ETHICS
COMMISSIONER

ACTIVITY REPORT

2015-2016

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

ISBN : 978-2-550-76602-5
Dépôt légal - Bibliothèque et Archives nationales du Québec, 2016

September 2016

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

Dear Sir,

I have the honour of presenting the Activity Report of the Ethics Commissioner for the period April 1, 2015 to March 31, 2016 and the financial statements as at March 31, 2016, in accordance with section 79 of the *Code of ethics and conduct of the Members of the National Assembly* (chapter C-23.1).

Sincerely,

Jacques Saint-Laurent
Ethics commissioner

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ETHICS COMMISSIONER'S MESSAGE

It is my privilege to introduce the 5th activity report of the Ethics Commissioner, which reviews my office's operations for 2015–2016. This year we proudly celebrate the 5th anniversary of the passing of the *Code of ethics and conduct of the Members of the National Assembly*. As shown in the four previous activity reports and the "Report on the implementation of the *Code of ethics and conduct of the Members of the National Assembly* 2011–2014", we have gained experience over the years by providing advice, advisory opinions, inquiry reports, information notes and guidelines to inform the Members of the National Assembly and the general public.

While we recognize the educational value of our experience, which allows the Members and their staff to know more about what to expect, this 5th anniversary is just the beginning. Members need to be aware at all times of how their actions could be perceived by a reasonably well-informed person and guard against potential conflict of interest situations, ensuring that their actions and the values of the National Assembly go hand in hand. This 5th anniversary is an opportunity to underline the importance and quality of the work done to date by elected officials and their staff. In practice, it is also a reminder of our urgent, fundamental goal of maintaining public confidence in Members, Ministers and their staff.

The Honourable Claude Bisson's term of office as Jurisconsult ended in late 2015. For nearly 20 years, Me Bisson generously advised an impressive number of Members from the 35th to the 41st legislatures. Those fortunate enough to be advised by Me Bisson can testify, as I can, to his magnanimity in helping elected officials observe the rules of conduct. His skill, wisdom and simplicity rightfully impressed many people. In situations that were sometimes very delicate, especially politically, he knew how to provide judicious, thorough advice enabling elected officials to carry out their duties in the public's best interests.

The Honourable Claude Bisson carried out his sensitive mission as the National Assembly's Jurisconsult with aplomb and great dignity. He warrants all of our recognition and sincere thanks.

Following a unanimous decision of the members of the Office of the National Assembly, the Honourable Jean Louis Baudouin became the new Jurisconsult for a five-year term, effective January 2016. A former Judge of the Court of Appeal of Québec, he has an excellent reputation as a jurist and academic. The new Jurisconsult was greeted enthusiastically by the Members of the National Assembly, who call on him freely. I consider myself privileged to work with Me Baudouin, whose skills and expertise have guided me in very difficult situations. On behalf of all Members, their staff and myself, I would like to thank him sincerely for accepting this challenge and assure him of our cooperation and loyalty.

The 2015–2016 Activity Report offers readers more summaries of advisory opinions on implementing rules of conduct and ethical principles. These examples have been added to those contained in previous activity reports to guide and inspire Members and their staff. I hope this new formula will support the development of best practices in ethics and conduct in order to help elected officials achieve their public interest mission and contribute to maintaining public confidence in them and the National Assembly as a whole.

Jacques Saint-Laurent
Ethics Commissioner

JURISCONSULT'S MESSAGE

I would like to begin by sincerely thanking two people. The first is the Honourable Claude Bisson, third Jurisconsult after the Honourable Lucien Tremblay and the Honourable Albert Mayrand, who carried out his duties of office with wisdom, skill and brilliance from 1996 to 2015.

The second is the Ethics Commissioner, Me Jacques Saint-Laurent, for very kindly guiding me in my new duties and for the close cooperation that he has allowed to develop between us.

