



ETHICS
COMMISSIONER

ACTIVITY REPORT

2013-2014



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2013-2014

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

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Québec, September 2014

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 to you my activity report for the period April 1, 2013 to March 31, 2014, and the financial statements as at March 31, 2014, 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,

A handwritten signature in black ink, reading "Jacques Saint-Laurent". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Jacques Saint-Laurent
Ethics Commissioner

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MESSAGE FROM THE COMMISSIONER

I am proud to introduce the third activity report of the Ethics Commissioner, which reviews my office's 2013–2014 operations. This year we celebrate the third anniversary of the unanimous passing of the *Code of ethics and conduct of the Members of the National Assembly*.

When the Members of the National Assembly (MNAs) carried out their clause-by-clause consideration of Bill 48, which was to become the Code, they outlined the rigorous ethical objectives and compliance with the values of the National Assembly that are essential to maintain public confidence. Every day, MNAs express their commitment through their actions, showing their willingness to respect the rules of conduct contained in the Code.

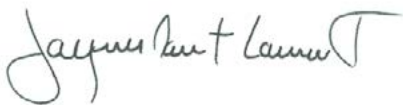
I am pleased to see how well MNAs—both private Members and Cabinet Ministers—understand and respect the Assembly's values, and the ethical principles and rules of conduct set out in the Code. The numerous consultations and requests for advisory opinions submitted to the Commissioner clearly show that the rules are being implemented.

In 2013–2014, more specifically, on April 30, 2013, both the *Regulation respecting the rules of conduct applicable to the office staff of ministers* (chapter C-23.1, r. 2) and the *Rules of conduct applicable to the staff of Members and House officers of the National Assembly* came into force. Since then time, the Assembly's values and many of the rules of conduct are applicable not only to private Members and Cabinet Ministers but also their staff. When the Regulation and Rules came into force, we held several information and training sessions to ensure that everyone covered by the Code was aware of and understood these values, ethical principles and rules of conduct.

By our presence in the field and the cooperation of all involved, we endeavour to contribute to develop the best possible ethical practices to assist MNAs and their staff in fully achieving their mission of serving the public interest.

MNAs can also count on the close collaboration of their jurisconsult, the Honourable Claude Bisson. Under section 108 of the Code, the jurisconsult is responsible for providing Members with advisory opinions on ethics and professional conduct, making him a valuable resource for parliamentarians in complying with the Code. Me Bisson is also kind enough to advise me; I consider him a mentor, and I am very grateful to him.

Good reading !



Jacques Saint-Laurent

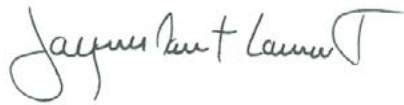
ATTESTATION OF RELIABILITY OF THE DATA IN THIS REPORT

As Ethics Commissioner, I am responsible for the findings and information in this report and for carrying out my mission in accordance with the laws and regulations that govern my office. I hereby attest to the accuracy and reliability of the data contained in this report.

This activity report:

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

I hereby declare that the data, information and explanations contained in the 2013–2014 activity report reflect the Ethics Commissioner's situation as it stood on March 31, 2014.



Jacques Saint-Laurent
Ethics Commissioner

Québec City, September 2014

INTRODUCTION

Using the Code as a basis, the Members of the National Assembly decided to add rules in carrying out their duties to the existing legislative framework to bolster integrity, particularly with respect to potential conflicts of interest. They chose the most formal, public means of expressing their commitment by making their *Code of ethics and conduct*¹ an Act of the Parliament of Québec.

To define their rules of conduct, the MNAs—both Members and Cabinet Ministers—specified ethical obligations and made a commitment to them. They chose to be guided by the values of the National Assembly in carrying out their duties.

Since January 1, 2012, MNAs know how to identify offices or posts that are incompatible with their duties. The Code specifies that MNAs may not put themselves in situations where their private interests might impair their independence of judgment in carrying out the duties of office. They have rules governing situations where there is a risk of acting in their own private interest. They know the limits to comply with when they carry out functions other than those of an MNA. The rules of conduct governing conflicts of interest set out the procedure to follow to put an end to such conflicts. MNAs know that they are required to maintain a good attendance record for sittings of the National Assembly, and that they cannot use the State property and services at their disposal for anything other than their duties as MNAs.

Where integrity is concerned, the Code also provides MNAs with a unique tool for recognizing circumstances in which they can accept a gift or benefit, and when they cannot.

Like their counterparts in other Canadian legislative assemblies, MNAs are required to file an annual disclosure statement concerning their private interests and those of a family member. With the Commissioner's support, they can carry out a preventive analysis of their situation by identifying potential conflict of interest situations and taking the proper steps at the proper time.

MNAs who become Cabinet Ministers refer to the ethical framework that applies to all Members, as well as rules of conduct specific to their situation. Based on the standards set out in the Code since January 1, 2012, Ministers know that they must devote themselves exclusively to their duties of office. They are subject to a specific rule of conduct governing any interests they may hold in businesses whose securities are listed on a stock exchange. They understand that Ministers and the private businesses in which they hold an interest are prohibited from entering into contracts with the Government, government departments or public bodies. They also know that they may not engage in real estate speculation. For Cabinet Ministers, steps to end conflict of interest situations are much more detailed, given their greater responsibilities. For the same reason, the content of the private interest disclosure statement for Cabinet Ministers and their family member is more detailed than for Members, particularly in terms of their assets and liabilities.

¹ Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1).

Since the time the Code was passed, Ministers also obtained the advantage to know in advance what their obligations will be when they are no longer Ministers. Post-term rules guide them for a two year transition period. By referring to criteria established in the Code, Ministers know in which types of business they cannot, temporarily, accept a position or intervene on behalf of another person. Other post-term rules apply as long as needed by the circumstances, so that former Ministers avoid obtaining undue benefit from their prior office.

In addition to the rules of conduct, the legislator included ethical principles in the Code to maintain confidence of the people in MNAs and in the National Assembly. By writing the values of the National Assembly into the Code, MNAs committed themselves to improve the social and economic situation of Quebecers, in addition to acting with integrity. The list of Assembly values includes: high regard for and protection of the National Assembly and its democratic institutions, and respect for other Members, public servants and citizens. Members' conduct must be characterized by benevolence, integrity, adaptability, wisdom, honesty, sincerity and justice. MNAs serve citizens, seek the truth and keep their word.

These concrete measures, clearly expressed by the legislator, guide MNAs in performing their duties and in determining the rules of conduct applicable to them. Members of the National Assembly, the Commissioner and the public understand that the rules of conduct are to be interpreted taking into account the National Assembly values. MNAs strive for consistency between their actions and these values, even when their actions do not contravene the applicable rules of conduct. The guidelines forewarn them about the circumstances under which they could be subject to the Commissioner's intervention.

MNAs have not only defined the rules of conduct and values to comply with, they have also established a monitoring authority to apply and enforce the Code. The legislator created the office of Ethics Commissioner and vested it with significant advisory and inquiry powers.

The Commissioner's main role is to support and advise MNAs in applying the Code. The Commissioner is tasked with helping Members avoid conflict of interest situations and guiding them on this subject as part of their annual private interest disclosure statements, or whenever circumstances warrant it. MNAs can consult the Commissioner or the juriconsult to obtain advisory opinions on ethics and professional conduct.

This advisory role on an individual level is complemented by an overarching mandate. The Commissioner guides MNAs by publishing guidelines, information notes and other documents intended for all elected officials and their staff.

To oversee compliance with MNAs' ethical commitments, the Code's application and enforcement mechanisms are not limited to providing an opportunity to obtain an advisory opinion from the Commissioner or the juriconsult. The Code allows MNAs to ask the Ethics Commissioner to conduct an inquiry if they have reasonable grounds for believing that another MNA has violated the rules of conduct. In addition, the Ethics Commissioner may, on his own initiative, conduct an inquiry to determine whether a Member has violated the Code. The Commissioner conducts inquiries in private and with due dispatch and allows the Member concerned to present a full and complete defence.

This process may culminate in an inquiry report stating the reasons for the Commissioner's conclusions and recommendations. If, as Commissioner, I conclude that a violation has occurred, I may recommend that the National Assembly apply any of the sanctions under section 99 of the Code: reprimand, penalty or reimbursement of indemnities or allowances received unlawfully.

In exercising the various aspects of the role of guide, adviser and investigator, section 65 of the Code states that the Ethics Commissioner must focus on information and prevention, and maintain high standards of confidentiality, objectivity and impartiality. He also takes into account MNAs' adherence to the values of the National Assembly and the principles of the Code.

As the following pages will show, the year 2013–2014 was a time for elected officials and their staff to consolidate their knowledge, understand and implement the rules of conduct and values of the National Assembly.

RULES OF CONDUCT APPLICABLE TO STAFF MEMBERS

The Regulation respecting the rules of conduct applicable to the office staff of ministers and the Rules of conduct applicable to the staff of Members and House officers of the National Assembly came into force on April 30, 2013.

As with the Code, more than three years ago, the Regulation and Rules express the legislator's firm desire to support political staff members' integrity and alleviate the risk of conflicts of interest at that level. For this reason, the ethics framework for staff in the Regulation and Rules borrows from the values of the National Assembly, the ethical principles and rules of conduct applicable to all MNAs, and the rules of conduct that apply specifically to Cabinet Ministers.

The Regulation and Rules inform staff members that they may not put themselves in a conflict situation between their private interests and the duties of their position. They indicate how not to promote one's personal interests and stress the importance of not influencing another person's decision for such purposes. Political personnel are also warned of the need to safeguard the confidentiality of information not generally available to the public. Thanks to the Regulation and Rules, staff know that they may not be party to a contract with the Government, a government department or a public body, unless they comply with the prescribed conditions.

With regard to gifts and other benefits, office staff are governed by the same rules as MNAs. As a preventive measure, executive secretaries are required to file private interest disclosure statements for themselves and their family member with the Ethics Commissioner. Furthermore, Cabinet Ministers' office staff are subject to post-term rules after leaving their duties.

The Ethics Commissioner is responsible for applying the Regulation and Rules, issuing substantiated written advisory opinions to staff and conducting inquiries. However, he is not authorized to recommend sanctions.

