ETHICS
COMMISSIONER

ACTIVITY REPORT

2012–2013

Code of ethics and conduct of the Members of the National Assembly (chapter C 23.1)

ETHICS
COMMISSIONER

ACTIVITY REPORT

2012–2013

Code of ethics and conduct of the
Members of the National Assembly
(chapter C 23.1)

ISBN - 978-2-550-68793-1
Legal deposit - Bibliothèque et Archives nationale du Québec, 2013

Québec, September 2013

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

Dear Mr. President,

As Ethics Commissioner, I have the honour of presenting you with my Activity Report for the period extending from April 1, 2012 to March 31, 2013, along with financial statements to March 31, 2013. This is in accordance with section 79 of the *Code of ethics and conduct of the Members of the National Assembly* (chapter C-23.1).

Yours sincerely,

Jacques Saint-Laurent
Ethics Commissioner

CONTENTS

MESSAGE FROM THE COMMISSIONER 7

MESSAGE FROM THE JURISCONSULT 9

ATTESTATION AS TO THE RELIABILITY OF THE DATA IN THIS REPORT 11

INTRODUCTION 13
- MANDATES OF THE ETHICS COMMISSIONER AND THE JURISCONSULT 13

PRIVATE-INTERESTS DISCLOSURE STATEMENTS FOLLOWING THE SEPTEMBER 4, 2012 GENERAL ELECTION 14

ADVICE AND ADVISORY OPINIONS 16

OTHER CONSULTATIONS 20

MEDIA CONSULTATIONS 20

INFORMING MNAs AND THE PUBLIC 20

GIFTS, HOSPITALITY AND OTHER BENEFITS 21

INQUIRY AND REPORT 23

RULES OF CONDUCT APPLICABLE TO CABINET MINISTERS' STAFF 24

OFFICE OF THE ETHICS COMMISSIONER 25
- REGISTRY 25
- ADVICE 26
- INQUIRIES 28
- ADMINISTRATION 29
- ORGANIZATION CHART 30
- BREAKDOWN OF STAFF 30
- WEBSITE 31
- CCOIN 31
- OTHER ACTIVITIES 31

STATISTICS 33

FINANCIAL STATEMENTS 36

PROJECTS 42

CONCLUSION 43

MESSAGE FROM THE COMMISSIONER

I am pleased to present the second Activity Report of the Ethics Commissioner, which provides a review of my office's 2012–2013 operations. As the pages that follow well illustrate, this second year has been an active one, marked by numerous ethical challenges and a general election to boot.

Aware of their key role in the smooth running of Québec's democratic institutions, the Members of the National Assembly wished to make clear ethical commitments toward the public and take concrete measures to thwart any potential conflicts of interest. The Code now guides MNAs in maintaining their independence of judgment and integrity, as well as the integrity of the National Assembly, in keeping with the principles of transparency and service to the public. For example, it is now forbidden for Members to place themselves in situations where their private interests might impair their independence of judgment in carrying out the functions of office. In addition, Members are prohibited from using their position to influence or attempt to influence another person's decision in order to further their own private interests.

The Ethics Commissioner provides information to private Members and Cabinet Ministers on the ethical principles and rules of conduct set out in the Code and how they are to be applied. The challenge for all the elected representatives consists in recognizing and analyzing the particular circumstances of each case to identify any contexts or facts that might involve a risk of conflict of interest. They have now learned to leave no ethics-related question unanswered. And the Code encourages them to be constantly mindful of the ethical aspects and to consult the Ethics Commissioner or the jurisconsult whenever the need arises.

Compliance with the values and rules of conduct of the National Assembly is taken very seriously by the Members. As important ethical questions are brought to my attention, it is reassuring to see that an ethics-based culture is being permanently instilled at the National Assembly. The sheer number and variety of opinions sought are a perfect illustration of this trend, as you will see from the examples described in this report.

Good reading!

Jacques Saint-Laurent

MESSAGE FROM THE JURISCONSULT

In addition to the role of adviser to MNAs conferred by section 108 of the *Code of ethics and conduct of the Members of the National Assembly*, the jurisconsult was given a further mandate when, in 1998, sections 85.1 to 85.4 were added to the *Act respecting the National Assembly* under the heading "Defence costs, judicial costs, expenses for counsel and indemnification".

An MNA or former MNA against whom proceedings are brought or who is summoned to appear in connection with any act or omission in the performance of the duties of office is entitled to request that his or her legal expenses be paid. The jurisconsult analyzes the situation, reviews the defence budget and makes a recommendation to the Office of the National Assembly, which determines the amount of the authorized expenses.

An MNA or former MNA may also recover the cost of pecuniary penalties ordered in either criminal or civil proceedings on a decision made by the Office of the National Assembly, after obtaining the advice of the jurisconsult, who analyzes the MNA's behaviour in light of the court decision and examines the MNA's motives, the nature of the violation and whether or not the MNA was acting in good faith.

This is a function the jurisconsult is called on to carry out a few times every year.

Finally, I would like to highlight the excellent cooperation that exists between the Ethics Commissioner and the undersigned, which contributes to a harmonious application of the Code.

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 the 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 activity report for 2012–2013 reflect the situation of the Ethics Commissioner as it stood on March 31, 2013.

Jacques Saint-Laurent
Ethics Commissioner

Québec City, September 2013

INTRODUCTION

This report looks at certain activities of MNAs in terms of the ethical principles and rules of conduct they must observe in discharging their office.

The framework established by the *Code of ethics and rules of conduct of the Members of the National Assembly* defines the values of the National Assembly and a number of rules of conduct. For example, the Code requires that MNAs, including Cabinet Ministers, put an end to any situation in which their private interest might impair their independence of judgment in carrying out the duties of office. It also prohibits Members from acting in such a way as to further their private interests and from influencing another person's decision to that end.

The rules of ethics and of conduct set out in the Code are expressed in general terms without reference to specific situations. The legislator's choice of wording thus places MNAs under a wide obligation to uphold the values of the National Assembly and the rules of conduct in any and all situations and to ensure that their actions are in compliance with the rules prescribed by the Code while avoiding any conflicts of interest.

MNAs must therefore learn to identify conflict of interest risks and be mindful of any ethical or conduct issues that may arise. They must know and be able to interpret what the Code prescribes and, when in doubt, can consult the Ethics Commissioner or the jurisconsult, whose mandates include advising MNAs.

MANDATES OF THE ETHICS COMMISSIONER AND THE JURISCONSULT

The Ethics Commissioner is responsible for enforcing the Code. The Ethics Commissioner's mandate is threefold:

- Advising MNAs. On request, the Ethics Commissioner issues a written opinion containing reasons and any recommendations considered appropriate.
- Receiving and analyzing MNAs' statements disclosing their private interests and those of their family members. The Ethics Commissioner prepares summaries of these disclosure statements and makes them public on the Ethics Commissioner's website.
- Conducting inquiries at an MNA's request or on the Ethics Commissioner's own initiative. The Ethics Commissioner conducts inquiries to determine whether the Code has been violated and reports to the President of the National Assembly.

As such, I am responsible both for advising MNAs regarding their obligations under the Code and for determining, on request or on my own initiative, whether an MNA has breached the Code and, in particular, the rules of conduct.

I take these responsibilities very much to heart and am committed to assuming them fully and with all the required attention. The MNAs are now well acquainted with the fact that the Ethics Commissioner's mission covers both these aspects. I make it my priority to answer MNAs' requests for an opinion or for advice with

the utmost care and without delay. Moreover, I see to it that I am able to carry out my inquiry functions with all due authority and diligence. My goal is to give MNAs and the general public the assurance that the Ethics Commissioner will use the powers conferred by the Code to intervene whenever the circumstances so warrant.

The mandate of the jurisconsult, who is appointed by the Office of the National Assembly, is quite broad. It includes providing advisory opinions on ethics or conduct-related matters to MNAs at their request.

Over the course of the year, we were often reminded of how important it is for MNAs to identify situations that may present a risk of conflict of interest and to assess them in sufficient time so as to take the necessary measures to avoid finding themselves in a conflict of interest situation. The private-interests disclosure process is an effective mechanism for identifying potential conflicts of interest.

PRIVATE-INTERESTS DISCLOSURE STATEMENTS FOLLOWING THE SEPTEMBER 4, 2012 GENERAL ELECTION

All MNAs must file a confidential disclosure statement containing a great deal of personal and financial information. The statements are then analyzed with a view to advising the MNAs, in an effort to identify and prevent any real or apprehended conflict of interest situations. The disclosure statements filed by Cabinet Ministers contain even more information than those filed by private Members, including details about assets and liabilities.

