



ETHICS  
COMMISSIONER

# ACTIVITY REPORT

2011–2012



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October 23, 2012

Mr. Jacques Chagnon  
President of the National Assembly  
Hôtel du Parlement  
1045, rue des Parlementaires  
1<sup>er</sup> étage, Bureau 1.30  
Québec (Québec) G1A 1A4

Dear Mr. President,

As the Ethics Commissioner I have the honour of presenting you with my Activity Report for the period extending from January 6, 2011 to March 31, 2012, along with financial statements to March 31, 2012. This is in accordance with section 79 of the Code of ethics and conduct of the Members of the National Assembly (L.Q., chapter C-23.1).

Yours sincerely,

A handwritten signature in black ink, reading "Jacques Saint-Laurent". The signature is written in a cursive, flowing style.

Jacques Saint-Laurent  
Ethics Commissioner



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## MESSAGE FROM THE COMMISSIONER



The new Code of ethics and conduct of the Members of the National Assembly was adopted unanimously on December 3, 2010. It sets out the main values of the National Assembly and enacts the rules of conduct that must be adhered to by all Members of the National Assembly (MNAs). This new legislative framework will facilitate the smooth conduct of Québec's democratic institutions and help preserve people's confidence in their elected representatives.

Aware of the public's expectations concerning them, Québec's MNAs have now enacted concrete rules of ethics and conduct in keeping with the principles of transparency and objectivity. The Code is aimed at preserving the integrity of the National Assembly and at supporting MNAs in their efforts to carry out their duties with integrity and independence of judgment.

Private Members and Cabinet Ministers alike have pledged never to place themselves in situations that involve a conflict of interest. Accordingly, they are required to file with the Ethics Commissioner a statement disclosing their private interests and those of their family members. The Ethics Commissioner meets with each MNA individually to discuss their disclosure statement as well as their obligations under the Code. For example, the Code prohibits MNAs from using their position to influence or attempt to influence another person's decision in order to further their own private interests.

The Code empowers the Ethics Commissioner to apply and enforce the rules and, if necessary, to conduct inquiries.

By appointing me as Ethics Commissioner, Québec's MNAs have accorded me a vote of confidence that has touched me deeply. Well aware of the importance of my office and the responsibilities that go with it, I am reminded every day of the relevance of the Ethics Commissioner's role and of the importance of advising MNAs whenever the need arises.

My objective is to serve the public and the MNAs. I will make all necessary efforts to guide them in the exercise of their functions as elected representatives. I will also ensure, as part of my duties, that the new rules of ethics and conduct are applied and observed.

A handwritten signature in black ink that reads "Jacques Saint-Laurent". The signature is written in a cursive, flowing style.

Jacques Saint-Laurent



## MESSAGE FROM THE JURISCONSULT



First of all, I would like to thank the Ethics Commissioner, Jacques Saint-Laurent, for giving me an opportunity to write a few words in the context of this first ever activity report.

The first step toward providing MNAs with an ethical frame of reference was taken 30 years ago, in 1982, when a major revamping of the Act respecting the National Assembly (L.Q., 1982, chapter 62) resulted in the creation of the office of jurisconsult, whose main role was to advise MNAs on conflicts of interest that their office might potentially give rise to.

The guidelines concerning such conflicts were set out in sections 61 to 73 of the Act.

The National Assembly has appointed only three jurisconsults over the past 30 years. I took office on June 16, 1996, having been preceded by the honourable Lucien Tremblay and the honourable Albert Mayrand.

New legislation—the Code of ethics and conduct of the Members of the National Assembly—was passed in December 2010. With it, sections 61 to 73 of the Act respecting the National Assembly fell by the wayside. So did the position of jurisconsult, at least as it was conceived in 1982. Henceforth, the jurisconsult would be appointed by the Office of the National Assembly to provide “advisory opinions on ethics and professional conduct to any Member who requests it” (s. 108 of the Code).

I have always deplored the MNAs’ reluctance to request advice from the jurisconsult under the Act. In this regard, the arrival on the scene of an Ethics Commissioner represents a signal advance in the domain of parliamentary ethics and conduct: conflict-of-interest situations have now been clarified; gifts and benefits have been more precisely circumscribed; private financial interests must be disclosed; post-term rules have been formulated for former Cabinet Ministers; an MNA may now lodge a complaint against another MNA; and the Ethics Commissioner may launch an inquiry on the basis of such a complaint or on the Commissioner’s own initiative.

These new realities lay the groundwork for something that lies at the very heart of ethical considerations: prevention. I am pleased to be able to continue my duties in this new environment.

It is an honour and a privilege for me to have participated in laying the basic foundation for a healthy democracy, that is, parliamentarians who comport themselves in accordance with the highest ethical standards and rules of conduct.

A handwritten signature in black ink that reads "Claude Bisson". The signature is written in a cursive style with a large, stylized initial 'C'.

Claude Bisson



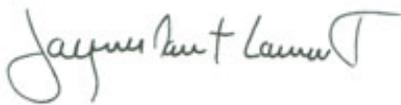
## ATTESTATION OF THE RELIABILITY OF THE DATA IN THIS REPORT

As Ethics Commissioner, the results and information contained in this report are my responsibility. It is up to me to carry out the mission of Ethics Commissioner in accordance with the laws and regulations that govern it. I hereby attest to the accuracy and reliability of the data contained in this report.

This report

- accurately describes the mission, mandates, values and policy directions of the Ethics Commissioner;
- gives an account of objectives and results; and
- presents accurate and reliable data.

I hereby declare that the data, information and explanations contained in this report reflect the situation of the Ethics Commissioner as it stood on March 31, 2012.



Jacques Saint-Laurent  
Ethics Commissioner

Québec City, October 2012



## INTRODUCTION

The ethical framework for MNAs encompasses the values of the National Assembly and the ethical principles and rules of conduct prescribed by the Code.

By embracing the values of the National Assembly and the ethical principles prescribed by the Code, MNAs pledge to improve the social and economic situation of Quebecers, show high regard for democratic institutions, seek the truth and strive to be loyal and truthful to the people of Québec. They also recognize that observance of these values is essential in order to maintain public confidence in them and the National Assembly and to fully achieve their mission of serving the public interest.

The values of the National Assembly guide Cabinet Ministers and private Members in the exercise of their office. However, these values and ethical principles are not defined with a single fixed standard in mind, and MNAs have a certain discretionary power to do as they think fit depending on the value or principle concerned and the circumstances of the individual case.

By contrast, the rules of conduct are precisely defined. For instance, MNAs must put an end to any situation in which their private interests may impair their independence of judgment in carrying out the duties of office. They must not act or attempt to influence another person's decision so as to further their private interests. They must preserve the confidentiality of any information they obtain in the exercise of their office that is not generally available to the public, and must refrain from using it to further their private interests.

In addition, under the rules of conduct, MNAs are prohibited from being party to a contract with the Government, a government department or a public body. In the case of Cabinet Ministers this prohibition extends to any business in which the Minister has an interest. As well, certain posts and positions are judged to be incompatible with the office of MNA. As for Cabinet Ministers, they must devote themselves exclusively to the duties of office. In short, the rules of conduct set out in the Code are obligations which all private Members and Cabinet Ministers must observe, leaving no room for discretionary power.

A rough analogy can be drawn between the rules of conduct prescribed by the Code and the rules of the road prescribed by the *Highway Safety Code*. Just as drivers have no choice but to observe the rules of the road—speed limits, traffic signs, traffic lights, etc.—so MNAs are obliged to follow the rules of conduct, with, again, no room for individual interpretation.

The values of the National Assembly and the ethical principles can be compared to the commitment made by drivers and companies that decide not only to respect the letter of the *Highway Safety Code*, but also to conduct themselves as careful and courteous drivers. Here there are no set rules to be followed, and each driver acts as the situation seems to dictate, always with the objectives of care and courtesy in mind. In somewhat the same way, MNAs may exercise a certain individual discretion when interpreting values and ethical principles, keeping in mind their objective of preserving public confidence.

The Ethics Commissioner is responsible for enforcing the Code of ethics and rules of conduct of the Members of the National Assembly. To this end he must advise MNAs as the need arises, make public certain information regarding them, establish guidelines, set deadlines or permit the exercise of an activity. He conducts inquiries to determine whether violations of the Code have occurred, and tables the resulting inquiry reports in the National Assembly. The Ethics Commissioner may conduct such an inquiry on the request of an MNA or on his own initiative. Inquiries are conducted in private and the MNA concerned has the right to a full and complete defence.

The jurisconsult, appointed by the Office of the National Assembly (decision 1575 of April 21, 2011), is responsible under the Code for providing an advisory opinion on ethics or professional conduct to any MNA who so requests.

The Ethics Commissioner and the jurisconsult are available to all MNAs for information, guidance or advice on the values, ethical principles and rules of conduct set out in the Code. Whether to prevent a conflict of interest, forestall a violation of the rules of conduct or simply obtain advice on the diversity of situations that may arise, MNAs may consult the Ethics Commissioner or the jurisconsult.