Once the Regulation and Rules came into force, all Members and Cabinet Ministers were informed of the new ethical framework applicable to their staff. The Commissioner's jurisdiction was thereby extended significantly to encompass hundreds of people.

As Commissioner, I gave training sessions on the new rules of conduct in several regions of Québec to staff members of Cabinet Ministers, Members and House officers of the National Assembly. The close ties between the provisions of the Regulation and Rules and those of the Code, as well the fact that all three endorse the values of the National Assembly, made it possible to promote the same ethical and conduct-related goals for everyone.

During these training sessions, I sincerely appreciated staff members' enthusiasm and determination to comply with the goal of integrity expressed in the legislation. I was pleased to see their firm intention to help their respective MNAs in that goal.

PRIVATE INTEREST DISCLOSURE STATEMENTS

Every year, MNAs—both Members and Cabinet Ministers—are required to file a disclosure statement with the Ethics Commissioner concerning their private interests and those of their immediate family.²

In 2013–2014, Cabinet Ministers' and House officers'³ executive secretaries⁴ also had to file private interest disclosure statements.

Even though the content of these statements varies depending on whether they apply to a Cabinet Minister, a Member or an Executive Secretary, it is important to mention that this personal and financial information is disclosed to the Commissioner to prevent any real or potential conflict of interest situation. As Commissioner, I am responsible for performing a detailed analysis of the statements.⁵ I study the income and benefits received, professional activities carried out, public and/or private business interests held, and administrative duties performed for charitable or non-profit organizations over the previous year. Lastly, I take into account any other information that, on a personal, financial or volunteer basis, might involve a real or apparent conflict of interest.

Under section 43 of the Regulation, Cabinet Ministers' executive secretaries who were in office on April 30, 2013, had 60 days (until June 30, 2013) to file their first disclosure statement with the Commissioner. Under section 42 of the Rules, the same was true for executive secretaries of House officers of the National Assembly.

² Members' statements are required under sections 37 and 38 of the Code. Sections 51, 52 and 53 govern Cabinet Ministers' statements.

³ The disclosure process for executive secretaries of House officers is described in sections 17 to 19 of the *Rules of conduct applicable to the staff of Members and House officers of the National Assembly*.

⁴ The disclosure process for Cabinet Ministers' executive secretaries is described in sections 18 to 20 of the *Regulation respecting the rules of conduct applicable to the office staff of ministers*.

⁵ The disclosure forms prescribed by the Commissioner under the Code for MNAs are available on our website at www.ced-qc.ca.

All disclosure statements were filed with the Commissioner's office by the deadline set by the Regulation and Rules. At my request, Me Élodie Gagné-Lafrance and Me Bruno Fontaine met with all of the executive secretaries between July 5 and October 15, 2013.

For Members and Cabinet Ministers, the filing deadline for 2011 was determined by the transitional provisions of the Code⁶ and, for 2012, by sections 37 and 51 since it was an electoral year. In 2013, I had to set the filing deadline for Members and Cabinet Ministers for the first time. In November 2013, my office published an information notes indicating that the statements for a given year had to be filed no later than March 1 the following year (in this case, March 1, 2014), unless it was an election year.

In early 2014, we started receiving personal-interest disclosure statements from MNAs. Although it was before the filing deadline, I analyzed the 2013 statements that I had received. This led me to suggest meeting with MNAs beginning in February 2014, a process that was interrupted by the March 5, 2014 announcement of a general election. It goes without saying that during an election campaign, the Commissioner must not meet with MNAs about their disclosure statements or publish disclosure summaries on the website. Between February 14 and 25, 2014, I did manage to meet with 3 Ministers and 21 Members about their 2013 statements.

By-elections took place in the ridings of Outremont and Viau on December 9, 2013. When the results were announced, Philippe Couillard, the new Member for Outremont, and David Heurtel, the new Member for Viau, filed their private interest disclosure statements within the prescribed time frame. The mandatory meetings with the Members for Outremont and Viau were held in February 2014, and the summaries were published on my website on March 4, 2014.

INTERESTS HELD OUTSIDE QUÉBEC

In spring 2013, the media reported that a consortium of international journalists had discovered information suggesting that many individuals and businesses transfer their financial interests abroad in an effort to reduce their local tax burden. The consortium seemed to imply that some of these individuals or businesses might be from Québec.

Soon, there were questions as to whether Members of the National Assembly were involved. People wondered whether the disclosure statements prescribed by the Code meant that the Commissioner would be informed of foreign assets, if applicable.

Except for immovable property and certain other real rights, the disclosure process under the Code does not make any distinctions as to the origin of financial interests. Everything must be declared, regardless of where it is held.

⁶ Section 133.

For 2011 and 2012, the private interest disclosure forms for Cabinet Ministers and Members stated that all income and financial interests had to be declared but did not specify “regardless of their origin or jurisdiction where they are held”. Under the circumstances, I decided to ask all MNAs to clarify their situation in case I had not been informed of certain interests held or income received outside Québec. On May 3, 2013, a request for additional information was sent out in this regard.

I sincerely appreciated the cooperation from MNAs, who promptly answered the questions I had sent them to clear up any confusion. On the whole, the process gave people a better understanding of Code requirements regarding disclosure statements for Cabinet Ministers and Members. It also became clear that if there were any interests held outside Québec, they had already been declared in the annual form.

After that, the disclosure forms for Members, Cabinet Ministers and executive secretaries were revised to formally include the requirement to declare income from all sources, as well as financial interests and other real or personal interests, regardless of where they are held.

In the 2012–2013 activity report, one of my stated objectives as Commissioner was to standardize the disclosure statement forms, make them easier to understand and use and make them available in an electronic format, as they had been in previous years. In 2013–2014, we significantly improved the forms by directly adding previously-declared information in the appropriate spaces, thus accomplishing the goal announced in the 2012–2013 activity report.

GIFTS, HOSPITALITY AND OTHER BENEFITS

In addition to the private interest disclosure process, the Code also requires a statement to be filed with the Commissioner for gifts, hospitality and other benefits worth more than \$200. However, the Code stipulates that certain gifts and benefits must always be refused.

Unacceptable gifts, hospitality and other benefits fall into two categories, for both MNAs and their staff. First, accepting a gift, regardless of its value or origin, in exchange for speaking or taking a certain position on any issue is prohibited.⁷ Second, MNAs must refuse any gift, regardless of its value or origin, that might influence their independence of judgment or compromise their integrity, that of the National Assembly or that of the person under whose authority their duties are carried out.⁸

To guide MNAs and their staff on these prohibitions as well as other rules of conduct with regard to gifts and benefits, *Gifts, Hospitality and Other Benefits: Guidelines* was published on our website at www.ced-qc.ca in May 2012.

⁷ Section 29 of the Code, section 11 of the Regulation and section 10 of the Rules.

⁸ Section 30 of the Code, section 12 of the Regulation and section 11 of the Rules.

If neither of the two situations described above apply, MNAs or their staff who receive a gift may keep it. However, if it is worth more than \$200, they must file a gift disclosure statement with the Ethics Commissioner. Only MNAs' statements are published on the Commissioner's website. In the case of a purely private relationship, there is, of course, no obligation to declare the gift.

From April 1, 2013 to March 31, 2014, the Commissioner published 20 such statements filed under section 31 of the Code on his website. He also received 4 disclosure statements from MNAs for gifts that were refused or returned. These statements are not recorded in the Commissioner's public register.

SECTION 28 OF THE CODE

In addition to the private interest and gift disclosure statements, the Code provides for a declaration procedure when MNAs leave their duties at the National Assembly. Members and Cabinet Ministers in office may not receive remuneration from another source, particularly an authorized political party or authorized party authority.⁹ The Commissioner is responsible for ensuring their compliance.

So, after they leave office, MNAs must declare any amount they receive as a salary, benefit or other remuneration as a result of their prior duties.¹⁰ This monitoring mechanism ensures that what was prohibited while they were in office does not occur indirectly after they leave.

In order to publicize and implement this particular rule of conduct, I contact all former MNAs. I generally wait one year after the MNAs leave office to send a letter informing them of the terms of section 28 and asking them to complete the appropriate disclosure form.

ADVICE AND ADVISORY OPINIONS

MNAs can ask for advice and, in some cases, even written advisory opinions, on the ethical framework that governs their actions. The Ethics Commissioner and jurisconsult answer questions and provide situation-specific interpretations under 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.

⁹ Section 27 of the Code.

¹⁰ Section 28 of the Code.

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 juriconsult 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 juriconsult may not be a Member.

Gifts and benefits

QUESTION

Can staff members from several Ministers' offices accept a company's invitation to a cocktail party to meet its new directors?

COMMENTS

A company operating in Québec, and doing business with the Government, retained the services of a communications firm. The company wanted to introduce its new directors and business plan, so the firm suggested a cocktail party. An invitation was sent to certain members of the office staff of Cabinet Ministers whose portfolios were potentially related to the business activities of this key Québec employer.

After receiving the invitation, the Executive Secretary of one Minister's office contacted the Ethics Commissioner to check whether he could attend the party with some of the Minister's staff.

Referring to the rules of conduct prescribed by the Code and the *Gifts, Hospitality and Other Benefits: Guidelines* of May 2012, I, as Commissioner, analyzed the context surrounding this invitation. First, it was important to consider that the company had been awarded a Government contract and received financial assistance under a Government program, and to look at the regulatory framework set by the Government for the company's activities. Furthermore, the staff members seem to have been invited because, in their respective Ministers' offices, they had responsibilities directly or indirectly related to those of the company's activity sector. In principle, no particular file was to be discussed at the cocktail, whose goal was simply to introduce the new company directors and present the business plan for the coming years. Guests were to be given a glass of wine and some hors d'oeuvres.