MNAs must declare

- all income or benefits received 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, in addition, declare

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

Once elected, MNAs must file a statement disclosing their private interests and those of their family members within 60 days after notice of their election is published in the *Gazette officielle du Québec* (section 37 of the Code). Consequently, all MNAs were required to file such a disclosure statement no later than November 28, 2012.

Cabinet Ministers, on the other hand, must file a private-interests disclosure statement within 60 days after being sworn in as such (section 51 of the Code). The Ethics Commissioner asked the new members of the Cabinet sworn in after the general election to file their disclosure statement no later than November 19, 2012.

Because the Chief Government Whip and the Chair of the Government Caucus are authorized to sit in on Cabinet meetings, they are considered members of the Cabinet under section 42 of the Code. The Member for Joliette, who had resigned from Cabinet on October 18, 2012, was reappointed to Cabinet on December 4, 2012 and filed her disclosure statement in that capacity within the time prescribed by the Code. The Member for Labelle was appointed Chair of the Government Caucus on December 4, 2012 and filed his disclosure statement in that capacity within the time prescribed by the Code.

In preparing their statements, many MNAs, Cabinet Ministers and family members made requests for additional information or clarifications as to what to include in the form. We worked hard to answer all of these questions quickly and to guide the elected officials in filling out the forms. I then proceeded to conduct a detailed analysis of all the private-interests disclosure statements filed for 2012. In doing so, I must ascertain whether the information provided is complete and identify any information that may suggest a real or apprehended conflict of interest. I then prepare to meet the MNAs and Cabinet Ministers individually to determine if their disclosure statements comply with the Code. With prevention in mind, I discuss with them their obligations under the Code, as well as any points that arose during my examination and that I felt were noteworthy.

I met with all the Cabinet Ministers in turn between December 12, 2012 and February 19, 2013 and with the MNAs between January 30 and May 14, 2013.

As I had informed the MNAs and Cabinet Ministers at those meetings, I drew up, for each of them, a summary of their disclosure statement, which I am required to make public under sections 40 and 55 of the Code.

The summaries of the Cabinet Ministers' disclosure statements were immediately published on the Ethics Commissioner's website on February 27, 2013. Those of the MNAs' statements were published on May 30, 2013.

ADVICE AND ADVISORY OPINIONS

MNAs can obtain advice on the ethical framework that governs their actions and even, in certain cases, request a written advisory opinion. The Ethics Commissioner and the jurisconsult answer questions and provide interpretations according to the circumstances. Requests to the Ethics Commissioner and to the jurisconsult for an advisory opinion are provided for by sections 87 and 108, respectively, 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.

From April 1, 2012 to March 31, 2013, the Ethics Commissioner received 302 requests concerning rules of conduct and, in particular, post-term rules, conflicts of interest, private-interests disclosure statements, incompatible offices or posts, remuneration, gifts, hospitality or other benefits, as well as the use of State property. My goal has always been to answer these requests for advice and advisory opinions as quickly as circumstances allow.

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

Here are a few anonymous examples summarizing the opinions given by the Ethics Commissioner regarding certain specific situations:

– *Incompatibility of posts or offices and remuneration*

QUESTION
Are MNAs allowed to continue the professional activities they engaged in before their election?

ANSWER
MNAs may continue their prior professional activities if these activities are not among those listed as incompatible with the office of MNA under sections 10 and following of the Code, which include certain positions or posts in the public sector. Section 26 of the Code specifically

provides that a Member who, while in office, holds another post must avoid any conflict between the duties of that post and the duties of office. In addition, as is the case for all MNAs, such a Member must comply with the rules of conduct prescribed by the Code and avoid placing himself or herself in a conflict of interest situation.

In practice, MNAs must maintain a watertight separation between their professional activities and their activities as elected representatives, and neither the former nor the latter should give rise to any doubts regarding the existence of a potential conflict of interest situation, whether real or perceived, or call into question their independence of judgment.

Whatever the other duties assumed by an MNA may be, the MNA must take into account section 35 of the Code, which requires Members to maintain a good attendance record in carrying out the duties of office and prohibits them from being absent from sittings of the National Assembly for an unreasonable length of time without a valid reason.

QUESTION

Are MNAs allowed to sit on or serve as the chair of the board of directors of an enterprise?

ANSWER

MNAs may chair the board of directors of an enterprise, just as they may carry on a commercial or professional activity, except if it is an activity described as incompatible with their duties of office and provided they comply with the rules of conduct prescribed by the Code, in particular those calling for MNAs to avoid placing themselves in a conflict of interest situation.

The President of the National Assembly, however, is prohibited by section 12 of the Code from serving as a director or an officer of a legal person, partnership or association.

As mentioned in the previous example, the concurrent offices should not give rise to any doubts as to the concerned MNA's independence of judgment. A good benchmark in this respect is the point of view that a reasonably well-informed person would have concerning a real or apprehended conflict of interest. A Member who chairs the board of directors of an enterprise must also comply with section 35 of the Code concerning attendance in the National Assembly.

- *Staff members*

QUESTION
Are MNAs allowed to hire family onto their staff?

ANSWER
In the absence of a specific provision in the Code on this matter, we need to examine the question in light of the general rules of conduct applicable to MNAs. Section 16 of the Code mentions that an MNA cannot act so as to further his or her private interests or those of a family member or non-dependent child, or to improperly further another person's private interests, nor can an MNA use his or her office to influence another person's decision for such purposes.

Section 5 of the Code defines "family member" as the MNA's spouse or a dependent child of the MNA or of the MNA's spouse. This definition does not include all those normally considered to be family members, such as a Member's parents, siblings or grand-children, for example.

An MNA could not logically employ a family member as defined by section 5 of the Code or a non-dependent child without running the risk of furthering that person's private interests, which is prohibited by section 16 of the Code.

In the case of other family members, section 16 of the Code provides that MNAs are prohibited from improperly furthering the private interests of another person. In and of itself, hiring a person who has the knowledge, skills and experience required to become a member of the MNA's staff does not improperly further that person's private interests. Subject to specific circumstances which must be examined in each case, hiring a family member other than a family member as defined by section 5 of the Code would not be a violation of section 16 of the Code.

- *Post-term rules*

QUESTION
When Cabinet Ministers cease to occupy their office, for what length of time and from which employers are they precluded from accepting a nomination, a post or another office?

ANSWER
Under sections 56 to 61 of the Code, Cabinet Ministers must follow certain rules of conduct once their term of office has come to an end. Certain restrictions apply for two years after they have ceased their duties as Cabinet Ministers. Other rules of conduct are applicable post-term, for as long as circumstances require.

Section 60 of the Code prohibits Cabinet Ministers from accepting any appointment, post or other duties within a body or an enterprise that is not a State entity for a period of two years after they leave office. This rule can be partially summed up as a prohibition encompassing bodies or enterprises from the private sector. However, the Code does not prohibit appointments or employment within all private sector bodies or enterprises, only those with which the Cabinet Minister has had official, direct and significant dealings in the year preceding the cessation in office.

Following the September 4, 2012 general election, I was called on to answer requests concerning the interpretation of section 60 of the Code. In each case, the question as to whether the former Minister had had official, direct and significant dealings with the body or enterprise he or she was planning on joining was examined at length.

These requests allowed the Ethics Commissioner to underscore that a second set of post-term rules of conduct apply for as long as warranted by the circumstances. In particular, former Ministers are precluded from obtaining undue benefit from their prior office, from disclosing confidential information obtained in or in connection with the carrying out of the duties of office, from giving advice to any person based on information not available to the public, and from acting for or on behalf of anyone else in a proceeding, negotiation or other transaction in connection with which they acted while in Cabinet.

QUESTION

Does the Code include post-term rules that apply to persons who cease to serve as MNAs?

ANSWER

No. The post-term rules prescribed in the Code do not apply to former MNAs. Once their term has ended, they should, however, be mindful of the confidential nature of the information they were privy to while in office. Furthermore, they should also be aware of the fact that the rules prescribed by the *Lobbying Transparency and Ethics Act* (chapter T 11.011) could apply to them.

OTHER CONSULTATIONS

Over the 2012–2013 period, we received 30 or so queries from members of the public, the majority of them in writing. In all the cases where we could reply, an explanatory message was sent to the person concerned. The message mentioned, among other things, that the Ethics Commissioner cannot conduct an inquiry at the request of a member of the public.