## **IMPLEMENTATION OF THE CODE BY THE MEMBERS OF THE NATIONAL ASSEMBLY**

This report summarizes the main activities surrounding the implementation of the Code since its coming into force.

First of all, MNAs wished to get my perspective, as Ethics Commissioner, on the main components of the Code. Staying within the bounds of the calendar determined by the legislator for 2011, we asked Cabinet Ministers, then private Members, to file a statement disclosing their private interests and those of their family members. I prepared summaries of these statements, which were subsequently published. MNAs asked me and the jurisconsult for advisory opinions concerning their obligations under the Code. Questions also arose with regard to the new rules on gifts and benefits, in force since January 1, 2012. MNAs wanted to know what gifts and benefits could be accepted and which had to be declared to the Ethics Commissioner. After January 1, 2012, an MNA asked me to conduct an inquiry into the post-term activities of a former Minister. My duties also led me to examine questions brought to my attention by members of the public.

### **GETTING INFORMATION**

Once the Code had been unanimously adopted, MNAs quickly wanted to get my perspective on the new rules of conduct. My objective was not only to familiarize them with the new legal framework in which ethics and rules of conduct would henceforth be considered, but also to express my readiness to inform and advise them.

In this context I met with the Premier, the Leader of the Official Opposition, the Leader of the Second Opposition Group, and the Chief Government Whip and the Chief Official Opposition Whip. Information meetings were subsequently held with the caucus chairs and caucus members of each political party.

Efforts to provide MNAs and their collaborators with information continued throughout the year. For example, a meeting was held with Cabinet Ministers to familiarize them with the special rules they are subject to. The office of the Ethics Commissioner also organized, for MNAs who were available at the time, an in-depth training session on ethics and rules of conduct as set out in the new Code.

On a few occasions, meetings were held with private Members' and Cabinet Ministers' staff. I was able to acquaint those who attended with the values, ethical principles and rules of conduct set out in the new Code.

During a training session recognized by the Barreau du Québec and organized in collaboration with the National Assembly's Human Resources Directorate, I provided participants with detailed information on the various aspects of the rules of ethics and conduct mentioned in the Code and on the measures the Code provides for the enforcement of those rules.

## DISCLOSING PRIVATE INTERESTS

Whereas some provisions of the Code, such as Title I on values and ethical principles, came into force on December 8, 2010, the rules of conduct applicable to all MNAs, and the special rules applicable to Cabinet Ministers, came into force on January 1, 2012. Even before the latter date, MNAs were required to file with the Ethics Commissioner a statement disclosing their private interests and those of their family members. This requirement took effect on July 1, 2011 for Cabinet Ministers and on October 1, 2011 for private Members.

The disclosure of private interests consists in communicating private information confidentially to the Ethics Commissioner with a view to maximizing transparency and preventing any real or perceived conflict of interest from taking place. For Cabinet Ministers and their family members, the disclosure statement is more detailed, in particular with regard to assets and liabilities.

All MNAs must declare

- all income or benefits for the 12 months preceding the disclosure statement;
- any professional, commercial or industrial activity they engaged in for the same period;
- the immovable property owned by them other than for purposes of personal residential use;
- any loan of money, taken out or given, in excess of \$3,000;
- any contract entered into with the Government, a government department or a public body; and
- any interest held in the form of shares, stocks or pecuniary benefits in any business.

Cabinet Ministers must additionally declare

- their assets and liabilities, including debts and surety bonds;
- their immovable property, including that for personal residential use; and
- information concerning any proceedings before a court of law or adjudicative body.

The actual disclosure form goes into more detail as to the information required and the interpretation of the Code, in particular with regard to assets and liabilities, income and benefits, and businesses whose securities are listed on an exchange and for which there is a published market. In preparing the form and guide, we made sure to list everything required by the Code. In this task, we benefited from the expert collaboration of the National Assembly's Communications Directorate, Computer Services and Telecommunications Directorate, and reprographics services.

Under section 42 of the Code, the Premier, the Ministers, the Chief Government Whip and the Caucus Chair of the government party are members of the Cabinet, and all have filed a disclosure statement. The Member for Bonaventure was also a Cabinet Minister, but as she resigned on September 6, 2011—that is, before the filing deadline—she did not file a statement. The Member for Richmond became a Cabinet Minister on September 7, 2011, and filed a statement within the time prescribed by the Code.

The 96 private Members received private-interests disclosure forms for them and their family members to fill out. The Ethics Commissioner is also required to file such a form. All filed the form, except the Member for Argenteuil, who resigned before the filing deadline. The new Member for Bonaventure, elected on December 5, 2011, filed his form within the time prescribed by the Code.

All Ethics Commissioner staff members were mobilized to answer questions and offer advice to MNAs on what information to include on the form. The most frequently asked questions concerned assets and liabilities, income and benefits, and interests in a business. Some MNAs asked for clarification of the definitions of “dependent child” and “spouse”.

Each completed disclosure form I received was analyzed in detail. This was not only done to ensure that all questions had been answered, but also to home in on information that might appropriately be considered as requiring some comment on our part. The analysis was preparatory to a meeting with each MNA, at my request, in order to ensure that adequate disclosure has been made and to discuss the MNA's obligations under the Code.

The analysis also allowed us to identify what information would go into the summary, if applicable. On meeting with each MNA, I had to be able to inform them of the information that would be included in the summary and therefore be made public.

I met with all Cabinet Ministers between November 8 and December 7, 2011, and with all private Members between February 16 and May 3, 2012. During these meetings I asked for information or clarifications that would help me analyze each situation. I subsequently submitted my comments and recommendations concerning the requirements of the Code to each person, along with certain observations on rules of conduct regarding conflicts of interest.

The summaries relating to Cabinet Ministers and those relating to their family members were published on the Ethics Commissioner's website on February 9, 2012 and May 4, 2012, respectively. This completed the private-interests disclosure process for the first year of its existence.

## REQUESTING AN ADVISORY OPINION FROM THE JURISCONSULT OR THE ETHICS COMMISSIONER

MNAs can obtain advice on the new ethical framework and even, in certain cases, request an advisory opinion. The Ethics Commissioner and the jurisconsult answer questions and provide interpretations according to the circumstances. Requests for an advisory opinion to the Ethics Commissioner and to the jurisconsult are provided for by sections 87 and 108 of the Code:

87. In response to a request in writing from a Member on any matter respecting the Member's obligations under this Code, the Ethics Commissioner provides the Member with a written advisory opinion containing reasons and any recommendations the Ethics Commissioner considers appropriate. The advisory opinion must be given within 30 days after the Member's request, unless otherwise agreed by the Member and the Ethics Commissioner.

An advisory opinion of the Ethics Commissioner is confidential and may only be made public by the Member or with the Member's written consent, subject to the Ethics Commissioner's power to conduct an inquiry and report on the facts alleged in or discovered in connection with the Member's request.

108. The Office of the National Assembly appoints a jurisconsult by a unanimous vote of its members to be responsible for providing advisory opinions on ethics and professional conduct to any Member who requests it. The jurisconsult may not be a Member.

These sections came into force on July 1, 2011. From January to July 2011, I was consulted 15 times, of which four in the form of a written request.

Ninety requests came my way from July 1, 2011 to March 31, 2012, but only one was in writing. They concerned rules of conduct on various subjects: attendance in the House, conflicts of interest, the disclosure statement, incompatibility of posts or offices, gifts, hospitality and other benefits, and the Volunteer Support Program.

As stated in section 87 above, the Ethics Commissioner's advisory opinions are confidential.

Various opinions I gave as Ethics Commissioner are summarized below.

- *Rules of conduct applicable to all MNAs – Incompatibility of posts or offices*

The Code provides that certain posts or offices, such as a seat on a municipal council or a school board and remunerated employment with a government, a government department or a public body, are incompatible with the office of MNA (ss. 10 and 11).

**QUESTION**

An MNA asked whether his spouse becoming a school board member would constitute a violation of the incompatibility rules.

**ANSWER**

Referring to section 10, I informed him that the prohibition against school board membership does not apply to a spouse, who is free to accept such an office. However, I also urged the MNA to be mindful of the rules of conduct relating to conflicts of interest. If he had to make a decision on a question connected with the office exercised by his spouse, he could be obliged to withdraw and not participate in debates on the question.

**- *Rules of conduct applicable to Cabinet Ministers – Exclusivity of duties***

As noted earlier, Cabinet Ministers must devote themselves exclusively to the duties of their office. They may not, for example, be directors or officers in any business and, if they are, they must resign the position as soon as possible after being sworn in and cease any activity other than that of carrying out their duties as Cabinet Minister. Until this is done, they are barred from taking part in Cabinet meetings and in meetings of Cabinet committees or the Conseil du trésor (ss. 43 and 44).