Under section 30 of the Code and section 12 of the Regulation, MNAs and office staff must refuse invitations that may affect their independence of judgment. The Executive Secretary and I discussed the matter to determine whether attending the cocktail party might affect the independence of judgment of the staff members concerned. While recognizing that a clear conclusion might be difficult to reach, especially since the gift was limited to an invitation to a cocktail party, I suggested that the Executive Secretary consider the issue from the perspective of appearances. It was not a question of casting doubt on the advisability or relevance

for the company of introducing its senior managers and business plan for the coming years. This is a reasonable business goal. However, I invited the Executive Secretary to question the means used to achieve the goal. Using a cocktail party to contact public sector employees, more specifically a Cabinet Minister's staff members, is very inappropriate. From the viewpoint of appearances, it is impossible to interpret it as an acceptable way of presenting a file to persons in charge of managing of public funds, in this case Cabinet Ministers and their staff. Not only must a company not give the impression that it might seek to exert influence by holding a cocktail party to make such a presentation, by the same token, a Minister's office staff members could have difficulty arguing that they maintained their independence of judgment were they to accept the invitation, at least from a third party's point of view.

Therefore, I suggested that the Minister's Executive Secretary consider holding a traditional administrative meeting.

In the context of enforcing the Code and the Regulation, I recommend that Cabinet Ministers, MNAs and their staff be attentive to the objectives underlying invitations to activities such as cocktail parties. If the objectives are directly or indirectly related to their duties, such a gift, however modest, could be perceived as affecting their independence of judgment and must be refused.

QUESTION

Do Cabinet Ministers have to file a disclosure statement if they receive an invitation to a sporting event?

COMMENTS

A Minister received several invitations to attend key pro tennis tournaments. The invitations did not involve any official role on his part, and the sporting events were not related to the mission of the department he heads.

As I mentioned previously, sections 29 to 34 of the Code set out the general rules governing gifts and benefits, particularly with regard to acceptability and value. In general, MNAs may accept gifts and benefits, except in the two situations referred to in sections 29 and 30.

The first exception states that private Members and Cabinet Ministers must not solicit or receive any benefit in exchange for speaking or taking a certain position on any issue. This did not apply to the sporting events invitation in question. The second exception holds that MNAs must refuse any benefit that may impair their independence of judgment in carrying out the duties of office, or that may compromise their integrity or that of the National Assembly. This did not apply either. Therefore, the Minister could accept the invitation. However, for any invitation for which the tickets are worth more than \$200, a Minister must file a statement with the Ethics Commissioner, who enters it in his public register.

Letter of support

QUESTION

Can MNAs sign letters in support of applications for authorizations, permits or financial assistance from a government department or public body?

COMMENTS

As representatives of the people of Québec, MNAs are required to assist individuals and groups who request help in their dealings with the State. Organizations and businesses commonly turn to MNAs for such support.

If the support is unlikely to be perceived as a means of improperly influencing a government department's or public body's decision regarding the application, if the MNA is not responsible for making a decision regarding the request and if neither the MNA, a member of his or her family nor a dependent child has a private interest in the matter, the MNA may sign such a letter of support.

In September 2013, our office published an information bulletin on this subject entitled "Lettre d'appui ou de recommandation", www.ced-qc.ca.

QUESTION

Can MNAs communicate directly with a court or judicial body about permits to be issued in their riding?

COMMENTS

An MNA wanted to send a letter to a quasi-judicial tribunal to oppose a permit being issued, given that citizens were organizing opposition in his riding.

In any situation, it is important to take the rules of conduct set out in the Code into consideration and to comply with the principle of separation of legislative and judicial powers.

Courts and judiciary bodies hear arguments, determine parties' rights and render decisions after an analysis process that allows interested parties to present facts and submit comments. It is important to comply with the procedure prescribed by these bodies exercising their powers.

The degree of independence of a court or body with a judicial function is determined by law. As such, it is important to refer to the applicable legal provisions. By working outside of that framework, an MNA could be perceived as infringing on the independence of the court or body that must render the decision.

Except to the extent prescribed by law, it would be inappropriate to send a letter to influence a decision to be rendered by a court or other body in the exercise of its judicial or quasi-judicial authority.¹¹

¹¹ Section 16 of the Code.

Post-term rules

QUESTION

What are the post-term rules applicable to a Cabinet Minister's office staff?

COMMENTS

After reading a newspaper article on the professional activities of a former Minister's office staff member, the Commissioner's office contacted the person to inform him of the post-term rules applicable.

The former staff member indicated that all of his professional activities since leaving his duties with the Minister's office had been communications activities, in particular through various social media.

On leaving the Minister's office, this political attaché was subject to the transitional rules prescribed by section 129 of the Code. *The Regulation respecting the rules of conduct applicable to the office staff of ministers* came into effect after he left his position.

In the year after he left, it appears that this former staff member did not take a job or position with a body or enterprise with which he had had official, direct and significant dealings in the year before leaving his duties. Furthermore, he did not intervene on behalf of a third party. Therefore, there was no violation of the transitional rules.

The former staff member was informed that he must comply with post-term rules when applicable, with no limitations as to the period covered. For example, he must ensure that he does not obtain undue benefit from his prior office, not disclose confidential information obtained in carrying out his duties and not be involved in a file on which he worked in his previous functions.

QUESTION

Can a Minister or Minister's office staff member governed by post-term rules under the Regulation hold a job or position in a "State entity" within the meaning of section 56 of the Code?

COMMENTS

A person may hold a job or position or perform other duties in a "State entity" within the meaning of section 56 of the Code immediately after leaving his or her position as Minister or duties held as a member of a Minister's office staff. In addition, the person may make representations on behalf of the State entity to any other State entity, regardless of whether that person had official, direct and significant dealings with that body in the course of his or her former duties.

However, after leaving his position, a Minister or member of a Minister's office staff may not disclose any confidential information he learned in performing his duties or give advice based on information not available to the public. He must not derive undue benefit from his prior

office. Furthermore, he may not act in relation to a proceeding, negotiation or other specific transaction with regard to which the person may have acted as Minister or as member of a Minister's office staff.

Use of State property and services

QUESTION

Are MNAs allowed to use their constituency offices and National Assembly email accounts for partisan activities?

COMMENTS

Hypothetically, an MNA would like to hold a partisan activity along with other MNAs from the same party to publicize policy directions. The promotional documents for the activity would invite participants to register via the MNA's National Assembly email address. The event would be held in his constituency office and refreshments would be served.

Section 36 of the Code addresses use of State property and services. An MNA must use State property and services exclusively for activities related to carrying out his duties of office and responsibilities as a Member of the National Assembly.

It is important to separate activities related to the duties of an MNA from partisan activities. The invitation in question is for a partisan event, so the email address used cannot be one attributed by the National Assembly. Furthermore, a riding office must not be used for activities of this nature. Nor should refreshments be paid for by the National Assembly. Under section 36 of the Code, State property and services must not be used for partisan purposes.

QUESTION

Are constituency office staff or Minister's office staff allowed to contact other MNAs, including Ministers, to ask them to provide financial support for non-profit organizations in which they are involved?

COMMENTS

These individuals must ask for funding on their own behalf, not as constituency office or Minister's office staff members. Such requests cannot be made using the Minister's or National Assembly's stationery. In addition, staff may not use their office or duties to influence colleagues for such personal goals.

Conflicts of interest

QUESTION

Is an MNA allowed to participate in a sitting of the Committee on Public Finance scheduled to hear the President and CEO and the Chairman of the Board of Directors of the Fonds de solidarité FTQ if the MNA holds an interest in the Fonds?

COMMENTS

Section 25 of the Code provides that MNAs who, on an issue discussed before a National Assembly committee, have a private financial interest not shared by the other Members or the general public must declare that interest, withdraw from the discussion and refrain from participating in the vote.

25. A Member who knowingly has a private financial interest, not shared by the other Members or the general public, in a matter that is being discussed in the National Assembly or a committee of which he or she is a member must, if present, publicly and without delay declare the general nature of the interest and withdraw from the meeting or sitting without participating in debate or voting on the matter.

The Member must also inform the Secretary General of the National Assembly and the Ethics Commissioner.

It seems that the interests the MNA held in the Fonds de solidarité FTQ were similar to those held by citizens who chose to contribute to a solidarity fund. There were no indications that the nature or scope of the interest held by the MNA in the Fonds differed from interests held by any other participants. Under the circumstances, as Commissioner, I informed the MNA that his participation in the Fonds de solidarité FTQ did not, within the meaning of section 25 of the Code, constitute a private financial interest not shared by the other Members that would require him to withdraw from the proceedings of the Committee on Public Finance during the hearing of the President and CEO and the Chairman of the Board of Directors of the Fonds de solidarité FTQ.

QUESTION

Is an MNA allowed to exercise a right of objection under the law in order to contest the decision rendered in the MNA's own regard by a government department or public body?

COMMENTS

For an MNA or a Cabinet Minister, exercising a legal proceeding to contest a decision rendered by a government department or public body in his regard does not, as such, constitute a violation of the Code. However, depending on the MNA's responsibilities, he must take the necessary measures to prevent a potential conflict of interest situation, whether real or perceived, and should consult the Jurisconsult or Ethics Commissioner

Incompatibility of posts or offices

QUESTION

Are constituency office staff or a Cabinet Minister's office staff allowed to run for election?

COMMENTS

The Rules and Regulation do not prohibit running for election. However, constituency or Cabinet Minister's office staff who become candidates must be particularly careful to obey certain ethical obligations.

For example, if staff members continue their duties in a constituency office or Cabinet's office, they must ensure that they do not put themselves in a conflict of interest situation. They must clearly differentiate activities and use of State property and services that are part of their remunerated functions from those that are personal, particularly for the election. They must not use remunerated time or the resources at their disposal for personal reasons.

In addition, if staff members are subject to post-term rules, they must comply with them as soon as they leave their position in the constituency or Minister's office to devote themselves entirely to the campaign or their mandate, if elected.

OTHER ACTIVITIES

COMMUNICATIONS FROM CITIZENS

During the 2013–2014 year, we received 42 citizen queries, most in writing. Whenever we could reply, we sent an explanatory message. I, as the Ethics Commissioner, cannot conduct an inquiry at the request of a member of the public, but I do read all of these communications and take them into consideration. Citizens must be able to contact the Commissioner about rules of conduct applicable to Members of the National Assembly and their office staff and interpretation of National Assembly values. Although some citizen communications may be irrelevant, as Commissioner, I must properly analyze the facts brought to my attention and distinguish between those that are relevant and those that are not. This information contributes directly to the Commissioner's monitoring mandate.

