¹

The Ethics Commissioner's Inquiry Report on Ms. Marie-Louise Tardif,
Member for Laviolette–Saint-Maurice

December 2, 2019

CONTEXT

The Ethics Commissioner conducted an inquiry with regard to the Member for Laviolette–Saint-Maurice, Ms. Marie-Louise Tardif, at the request of the Member for Vimont, Mr. Jean Rousselle, who claimed to have reasonable grounds to believe that the Member for Laviolette–Saint-Maurice had violated the *Code of ethics and conduct of the Members of the National Assembly* (“the Code”).

Essentially, the Member for Vimont alleged that the Member for Laviolette–Saint-Maurice continued to receive remuneration as CEO of Parc de l'Île Melville (“the Park”) and that she transferred furniture belonging to the National Assembly to the Park.

The Commissioner therefore analyzed the situation in relation to sections 11, 15, 16, 26 and 36 of the Code to determine whether the Member for Laviolette–Saint-Maurice held a post incompatible with the office of Member, whether she violated the rule regarding the use of State property, and whether she put herself in a conflict of interest situation.

ANALYSIS

Incompatible offices or posts— The evidence shows that following her election in the general election of October 1, 2018, the Member agreed to continue her remunerated part-time employment as CEO of the Park.

The Commissioner determined that this remunerated post was not incompatible with the office of Member, namely since the Park is not a public body. Indeed, in the absence of any formal incompatibility provided for in the Code, the Member could receive remuneration as part-time CEO of the Park, which was confirmed to her in a verbal opinion she received on October 25, 2018.

Use of State property — The evidence shows that in the context of her communications with the National Assembly about the closure of the former riding office in Grand-Mère, the Member was informed that she had to give any furniture remaining in the premises to an organization of her choice as quickly as possible. The National Assembly determined that the value of the property in the riding office was less than the cost incurred to dispose of it.

In this context, the Commissioner pointed out that the Member followed the National Assembly's instructions when disposing of the furniture and concluded that the Member committed no violation of the Code with respect to the use of State property.

Conflict of interest — First, the Commissioner indicated that Members must not consider, when exercising their duties of office, the interests of another organization for which they work in

1 The Ethics Commissioner's official positions and conclusions are included in the inquiry report. Where there are any differences between the summary and the report, the latter prevails.

parallel. Otherwise, a situation of conflict would be created between the exercise of the duties of public office and the other post.

In the case at hand, the Member could have avoided putting herself in a situation where she was playing the role of both Member of parliament and CEO of the Park. The Member could have, for example, implemented precautionary measures and established a watertight separation between her post and her elected office to ensure her exclusion from all decisions involving the Park.

However, the decision to use the Park's resources to transfer furniture from the riding office to the Park was made by the Member herself. In the opinion of the Commissioner, the only reasonable explanation for her decision is her employment relationship with the Park. The Commissioner reiterates that when simultaneously holding different functions, it is essential to establish a clear separation between these functions to avoid any potential conflict of interest situation, whether real or perceived.

In these circumstances, the Commissioner determined that the Member violated the Code by failing to prevent a situation of conflict of interest between her duties as MNA and her duties as CEO of the Park.

Second, the Commissioner determined that there is no link indicating that the Member's decision improperly furthered, or was intended to improperly further, the Member's private interests or the Park's interests.

Indeed, the evidence shows that the Park paid the employees' salaries, handled the truck expenses and assumed all other responsibilities arising from taking possession of the furniture, including that which it did not need. Moreover, the Commissioner reminds that this situation involves furniture of little value and that the Park, if it were not for its special relationship with the Member, could have received the gift of the furniture.

CONCLUSION

The Commissioner determined that the Member did not violate sections 11, 16 and 36 of the Code. However, the Commissioner concludes that the Member did violate section 26 of the Code. Under the circumstances, the Commissioner does not consider it appropriate to recommend sanctions to the Member.

In this regard, the Commissioner is of the opinion that the Member sincerely believed the urgency of taking action and that her decision was made in good faith. Moreover, the Member cooperated throughout the inquiry process and admitted to her mistakes in handling the situation. The Commissioner also underlines that, although this is a fact subsequent to the initiation of the inquiry, she cannot overlook the fact that most of the furniture was given to another organization by the Park, at the request of the Member.

Lastly, the Commissioner emphasizes that it is essential to establish a watertight separation between duties related to a post held in parallel to the office of Member. In this case, the fact that the furniture in question was of little value must not diminish the importance for elected representatives to preserve their independence of judgement when holding other posts.