The comments submitted by way of these queries dealt with attendance, private-interests disclosure statements, incompatible posts or offices, the exclusivity of duties, remuneration, and the values of the National Assembly. Most dealt with subjects that do not fall under the Ethics Commissioner's jurisdiction, and the persons concerned were directed to the proper authorities.

MEDIA CONSULTATIONS

The Ethics Commissioner is sometimes called on to answer requests made by journalists concerning the application of the Code in relation to certain current events covered by the media.

During the past year, 59 requests were submitted to the Ethics Commissioner by the media. Aside from questions on conflicts of interest, the main topics discussed with journalists were the Ethics Commissioner's inquiry process, the disclosure statements, gifts, hospitality or other benefits, remuneration, post-term rules and the rules applicable to the staff members of a Minister's, House officer's or MNA's office. A certain number of communications were about subjects that do not fall within the Ethics Commissioner's purview.

Despite the importance of informing the public on the administration of the Code, I find it necessary, in certain circumstances, to refuse to answer certain questions about a specific situation concerning a Member of the National Assembly or about the contents of a confidential advisory opinion written at a Member's request.

INFORMING MNAs AND THE PUBLIC

Under section 90 of the Code, the Ethics Commissioner organizes educational activities for MNAs and the general public on the role of the Ethics Commissioner and the enforcement and administration of the Code. During the 2012–2013 fiscal year, I held many meetings with the MNAs to help them gain a deeper understanding of the values of the National Assembly and of the ethical principles and rules of conduct set out in the Code. After the general election held on September 4, I was called on by a good number of MNAs who were newcomers to the National Assembly and who wished to learn more about the rules prescribed by the Code and to comply with them. I was also consulted by Cabinet Ministers who had ceased to hold office as Ministers and who wanted further information on post-term rules. A document summarizing the post-term rules for former Cabinet Ministers was sent to each of the persons concerned.

GIFTS, HOSPITALITY AND OTHER BENEFITS

When Members of the National Assembly, including Cabinet Ministers, receive a gift, it is advisable for them to ask themselves why the gift is being offered. Is the person receiving the gift at risk of being influenced or of being placed in a situation in which he or she might feel obligated toward a person or an organization because of the gift?

Generally speaking, the Code provides that MNAs or Cabinet Ministers may accept gifts, hospitality or other benefits. However, because they risk being placed in a conflict of interest situation, the legislator has prohibited elected Members from soliciting, eliciting, accepting or receiving a gift in exchange for intervening or taking a certain position on an issue (section 29 of the Code). Also, MNAs must refuse any gift that may influence their independence of judgment or compromise their integrity or that of the National Assembly (section 30 of the Code).

If these prohibitions do not apply, an MNA may accept a gift, hospitality or another 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, there is, of course, no obligation to declare the gift to the Ethics Commissioner.

To help MNAs in applying these rules of ethics, a document entitled *Guidelines respecting gifts, hospitality or other benefits* was published on the Ethics Commissioner's website (http://www.ced-qc.ca/en/documents/lignesdirectricesdons.pdf). These guidelines aim to provide MNAs with clarifications based on concrete situations. As mentioned further, they are not intended to take the place of a full analysis of the circumstances of each case. In certain instances, it remains advisable to call on the Ethics Commissioner or the jurisconsult for a specific opinion.

In short, an MNA who is offered a gift should, among other considerations, weigh 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 apply to the donor? Is the donor subject to government regulations?
- Is it reasonable to think that the donor might expect something in return?
- Would the gift be negatively perceived by the general public?

If the answer to one or more of these questions is affirmative, the analysis should be continued further before accepting any gift whatsoever.

For the period from April 1, 2012 to March 31, 2013, the Ethics Commissioner posted 24 disclosure statements about gifts on the website, as prescribed by section 31 of the Code. Gifts that are subject to section 29 or 30 of the Code are simply prohibited. Of the gifts that are not prohibited, only those with a value over $200 must be declared to the Ethics Commissioner. During that same period, the Ethics Commissioner received four disclosure statements by MNAs in relation to gifts that were refused or returned to the donors. These statements are not subject to registration in the Ethics Commissioner's public register.

Various opinions given by the Ethics Commissioner on the matter are summarized below:

- *Accepting numerous invitations*

QUESTION
Is there a limit to the number of invitations MNAs may accept in the exercise of their office? For example, many non-profit organizations offer MNAs tickets to participate in fund-raising activities of all sorts.

ANSWER
The rule of thumb is clearly expressed in the values of the National Assembly. Members recognize that they "serve" the public. The rules of conduct regarding gifts, hospitality and other benefits are not intended to undermine the objective shared by all MNAs to maintain strong ties with their constituencies so as to be aware of the aspirations and views of the people they represent. Therefore, save for the exceptions mentioned in sections 29 and 30, there is no limit to the number of invitations an MNA can accept.

However, when the ticket or tickets offered by a single donor are worth more than $200, the MNA must make a gift disclosure statement to the Ethics Commissioner, even if the tickets are subsequently passed on to other people.

- *Honorary presidency or chair*

QUESTION
Can an MNA or Cabinet Minister accept an invitation to act as honorary president or chair at a fund-raising event?

ANSWER
Yes, a Member of the National Assembly can generally accept an invitation to act as honorary president or chair at a fund-raising event. The Member must be mindful of the rules of conduct prescribed by the Code and avoid putting himself or herself in a real or perceived situation of conflict of interest.

However, one should not underestimate how influential MNAs can be or forget what they exemplify in the public's mind. It might therefore be considered contrary to the rules of conduct prescribed by the Code for a person to make a contribution to a body on the occasion

> of a fund-raising event or otherwise, with the hope that the MNA asking for contributions will feel beholden to that person at a later time. In other words, it is imperative to avoid situations in which it may be thought that the MNA is expected to return the favour, either directly or indirectly, especially when the MNA is soliciting donations or contributions for an organization.

INQUIRY AND REPORT

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 ask the Ethics Commissioner to conduct an inquiry into the matter. The request must be made in writing and state the reasonable grounds for the belief that the Code has not been complied with.

For the year 2012–2013, the Ethics Commissioner received no requests for an inquiry under section 91 of the Code.

Section 92 of the Code allows the Ethics Commissioner to conduct an inquiry, on the Ethics Commissioner's own initiative, in order to determine if an MNA has violated the Code. On March 14, 2012, I began an inquiry regarding Tony Tomassi, who was then the Member for LaFontaine. The inquiry report, dated June 7, 2012, was tabled in the National Assembly on June 12 of that same year. Here is a summary of the reasons and conclusions given in my report.

Between May 15, 2010 and May 3, 2012, the Member for LaFontaine's participation in the proceedings of the National Assembly was limited to only a few sittings in the Blue Room. Once the rules of conduct prescribed by the Code came into force on January 1, 2012, the Member for LaFontaine failed to attend any sittings of the National Assembly up to his resignation on May 3, 2012.

Section 35 of the Code stipulates that:

> **35.** A Member must maintain a good attendance record in carrying out the duties of office. He or she may not be absent from sittings of the National Assembly for an unreasonable length of time without a valid reason.

The purpose of the inquiry was to determine if the Member for LaFontaine had, without a valid reason, been absent from sittings of the National Assembly for an unreasonable length of time.

First, the inquiry report discusses whether or not an MNA's riding work is sufficient to meet the good attendance requirement set out in the Code. The conclusion arrived at is that the actual presence of the Member in the National Assembly is necessary in order for the requirement set out in section 35 of the Code to be met. On this first point, the report finds that the Member for LaFontaine failed to sit in the National Assembly although he could be reached in his riding.

Second, the reason for the Member's absence from the Assembly is analyzed in order to determine whether it was valid. In light of the medical expertise I obtained from a doctor, I am of the opinion that the Member for LaFontaine had a valid reason to be absent from the sittings of the National Assembly for the period after January 1, 2012.

Third, the report examines compliance with National Assembly values. In keeping with these values, a Member must be conscientious, maintain good attendance and be at the service of the public, in particular so that a diagnosis can be established, if need be. If the Member for LaFontaine was not, in his opinion, able to attend the sittings of the National Assembly between May 2010 and December 2011, he could not, without a proper diagnosis, give himself leave to remain absent for an extended, indefinite period of time.

Lastly, the report states that, when a Member's health prevents the Member from attending sittings of the National Assembly for an indefinite period of time, it is clearly unreasonable to let several months go by without establishing an initial contact with a health professional in order to obtain a diagnosis and, if need be, take the appropriate measures.