The Jurisconsult's duties are twofold. The first, under section 108 of the *Code of ethics and conduct of the Members of the National Assembly of Québec*, is to advise any Member requesting assistance with regard to ethics and professional conduct.

The second, under sections 85.1 to 85.4 of the *Act respecting the National Assembly*, is to approve the defence costs, judicial costs and expenses for counsel and indemnification for Members against whom civil or penal proceedings are brought in connection with any act in the performance of their duties.

It is with great pleasure, and also with great humility, that I agreed to replace the Honourable Claude Bisson. The problems related to ethics are sometimes complex, and I am at the complete disposal of Members to give advice and provide guidelines to help them solve any conflicts they may face.

DATA RELIABILITY STATEMENT

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 presented here.

This activity report:

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

I hereby declare that the data, information and explanations contained in the 2015–2016 Activity Report are a true reflection of the Ethics Commissioner's situation as at March 31, 2016.

Jacques Saint-Laurent
Ethics Commissioner

Québec City, September 2016

1. INTRODUCTION

All Members, Cabinet Ministers and their staff are subject, where applicable, to the following ethical provisions:

- *Code of ethics and conduct of the Members of the National Assembly*[1]
- Rules of conduct applicable to the staff of Members and House Officers of the National Assembly[2]
- Regulation respecting the rules of conduct applicable to the office staff of Ministers.[3]

Mission

Help maintain public confidence in the Members of the National Assembly and their staff and safeguard the values of the National Assembly and rules of ethical conduct through advice, training, advisory opinions and inquiries.

Values

Confidentiality
Impartiality
Rigour
Caution
Determination

Policy directions

Promptly advise elected officials and their staff on their ethics- and professional conduct-related obligations when questions arise in the performance of their duties.

Organize training activities for Members and the public.

Provide advisory opinions and produce substantiated inquiry reports so that Members know and can foresee the scope of their obligations where ethics and professional conduct are concerned.

Guide Members and their staff so that they adopt an exemplary standard of behaviour, an essential condition for maintaining public confidence.

[1] Chapter C-23.1.
[2] Decision No. 1690 of the Office of the National Assembly, dated March 21, 2013 (French only).
[3] Chapter C-23.1, r. 2.

National Assembly values

The Code, Rules and Regulation set out the ethical principles and rules of conduct that politicians must observe in carrying out their duties. Regardless of their office, they all share the same National Assembly values. In keeping with the rules prescribed by law, they pledge to work to improve Quebecers' social and economic situation and to respect the rules of conduct in order to maintain public confidence in themselves and the National Assembly.

The great advantage of the Code, Rules and Regulation is that they affirm the National Assembly's key values so as to guide Members, Cabinet Ministers and their staff. These values–benevolence, integrity, adaptability, wisdom, honesty, sincerity and justice–must always be taken into account while interpreting and applying the rules of conduct.

Conflicts of interest

The Code, Rules and Regulation also include specific obligations regarding conflicts of interest.

> A conflict of interest can arise from countless situations, most of which remain very difficult to predict. Elected officials and their staff must set aside their private interests and be guided by the common good, i.e. the public interest. It is prohibited to further one's private interests, those of a family member or anyone else's. It goes without saying that it is also prohibited to indirectly further such interests by attempting to influence another person.

The challenge facing elected officials and their staff is to maintain independence of judgment regarding their private interests, or in some cases, not to improperly further someone else's private interests. Independence of judgment also plays a crucial role in deciding to accept or refuse a gift, hospitality or other benefit in performing the duties of office.

Disclosure statements

The rules of conduct include a private-interest disclosure process for Members, Cabinet Ministers and certain staff members.[4] Legislators require elected officials to produce an inventory of their private property and interests to enable them to anticipate situations in which they may be influenced or potentially find themselves in a conflict of interest. Legislators also want this information to be communicated to the Ethics Commissioner, who then publishes a disclosure summary for Members, Cabinet Ministers and their family members on the CED website.[5]

[4] Under the Rules (sections 17 to 20) and the Regulation (sections 18 to 21), only Ministers' or House Officers' Executive Secretaries are required to file a private-interest disclosure statement.