In general, citizens' comments are about private interest disclosure statements, conflict of interest rules, gifts and benefits, post-term rules and incompatible offices or posts. Many deal with subjects that do not fall under the Ethics Commissioner's jurisdiction, and the persons concerned are directed to the proper authorities.

MEDIA CONSULTATIONS

As Commissioner, I have to answer journalists' questions about the Code's implementation. Over the course of the year, 63 requests were submitted by the media. Other than the inquiry process, the main topics discussed with journalists were conflicts of interest, gifts, hospitality or other benefits, remuneration of MNAs, private interest disclosure statements, post-term rules and the Ethics Commissioner's activities. Some requests concerned subjects not under my jurisdiction.

Despite the importance of informing the public about the Code, in some cases I must refuse to answer questions about specific situations concerning MNAs or about the content of confidential advisory opinions provided at a Member's request.

EDUCATIONAL ACTIVITIES FOR MNAs AND THE GENERAL PUBLIC

Under section 90 of the Code, the Ethics Commissioner is required to organize educational activities for MNAs and the general public on the Commissioner's role and the application of the Code. This year, as it has been the case since the Code came into force, I held many meetings with MNAs to educate them on the values of the National Assembly, ethical principles and rules of conduct.

Every year, I am pleased to note that both Members and Cabinet Ministers do not hesitate to contact the Commissioner's office when questions arise about the interpretation of rules of conduct and compliance with the National Assembly's values. MNAs' commitment to maintaining public confidence in the National Assembly is expressed daily as they perform their duties, and through regular consultations with the jurisconsult and the Commissioner.

WEBSITE

This year, the Ethics Commissioner's website averaged about 1,000 visits per month.

On April 30, 2013, the *Rules of conduct applicable to the staff of Members and House officers of the National Assembly* and *Regulation respecting the rules of conduct applicable to the office staff* of ministers were published. On May 30, 2013, the summaries of MNAs' 2012 disclosure statements were published. On September 19, 2013, the Ethics Commissioner's 2012–2013 activity report, including financial statements, was tabled in the National Assembly and published. On October 1, 2013, I published an information note on letters of support or recommendation. On December 6, 2013, an information note on the deadline for filing private interest disclosure statements was also posted on the Ethics Commissioner's website. Three days later, I published the Members' and Cabinet Ministers' disclosure statement forms (a copy of each is available on the Commissioner's website). On March 3, 2014, I published an information note entitled "Fiducie ou mandat sans droit de regard". On March 4, 2014, the summaries of disclosure statements from the Members for Outremont and Viau, elected in the December 9, 2013 by-elections were published.

POLITICAL STAFF MEMBER TRAINING

The *Regulation respecting the rules of conduct applicable to the office staff of ministers and Rules of conduct applicable to the staff of Members and House officers of the National Assembly* came into force on April 30, 2014, giving rise to an intensive training exercise for all personnel concerned. Between April 15 and May 28, 2013, training sessions were organized for staff members of Cabinet Ministers, Members and House officers in various regions of Québec. More than 300 people participated in these training sessions. It was my privilege to meet everyone and provide them with information on observing the rules of conduct and values of the National Assembly. I noticed that staff training definitely had a very positive impact on the Code's implementation, better preparing staff to assist the MNAs they advise on issues related to ethics and professional conduct.

NATIONAL ASSEMBLY STAFF MEMBER TRAINING

Again this year, we continued to meet with National Assembly personnel to inform them of the rules of conduct and ethical principles applicable to Members and Cabinet Ministers. We focused on employees in the Financial Resources, Procurement and Audit Directorate.

FONDATION JEAN-CHARLES-BONENFANT

In November 2013, accompanied by the lawyers from the Ethics Commissioner's office, I had the privilege of meeting with the parliamentary interns from the Fondation Jean-Charles-Bonenfant program. As is the case every year, they wanted to meet the official responsible for applying the Code and learn more about its guiding principles. I enjoy these discussions, which focus on current events as they relate to the fundamental principles of our democracy. A few weeks earlier, we had met with the same individuals when the House of Commons interns visited the National Assembly.

UNIVERSITY TRAINING

Twice in October 2013, I participated in training sessions organized by the École nationale d'administration publique (ÉNAP) in Québec City for future public-sector managers. Using the three previous years' experience, my objective was to convey my enthusiasm for implementing the rules of conduct and ethical principles that guide MNAs and their staff. I explained how useful these rules can be in performing their own duties as public-sector managers. We also discussed the Ethics Commissioner's monitoring mechanisms in connection with certain current events.

In November 2013, I participated in a Université Laval training session for political science students, as I had the previous year. I used the same strategy as with the future public-sector managers at the ÉNAP. I love these meetings with students, especially when we talk about practical questions of interest to them. It is important for me to hear their points of view and take them into consideration in carrying out my duties.

CCOIN

The Canadian Conflict of Interest Network (CCOIN) met in Ottawa from September 4 to 6, 2013. This annual meeting between Canadian colleagues at the federal, provincial and territorial level, who share responsibility for applying rules on conflict of interest, ethics and conduct, helped me to further my knowledge on these fundamental issues. Every year, we see that the questions we all have to consider are very similar. By comparing our interpretations of various situations, we systematically realize that we are all pursuing the same objectives of integrity and confidence for parliamentarians, Ministers and their staff.

I sincerely thank Mary Dawson, the Conflict of Interest and Ethics Commissioner of the House of Commons in Ottawa, for organizing the conference, for the relevance and quality of the subjects presented and for the generous welcome extended to us.

COGEL

From December 7 to 11, 2013, I participated in the 35th Annual Conference of the Council on Governmental Ethics Laws (COGEL) in Québec City. In collaboration with the Chief Electoral Officer, the Lobbyists Commissioner and the Chair of the Commission d'accès à l'information, I was very happy to be part of the group of Québec authorities hosting this 35th COGEL conference at the Château Frontenac.

We were generously supported by our respective teams and by the COGEL organizers. Thanks to their collaboration, the conference was a rousing success, not only in terms of hosting and logistics, but especially with respect to the cogency of the presentations and the content of the documents distributed. Like the other designated persons, I also participated in some workshops.

The 36th Annual COGEL Conference will be held in Pittsburgh, Pennsylvania in December 2014.

INQUIRIES

Under section 91 of the Code, an MNA who has reasonable grounds for believing that another MNA has violated the rules of conduct for Members or those specific to Cabinet Ministers may ask the Ethics Commissioner to conduct an inquiry into the matter. Section 92 of the Code allows the Commissioner to conduct an inquiry on his own initiative to determine if an MNA has violated the Code.

- 91.** A Member who has reasonable grounds for believing that another Member has violated a provision of Chapters I to VII of Title II or a provision of Title III 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 this Code has not been complied with. The Ethics Commissioner sends a copy of the request to the Member named in it.

92. The Ethics Commissioner may, on the Ethics Commissioner's own initiative and after giving the Member concerned reasonable written notice, conduct an inquiry to determine whether the Member has violated this Code.

REQUESTS FILED WITH THE COMMISSIONER

Over the course of the year, based on information they had, various MNAs asked the Commissioner's office to determine whether other MNAs had violated the ethical principles, rules of conduct and values of the National Assembly. In responding, the Commissioner had to comply with the following conditions.

Procedure for filing a request for an inquiry

The Code sets out a framework for requests addressed to the Commissioner. To file a request for an inquiry, section 91 of the Code specifies that an MNA must have reasonable grounds for believing that another MNA has violated a provision of the Code specified rules of conduct. The request for an inquiry must set out those reasonable grounds.

In some cases, MNAs turned to the Commissioner based on information they learned through the media or through persons who have no personal knowledge of the facts. Under such circumstances, their information is not explicit and definitive enough to state the grounds on which it would be reasonable, under the circumstances, to believe the rules of conduct under the Code have been violated. When an MNA's request for an inquiry is not supported by facts, the Commissioner cannot accept it because the conditions prescribed by section 91 have not been met.

Where inquiries are concerned, MNAs do not have any other means of asking the Commissioner to intervene if they are unable to state the reasonable grounds for believing that a violation has occurred. The Code does not allow MNAs to ask the Commissioner to look into a matter to determine whether there could be grounds for an inquiry.

Request for an advisory opinion from the Commissioner

Rather than requesting an inquiry, MNAs sometimes ask the Commissioner for an advisory opinion regarding another MNA (Member or Cabinet Minister). The Code also sets limits on the right to request such an opinion. MNAs may only file a written request with the Commissioner to obtain a written advisory opinion containing reasons only on their own behalf. To prepare the opinion, the Commission relies on the facts and specific situation outlined by the MNA.

It is important to remember that the Code provides MNAs with various types of proceeding, which are subject to certain mandatory conditions. Given the potential for seriously harming an MNA who becomes the unfair target of an unfounded advisory opinion or inquiry, the legislator stressed the importance of having reasonable grounds to ask the Ethics Commissioner to conduct such inquiries. Furthermore, the Code authorizes MNAs to request an advisory opinion only on their own behalf.

Political debate

The legislator was also very clear and did not mandate the Commissioner to conduct an inquiry or provide an advisory opinion when a request submitted concerns a political debate and is not supported by facts on which analysis of violation of the Code could be based.

It is important to understand that the Commissioner must refuse to give an advisory opinion or conduct an inquiry that does not relate exclusively to the rules prescribed by the Code. Refusal to issue an opinion or to intervene must not be interpreted as an indirect favourable or unfavourable opinion on the part of the Commissioner concerning the issue or the public debate in question. The Commissioner's silence is mandatory under the Code.

Gathering information

When verifying whether a violation has occurred, as Commissioner, I analyze all the elements I am given with great interest. If MNAs and citizens take the trouble to provide me with facts, the circumstances under which they learned them, and any other relevant element, I attentively follow up on that information—based on the values of the National Assembly, ethical principles and rules of conduct—with a concern for confidentiality, objectivity and impartiality.

COMMISSIONER'S OWN INITIATIVE INQUIRIES

Based on the media's news coverage, the Commissioner became aware that some people were claiming that a Minister may have intervened inappropriately in a situation where government assistance was being awarded. Although no factual evidence supported these statements, they nonetheless raised questions.

Consequently, I analyzed the factual and legal aspects of the situation, examining the procedures and conditions for awarding the financial assistance and checked with the administrative authorities.