RULES OF CONDUCT APPLICABLE TO CABINET MINISTERS' STAFF

When the Members of the National Assembly adopted the Code, they entrusted the Ethics Commissioner with the responsibility of drawing up, in a regulation, the rules of conduct that would apply to the staff of a Minister's office. To that end, section 123 of the Code amended the *Executive Power Act* by inserting section 11.7, which provides that such a regulation is to be made by the Ethics Commissioner. Section 129 of the Code amended the *Act respecting the National Assembly* by inserting section 124.3, which authorizes the Office of the National Assembly to adopt rules of ethics applicable to the staff of MNAs and House officers.

In accordance with the *Regulations Act*, the draft *Regulation respecting the rules of conduct applicable to the office staff of ministers* was published in the *Gazette officielle du Québec* on December 5, 2012. On March 15, 2013 that regulation was adopted by the Ethics Commissioner. It came into force on the following April 30.

The ethics framework established for the members of a Minister's staff is inspired, for consistency, by the values of the National Assembly, by the ethical principles and rules of conduct that are prescribed by the Code and apply to all MNAs, and by the special rules of conduct that apply to Cabinet Ministers.

On the issue of potential conflicts of interest and other rules of conduct, the regulation provides that office staff cannot place themselves in a situation where there is a conflict between their private interests and the duties of their position, nor can they act so as to further their private interests or influence another person's decision to that end or communicate information that is not generally available to the public. Subject to the interest they may have in an enterprise and the conditions prescribed by regulation, office staff may

not be party to a contract with the Government or a government department or public body. With regard to gifts and other benefits, office staff are governed by the same rules as MNAs. The regulation provides that executive secretaries are required to file a private-interests disclosure statement with the Ethics Commissioner. In addition, a Minister's staff must comply with post-term rules. The Ethics Commissioner is responsible for the administration of the regulation. The Ethics Commissioner may provide written advisory opinions containing reasons to office staff members and may also conduct inquiries to determine if a staff member has violated the rules of conduct.

The *Rules of conduct applicable to the staff of Members and House officers of the National Assembly* were adopted by the Office of the National Assembly on March 21, 2013. They came into force on the following April 30. In adopting this ethics framework, the Office of the National Assembly was motivated by the same concern for consistency. The rules are therefore rooted in the values of the National Assembly, the ethical principles and rules of conduct prescribed by the Code and the *Regulation respecting the rules of conduct applicable to the office staff of ministers* adopted by the Ethics Commissioner.

OFFICE OF THE ETHICS COMMISSIONER

To carry out its mission, the office of the Ethics Commissioner is divided into three units whose responsibilities correspond to the principle mandates conferred on the Ethics Commissioner by the Code. These units assist the Ethics Commissioner in administering the Code.

REGISTRY

A registry was put into place to oversee the various formalities prescribed by the Code and make sure these formalities are duly complied with. The registry receives, analyzes and reviews the annual disclosure statements filed by MNAs about their own and their family members' private interests to determine whether the information provided is sufficient and whether it meets the Code's requirements. The registry is also at the MNAs' disposal to answer any questions they may have. It ensures an operative communications link with MNAs. The registry is in addition responsible for drafting the forms used for the private-interests disclosure statements and helps prepare the disclosure summaries. The registry maintains the various registers the Ethics Commissioner is required to keep and update under the Code. The records preserved in the registry are confidential and are destroyed at the expiry of the time prescribed by the Code. The registry also handles the Ethics Commissioner's media communications. It receives and analyzes media requests and advises the Ethics Commissioner with regards to the response to be given.

Dominique Baron is the clerk responsible for the registry. Over the course of the year, she made sure that MNAs' requests were answered and served as intermediary between them and the Ethics Commissioner, as required by her functions. The registry's main activities focused on the overall MNA disclosure statement process for 2012, and included answering MNAs' questions, preparing the disclosure summaries and publishing them online.

The clerk saw that the public registers were posted and kept up to date on the Ethics Commissioner's website.

As concerns media requests, the clerk assisted the Ethics Commissioner in preparing for the interviews he gave and answered journalists herself when the Ethics Commissioner was unavailable to do so.

ADVICE

The Ethics Commissioner advises the MNAs and provides them with an advisory opinion, at their request, on any issue concerning their obligations under the Code. To carry out these functions, the Ethics Commissioner is assisted by an in-house legal counsel, Élodie Gagné-Lafrance. During the 2012–2013 year, Ms. Gagné-Lafrance was the sole member of the Advice unit. The legal counsel is entrusted with providing the Ethics Commissioner with legal expertise regarding the rules prescribed by the Code as they apply to the exercise of the office of MNA or Cabinet Minister. At the Ethics Commissioner's request, the legal counsel provides advice to MNAs, whether the situations they submit are real or apprehended. She also submits legal opinions or draft advisory opinions to the Ethics Commissioner. The legal counsel also advises and assists the Ethics Commissioner and his staff in the exercise of their overall duties under the Code.

In addition, the legal counsel submits recommendations regarding legal issues which may help improve, and ensure the quality of, the Ethics Commissioner's activities. She also takes part in raising awareness among and providing information to the MNAs and the public.

The legal counsel must carry out her professional activities with the same concern for prevention and confidentiality as the Ethics Commissioner is required to show under the Code. The legal counsel's main objective is to provide clear and accessible information to the MNAs, their staff and the general public. Her role includes promoting a better understanding of the applicable rules of conduct to facilitate the development of practices that are consistent with the Code.

Over the course of the year, Ms. Gagné-Lafrance counselled the Members of the National Assembly and their staff on various subjects.

- *Use of State property and services*

QUESTION

An MNA consulted the Ethics Commissioner about using the riding office operating budget for activities related to a charity the MNA supports. The sums taken from that budget, which is paid by the National Assembly, would be used, for example, to pay certain publicity costs for the charity. The question was whether the MNA could use these sums for that purpose.

ANSWER

Referring to section 36 of the Code, the Ethics Commissioner informed the Member that he must use State property, including services made available to the Member by the State, for activities related to the carrying out of the duties of office. The MNA could not therefore use the riding office operating budget to pay for publicity costs for a charity in which he was involved. The activity in question was not considered to be an activity related to the carrying out of the duties of office within the meaning of section 36 of the Code.

- *Remuneration*

QUESTION

An MNA consulted the Ethics Commissioner about a speech to be given at a conference organized by an educational institution. The question put to the Ethics Commissioner was whether the MNA could receive any remuneration for the speech.

ANSWER

Referring to the provisions of the Code on the subject, the Ethics Commissioner informed the MNA that he could give a speech in such a context, since the activity was not incompatible with the carrying out of the duties of office.

Because the activity was not incompatible with the duties of office, the MNA could accept remuneration for giving the speech. However, the remuneration must be declared by the MNA in his private-interests disclosure statement for the year concerned.

- *Gifts and benefits: MNAs and Cabinet Ministers*

QUESTION

A Cabinet Minister asked the Ethics Commissioner whether he is bound to disclose a gift received after having made a speech, the gift in question being a bottle a wine.

ANSWER

The Ethics Commissioner informed the Cabinet Minister that, as a general rule, the Code allows Members to accept gifts and benefits. However, it is important to take into consideration two exceptions by which Members are prohibited from accepting a gift or benefit in certain situations. The Cabinet Minister was invited to consult the *Guidelines respecting gifts, hospitality or other benefits* published on the Ethics Commissioner's website in May 2012. Under these guidelines, a Minister must refuse a gift or benefit if it is offered in exchange for speaking or taking a certain position on an issue. The second exception applies to situations where a gift or benefit may impair the Minister's independence of judgment or compromise the Minister's integrity or that of the National Assembly, in which case it must be declined. Once this initial analysis is completed, and once the exceptions have been found not to apply, an acceptable

gift valued at more than $200 must be disclosed in a statement to the Ethics Commissioner. In the present example, the Cabinet Minister could accept the bottle of wine. However, a Minister is never obliged to accept a gift, even if allowed to by the Code.

- *Post-term rules for staff*

QUESTION
A political attaché who was a member of a Cabinet Minister's office staff asked the Ethics Commissioner what post-term rules might apply to him. The firm offering him a position is specialized in providing support to businesses that wish to solicit funding through government programs.