[5] Disclosure summaries are not made public for Ministers' and House Officers' Executive Secretaries.

Mandate

The Ethics Commissioner is responsible for enforcing the Code, Rules and Regulation and has the powers needed to fulfill this mandate, including the power to give advisory opinions to Members and their staff. He or she may also conduct inquiries, on his or her own initiative or in response to a Member's request.

In the following pages, we will see that in 2015—2016, National Assembly values and the rules of conduct contained in the Code, Rules and Regulation were applied in a wide variety of situations, taking into consideration the commitment of Members, Ministers and their staff to maintain public confidence in both themselves and the National Assembly.

Below is a summary of activities related to private-interest disclosure statements submitted to the Ethics Commissioner in 2015—2016.

2. STATEMENTS

The ethical obligations of the Members and their staff include filing statements with the Ethics Commissioner disclosing any personal interests, gifts, benefits or payments resulting from their past duties as Members or Ministers.

Private-interest disclosure statements

Every year, Members, Cabinet Ministers, and Ministers' and House Officers' Executive Secretaries must file a statement with the Ethics Commissioner disclosing their private interests and those of their immediate family.[6] The content of these statements varies depending on whether they apply to a Cabinet Minister, a Member or an Executive Secretary. This personal and financial information is disclosed to the Ethics Commissioner to prevent any real or potential conflict of interest situation. The Ethics Commissioner then analyzes these statements in detail.

As provided for in sections 37 and 51 of the Code, the Members' and Ministers' disclosure statements[7] must be filed on or before the date set by the Ethics Commissioner, if it is not an election year. For the period January 1 to December 31, 2015, the filing deadline for the disclosure statements was initially March 1, 2016. However, it was postponed to April 1, 2016 to give elected officials time to receive statements for certain assets and provide accurate information in their disclosure statements.

On December 2, 2015, during the last week of the National Assembly's parliamentary proceedings for 2015, personalized private-interest disclosure statement forms were sent to the 124 Members and Cabinet Ministers sitting in the National Assembly at the time (Chicoutimi riding was vacant). To make it easier for elected

[6] Members' private-interest disclosure statements are required under sections 37 and 38 of the Code while sections 51, 52 and 53 govern Ministers' statements. National Assembly Executive Secretaries' statements are governed by sections 17 to 19 of the Rules of conduct applicable to the staff of Members and House Officers of the National Assembly, and the statements of Ministers' Executive Secretaries are governed by sections 18 to 20 of the *Regulation respecting the rules of conduct applicable to the office staff of Ministers*.

[7] The private-interest disclosure statement forms prescribed by the Ethics Commissioner for Members of the National Assembly are available on the website www.ced-qc.ca.

officials to update their personal information, the disclosure forms contained the information the Member had submitted to the Commissioner in the past. The Member then simply confirmed or changed this information for the new period covered by the statement.

The Ethics Commissioner's office received all Cabinet Ministers' and Members' disclosure statements by the prescribed deadline. There were 28 disclosure statements for Cabinet Ministers and the members of their immediate family, 43 statements for Government Members, 29 statements for Members of the Official Opposition, 20 statements for Members of the Second Opposition Group, 3 statements for the Members for Gouin, Sainte-Marie–Saint-Jacques and Mercier and 1 statement for the Member for Arthabaska.

In accordance with the Rules and Regulation, Ministers' and House Officers' Executive Secretaries were asked to file their 2015 disclosure statements by the same deadline. The Ethics Commissioner's office received all Executive Secretaries' statements: 24 statements for Ministers' Executive Secretaries and 7 for House Officers' Executive Secretaries. To reflect changes reflecting personnel movement during the year, 10 statements were received for Ministers' Executive Secretaries and 3 were received for House Officers' Executive Secretaries.