**QUESTION**

I received a request for an opinion from a private Member who exercises parliamentary duties. (A private Member may exercise a variety of parliamentary duties, either in the House or in committee.) In this case, the private Member also engaged in a professional activity in the private sector. He wanted to know whether he was in violation of the Code.

**ANSWER**

I informed the MNA that the rules on exclusivity of duties apply only to Cabinet members—not to private Members. A private Member is not considered a member of Cabinet unless the parliamentary duties he or she exercises are those of Chief Government Whip or Government Caucus Chair. Other private Members who exercise parliamentary duties are subject to the same rules of conduct applicable to all MNAs, such as the incompatibility rules.

The private Member specified that he exercised a professional activity on and off, for a private business. This does not violate the incompatibility rules under section 10 or 11.

- *Rules of conduct applicable to all MNAs – Being party to a contract*

MNAs must be particularly vigilant when it comes to potential conflicts of interest. They may not be party, directly or indirectly, to a contract with the Government, a government department or a public body. However, a business in which they hold an interest may, under certain conditions, accept a government contract (s. 18).

**QUESTION**

An MNA asked me about government financial assistance that his son might receive in the context of a business they own jointly. Given that he is an MNA, is the business eligible for such assistance?

**ANSWER**

I referred the MNA to subparagraph 2 of the second paragraph of section 18 of the Code. Under this provision, an MNA may receive a loan, a reimbursement, a grant, an indemnity or any other benefit from the Government, a government department or a public body under any Act, regulation or program. The MNA specified that the business is due to receive financial assistance under a government program, and that it meets all the requirements of the program. I informed him that this situation is permitted under the Code.

- *Rules of conduct applicable to all MNAs – Reimbursement of expenses*

MNAs may not receive, directly or indirectly, any form of salary, indemnity, financial assistance or other benefit from a political party or party authority. They may, however, be reimbursed by a political party or authorized party authority for reasonable expenses incurred in the course of a partisan activity (s. 27).

**QUESTION**

I received a request from an MNA whose political party had reimbursed him for travel and other expenses in connection with his participation in an activity outside his constituency. He wanted to know whether this could create problems for him in relation to the Code. Should the reimbursement be considered a gift to be declared to the Ethics Commissioner?

**ANSWER**

I referred the MNA to section 27 of the Code, which states that a political party or authorized party authority may reimburse an MNA for reasonable expenses incurred in the course of a partisan activity. In the situations described in that section, the reimbursement of expenses does not constitute a gift or benefit within the meaning of sections 29 to 34 of the Code.

Various opinions given by the jurisconsult are summarized below.

- *Service offered free of charge*

QUESTION

An MNA addressed himself to the jurisconsult on the subject of non-partisan newsletters that the MNA distributes from time to time to households in his constituency. A local organization that has received a grant under the Volunteer Support Program has offered to deliver the newsletters free of charge. Could this be accepted?

ANSWER

The non-partisan nature of the newsletters is essential. The MNA may accept the offer, but must make it very clear to the organization that the service rendered will not influence any recommendation the MNA may make toward the organization obtaining future grants under the Volunteer Support Program. This Program, accessible to all MNAs under government regulations, provides assistance in support of community action.

- *Constituency staff – Incompatibility of posts or offices*

QUESTION

Can a constituency staff member occupy an elected position on the council of a municipality located in the constituency represented by the MNA?

ANSWER

The jurisconsult saw no conflict between the position of constituency administrative assistant and that of elected municipal representative.

However, caution must be exercised to ensure that there is no “overlapping” of the two roles. For example, the person must not be considered as either the municipal council’s spokesperson with the MNA or the MNA’s delegate with the council. Files concerning both the municipality and the MNA would have to be dealt with by another person altogether.

## **ACCEPTING GIFTS, HOSPITALITY OR OTHER BENEFITS**

The Code allows MNAs to accept gifts, hospitality or other benefits, barring the two exceptions set out in sections 29 and 30. First, MNAs may not solicit, elicit, accept or receive a gift in exchange for intervening or taking a certain position on an issue. Second, MNAs must refuse any gift that may influence their independence of judgment or compromise their integrity or that of the National Assembly.

If these prohibitions do not apply, the MNA may, after examining the facts, accept the gift, hospitality or other benefit. However, if the value exceeds \$200, the MNA must file a statement with the Ethics Commissioner to be kept in a public register. In the case of a purely private relationship, as when a gift is received from one's spouse or child, there is, of course, no obligation to declare the gift to the Ethics Commissioner.

MNAs had many questions concerning the interpretation of the rules of conduct with regard to gifts, hospitality and other benefits, which quickly led me to consider the possibility of publishing guidelines on the subject. Research and consultations were undertaken. To get MNAs' views on the subject, we went back to what they had expressed during the clause-by-clause examination of Bill 48 (the Code). We also looked at the guides and administrative rules from other legislative assemblies in Canada.

The collaboration of MNAs was much appreciated during the preparation of the guidelines. It helped me to be more precise and to use a vocabulary more in keeping with the work of an MNA, whether a private Member or Cabinet Minister.

The guidelines on gifts, hospitality and other benefits were published in February 2012. Not surprisingly, their implementation, with concrete examples, provided an opportunity to give MNAs further information on the subject. The juriconsult and I were on hand to answer questions and lead MNAs through an analysis of the various situations. From this exercise, it emerged that the guidelines formulated in February 2012 could stand to be clarified. This was done the following May.

Before accepting a gift, an MNA should consider the following questions:

- Could any link be made between my current responsibilities as private Member or Cabinet Minister and the possibility of the gift influencing how I intervene or stand on an issue? Could the gift influence my independence of judgment or be seen as compromising my integrity or that of the National Assembly?
- Is the donor party to a contract with the Government, a government department or a public body?
- Does a government program or policy apply to the donor? Is the donor subject to government regulations?
- Is it reasonable to think that the donor might expect something in return, or be perceived by a reasonable person as expecting something in return?

From January 1 to March 31, 2012, five gift declarations filed under section 31 of the Code were published on our website. Gifts that are subject to section 29 or 30 of the Code are simply prohibited. Of gifts that are not prohibited, only those with a value over \$200 must be declared to the Ethics Commissioner.

Various opinions I gave as Ethics Commissioner on these matters are summarized below.

- *Gifts, hospitality and other benefits*

QUESTION

An MNA received several tickets to a show from a friend. The value largely exceeded \$200, and the MNA consulted me on the matter.

ANSWER

To review possible reasons for refusing the gift the MNA and I discussed whether the gift could influence his decisions or how he intervened or stood on an issue in the exercise of his duties as MNA. We concluded that the gift presented no risk as far as contravening the Code was concerned. Hence, the gift could be accepted. But since its value exceeded \$200, it still had to be declared to the Ethics Commissioner. The MNA remained uncertain as to the course of action to take. Even if the Code allowed him to accept the gift, he was uncomfortable with the idea of accepting tickets to a show. I told him that the decision was up to him, according to his assessment of the situation. He was not required to accept a gift, even if the Code allowed it. He decided to turn down the tickets.

QUESTION

Another MNA consulted me about tickets he had received for a show. The total value exceeded \$200, and he wanted to give the tickets away to members of the public on the recommendation of community organizations in his constituency. He wondered whether he was still required to declare them to the Ethics Commissioner.

ANSWER

I told him that he must declare the tickets, even if he intended to give them away. The obligation to declare remained, even if he did not keep the tickets for himself.

QUESTION

An MNA met with a foreign leader and, as protocol dictates in such situations, the two exchanged gifts. The MNA wondered whether he could accept the gift and, if so, whether he was required to declare it to the Ethics Commissioner.

ANSWER

The MNA and I reviewed the prohibitions of the Code. In the case at hand, the gift was not offered in exchange for the MNA's intervening or taking a certain stand on an issue. Nor was there a risk of influencing his independence of judgment or of compromising his integrity. I therefore informed the MNA that he could accept the gift. As the value of the gift did not exceed \$200, he was not required to declare it to the Ethics Commissioner.

**QUESTION**

An MNA got in touch with me about a box seat for a hockey game. The seat was offered to him free of charge by an old friend, and he wondered whether he could accept the invitation to the game under such circumstances.

**ANSWER**

The MNA and I noted that the gift in question was not offered in exchange for the MNA's intervening or taking a certain stand on an issue. After all, the gift came from a long-time friend with no strings attached. As to the risk of influencing independence of judgment or of compromising integrity, the MNA felt at ease on both counts, anticipating no problem on either score. I invited him to consider the question more broadly, from the perspective of a third party. For example, what would happen if the MNA were called upon, in the course of the duties of office, to pronounce himself on some issue connected with the person or business that rents the box where he would be seated? Is it possible that a third party might reasonably perceive the gift as potentially exerting an influence, directly or indirectly, on the MNA's independence of judgment?

In the course of the ensuing discussion, the MNA informed me that, on second thought, he would not accept the invitation.