ANSWER
The Ethics Commissioner informed the former staff member that he is subject to certain transitional obligations, as prescribed by section 129 of the Code. On leaving his position, he must comply with the post-term rules of conduct applicable to Cabinet Ministers under sections 56 to 61 of the Code, except that the two-year compliance period prescribed in section 60 is reduced to one year. For example, he is prohibited from dealing on behalf of another person with a department or any other State body with which he had official, direct and significant dealings in the year prior to his leaving the position. In any other cases, he would be allowed to act on behalf of the firm.

INQUIRIES

Over the course of the 2012–2013 year, the inquiry unit began to take shape. In December 2012, Alain Gagné joined the office of the Ethics Commissioner to take up the position of investigator. As provided for by sections 91 and 92 of the Code, the work involves gathering information, conducting research, and analyzing the relevant facts with regard to a specific context or with regard to a potential violation of the rules of ethics. While remaining impartial and objective, the investigator's main goal consists in collecting all the facts and establishing the context in which they occurred so as to be able to submit a report to the Ethics Commissioner. The investigator takes part in implementing and updating the tools used for audits and inquiries regarding the application of the Code. For example, the Ethics Commissioner calls on the investigator to follow up on the private-interests disclosure process and, if need be, to help prevent a conflict of interest situation, be it real or apprehended. Finally, the Ethics Commissioner relies on the investigator to carry out research and analysis in drawing up certain policy directions or guidelines.

Since the investigator has only been in office for a few months over the current period, his activities have been centred on the private-interests disclosure process. After having analyzed the documents filed, the investigator met with certain MNAs to go over their disclosure statement in greater detail and ascertain that it was complete and accurate. The monitoring process also offers the advantage of allowing a Member to gain further insight into the Code's application from the investigator.

Finally, at the Ethics Commissioner's request, the investigator gathered information aimed at developing research methods in relation to subjects on which the Ethics Commissioner may be called on to conduct an inquiry.

In light of his knowledge and experience, the investigator is also charged with advising the Members of the National Assembly. He offers advice in a support setting rather than as part of inquiries. His role is to provide guidance so as to prevent violations to the Code. The investigator is thus able to help private Members and Cabinet Ministers in attaining their stated goal of transparency.

ADMINISTRATION

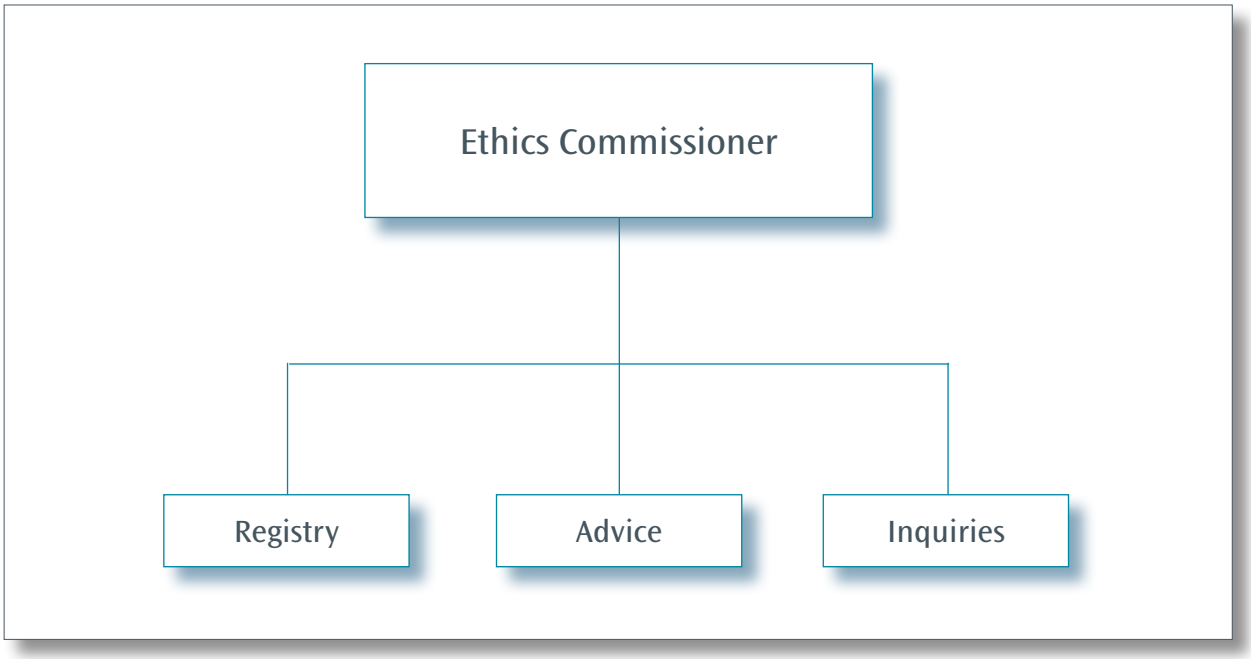
To round off the administrative organization of the Ethics Commissioner's office, I must add that we are assisted by Doris Dion. Our team being a small one, Ms. Dion's assistance is very precious. It is with great rigour and efficiency that she assumes diverse administrative responsibilities. She makes sure that we have all the tools we need to carry out our duties and is also responsible for controlling the quality of the documents issuing from the Commissioner's office.

I am extremely proud to be supported in my duties by each of the members of the team. The quality and professionalism of their work is deeply appreciated, not only by myself, but also by the Members of the National Assembly, who often express their satisfaction with and high regard for the services and advice dispensed by the Ethics Commissioner's office. I take this opportunity to offer my heartfelt thanks to Dominique Baron, Doris Dion, Élodie Gagné-Lafrance and Alain Gagné for all their hard work over the past year.

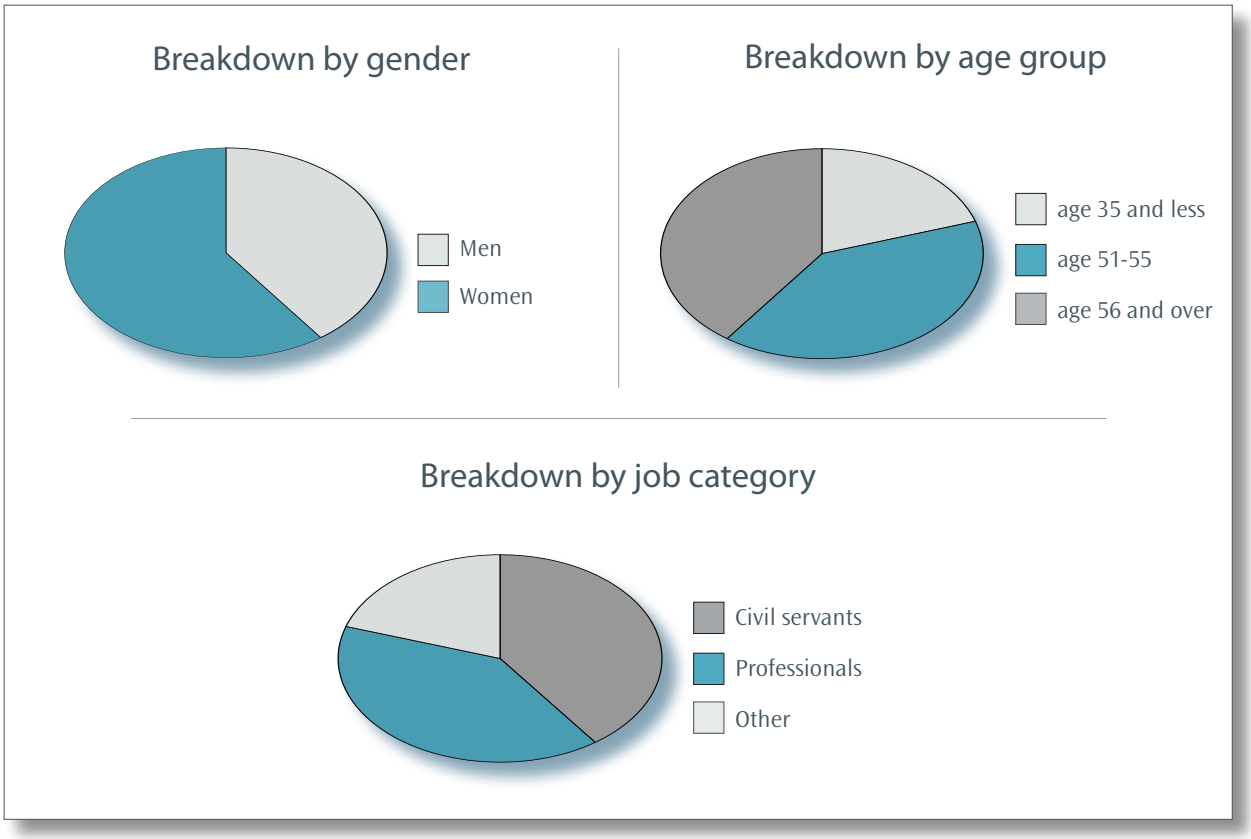
Under section 74 of the Code, the National Assembly provides the Ethics Commissioner with human, physical, financial and information management resource services at no charge. This form of collaboration with the National Assembly was established at the beginning of 2011 and remains invaluable to us. We are very grateful for the services, advice and operational support we have been given by various experts.