Yves Bolduc, Member for Jean-Talon, Minister of Education, Recreation and Sports and Minister of Higher Education, Research and Science, resigned on February 26, 2015. On June 8, 2015, Sébastien Proulx was elected Member for Jean-Talon. After receiving a disclosure statement for Mr. Proulx and the members of his immediate family by the prescribed deadline and meeting with him, a summary was published on October 8, 2015.

Gérard Deltell, Member for Chauveau, resigned on April 7, 2015. On June 8, 2015, Véronyque Tremblay was elected Member for Chauveau. After receiving a disclosure statement for Ms. Tremblay and the members of her immediate family by the prescribed deadline and meeting with her, a summary was published on October 8, 2015.

Gilles Ouimet, Member for Fabre, resigned on August 24, 2015. On November 9, 2015, Monique Sauvé was elected Member for Fabre. After receiving a disclosure statement for Ms. Sauvé and the members of her immediate family by the prescribed deadline and meeting with her, a summary was published on March 16, 2016.

Marjolain Dufour, Member for René-Lévesque, resigned on September 10, 2015. On November 9, 2015, Martin Ouellet was elected Member for René-Lévesque. After receiving a disclosure statement for Mr. Ouellet and the members of his immediate family by the prescribed deadline and meeting with him, a summary was published on March 16, 2016.

Marguerite Blais, Member for Saint-Henri–Sainte-Anne, resigned on September 15, 2015. On November 9, 2015, Dominique Anglade was elected Member for Saint-Henri–Sainte-Anne. On January 28, 2016, Ms. Anglade was sworn in as Minister of the Economy, Science and Innovation. After receiving a disclosure statement for Ms. Anglade as a Cabinet Minister and the members of her immediate family by the prescribed deadline and meeting with her, a summary was published in the following fiscal year.

Robert Dutil, Member for Beauce-Sud, resigned on September 26, 2015. On November 9, 2015, Paul Busque was elected Member for Beauce-Sud. After receiving a disclosure statement for Mr. Busque and the members of his immediate family by the prescribed deadline and meeting with him, a summary was published on March 16, 2016.

Stéphane Bédard, Member for Chicoutimi, resigned on October 22, 2015. On April 11, 2016, Mireille Jean was elected Member for Chicoutimi. Given the deadline prescribed under section 37 of the Code, her first disclosure statement for herself and the members of her immediate family was received in the following fiscal year.

Julie Boulet, Member for Laviolette, was sworn in as Minister of Tourism and Minister responsible for the Mauricie region on January 28, 2016. Sébastien Proulx, Member for Jean-Talon, was sworn in as Minister of Families and Minister responsible for the Gaspésie–Îles-de-la-Madeleine region on January 28, 2016. Since February 22, 2016, he has also been Minister of Education, Recreation and Sports. Luc Fortin, Member for Jean-Talon, was sworn in as Minister for Recreation and Sport and Minister responsible for the Estrie region on January 28, 2016. On February 22, 2016, he left his duties as Minister for Recreation and Sport to become Minister of Culture and Communications and Minister responsible for the Protection and Promotion of the French Language, while remaining Minister responsible for the Estrie region. Rita Lc de Santis, Member for Bourassa-Sauvé, was sworn in as Minister responsible for Access to Information and the Reform of Democratic Institutions on January 28, 2016. The Ethics Commissioner's office sent them the private-interest disclosure statement form for Cabinet Ministers and the members of their immediate family, which they were asked to substitute for the previously received disclosure form for themselves and the members of their immediate family. The Ethics Commissioner's office received all of the Cabinet Ministers' disclosure statements by the prescribed deadline.

After preparing the disclosure summaries of statements received in early 2016, I met with six Members in February and March 2016 to ensure that their statements were in compliance and to discuss their obligations under the Code. The summaries for these disclosure statements were published in the following fiscal year.