**REQUESTING THAT THE ETHICS COMMISSIONER CONDUCT AN INQUIRY**

Under section 91 of the Code, an MNA who has reasonable grounds for believing that another MNA has violated the rules of conduct for private Members or Cabinet Ministers may request that the Ethics Commissioner conduct an inquiry into the matter. The request must be made in writing and set out the reasonable grounds for the belief that the Code has not been complied with.

**Post-term rules**

On January 16, 2012, Éric Caire, Member for La Peltrie, requested an inquiry into the conduct of Nathalie Normandeau who, until September 6, 2011, was the Member for Bonaventure and a Cabinet Minister.

On hearing that Ms. Normandeau would be accepting a position as Vice-President of Strategic Development with Raymond Chabot Grant Thornton, Mr. Caire submitted to me his grounds for believing that the former Minister had violated the post-term rules set out in sections 56 to 61 of the Code. Mr. Caire referred, among other things, to the fact that the activities of the former Minister responsible for the Northern Plan were closely connected to her new employer's publicly proclaimed interest in supporting businesses that participate in the Northern Plan.

First, I had to decide whether Mr. Caire's request was admissible, that is, whether I was empowered to intervene with regard to the facts submitted to me. If I was, I then had to decide whether Mr. Caire had submitted reasonable grounds for believing that a violation had occurred.

Nathalie Normandeau resigned as Minister and MNA on September 6, 2011; the Code had been in force since December 8, 2010; however, the post-term rules only came into force on January 1, 2012, after which date Mr. Caire filed his inquiry request.

As far as post-term rules are concerned, the facts on which I may investigate must have occurred after January 1, 2012. Such facts may concern a person who was no longer a Cabinet Minister in 2012, provided he or she was a Cabinet Minister after the coming into force of the Code. I concluded that I was authorized to intervene with regard to the observance of post-term rules in the case of a Cabinet Minister who resigned from office after December 8, 2010, when the Code came into force. Ms. Normandeau ceased to be a Cabinet Minister and an MNA on September 6, 2011; I therefore decided to intervene with regard to the post-term rules, but only in connection with facts that occurred after January 1, 2012.

It was then a matter of deciding whether Mr. Caire had submitted reasonable grounds for believing that a violation of the Code had occurred. On the date of the inquiry request, Ms. Normandeau had not yet taken up her new position as Vice-President; in fact, her start date was May 1, 2012. Consequently, in January 2012, there existed no facts that could lead to believe that Ms. Normandeau had violated the Code. I concluded that the inquiry request was inadmissible, since no violation could occur so long as the former Minister had not taken up her new position. In accordance with section 98 of the Code, I completed my inquiry report on March 28, 2012.

### **Attendance in the House**

Under section 92 of the Code, the Ethics Commissioner may take the initiative to conduct an inquiry to determine whether an MNA has violated the Code. Shortly before the end of the fiscal year, on March 14, 2012, I began an inquiry.

Under section 35 of the Code, an MNA must not be absent from the sittings of the National Assembly for an unreasonable length of time without a valid reason. Noting the prolonged absence from the House of Tony Tomassi, Member for LaFontaine, and being unaware of any valid reason for it, I gave Mr. Tomassi notice to the effect that I intended to conduct an inquiry to determine whether he had violated the Code. In the notice, I informed Mr. Tomassi that, on my own initiative, an inquiry would begin on March 26, 2012 unless, no later than that date, Mr. Tomassi provided a valid reason for his absence.

Mr. Tomassi did not provide me with the required information by the prescribed deadline. The inquiry was begun at the end of March 2012 and continued into the next fiscal year; my report was completed on June 7, 2012.

## OTHER COMMUNICATIONS

From January 2011 to March 2012, I received a number of verbal and written inquiries from members of the public. These numbered about 15 in all, of which more than half were in writing. All of these inquirers received an explanatory message in return. It should be noted that members of the public cannot request the Ethics Commissioner to conduct an inquiry.

The majority of these communications dealt with subjects not under my jurisdiction, and the persons concerned were directed to the proper authorities. The subjects that had to do with the application of the Code mostly concerned the incompatibility of posts or offices, the use of State goods and services, and the values of the National Assembly.

## ADMINISTRATION OF THE CODE BY THE ETHICS COMMISSIONER

This report also summarizes certain activities I conducted relative to the administration of the Code. I am thinking here of the regulations that govern the office of the Ethics Commissioner and of the guidelines that were created to define more precisely just how the new legal framework applies to MNAs. Reference tools were also developed and made available to MNAs. A website was set up to inform MNAs and the public, and numerous media interviews were given with the same purpose in mind. I established ties with the Auditor General of Québec, the Lobbyists Commissioner, and other parties that the Ethics Commissioner is called upon to work with. This report also refers to various administrative initiatives.

## DEFINING THE REGULATORY FRAMEWORK

The Code provides that the Office of the National Assembly is responsible for enacting or approving regulations for the administration of the Code.

For example, section 78 of the Code states that the Ethics Commissioner may, by regulation, determine the conditions applicable to the contracts of the Ethics Commissioner. This regulation comes into force on the date it is approved by the Office of the National Assembly. On February 24, 2011, the Regulation respecting contracts of the Ethics Commissioner, made by the Ethics Commissioner on February 18, 2011, was approved by the Office of the National Assembly (decision 1552). On April 21, 2011, the Regulation to amend the Regulation respecting contracts of the Ethics Commissioner, made by the Ethics Commissioner on April 18, 2011, was approved by the Office of the National Assembly (decision 1580).

Under section 76 of the Code, “Chapter III, Chapter IV with the exception of section 44, of the second and fourth paragraphs of section 45, of sections 46 and 53 and of the third paragraph of section 57, Chapter VI and section 73 of the Public Administration Act (chapter A-6.01) apply to the Ethics Commissioner.” The Office of the National Assembly may, however, by a regulation adopted by a unanimous decision, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place.

On November 10, 2011, the Office of the National Assembly adopted the Regulation authorizing the Ethics Commissioner to set aside a provision of the Public Administration Act (decision 1605). Under this regulation, the Ethics Commissioner may, to the extent provided for by law, transfer a portion of an appropriation of the Ethics Commissioner to another appropriation of the Ethics Commissioner.

Under section 77 of the Code, “the provisions of the Financial Administration Act (L.Q., chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the financial resources of the Ethics Commissioner.” The Office of the National Assembly may, however, by a regulation adopted by a unanimous decision, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place. On November 10, 2011, the Office of the National Assembly adopted the Regulation authorizing the Ethics Commissioner to set aside certain provisions of the Financial Administration Act (decision 1606). This regulation provides that no payment out of the Consolidated Revenue Fund may be made except on the request of the Ethics Commissioner or any other person authorized for that purpose, in the form prescribed by the Regulation respecting financial and administrative management, adopted by the Office of the National Assembly.

Under section 133 of the Code, the Government, on November 30, 2011, made Order in Council 1220-2011, concerning the coming into force of certain provisions of the Code of ethics and conduct of the Members of the National Assembly. The order in council was published in the December 14, 2011 edition of the *Gazette officielle du Québec*, Part 2, page 3653. It sets January 1, 2012 as the date of coming into force of sections 10 to 36, 41, 43 to 50, 56 to 61, 79, 91 to 107 and 114 to 129 of the Code.

Under the first paragraph of section 71 of the Code, the Office of the National Assembly may, by a regulation adopted unanimously, establish rules applicable to the Ethics Commissioner concerning conflicts of interest. On March 1, 2012, the Office of the National Assembly adopted the Regulation respecting the rules applicable to the Ethics Commissioner concerning conflicts of interest (decision 1635). Under that regulation, the rules applicable to the Ethics Commissioner concerning conflicts of interest are based on the rules of conduct contained in the Code.

The same day, in accordance with sections 111 and 71 of the Code, the Office of the National Assembly adopted the Regulation respecting conflicts of interest involving the juriconsult (decision 1636).

## GUIDELINES

Aside from the mandate of making certain regulations, the Code empowers the Ethics Commissioner to publish guidelines for MNAs with regard to the observance of the Code, provided no personal information is given (s. 89). Guidelines can be used to offer interpretations of the Code or to give perspectives of general import, for both private Members and Cabinet Ministers.

As noted earlier, it was questions about rules of conduct concerning gifts and benefits that impelled me to draft guidelines on that subject. They were published on February 28, 2012 and are available on our website.

## INFORMING MNAs AND THE PUBLIC

Under section 90 of the Code, I am required to organize educational activities for MNAs and the public on my role as Ethics Commissioner and on the implementation of the Code. It was with this in mind that I held information meetings, mainly with MNAs. Explanatory documents were also prepared and distributed. Our website came online and media interviews also served to inform the public.

### The Ethics Commissioner's website

Thanks to the sustained collaboration of the Communications Directorate and the Computer Services and Telecommunications Directorate of the National Assembly, our website has been online since February 2011. To inform MNAs and the public as well, a few short texts summarize the new ethical framework applicable to MNAs. Users can consult the Code itself or read the summary published in March 2011. Links are provided to other sites, in particular to those of other ethics commissioners in Canada and, pursuant to section 5 of the Code, to the annual management report of the Auditor General.