I would also like to express my gratitude to the Secretary General of the National Assembly, Michel Bonsaint, and to the managers and the members of their teams for their exemplary collaboration, which has been most helpful. I wish to expressly mention the National Assembly's Human Resources Directorate, the Financial Resources, Procurement and Audit Directorate, the Computer Services, Debate Broadcasting and Telecommunications Directorate, the Communications and Educational Programs Directorate, the Security Directorate and the members of the Sûreté du Québec who cooperate with the Security Directorate, the National Assembly Library, the Legislative Translation and Publishing Directorate and the Printing and Reprography Division.

ORGANIZATION CHART



BREAKDOWN OF STAFF



WEBSITE

With the assistance of the Communications and Educational Programs Directorate, and that of the Computer Services, Debate Broadcasting and Telecommunications Directorate, the Ethics Commissioner's website was regularly updated. The disclosure summaries of the private interests of Cabinet Ministers and their family members were posted on the website as they became available, as were the MNAs' disclosure summaries. The disclosure statements filed concerning gifts, hospitality and other benefits were also posted on the website. It should be noted that the related public online registers are updated as often as necessary.

The Ethics Commissioner's website gets, on average, about 4,000 visits per month.

An updated version of the *Guidelines concerning gifts, hospitality and other benefits* was posted on the website on May 30, 2012. The summary of the Code was revised and republished in August of 2012. Following its publication in the *Gazette officielle du Québec*, the *Regulation respecting the rules of conduct applicable to the office staff of ministers* (chapter C-23.1, r. 2) was posted on the website. Finally, the *Rules of conduct applicable to the staff of Members and House officers of the National Assembly*, adopted by the Office of the National Assembly, are also available on the website.

CCOIN

The Canadian Conflict of Interest Network (CCOIN) met in Fredericton, New Brunswick, on September 7 through September 9, 2012. The Network brings together all of the federal, provincial and territorial conflict of interest commissioners. This annual meeting between Canadian colleagues who share in the responsibility of applying conflict of interest rules, rules of ethics and rules of conduct to Members and Ministers provides an excellent opportunity to examine common issues and concerns, to learn about the practices and experiences of other jurisdictions and to improve our methods for analyzing issues that are sometimes quite complex.

I want to offer my sincere thanks to the New Brunswick Conflict of Interest Commissioner, the Honourable Patrick A. A. Ryan, for organizing the meeting and for the warm and attentive welcome he extended to all of us. For my part, the meeting allowed me to gain a better understanding of the ethical implications members of legislative assemblies are regularly confronted with.

OTHER ACTIVITIES

Barreau du Québec Annual Congress

In June 2012, I was invited to make a presentation at the Annual Congress of the Barreau du Québec, on the occasion of the launch of a special issue of the 2011–2012 edition of the *Collection de droit de l'École du Barreau* entitled *Éthique, profession juridique et société*.

Fondation Jean-Charles-Bonenfant

In September 2012, I had the privilege of meeting the parliamentary interns from the Fondation Jean-Charles-Bonenfant internship program. They had expressed the wish to meet the official responsible for applying the *Code of ethics and conduct of the Members of the National Assembly* and learn more about the guiding principles the Commissioner relies on in applying the Code. They had prepared a good number of very relevant and topical questions. I very much appreciated the quality of their contributions to the discussion.

Université Laval

In November 2012, I addressed a class of students enrolled in the political science program at Université Laval. Using a PowerPoint presentation to give them an overview of the Code, I briefly outlined the ethical principles and rules of conduct that Members of the National Assembly must take into account. I also touched on the responsibilities assumed by the Ethics Commissioner. During the subsequent question period, we had the opportunity to take a closer look at certain aspects of the Code in connection with issues raised by cases reported in the news.

COGEL

I attended the 34th Annual Conference of the Council on Governmental Ethics Laws (COGEL), which took place from December 1 to December 5, 2012, in Columbus, Ohio. I felt it was important for the Québec Ethics Commissioner to be a member of this North American organization, which has a well-established reputation for the quality of the content of its publications and of its conferences. I therefore joined other persons designated by the National Assembly and my colleagues from several other provinces in becoming a member of COGEL. I was also further motivated by the fact that the next conference is going to be held in Québec City in December of 2013. The other Québec delegates and I therefore had the opportunity to promote the 2013 Annual Conference with COGEL members and answer any questions they might have.

I furthermore gave a presentation on the new *Code of ethics and conduct of the Members of the National Assembly* at a seminar on parliamentary relations in February 2013.

STATISTICS

Period form
1 April 2012 to 31 March 2013

Advice and advisory opinions

Consultations, requests for information and advisory opinions	Verbal or written requests	Requests under section 87 of the Code	Total
From MNAs	218	19	237
From the staff of MNAs	35	1	36
From the general public	29	-----	29
Total :	282	20	302

Requests from the media	59

Disclosure statements with regard to the private interests of MNAs and their family members for 2012

From Cabinet Ministers	26
From private Members	99
Total :	125

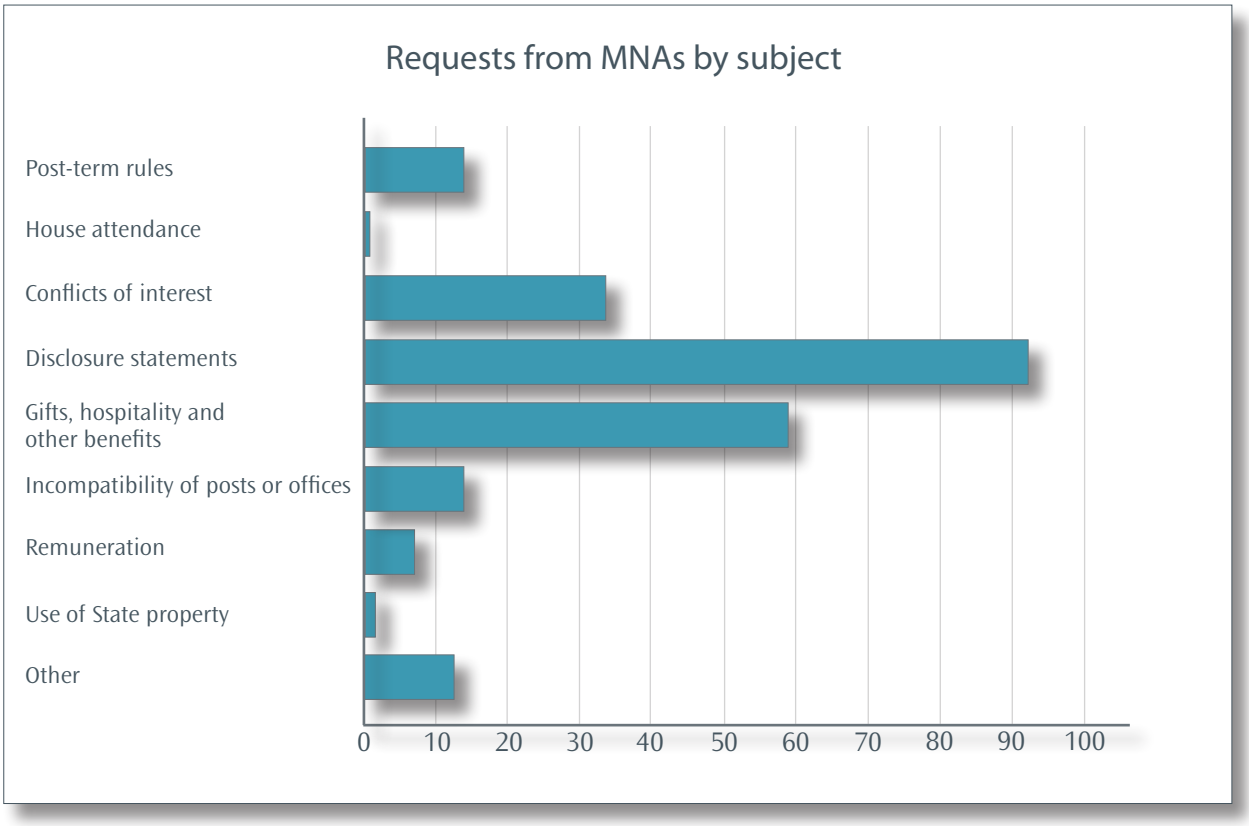
Summaries of private-interests disclosure statements for 2012