Gifts, benefits and hospitality

The Code, Rules and Regulation also set out a disclosure mechanism for acceptable gifts, benefits and hospitality worth more than $200. Accepting a gift is prohibited under the circumstances mentioned in sections 29 and 30 of the Code and the corresponding sections of the Rules and Regulation. One must refuse a gift given in exchange for speaking or taking a certain position on an issue, or a gift that could influence a Member's or staff member's independence of judgment or compromise his or her integrity. Of course, if a gift is offered in the context of a purely private relationship, no disclosure statement is required.

Disclosure statements for gifts accepted by Members are published on the Ethics Commissioner's website.[8]

From April 1, 2015 to March 31, 2016, the Ethics Commissioner posted 53 disclosure statements for gifts on his website, under section 31 of the Code. The Commissioner also received 4 disclosure statements for gifts refused by Members and returned to the donors. These disclosure statements are not recorded in the Ethics Commissioner's public register.

[8] Staff members' statements are not published. During the fiscal year, the Ethics Commissioner's office received 10 statements from staff members.

Section 28 of the Code

Section 28 of the Code provides for a process for disclosing certain revenues when a Member ceases to hold office at the National Assembly. This process enables follow-up on the rule prohibiting Members and Cabinet Ministers from receiving remuneration from another source, such as an authorized political party or a party authority, during their time in office.[9] The Ethics Commissioner is responsible for ensuring that Members and Cabinet Ministers comply with this requirement.

After leaving office, if applicable, former Members must disclose any amount corresponding to a salary, benefit or other remuneration arising from their prior office.[10] This oversight measure ensures that actions not permitted during the exercise of Members' and Cabinet Ministers' functions are not indirectly carried out after leaving office without the Commissioner's knowledge.

Over the fiscal year, the Ethics Commissioner's office sent explanatory letters to 50 former Members and Cabinet Ministers who had ceased their duties at the National Assembly, informing them of the rule prescribed by section 28 of the Code and inviting them, if necessary, to inform me using the enclosed form. Among the former Members or former Ministers, 19 took the time to indicate that they had nothing to declare, although they were not obliged to do so.

3. ADVICE AND ADVISORY OPINIONS

Legislators place utmost importance on the absolute right of Members of the National Assembly and their staff to obtain a written advisory opinion from the Ethics Commissioner or Jurisconsult. In fact, the Code provides consultation mechanisms specific to the Ethics Commissioner (section 87 of the Code) and Jurisconsult (section 108 of the Code).

> **87.** In response to a request in writing from a Member on any matter respecting the Member's obligations under this Code, the Ethics Commissioner provides the Member with a written advisory opinion containing reasons and any recommendations the Ethics Commissioner considers appropriate. The advisory opinion must be given within 30 days after the Member's request, unless otherwise agreed by the Member and the Ethics Commissioner.
>
> An advisory opinion of the Ethics Commissioner is confidential and may only be made public by the Member or with the Member's written consent, subject to the Ethics Commissioner's power to conduct an inquiry and report on the facts alleged in or discovered in connection with the Member's request.
>
> **108.** The Office of the National Assembly appoints a jurisconsult by a unanimous vote of its members to be responsible for providing advisory opinions on ethics and professional conduct to any Member who requests it. The jurisconsult may not be a Member.

[9] Section 27 of the Code.

[10] Section 28 of the Code.

Section 30 of the Rules and section 31 of the Regulation unequivocally set out the right of Members', House Officers' and Ministers' staff to obtain a written advisory opinion on any issue concerning their obligations under the Rules or Regulation.

> **30.** In response to a request in writing from a staff member on any matter respecting his or her obligations under these rules, the Ethics Commissioner provides him or her with a written advisory opinion containing reasons and any recommendations the Ethics Commissioner considers appropriate.
>
> The advisory opinion is confidential and may only be made public by the person who requested it or with that person'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 person's request.
>
> **31.** In response to a request in writing from an office staff member on any matter respecting his or her obligations under this regulation, the Commissioner provides him or her with a written advisory opinion containing reasons and any recommendations the Commissioner considers appropriate.
>
> The advisory opinion is confidential and may only be made public by the person who requested it or with that person's written consent, subject to the Commissioner's power to conduct an inquiry and report on the facts alleged in or discovered in connection with the person's request.