In the course of the year, I made website postings of the disclosure statement summaries for private Members and Cabinet Ministers and their family members. The "Public Registers" button gives access to this information. In accordance with section 31 of the Code, I also posted all disclosure statements concerning gifts, hospitality and other benefits. Again, "Public Registers" may be consulted for the details.

After the end of the fiscal year, the "Reports" section was added so that inquiry reports could be made public after being tabled in the House.

The site welcomes an average of 2,000 visitors per month.

### Information documents

The implementation of the Code required the publication of the documents listed below, several of which are available on our website ([www.ced-qc.ca](http://www.ced-qc.ca)):

- Summary of the Code of ethics and conduct of the Members of the National Assembly (March 2011)
- Disclosure summary of private interests of Cabinet Ministers and their family members (2011) [French only]
- Disclosure summary of private interests of private Members (2011) [French only]
- February 2012 guidelines on gifts, hospitality and other benefits
- Quick reference sheet on gifts, hospitality and other benefits
- Disclosure statement on gifts, hospitality and other benefits [French only]

## **Communications with the media**

Since the coming into force of the Code, I have had to answer journalists' questions about the rules prescribed by the Code and about its administration by the Ethics Commissioner.

All told, 97 requests have been addressed to me from more than 15 media outlets. Besides conflict-of-interest issues, the main subjects of my media exchanges have been my activities as Ethics Commissioner, the inquiry process, the dates of coming into force of the new Code, the private-interests disclosure process and attendance in the House. A certain number of requests concerned subjects not under my jurisdiction.

Keeping in mind my responsibility to educate the public as to the implementation of the Code, I nonetheless took the liberty of reminding the media that, in exercising the duties of office, the Ethics Commissioner focuses on information and prevention and is required to maintain high standards of confidentiality, objectivity and impartiality. In some cases, in accordance with the demands of my role, I refused to answer questions concerning the situation of a particular MNA or the contents of a confidential opinion that had been requested by an MNA.

## **Collaborators**

Under section 94 of the Code, the Ethics Commissioner may make agreements with other Officers of the National Assembly such as the Auditor General and the Lobbyists Commissioner for the conduct of joint inquiries, each under the legislative provisions that Officer administers.

Preparatory to the Code's implementation, I contacted the Auditor General of Québec and the Lobbyists Commissioner to raise the possibility of our conducting joint inquiries should circumstances warrant. An agreement could be entered into on a case-by-case basis, depending on the circumstances.

## **Canadian Conflict of Interest Network (CCOIN)**

In the spring of 2011, I was invited by the Conflict of Interest Commissioner of British Columbia to participate in the annual conference of the CCOIN, held in Victoria that September. CCOIN, which has been in existence for more than 20 years, brings together federal, provincial and territorial commissioners.

Québec's jurisconsult and I attended the September 2011 conference. We presented Québec's new Code and explained details of its mechanics, in particular the roles of the jurisconsult and the Ethics Commissioner.

I was touched by the welcome and support we received from all CCOIN members. The conference was very informative in matters of ethics and professional conduct and the values that Members of legislative assemblies subscribe to. I am truly grateful to my colleagues for this enriching experience.

## **Other activities**

In November 2011, I was invited to participate in a training activity for journalism students at Université Laval. The exercise consisted in students attending my “press conference”, interviewing me and preparing communications for the media.

In March 2012, I met with staff of the Lobbyists Commissioner in order to explain aspects of the new Code.

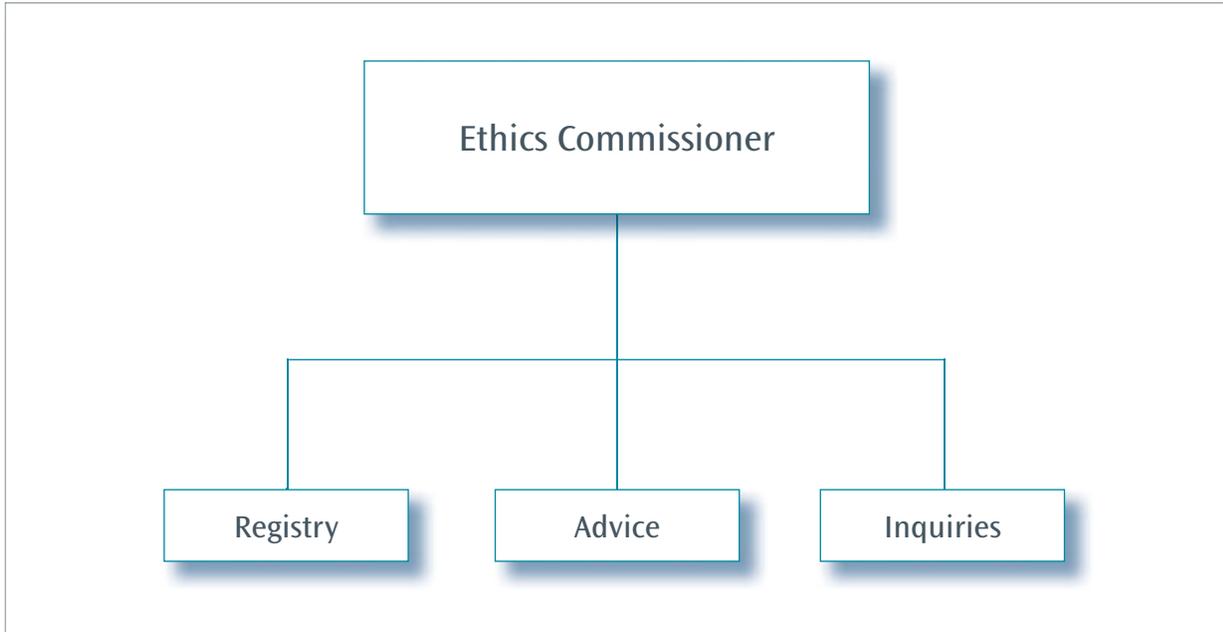
## **ADMINISTERING THE OFFICE OF THE ETHICS COMMISSIONER**

In accordance with section 74 of the Code, the Office of the National Assembly determined, on February 24, 2011, the human, physical, financial and information resources management services that the Assembly would provide free of charge to the Ethics Commissioner. From the outset of operations, I was able to count on the close collaboration of the Assembly’s administrative services, which have supported our administrative organization admirably.

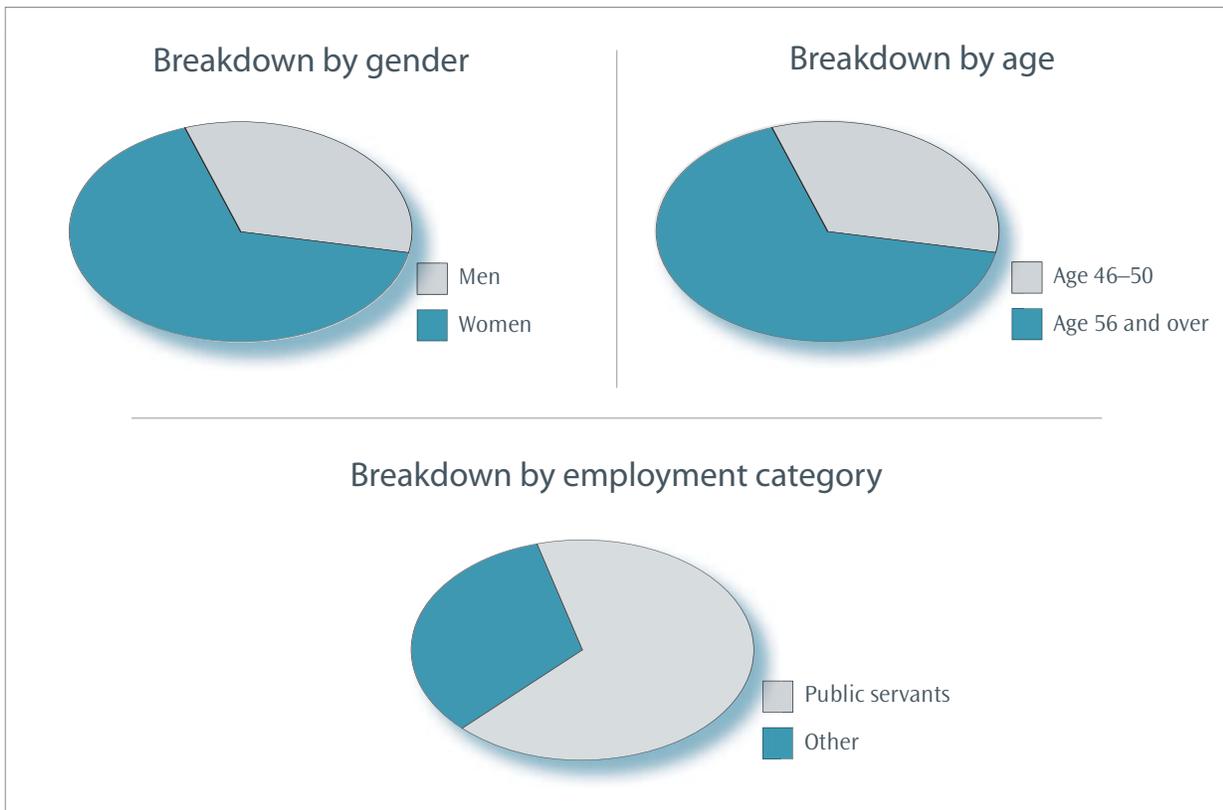
### **Human resources**

A range of human resources management services was provided by the Human Resources Directorate of the National Assembly. These services related to hiring, attendance management, remuneration and work relations. With the help of this Directorate, I enlisted the skills of a number of collaborators to assist in the administration of the Code. All have pledged their confidentiality in the duties they perform within the office of the Ethics Commissioner.