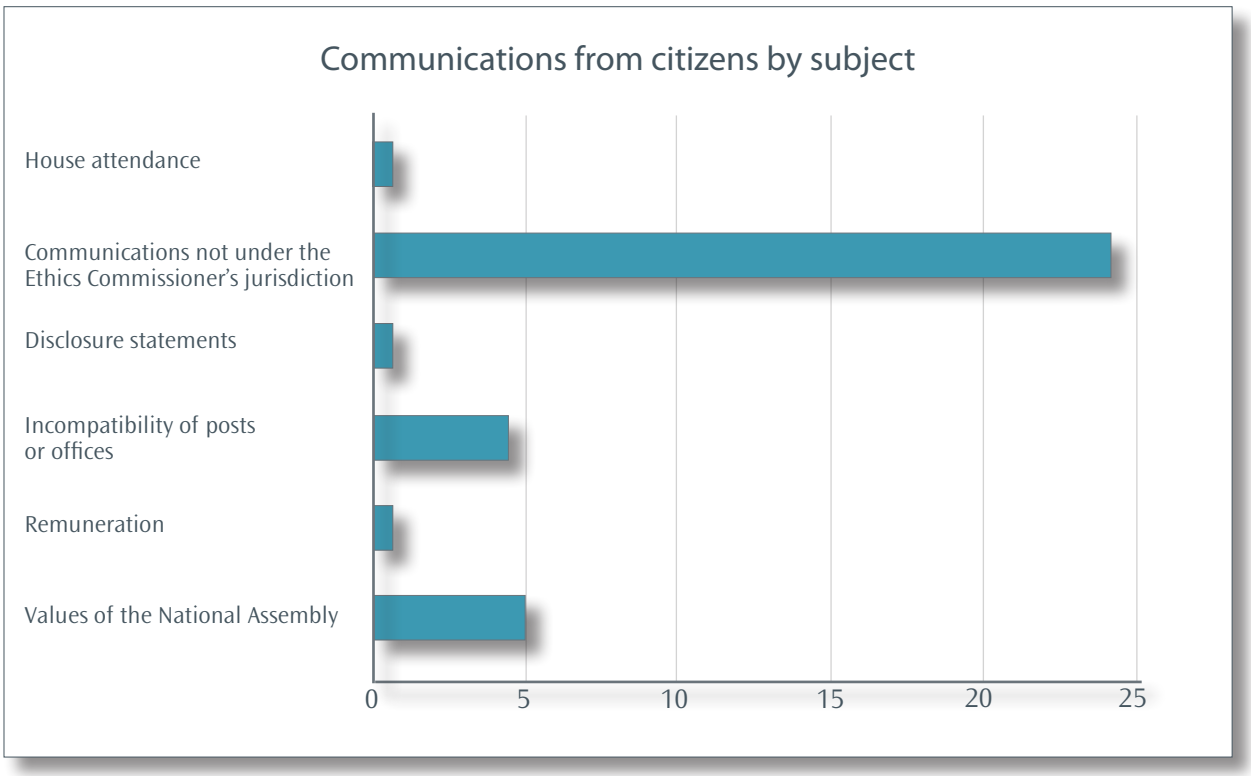
For Cabinet Ministers and their family members	26
For private Members	99
Total :	125

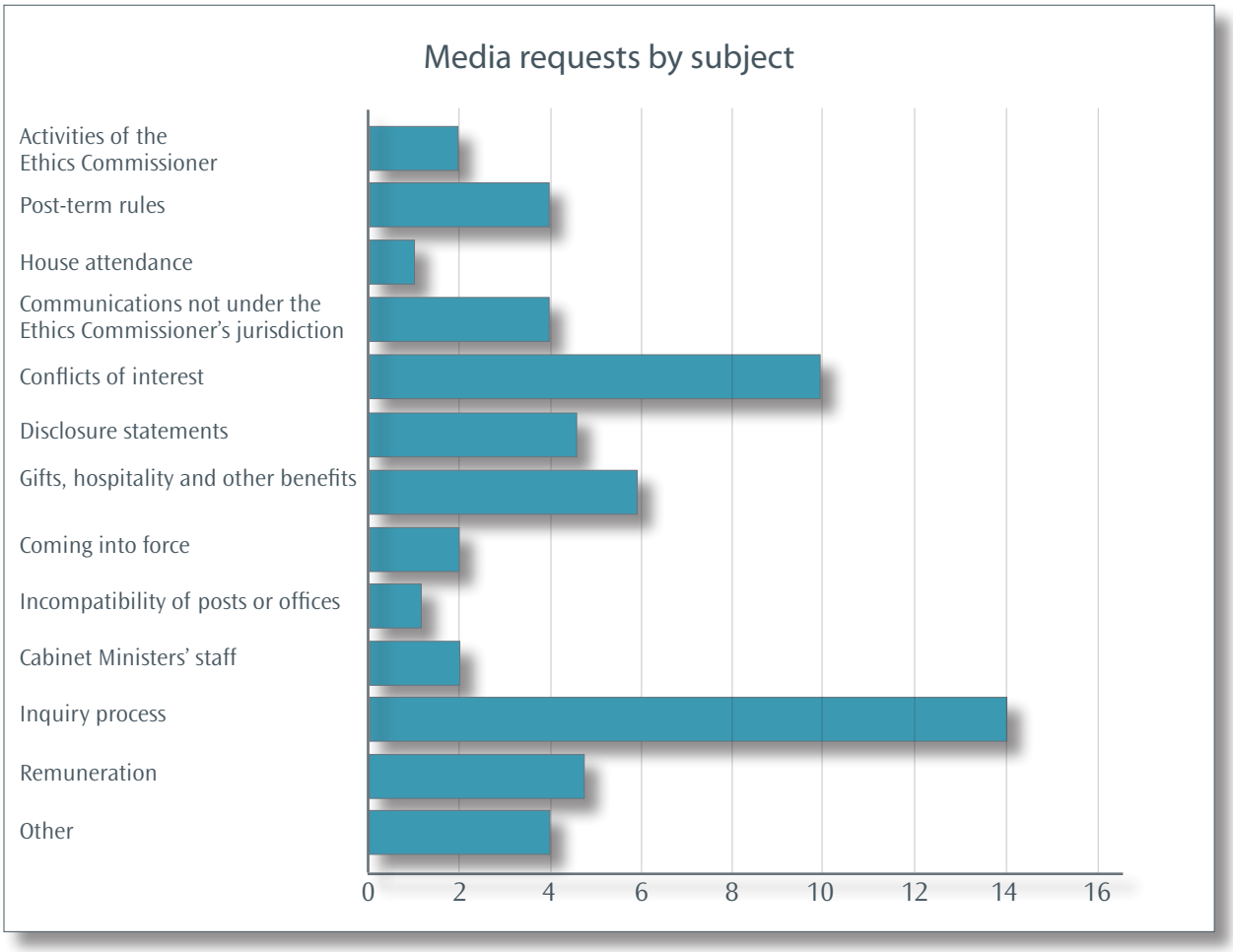
Disclosure statements concerning gifts, hospitality and other benefits for 2012–2013

	Statements received and published	Notice of refusal under section 30 or 31 of the Code
Number	24	4
Total :	28	

STATISTICAL GRAPHS




Communications from citizens by subject
House attendance
Communications not under the Ethics Commissioner's jurisdiction
Disclosure statements
Incompatibility of posts or offices
Remuneration
Values of the National Assembly
0
5
10
15
20
25


Media requests by subject
Activities of the Ethics Commissioner
Post-term rules
House attendance
Communications not under the Ethics Commissioner's jurisdiction
Conflicts of interest
Disclosure statements
Gifts, hospitality and other benefits
Coming into force
Incompatibility of posts or offices
Cabinet Ministers' staff
Inquiry process
Remuneration
Other
0
2
4
6
8
10
12
14
16

FINANCIAL STATEMENTS

Management Report

The Ethics Commissioner's financial statements, including estimates and assumptions, have been prepared by management, as per its responsibility for preparing and presenting them. This responsibility includes choosing the appropriate accounting methods, 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, September 2013