Even if these analyses did not show any possible intervention by the Minister or a member of his staff when the financial assistance program was provided, the Commissioner decided to pursue his verification. At this stage, I had not yet begun a self-initiated inquiry, under section 92 of the Code, given the lack of facts to justify doing so. However, I wanted to clarify the role that the Minister may have played, even indirectly, when the decision to award the financial assistance was made.

The Commissioner contacted the Minister to obtain the answers to his questions. During that meeting, the Minister confirmed some of the information obtained through previous investigations and gave the Commissioner the facts he needed for his analysis. After further verification on the legal conditions for applying the government assistance program, it became clear that the Minister had not exercised any influence. At this stage, I ended the process and informed the Minister.

EXAMINATION OF A SITUATION IN A CABINET MINISTER'S OFFICE

After accepting a position in a Cabinet Minister's office, a person contacted the Commissioner's office to determine if he was in a conflict of interest situation. Following a preliminary examination of the request, the Commissioner decided to conduct a self-initiated inquiry, since the information and documents gathered did not conclusively point to the conflict of interest for which I was consulted.

The inquiry showed that, before being hired, the new staff member had been a self-employed consultant. For some of his mandates, he had been duly registered with the *Registre des lobbyistes*.

One of the files he had been responsible for was a file in which his new employer also had responsibilities as a Minister, including that of granting ministerial authorizations. Furthermore, the Minister's subsequent decisions in that file were favourable to the political attaché's former client. As a result, some people wondered if the new political attaché may have swayed the Minister in his former client's favour.

To begin with, I have to recall that the *Regulation respecting the rules of conduct applicable to the office staff of ministers* does not set conditions for hiring a political attaché. No candidate is excluded at the hiring stage. However, anyone who joins a Minister's office must respect the Regulation, especially the rules of conduct regarding conflicts of interest.

If the new member of the Minister's office staff had intervened in favour of his former client, there may have been a conflict of interest situation that violated the rules of conduct prescribed by the Regulation.

The inquiry showed that the new political adviser took steps to end his previous professional activities and entrust his former responsibilities to others. At the same time, the Executive Secretary immediately took steps to ensure that the new political attaché did not deal with the files that he had been involved with in the private sector.

The inquiry conducted on the political attaché's new duties did not give any indication that he may have intervened in files that were potentially connected to his previous duties as a consultant-lobbyist. The people I met with and the documents I studied confirmed a sequence of events that occurred before and after the attaché took up his duties in the Minister's office. The timeline shows a clear separation between his previous activities and his new responsibilities in the Minister's office. It appears that the Minister's interventions were guided by the administrative and legal requirements of which I had been informed. No element objectively showed a link between the Minister's decisions and the new political attaché's taking up his duties.

After considering all the elements gathered during my inquiry, I concluded that the new Minister's office staff member did not violate the rules of conduct prescribed by the Regulation with respect to his prior duties as a consultant-lobbyist.

However, as a preventive measure for all Ministers' offices, I considered it advisable to recommend that measures be taken in keeping with the following guidelines:

Minister's office staff members who risk finding themselves being placed in a real or perceived conflict of interest situation especially with regard to a file or interest related to prior duties, must undertake in writing to abstain, for as long as the situation is not regularized, from discussing with the Cabinet Minister's who employs them or their colleagues in the Cabinet Minister's office, even privately, any file even remotely connected to the interest in question, and not to exert, directly or indirectly, any influence in relation to such a file.

The Executive Secretary of the Cabinet Minister's office concerned must direct all staff members in writing never to bring any information even remotely connected to the interest concerned to that colleague's attention and to deal themselves with such information and to make any decision relating to such a file on their own. [TRANSLATION]

INVESTIGATION AND AUDIT OF PRIVATE INTEREST DISCLOSURE STATEMENTS

As part of my mandate as Commissioner, I also implemented certain recurring monitoring measures dealing in particular with private interest disclosure statements. In some cases, I asked our office's investigator, whose duties are outlined below, to further investigate disclosure statements. In other cases, monitoring measures were limited to audits.

When the Commissioner decides to further investigate the disclosure statement filed by an MNA or the MNA's immediate family, he must begin by informing the MNA of the mandate given to the investigator. The investigator starts by analyzing the information entered in the private interest disclosure statement in detail and checking what might be missing. The investigator also searches various public registers to ensure the accuracy of the information supplied, and if necessary, adds any particulars found in the registers.

The investigator is also mandated to meet with the MNA during the investigation process to confirm and add any information that he may have come across with regard to the MNA, and, as a preventive measure, identify any potential violation of the Code. The investigator pays special attention to possible conflict of interest situations, whether real or perceived, and to compliance with rules related to gifts and benefits. The investigator keeps the Commissioner informed of all steps taken involving MNAs. In fact, in several cases, the MNAs concerned have also contacted the Commissioner about their statements.

Over the course of the year, three MNAs' disclosure statements were investigated, along with those of their immediate family. Once the investigator had finished his work, he met with me, reported on his findings, and, where applicable, made recommendations.

If the Commissioner's office decides to carry out verification, the investigator carefully examines the MNA's statement and of the immediate family. He also searches various websites and public registers to ensure that the information supplied is accurate and complete. Based on his experience and leads revealed through his examination, he may make recommendations to the Commissioner in preparation for the latter's meeting with the MNA. In general, these recommendations take the form of questions that the Commissioner asks the MNA. Note that an investigator mandated to audit a private interest disclosure statement does not meet with the MNA concerned.

During the 2013–2014 year, I mandated the investigator to audit two MNAs. I called on the investigator in a third case, where the meeting with the MNA concerning the statement had already taken place, but I wanted more detailed verifications carried out.

OFFICE OF THE ETHICS COMMISSIONER

As the authority responsible for administering the Code, the Regulation and the Rules, the Ethics Commissioner, supported by his staff, assumes all of the duties delegated by law. These duties include issuing advisory opinions, conducting inquiries and performing administrative tasks. I am assisted by a five-person team, whose collaboration and dedication I appreciate very much. The structure of the office of the Ethics Commissioner includes three units: advice, inquiries and registry.

In 2013–2014, we had the pleasure of welcoming Me Bruno Fontaine to the advice and advisory opinions unit. He joined Me Élodie Gagné-Lafrance, who has been with us for more than two years. Giving advice means responding to requests for consultation and advisory opinions filed by MNAs and their staff for any real or potential situation that might be a violation of the Code. These legal advisers also play an important role by assisting the Commissioner with the research and analysis required to answer requests for advisory opinions and by contributing an appropriate viewpoint when an inquiry is conducted. Me Gagné-Lafrance and Me Fontaine contribute directly to the Commissioner's goal of providing clear, accessible information to MNAs, their staff and the general public. The Commissioner also counts on this unit's support to help with his public awareness mandate.

On his own initiative or on request, the Commissioner can conduct an inquiry under the Code, Regulation or Rules. This involves gathering information, conducting research and analyzing the relevant facts with regard to a specific context or a potential violation of the rules of conduct. The inquiry must remain impartial and objective; it is essential that all of the facts be gathered in order to understand the context surrounding them.

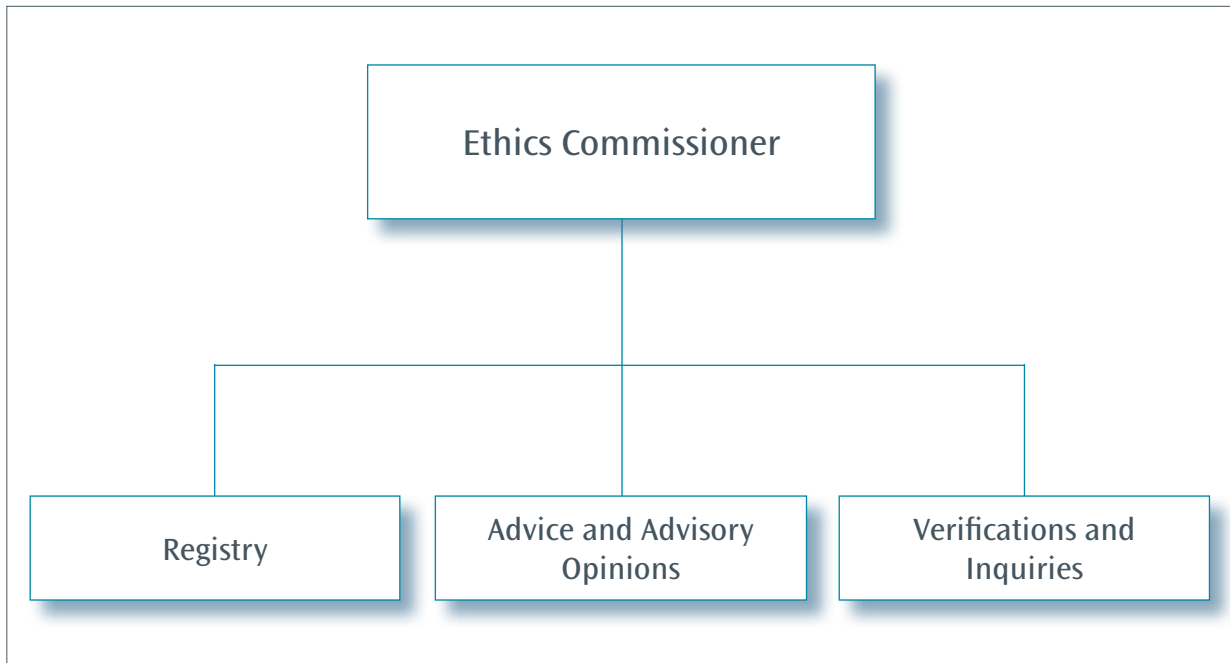
During the 2013-2014 year, Alain Gagné worked as an investigator on various mandates he was assigned to. In January 2014, he withdrew from the permanent staff of the Ethics Commissioner's office. Since then, he has carried out his duties periodically when we call on his services for specific inquiries.

Our third unit deals with activities related to private interest disclosure statements and the Commissioner's disclosure summaries, keeps the various registers prescribed by the Code, and carries out duties generally performed by a public body's Secretary General. The registry is under the authority of Dominique Baron, who also handles the Ethics Commissioner's media communications.