### FLOW CHART



### Breakdown of staff



Doris Dion has been assisting me for several months as secretary and administrative assistant. I would like to thank her for her co-operation in the face of the major administrative challenges involved in getting a new organization on its feet and preparing the numerous official documents issuing from the Ethics Commissioner.

The Ethics Commissioner's role has legal implications that require the creation of a registry for the filing of the annual statements disclosing the private interests of private Members, Cabinet Ministers, and their family members, as well as the declarations of gifts, hospitality and other benefits. The Ethics Commissioner also makes rulings, publishes summaries, conducts inquiries and produces reports. Dominique Baron is the clerk responsible for the registry. She is also my spokesperson with private Members and Cabinet Ministers. Her collaboration was especially appreciated during the implementation of the private-interests disclosure process and the preparation both of summaries and of related communications.

In March 2011, two lawyers joined the office of the Ethics Commissioner. Their job was to assist in the interpretation of the new legislative text and of the new rules of conduct that now provide a framework in which private Members and Cabinet Ministers must carry out the duties of their office. Both lawyers left in December 2011 and have not thus far been replaced. Their collaboration was invaluable in the initial stages of my activities, and I take this opportunity to thank them.

I must emphasize that we were supported every step of the way with rigour and professionalism by the National Assembly's Human Resources Directorate. A special thanks to the HR Director Serge Bouchard and to the members of his team for their contribution in helping to organize the office of the Ethics Commissioner.

## **Financial resources**

As far as financial affairs were concerned, we were starting from scratch. With an efficacy that must not go unmentioned, the Financial Resources, Procurement and Audit Directorate helped me in all matters relating to the budget, accounting, auditing, payment of suppliers, financial statements, procurement and the implementation of the Regulation respecting contracts of the Ethics Commissioner. To comply with all the prescribed steps, it was necessary to create an administrative unit for the financial management of the new organization. The Directorate also collaborated closely in the preparation of contracts and the acquisition of office-related items. For this significant contribution, I sincerely thank Director Lyne Bergeron and the members of her staff.

## **Computer services and telecommunications**

We were also starting from scratch technologically. Fortunately, within the first few days, we were supported by the National Assembly's Computer Services and Telecommunications Directorate. Computer and office equipment, as well as technological resources, were immediately provided. With remarkable efficiency, the above-mentioned Directorate and the Communications Directorate pulled out all the steps to create our website. The computer people also deserve special mention for their role in ensuring the security of the site, and in particular of the registry. State-of-the-art security mechanisms were rapidly installed to protect the confidential information of private Members and Cabinet Ministers.

Like any new user, we often called upon the Assembly's computer trouble-shooting services. Our requests were always answered promptly and professionally. I would especially like to thank Jean-Louis Parent and his successor, Claude Dugas, along with all the members of the Computer Services and Telecommunications Directorate for their precious collaboration.

## **Communications**

As noted above, the Communications Directorate was a close collaborator in our efforts as well. They pitched in right from the start, helping design the logo and signature of the Ethics Commissioner. With unrivalled speed, we arrived at a result that we have used proudly now for more than a year, and the Ethics Commissioner is already widely associated with the signature. The Directorate's input was likewise invaluable when it came to setting up our website. Their work extended from the initial design of web pages to the frequent updates that were published as our work proceeded. In fact, it needs to be mentioned that the Directorate was involved in all aspects of publishing the Ethics Commissioner's documents in the course of the fiscal year. These included the summary of the Code, the guidelines on gifts, hospitality and other benefits, and various training PowerPoint presentations. The Reprography and Printing Division produced documents of exceptional quality under tight deadlines. My thanks to the Director of Communications, Jean Dumas, and to all the members of his team for their much appreciated contribution.

## **Building management and material resources**

For the first year of operations, the Building Management and Material Resources Directorate played a front-line role in supporting the Ethics Commissioner. First of all, they helped us find office space in Québec City. Thanks to their experience and know-how, we have been installed in our new premises at 800 place D'Youville since early October 2011. These premises are easily accessible, close to the Parliament, and amply secure. The Directorate made security of the premises a high priority, and was aided here by the governmental and institutional security division of the Sûreté du Québec. In addition, a whole range of services were provided as soon as they were needed, and in a professional manner. My sincere thanks to Jean Audet, who was Director of Material Resources and Restaurants at the time; I must also thank the Director of Building Management and Material Resources, Guy L. Huot, and all the members of his team for their help in getting us set up and running and for their conscientious support.

The Ethics Commissioner is not subject to the Sustainable Development Act. However, as we subscribe to the National Assembly's sustainable development objectives, we make it a point to apply, in our work environment, the principles and tips set out in its green office practices guide (November 2009).

## **Security**

The staff of the Security Directorate of the National Assembly, including its Sûreté du Québec collaborators, have proven to be valuable allies. One of the Directorate's important tasks is to conduct security screenings before people are hired. Their assistance was also indispensable when we moved into our new premises: they set up surveillance systems that enable them to take action rapidly and inform the proper authorities in

the event of an intrusion or system failure. At all times they showed themselves to be highly competent and conscientious. The services we receive from them are reliable, and can be counted on in all circumstances. I must thank Pierre Duchaine and all the members of his team for their scrupulous attention to security. The Directorate has largely contributed to the confidence that MNAs and the public have with regard to work organization at the office of the Ethics Commissioner.

## **The Library**

As soon as I became Ethics Commissioner, I had the sense of having been adopted by the Library of the National Assembly. All members of the team showed a keen interest in my work and in the implementation of the Code. This interest manifested itself in the form of sustained assistance, whatever the subject of consultation. I feel that we are privileged clients of the Library Directorate. My sincere thanks to H  l  ne Galarneau and all the members of her team for the generous support accorded us with regard to research and reference services, loans of library books and the press review.

## **Translation**

The same concern for service and efficiency was shown by the Legislative Translation and Publishing Directorate, whose services we counted on throughout the year. The translators' contribution was especially appreciated with regard to our website and the documents we published in the course of the year. My sincere thanks to Director Louise Auger and to all the members of her team for their contribution in helping me achieve my mission as Ethics Commissioner.

## **The Secretary General**

I must also express my gratitude to the Secretary General of the National Assembly, Michel Bonsaint, and to the managers and members of his team, for their collaboration, experience and competence. They supported and assisted me without stint, not only in administrative matters but also in the operational and legal aspects of my role. My relations with the Office of the National Assembly were also much facilitated by their help.

## STATISTICS

The statistics below relate to the activities of the Ethics Commissioner from January 6, 2011 to March 31, 2012. While some of this information appears in previous sections, we wanted to place it with other statistical information for the fiscal period.

### Period from January 6, 2011 to March 31, 2012

#### ■ Verbal or written requests for information

From MNAs and their staff	105
From members of the public	13
Under section 87 of the Code	1
Total:	119

#### ■ Requests from the media

	97
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#### ■ Disclosure statements with regard to the private interests of MNAs and their family members for 2011