Results
for the fiscal year ended March 31, 2013

(in thousands of dollars)

	2013	2012
Revenue (note 3)	**753,4**	**607,6**
Expenses		
Remuneration		
Salaries and employee benefits	600,2	498,4
	600,2	**498,4**
Operations		
Transportation and communication	14,5	11,9
Professional, administrative and other expenses	8,9	26,1
Rent paid to the Société immobilière du Québec	88,4	44,5
Materials and supplies	3,1	11,6
Amortization of tangible capital assets	38,3	15,1
	153,2	**109,2**
	753,4	**607,6**
Annual surplus	**0,0**	**0,0**

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

Change in net debt
for the fiscal year ended March 31, 2013

(in thousands of dollars)

	2013	2012
Annual surplus	0,0	0,0
Acquisition of tangible capital assets	(4,5)	(307,7)
Amortization of tangible capital assets	38,3	15,1
Decrease (increase) in net debt	33,8	(292,6)
Net debt, beginning of year	(298,5)	(5,9)
Net debt, end of year	(264,7)	(298,5)

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

Financial position
as at March 31, 2013

(in thousands of dollars)

	2013	2012
Financial assets		
Cash entitlement	13,5	33,4
	13,5	**33,4**
Liabilities		
Accounts payable and accrued liabilities (note 4)	13,5	33,4
Deferred revenue for tangible capital assets (note 5)	264,7	298,5
	278,2	**331,9**
Net debt	(264,7)	(298,5)
Non-financial assets		
Tangible capital assets (note 6)	264,7	298,5
Accumulated surplus	**0,0**	**0,0**
Contractual obligations (note 7)		

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

Cash flow statement
for the fiscal year ended March 31, 2013

(in thousands of dollars)

	2013	2012
Operating activities		
Annual surplus	0,0	0,0
Non-cash items:		
Transfer of deferred revenue for tangible capital assets	(38,3)	(15,1)
Amortization of tangible capital assets	38,3	15,1
Non-cash working capital:		
Accrued liabilities and expenses	(19,9)	33,4
Parliamentary appropriations for acquisition of tangible capital assets	4,5	307,7
Cash flow from operating activities	(15,4)	341,1
Capital activities		
Acquisition of tangible capital assets	(4,5)	(307,7)
Increase (decrease) in cash entitlement	(19,9)	33,4
Cash entitlement, beginning of year	33,4	0,0
Cash entitlement, end of year	13,5	33,4

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

Accompanying notes
March 31, 2013
(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* (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, by helping them avoid conflict of interest situations and by publishing guidelines for MNAs to follow. When requested to do so, the Ethics Commissioner also gives advice or an advisory opinion regarding a Member's obligations under the Code. The Ethics Commissioner may also, at the request of an MNA or on the Ethics Commissioner's own initiative, conduct an audit 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..

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 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.

Deferred revenue for tangible capital assets

The parliamentary appropriations for the addition 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.

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

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.

	2013	2012
Parliamentary appropriations		
Initial	1104,1	1345,0
Used for tangible capital assets	(4,5)	(307,7)
Lapsed	(346,2)	(429,7)
	753,4	**607,6**

4. Accounts payable and accrued liabilities

	2013	2012
Suppliers	1,6	20,2
Salaries	11,9	13,2

5. Deferred revenue for tangible capital assets

	2013	2012
Balance – beginning of period	298,5	5,9
Parliamentary appropriations for acquisition of tangible capital assets	4,5	307,7
Transfers to revenue for the reporting period	(38,3)	(15,1)
Balance – end of period	264,7	298,5

6. Tangible capital assets

				2013	2012
Cost of capital assets	Leasehold improvements	Equipement other than computer equipement	Computer equipment	Total	Total
Opening balance	233,4	71,6	8,6	313,6	5,9
Acquisitions	0,0	0,0	4,5	4,5	307,7
Closing balance	233,4	71,6	13,1	318,1	313,6
Accumulated amortization					
Opening balance	7,8	4,9	2,4	15,1	0,0
Amortization expense	23,3	11,8	3,2	38,3	15,1
Closing balance	31,1	16,7	5,6	53,4	15,1
Capital assets	200,3	54,9	7,5	264,7	298,5

7. Contractual obligations

The Ethics Commissioner leases premises from the Société immobilière du Québec under an occupancy agreement. Commitments under this agreement for the next five years are as follows:

Fiscal year ended March 31	
2014	88,3
2015	88,3
2016	88,3
2017	88,3
2018	88,3

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.

PROJECTS

REPORT ON THE CARRYING OUT OF THE CODE

No later than January 1, 2015 and every five years after that, the Ethics Commissioner must report on the carrying out of the *Code of ethics and conduct of the Members of the National Assembly* and the advisability of amending it (section 114 of the Code). The report is submitted to the President of the National Assembly, who tables it in the Assembly, and is then examined by the competent committee.

Preparing the first report on the carrying out of the Code will be one of the Ethics Commissioner's priorities over the course of the next fiscal year. It will give the Commissioner the opportunity to recap the first three years of his office's operation. We will look back on the facts and the challenges faced to frame our comments and will, if necessary, submit recommendations to the Members of the National Assembly.

COGEL

As mentioned earlier, we will be hosting the 35th conference of the Council on Governmental Ethics Laws (COGEL) in December 2013 in Québec City. Preparing the conference and certain workshops will require significant efforts from many of our staff members. To the extent of the means available within our organization, we intend to contribute to this event's success in the best interest of Québec society and its democratic institutions.

PRIVATE-INTERESTS DISCLOSURE STATEMENTS

There is room for improvement in the private-interests disclosure process. In 2011, we prepared the disclosure statement forms largely based on sections 38, 40, 52 and 55 of the Code. The forms used in 2011 were revised in 2012 in light of the questions submitted to us by MNAs and Cabinet Ministers in the course of filling them out.

As concerns the 2013 private-interests disclosure process, we hope to further revise and harmonize the forms. Our goal is to make the forms easier to understand and use. In addition, it will be possible to fill out the forms online. We plan to make each form available in two versions: an initial form for persons filing a disclosure statement for the first time as newly elected MNAs or newly appointed Cabinet Ministers and an "update" form to be used by MNAs and Cabinet Ministers to indicate any changes that have occurred since their last disclosure statement.

CONCLUSION

The Code is now firmly entrenched in the legal framework that MNAs and Cabinet Ministers must comply with in the exercise of their duties. The values of the National Assembly and the rules of conduct have a major impact on the responsibilities assumed by our elected representatives. The greatest challenge for them lies not only in knowing the rules, but also in maintaining behaviour that is mindful of the National Assembly's values and developing an ethics-based culture with regard to all aspects of their functions as MNAs and Cabinet Ministers.

In the pursuit of an ethics-based culture, the Code provides a comprehensive guide which includes the values of the National Assembly and rules of conduct as well as application and control mechanisms. But beyond what is provided in the Code, one must, in my opinion, have strong personal convictions bolstered by a firm resolve to meet the public's expectations in matters of ethics and good conduct.

And this is where the development of an ethics-based culture takes on its full importance. It implies that Members are able to base their actions not only on the rules set out in the Code, but also on their own assessment of the circumstances. It therefore becomes imperative that Members call on their own experience, judgment and conscience to guide their ethical behaviour.

In determining whether they are in a real or apprehended conflict of interest situation, MNAs should not underestimate the soundness of their judgment or the value of their analysis and reasoning. Thus, where an ethics-based culture founded on analysis, transparency and trust has taken root, Members will, at the proper time, carefully consider the ethical ramifications and make the appropriate decisions on their own. It is through this prior analysis that Members can gain the assurance that they are able to act and decide taking into account all the ethical aspects. And it is again through this prior analysis of the relevant ethical issues that Members can rest in the same assurance when called on to justify their actions or decisions.

I would like to offer my sincere thanks to the Members of the National Assembly, who continue to actively engage in the development of an ethics-based culture and thereby reduce the risk of placing themselves in violation of the Code and in conflict of interest situations.

They deserve our full trust.

The Ethics Commissioner
September 2013

Communications and Educational Programs Directorate
Photocopying and Printing Services
of the National Assembly of Québec
February 2014

For more information :

The Ethics Commissioner
800, place D'Youville
4e étage, Bureau 4.02
Québec (Québec) G1R 3P4

Téléphone: 418 643-1277
Fax: 418 643-1318

Email: info@ced-qc.ca
Website: www.ced-qc.ca