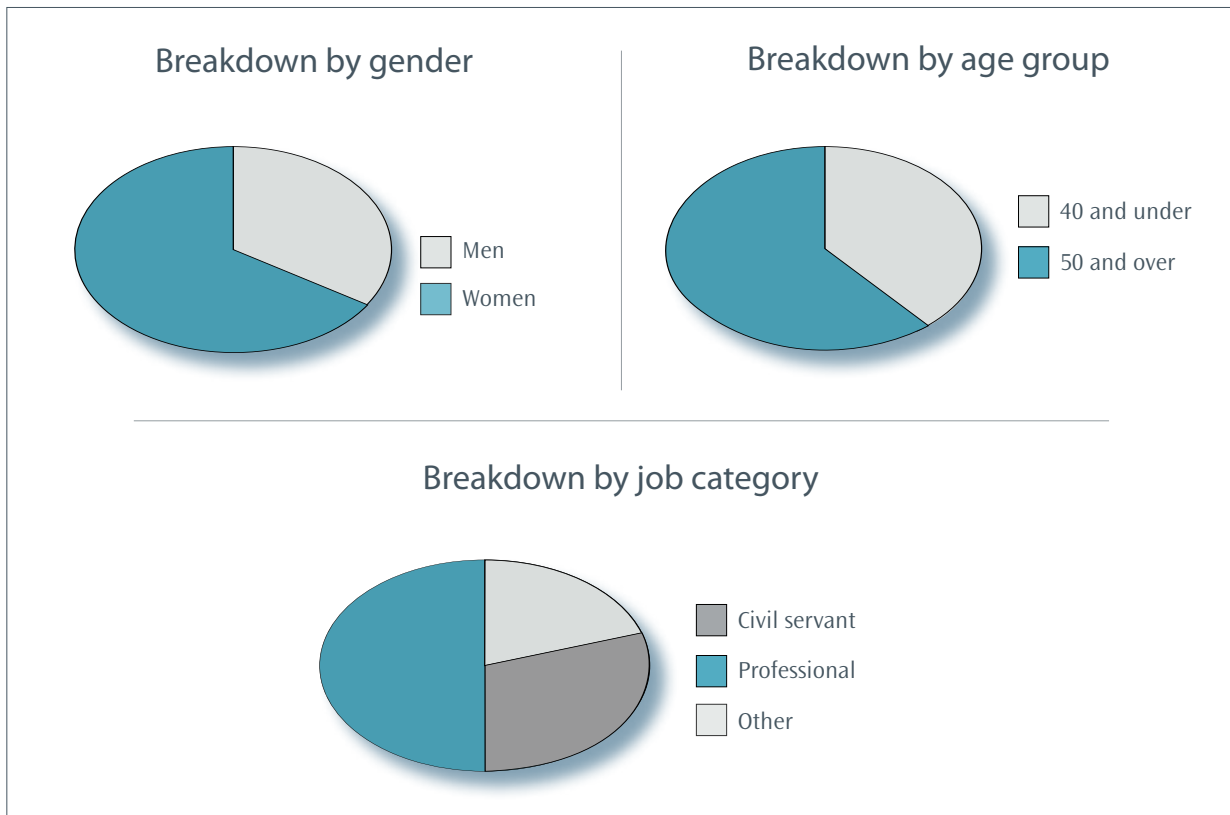
Finally, our team also has an administrative assistant, who performs a wide range of duties to assist the entire team. Madam Doris Dion makes sure we have the tools we need to carry out our duties and is responsible for the quality of the documents issued by the Commissioner's office.

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 collaboration dates from early 2011. We are very grateful for the consulting services and operational support we have received from various National Assembly experts. I would like to expressly mention the Human Resources Directorate, the Financial Resources, Procurement and Audit Directorate, the Computer Services, Debates Broadcasting and Telecommunications Directorate, the Communications, Educational Programs and Visitor Services Directorate, the Security Directorate and the members of the Sûreté du Québec who work with it, the General Directorate for Institutional Affairs and the National Assembly Library, the Legislative Translation and Publishing Directorate, and the Building Management and Material Resources Directorate, especially the Printing and Reprography Division, for their generosity and efficiency in processing our various requests.

ORGANIZATION CHART



STAFF BREAKDOWN



STATISTICS

Period:
April 1, 2013 to March 31, 2014

■ 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	203	13	216
From MNAs' staff	88	1	89
From the general public	42	-----	42
Total:	333	14	347

■ Requests from the media

63

■ Disclosure statements with regard to the private interests of MNAs and their family members for 2013

From Cabinet Ministers	24
From private Members	94
Total:	118

■ Summaries of private interests disclosure statements for 2013¹²

For Cabinet Ministers and their family members	0
For private Members ¹³	2
Total:	2

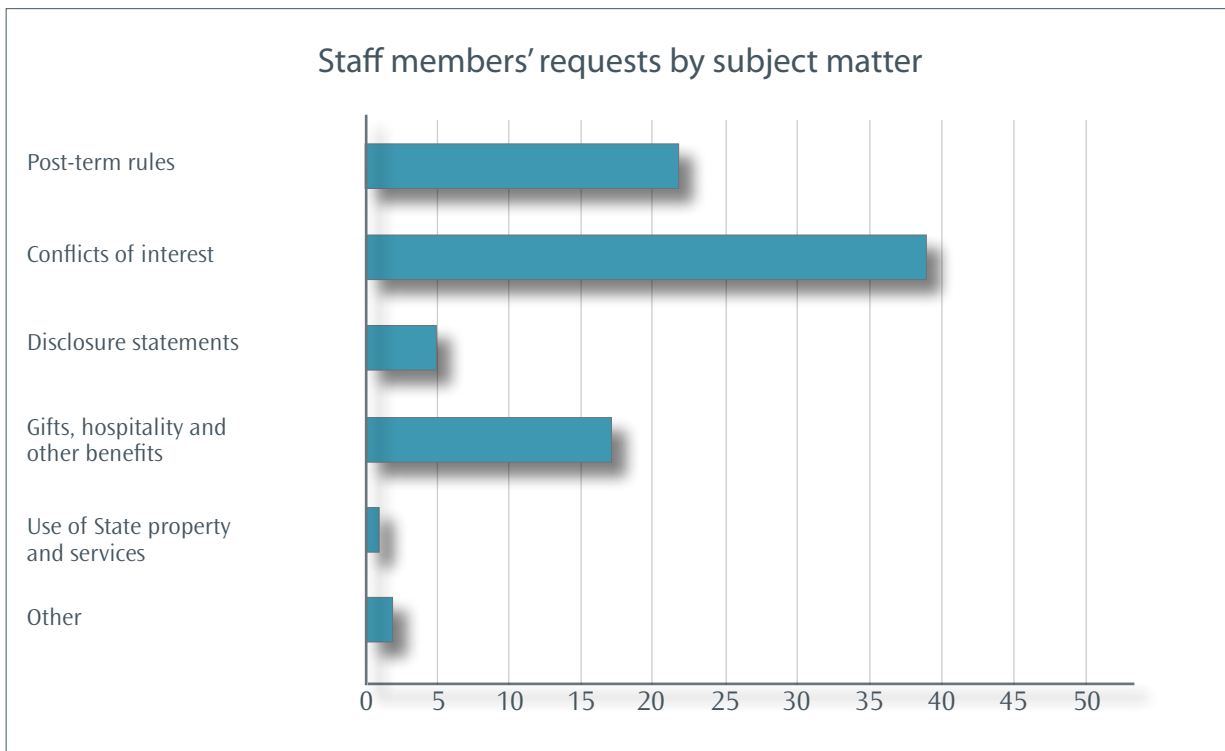
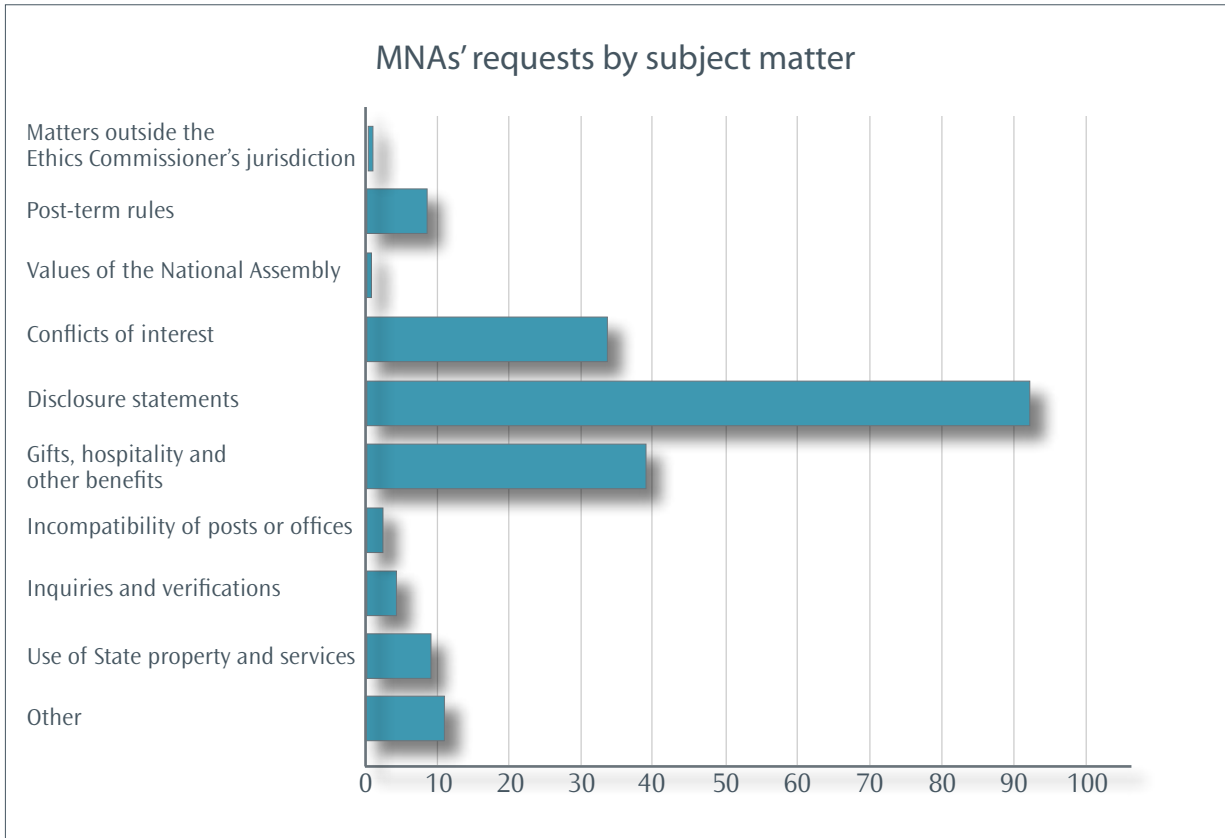
■ Disclosure statements concerning gifts, hospitality and other benefits for 2013–2014