From Cabinet Ministers	29
From private Members	96
Total:	125

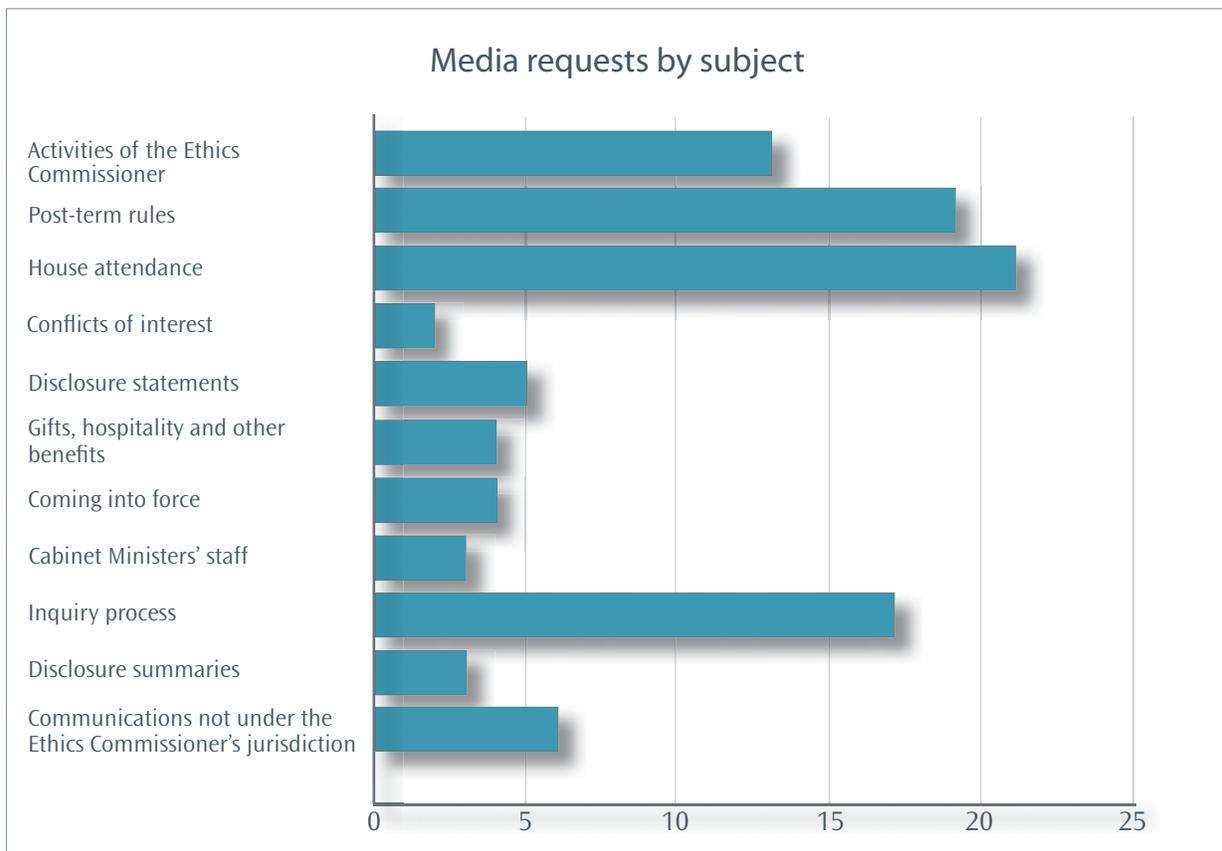
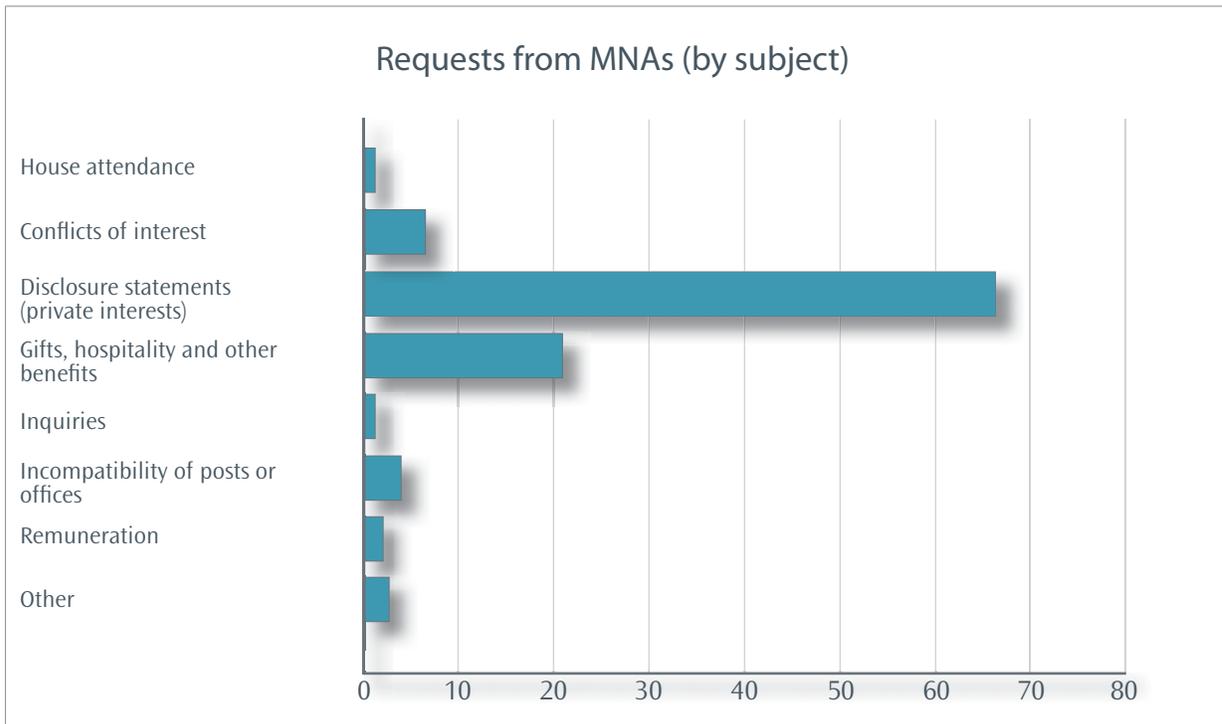
#### ■ Summaries of disclosure statements of private interests for 2011

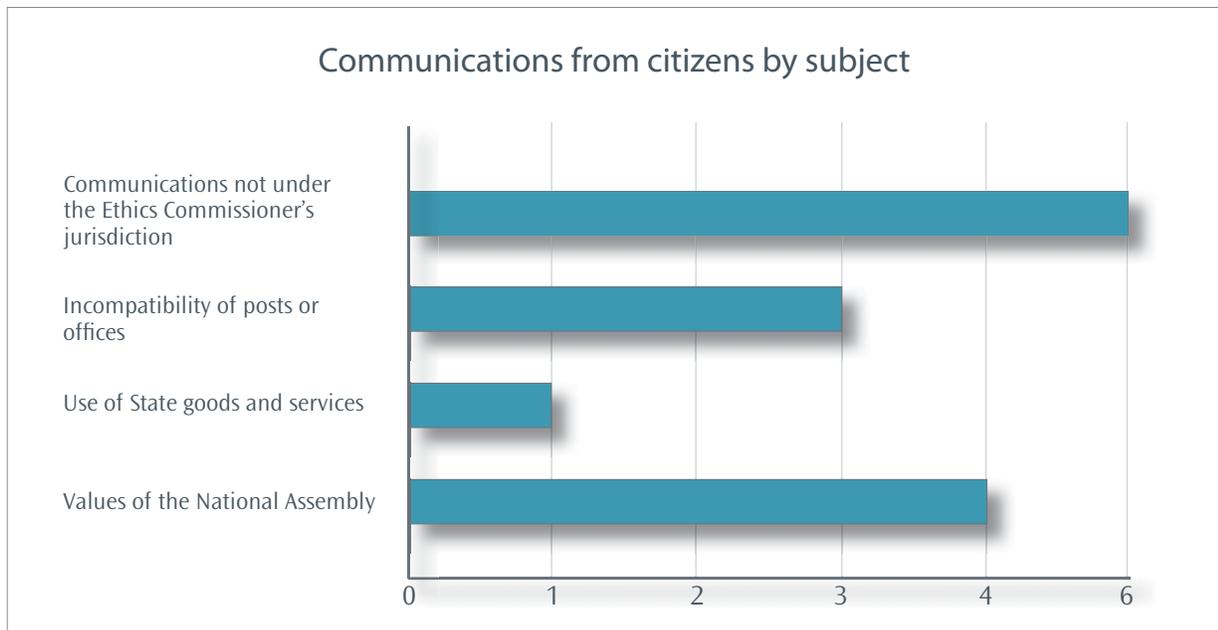
Cabinet Ministers and their family members	29
Private Members	96
Total:	125

#### ■ Disclosure statements concerning gifts, hospitality and other benefits after January 1, 2012

	5
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## STATISTICAL GRAPHS





## FINANCIAL STATEMENTS

### Management report

The Ethics Commissioner's financial statements, including estimates and assumptions, have been prepared by management in accordance with appropriate accounting policies, which are based on Canadian generally accepted accounting principles.

In fulfilling its responsibilities, management has maintained internal control systems designed to provide reasonable assurance that assets are safeguarded, and that transactions are properly authorized and recorded so as to achieve reliable financial statements.

As Ethics Commissioner I recognize that it is my responsibility to manage my affairs in accordance with the laws and regulations that govern my office.

(s) Jacques Saint-Laurent  
JACQUES SAINT-LAURENT  
Ethics Commissioner

Québec, October 2012

Results for the fiscal period  
ended March 31, 2012

(in thousands of dollars)

	2012	2011 (3 months)
<b>Revenue</b> (note 3)	607.6	57.7
<b>Expenses</b>		
<b>Remuneration</b>		
Salaries and employee benefits	498.4	50.3
	<b>498.4</b>	<b>50.3</b>
<b>Operations</b>		
Transportation and communication	11.9	0.6
Professional, administrative and other expenses	26.1	5.7
Rent paid to the Société immobilière du Québec	44.5	0.0
Materials and supplies	11.6	1.1
Tangible assets amortization	15.1	0.0
	<b>109.2</b>	<b>7.4</b>
	<b>607.6</b>	<b>57.7</b>
<b>Excess of revenue over expenses</b>	<b>0.0</b>	<b>0.0</b>

The accompanying notes are an integral part of these financial statements.

Balance sheet to  
March 31, 2012

(in thousands of dollars)

	2012	2011
<b>Assets</b>		
Cash entitlement	33.4	0.0
Tangible capital assets (note 4)	298.5	5.9
	<b>331.9</b>	<b>5.9</b>
<b>Liabilities</b>		
Accounts payable and accrued liabilities (note 5)	33.4	0.0
Deferred revenue for tangible capital assets (note 6)	298.5	5.9
	<b>331.9</b>	<b>5.9</b>
<b>Commitments:</b> (note 7)		

The accompanying notes are an integral part of these financial statements.

(s) Jacques Saint-Laurent  
JACQUES SAINT-LAURENT  
Ethics Commissioner

**Accompanying notes****March 31, 2012**

(in thousands of dollars)

**1. Nature of activities**

The mission of the Ethics Commissioner is to oversee the implementation of the Code of ethics and conduct of the Members of the National Assembly (L.Q., chapter C-23.1). The Ethics Commissioner serves all Members of the National Assembly by informing them on the values, ethical principles and rules of conduct they must observe and by helping them prevent situations in which a conflict of interest may occur, and publishes guidelines for MNAs to follow in order not to violate the Code. At the request of an MNA or on the Ethics Commissioner's own initiative, the Ethics Commissioner may conduct a verification or inquiry to determine whether a violation of the Code has occurred. The Ethics Commissioner tables inquiry reports in the National Assembly. On finding that a violation of the Code has occurred, the Ethics Commissioner may recommend that sanctions be imposed.

The first Ethics Commissioner, Jacques Saint-Laurent, was sworn in on January 6, 2011; accordingly, the financial data for the 2010–2011 fiscal year begin on that date and end on March 31, 2011.

**2. Accounting methods**

To prepare these financial statements, the Ethics Commissioner used the *Public Sector Handbook* of the Canadian Institute of Chartered Accountants (CICA). Any other generally accepted accounting method used was in keeping with the *Handbook*. Preparing financial statements according to Canadian accounting standards for the public sector requires management to make estimates and assumptions that affect the recording and reporting amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. The most significant area requiring the use of estimates is the useful life of tangible capital assets. Actual results could differ from management's best estimates.

***Cash entitlement***

The financial transactions of the Ethics Commissioner were effected through the Consolidated Revenue Fund of the Gouvernement du Québec. The cash entitlement represents the amount of cash the Ethics Commissioner is entitled to draw from the Fund to discharge liabilities out of the appropriations granted to the Ethics Commissioner.

*Tangible capital assets*

Tangible capital assets are reported at cost and are amortized over their useful life in accordance with the straight-line depreciation method:

Category	Duration
Leasehold improvements	10 years
Equipment other than computer equipment	5 and 10 years
Computer equipment	3 years

*Deferred revenue for tangible capital assets*

The parliamentary appropriations for the acquisition of tangible capital assets are deferred and transferred to revenue, in accordance with the same method and amortization rates as the tangible capital assets for which they are earmarked.

**3. Revenue**

The Ethics Commissioner is funded by annual parliamentary appropriations. The results for the period with regard to revenue are reported in accordance with Canadian generally accepted accounting principles and differ from the parliamentary appropriations authorized and used in the course of the reporting period.

	2012	2011 (3 months)
<b>Parliamentary appropriations</b>		
Initial	1 383.0	89.6
Used for tangible capital assets	(307.7)	(5.9)
Lapsed	(467.7)	(26.0)
	<b>607.6</b>	<b>57.7</b>

**4. Tangible capital assets**

				2012	2011
Cost of capital assets	Leasehold improvements	Equipment other than computer equipment	Computer equipment	Total	Total
Opening balance	0.0	0.0	5.9	5.9	0.0
Acquisitions	233.4	71.6	2.7	307.7	5.9
<b>Closing balance</b>	<b>233.4</b>	<b>71.6</b>	<b>8.6</b>	<b>313.6</b>	<b>5.9</b>
<b>Accumulated amortization</b>					
Opening balance	0.0	0.0	0.0	0.0	0.0
Amortization expense	7.8	4.9	2.4	15.1	0.0
<b>Closing balance</b>	<b>7.8</b>	<b>4.9</b>	<b>2.4</b>	<b>15.1</b>	<b>0.0</b>
<b>Capital assets</b>	<b>225.6</b>	<b>66.7</b>	<b>6.2</b>	<b>298.5</b>	<b>5.9</b>

### 5. Accounts payable and accrued liabilities

	2012	2011
Suppliers	20.2	0.0
Salaries	13.2	0.0

### 6. Revenue deferred for tangible capital assets

	2012	2011
Balance – beginning of period	5.9	0.0
Parliamentary appropriations for acquisition of tangible capital assets	307.7	5.9
Transfers to revenue for reporting period	(15.1)	(0.0)
Balance – end of period	298.5	5.9

### 7. Commitments

The Ethics Commissioner leases premises from the Société immobilière du Québec under an occupancy agreement ending in October 2016 and renewable for five years. Future commitments are as follows:

Fiscal period ending March 31		
	2013	88.9
	2014	88.9
	2015	88.9
	2016	44.4

### 8. Related party transactions

In addition to the related party transactions already disclosed in the financial statements and recorded at exchange value, the National Assembly provides administrative services to the Ethics Commissioner free of charge. This contribution is not mentioned in the financial statements. The National Assembly cannot estimate the fair value of these services by a reasonable effort.

## CONCLUSION

### CARRYING OUT THE DUTIES OF MNA

The National Assembly is the cornerstone of democracy in Québec, for it is here, in their role as overseers and legislators, that MNAs debate questions of public interest on behalf of the citizens of their constituencies. In an ideal world, each citizen would be able to participate individually in debates on questions of public interest. For practical reasons, this objective is achieved through the medium of elected representatives. In Québec, 125 MNAs are elected by universal suffrage to represent tens of thousands of people in their constituencies.

MNAs fulfill three main roles. As legislators, they study, analyze and vote on legislation. Additionally, in the House and in committee, they oversee government action on behalf of the people they represent. Finally, they act as intermediaries between their fellow citizens and the Government at all levels of government activity.

It is hardly surprising that newly elected MNAs experience such emotion when they accept the prestigious mandate of representing their fellow citizens in all circumstances. When they become an MNA, they accept the formidable challenge of allowing each citizen to participate, through them, in public debates. The import of such a mandate inspires, in the persons concerned, both great motivation and a certain apprehension, for expectations are enormous. MNAs know that, to fully and effectively exercise their duties, they must be able to count on the confidence of the people they represent.

Every MNA is an agent of change and a maker and implementer of public policy. To fulfill their duties in the best interest of all, MNAs must necessarily maintain close contact with the people they represent. They may not limit themselves to a single point of view. In point of fact, their first responsibility is to listen to their constituents and understand their expectations. This accomplished, they assume their fundamental role of making known and supporting the wishes of their constituents. Democratically, MNAs allow their constituents to participate in public debates and thus exert an influence on the development of Québec.

MNAs know that maintaining public confidence is essential. With all the conviction inherent in their office, they impose upon themselves an exemplary standard of behaviour, guided by the principles of conscientiousness and objectivity. They understand that the analysis and opinions they defend must be based on verifiable facts and an accurate knowledge of the various arguments upheld by the different stakeholders.

When it comes to allowing the people to participate in public decision making—when it comes to giving the people a voice to be heard—MNAs are uniquely equipped to take a stand on the issues that they believe to be just and necessary in the circumstances, on behalf of the citizenry. For example, MNAs may make their points of view known to their party whip, their caucus chair and other members of the caucus, and, in particular, to their party leader. Whether they belong to the governing party or an opposition party, MNAs may address their concerns to any Minister, government department or public body they deem appropriate. In addition, MNAs have the inalienable right to speak in the House and in committee.

For its part, the public expects MNAs, whether private Members or Cabinet Ministers, to adhere to the values of the National Assembly and to observe the rules of conduct set out for them. One of the most noble mandates of MNAs is that of giving voice to the concerns of each citizen they represent. MNAs embody the most powerful means that citizens have of expressing themselves.

As the Code suggests, in carrying out the duties of their office, MNAs must show integrity, openness and a willingness to listen. Their challenge consists in making themselves known by their convictions and the rigour of their arguments. They must seek out the truth, keeping all the facts in mind.

MNAs who observe the rules of conduct and adhere to the values of the National Assembly gain the people's trust; this is especially important when they are called upon to give voice to the concerns of the people they represent.

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