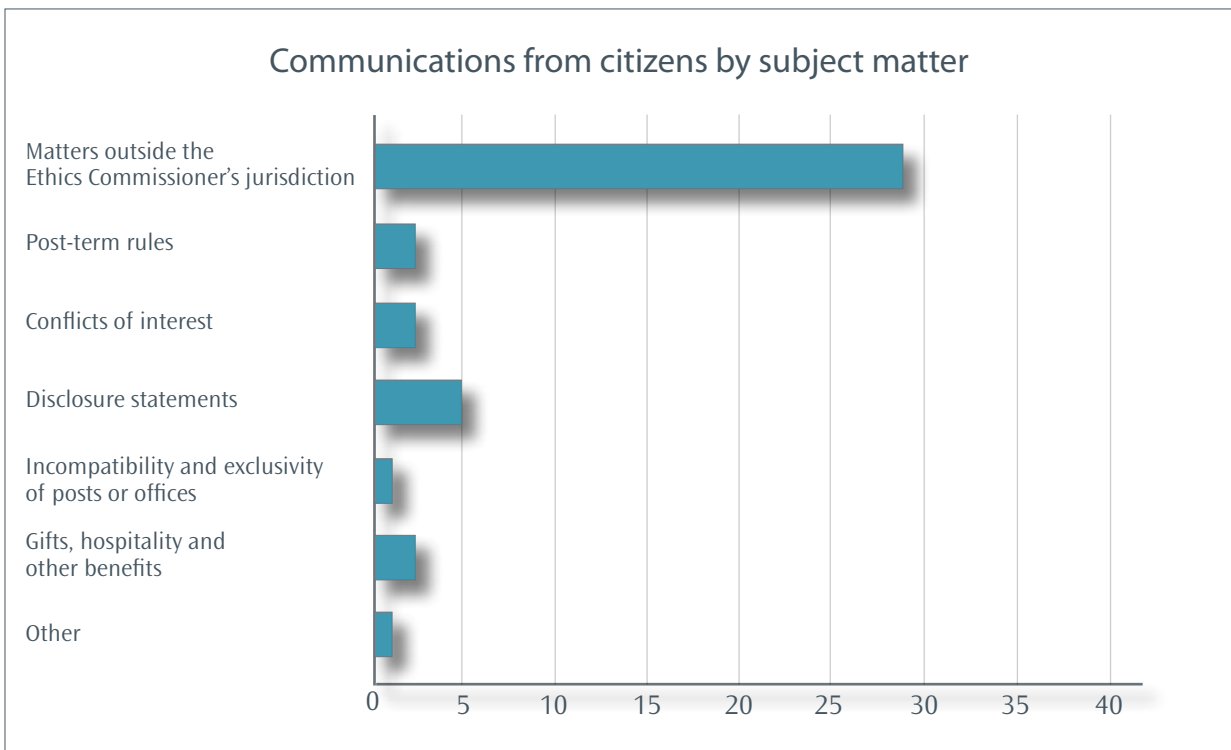
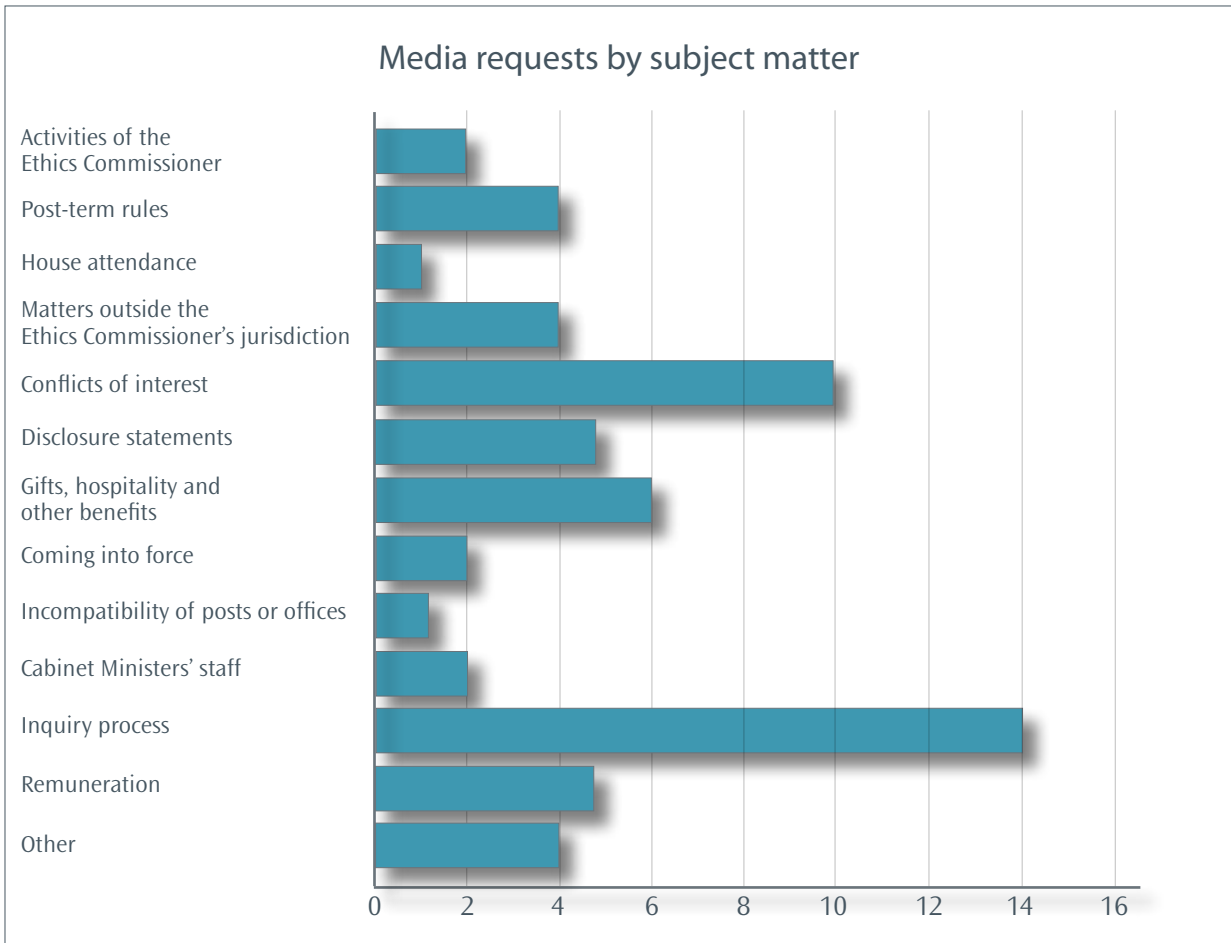
	Statements received and published	Notification of refusal under section 30 or 31 of the Code
Number	20	4
Total:	24	

¹² For 2013, the filing deadline for private interest disclosure statements from Members, Cabinet Ministers and their immediate family had to be filed no later than March 1, 2014. Because of the April 7, 2014 general election, publication of the Commissioner's summaries was postponed.

¹³ The summaries of private interest disclosure statements prepared by the Commissioner for the Members from Outremont and Viau, elected following the December 9, 2013 by-elections, were published on March 4, 2014.

STATISTICAL GRAPHS





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.

Ethics Commissioner

(S) Jacques Saint-Laurent
JACQUES SAINT-LAURENT

Québec City, September 2014

Results for the fiscal year ended March 31, 2014

(in thousands of dollars)

	2014	2013 (restated) (note 3)
Revenue (note 4)	640.0	719.6
Expenses		
Remuneration	514.5	600.2
Transportation and communication	13.9	14.5
Professional, administrative and other services	9.7	8.9
Rent paid to the Société immobilière du Québec	88.9	88.4
Other rental payments	4.7	0.0
Materials and supplies	6.7	3.1
Expenses using appropriations	638.4	715.1
Amortization of tangible capital assets	39.4	38.3
	677.8	753.4
Annual deficit	(37.8)	(33.8)
Accumulated surplus at beginning of year	—	—
Changes in accounting policies (note 3)	264.7	298.5
Restated accumulated surplus at beginning of year	264.7	298.5
Accumulated surplus at end of year	226.9	264.7

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

Financial position as at March 31, 2014

(in thousands of dollars)

	2014	2013 (restated) (note 3)
Financial assets		
Cash entitlement	11.0	13.5
Prepaid expenses	7.4	0.0
	18.4	13.5
Liabilities		
Accounts payable and accrued liabilities (note 5)	18.4	13.5
	18.4	13.5
Net debt	—	—
Non-financial assets		
Tangible capital assets (note 6)	226.9	264.7
Accumulated surplus (note 7)	226.9	264.7
Contractual obligations (note 8)		

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

Change in net debt for the fiscal year ended March 31, 2014

(in thousands of dollars)

	2014	2013 (restated) (note 3)
Annual deficit	(37.8)	(33.8)
Change due to capital assets:		
Acquisition of tangible capital assets	(1.6)	(4.5)
Amortization of tangible capital assets	39.4	38.3
	37.8	33.8
Decrease in net debt	—	—
Net debt already established at beginning of year	(264.7)	(298.5)
Changes in accounting policies (note 3)	264.7	298.5
Restated net debt at beginning of year	—	—
Net debt at end of year	—	—

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

Cash flow statement for the fiscal year ended March 31, 2014

(in thousands of dollars)

	2014	2013 (restated) (note 3)
Operating activities		
Annual deficit	(37.8)	(33.8)
Non-cash items:		
Amortization of tangible capital assets	39.4	38.3
Change in operating assets and liabilities:		
Prepaid expenses	(7.4)	0.0
Accounts payable and accrued liabilities	4.9	(19.9)
Cash flows from operating activities	(0.9)	(15.4)
Capital asset investment activities		
Acquisition of tangible capital assets	(1.6)	(4.5)
Increase (decrease) in cash entitlement	(2.5)	(19.9)
Cash entitlement at beginning of year	13.5	33.4
Cash entitlement at end of year	11.0	13.5

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

Accompanying notes

March 31, 2014

(in thousands of dollars)

1. Nature of operations

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 Commissioner serves all Members of the National Assembly by providing information on the values, ethical principles and rules of conduct they must observe and by helping them avoid conflict of interest situations. When requested to do so, the Commissioner also gives advice or an advisory opinion regarding Members obligations under the Code.

The Commissioner publishes guidelines for MNAs to follow. At the request of an MNA or on his own initiative, the Commissioner may conduct an audit or inquiry to determine whether a violation of the Code has occurred. The Commissioner files the inquiry reports with the President of the National Assembly. On finding that a violation of the Code has occurred, the Commissioner may recommend that sanctions be imposed.

2. Main accounting policies

To prepare these financial statements, the Ethics Commissioner used the Canadian Institute of Chartered Accountants (CICA) Public Sector Handbook. Any other generally accepted accounting principle used was consistent with the Handbook. Preparing financial statements according to Canadian public sector accounting standards requires management to make significant estimates and judgments. These have an impact on reporting assets and liabilities, presenting contingent assets and liabilities as at the date of the financial statements, and reporting revenues and expenses for the period presented in the financial statements. The most significant area requiring the use of estimates is the service life of tangible capital assets. Actual results may differ from management's best estimates.

Cash entitlement

The financial operations of the Ethics Commissioner are carried out 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 him.

Tangible capital assets

Tangible capital assets are reported at cost and are amortized over their service life using the straight-line depreciation method:

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

Revenues

Revenues are accounted for using the accrual method, that is, in the fiscal year in which the operations or events giving rise to them occur. Parliamentary appropriations are reported as revenue when they are authorized and used.

3. Changes in accounting policies*Presentation of financial statements*

On April 1, 2013, the Ethics Commissioner adopted Section PS 1201 - Financial Statement Presentation, which amends and replaces Section PS 1200, Financial Statement Presentation. The main changes in this section are the following:

- Revaluation gains and losses are presented in a new financial statement.
- Accumulated surplus (deficit) is presented as the total of the accumulated surplus (deficit) related to operations and the accumulated revaluation gains and losses.

Using this standard did not impact the operations or financial position of the Ethics Commissioner.

Government transfert

On April 1, 2013, the Ethics Commissioner retroactively adopted Section PS 3410 – Government Transfers for reporting parliamentary appropriations.

This section amends and replaces the former Section PS 3410 – Government Transfers, and sets standards for reporting and presenting government transfers paid to individuals, organizations and other governments, as transferors or recipients. Adopting this standard impacted the income and accumulated surplus, financial position, change in net debt and cash flows statements. This change had the following effects:

Restated statement of income and accumulated surplus for the fiscal year ended March 31, 2013			
Revenues already established			753.4
Parliamentary appropriations			
Brought forward – tangible capital assets		(38.3)	
Used for tangible capital assets		4.5	
Restatement			(33.8)
Restated revenues			719.6
Expenses			753.4
Restated deficit for the fiscal year			(33.8)
Accumulated surplus reported at beginning of year		—	
Restatement		298.5	
Restated accumulated surplus at beginning of year			298.5
Accumulated surplus at end of year			264.7
Restated statement of financial position as at March 31, 2013			
	Balances already established as at March 31, 2013	Restatements after adopting the new standard	Restated balances as at March 31, 2013
Liabilities			
Revenue brought forward for tangible capital assets	264.7	(264.7)	—
Net debt	(264.7)	264.7	—
Accumulated surplus	—	264.7	264.7

4. Revenues

The Ethics Commissioner is funded by annual parliamentary appropriations. Initial appropriations comprise expenditure and investment estimates approved by the Office of the National Assembly. The revenues presented in the income and accumulated surplus statement are reported in accordance with Canadian generally accepted accounting principles.

	2014	2013
Parliamentary appropriations		
Initial	1,126.6	1,104.1
Lapsed	(486.6)	(384.5)
Appropriations used	640.0	719.6

5. Accounts payable and accrued liabilities

	2014	2013
Suppliers	2.2	1.6
Salaries	14.4	11.9
Other accounts payable	1.8	0.0
	18.4	13.5

6. Tangible capital assets

				2014	2013
	Leasehold improvements	Equipment other than computer equipment	Computer equipment	Total	Total
Cost of capital assets					
Opening balance	233.4	71.6	13.1	318.1	313.6
Acquisitions	0.0	0.0	1.6	1.6	4.5
Closing balance	233.4	71.6	14.7	319.7	318.1
Accumulated amortization					
Opening balance	31.1	16.7	5.6	53.4	15.1
Amortization for the year	23.3	11.7	4.4	39.4	38.3
Closing balance	54.4	29.4	10.0	92.8	53.4
Net book value	179.0	42.2	4.7	226.9	264.7

7. Accumulated surplus

The accumulated surplus is invested in tangible capital assets.

8. 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	
2015	88.3
2016	88.3
2017	88.3
2018	88.3
2019	88.3

9. Related party transactions

In addition to the related party transactions already disclosed in the financial statements and reported 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 reasonably estimate the fair value of these services.

PROJECTS FOR 2014-2015

Every year, the activity report provides an excellent opportunity to present activities on which the Ethics Commissioner plans to focus in the next fiscal year. Last year, I wrote about the work involved in preparing the report on the Code's implementation, the fact that the 35th Annual Conference of the Council on Governmental Ethics Laws (COGEL) would be held in Québec City and our goal to enhance the private interest disclosure process for private Members and Cabinet Ministers.

As I mentioned earlier, the 35th COGEL Conference in Québec City was a great success. This was due primarily to the pertinence of the conferences and the experts' discussion on best practices in implementing fundamental principles for democratic societies regarding elections, ethics, integrity and conflicts of interest. Thanks to the efforts of the Chief Electoral Officer, the Lobbyists Commissioner, the Chair of the Commission d'accès à l'information and the Ethics Commissioner, Québec's excellent democratic process was recognized and admired by our guests.

During the 2013-2014 fiscal year, we revised the disclosure forms for MNAs and their family member and developed electronic forms in the hope of simplifying and streamlining the process. This meant that we were ready for the disclosure statements by MNAs and their family member after the April 7, 2014 general election. It would no doubt be useful to make further improvements to the disclosure form in future—both the paper and electronic versions. At this stage, we are pleased to have reached the goal we set at the beginning of the year.

REPORT ON THE CODE'S IMPLEMENTATION

The project we announced last fiscal year, namely, preparing the Commissioner's first report on the Code's implementation is under way. In early 2014–2015, this project will be a priority. No later than January 1, 2015, the Commissioner must file the report with the President of the National Assembly. It will then be studied by the competent National Assembly committee. We hope that this report will help further promote the rules of conduct, ethical principles and values of the National Assembly that apply to private Members, Cabinet Ministers and their staff. On this, the Code's third anniversary, we want to encourage discussion in order to receive and analyze as much feedback as possible.

CCOIN

During the 2013–2014 year, the members of the Canadian Conflict of Interest Network (CCOIN) will meet in Québec City. As Ethics Commissioner, I am very proud to have the opportunity to welcome my colleagues from the Senate, the House of Commons and the legislative assemblies of all Canadian provinces and territories. Our efforts will focus on receiving these important guests in September 2015. We plan to prepare discussions on sharing our knowledge and experiences involving interpretation and application of the rules of conduct and ethics by parliamentarians and their personnel. We will also talk about Québec legislation in these areas.

TRAINING

Since the time the rules of conduct prescribed by the Code came into force, many training activities have been organized for MNAs. More recently, we provided training to the staff of Members, Cabinet Ministers and the Assembly's House officers. With regard to the latter group, training needs are recurring, mainly because the number of people joining or leaving the various teams is constantly changing. Over time, many people have expressed an interest in learning more about the values of the National Assembly and the ethical principles and rules of conduct prescribed by the Code.

In my opinion, any training that the Commissioner provides needs to take into account the significant time constraints, among others, that MNAs and their staff have to deal with. Despite these constraints, the Commissioner and his team are always available to meet with elected officials and their staff, answer their questions and explain developments in case law since the Code came into force. Between now and the end of the year, we hope to be able to prepare and organize subject-specific briefing sessions, available on request to groups and individuals and tailored to their scheduling constraints, based on a calendar set up by the Commissioner's office to reflect the parliamentary proceedings timetable.

CONCLUSION

Early 2013–2014 year marked the coming into force of the *Regulation respecting the rules of conduct applicable to the office staff of ministers* and the *Rules of conduct applicable to the staff of Members and House officers of the National Assembly*. This meant a significant increase in the number of people subject to rules of conduct in performing their duties for an MNA. The Commissioner's workload increased proportionately.

Our experience over the last few years led us to encourage all staff members to embrace the values of the National Assembly and understand that applying the new rules of conduct was the simplest, most effective way to guard against potential conflict of interest situations. We suggested that, henceforth, staff members organize their work so as to develop an instinctive compliance with these ethical principles and rules of conduct and, with the same goal in mind, to exercise vigilance on behalf of their bosses.

For many, this year provided an opportunity to become more familiar with analyzing situations and making decisions based on consideration of ethical ramifications and guided by the values of the National Assembly. I am pleased to see that these individuals now have much more confidence analyzing the relevant ethical issues and measures under the Code.

The enthusiasm and determination of MNAs and their staff is promising. When performing their duties, they now know and understand the Code, the Regulation and the Rules that are essential to implementing the rules of conduct and values of the Assembly. We are certain that they will continue to contact the Commissioner or the jurisconsult when the need arises.

I sincerely thank them for assuming their ethical responsibilities with such rigour and determination.

The Ethics Commissioner
September 2014

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