In 2015—2016, there was a very significant drop in the number of requests from Members, Ministers and their staff for both consultations and written advisory opinions, which dealt mainly with obligations relating to private-interest disclosure statements, potential conflicts of interest, gifts and benefits, partisan activities and post-term issues.

In an effort to inform Members, their staff and the public, The Ethics Commissioner's office has summarized interpretations for a number of concrete examples. Each advisory opinion is based on the facts and circumstances specific to the situation in question. This is why I recommend that Members, Ministers and their staff always ask the Commissioner or Jurisconsult for an advisory opinion for their particular case, as provided under the Code.

Potential conflicts of interest

Members of the National Assembly and their staff absolutely must preserve their independence of judgment by putting aside their personal interests in favour of the common good. In practice, they cannot, directly or indirectly, further their private interests, those of a family member or non-dependent child, or improperly further another person's private interests. To avoid being placed in a conflict of interest situation, it is also necessary to preserve the confidentiality of any information obtained in the exercise of their duties and not be party to a contract with the Government, a government department or a public body.

A clear line must be drawn and maintained, far from interests likely to influence independent judgment in performing the duties of office, by taking into account both the perspective of a Member or staff member and that of a reasonably well-informed person.

Use of social media

All Members, Ministers and their staff exert considerable influence through their public communications. Elected officials enjoy authority, credibility and prominence, which could influence those around them. While this is vital for performing their work as Members of the National Assembly, there are some risks involved. For example, regardless of the medium used, be it as commonplace as a bumper sticker on a vehicle, an elected official has a duty to avoid being used as an advertising tool.

When using social media, a Member's behaviour must be guided by rigour and based on facts and accurate knowledge of the viewpoints expressed on both sides. Due to the importance of Members' and Ministers' duties and related mandates, messages released on social media absolutely must reflect National Assembly values, rules of conduct and principles of civil responsibility. Maintaining the population's trust in both Members and the National Assembly requires great caution and respect for the public.

Hiring a family member

When in office, a Member or Minister may not do anything to promote the private interests of a family member or non-dependent child. For example, Members may not hire their family members as staff.

Section 5 of the Code defines "family member" as the Member's spouse or a dependent child of the Member or of the Member's spouse.

Statements by Members

During the period "Statements by Members" during Routine Proceedings of a National Assembly sitting, a Member made a statement to recognize and support a project by an organization in his riding. An employee in the Member's office participated in the endeavour, as a collaborator with the organization, alongside his work as a Political Adviser. In his statement, the Member underlined the quality of the organization's work. I had to determine if, through his statement to the National Assembly, the Member put himself in a conflict of interest situation, given the involvement of his staff member.

For there to have been a potential breach of the Code (conflict of interest), the elected official had to have used the statement to further his private interests or to improperly further another person's private interests. Also, the private interests that could be promoted had to have been identified beforehand. In the case at hand, no private interest on the part of the elected official or his staff member was involved. Merely congratulating an organization on a successful project is not tantamount to improperly furthering that organization's private interests. Therefore, I concluded that the elected official had not contravened the rules governing conflicts of interest through his statement.

Gifts and benefits

Payment of a Member's membership dues in a non-profit organization to which the Member annually grants financial assistance under the "Programme de soutien à l'action bénévole" constitutes a gift or benefit received from that organization within the meaning of the Code, in the same way as free invitations to various events or free publicity. Members are responsible for ensuring, on a case-by-case basis, that the gift, hospitality or benefit is not an exception under sections 29 and 30 of the Code. In analyzing the situation, Members must consider how a reasonably well-informed person might view this.

When granting financial assistance to organizations under the "Programme de soutien à l'action bénévole", elected officials must constantly be aware of the general rules of conduct that apply as they perform their duties. Section 16 of the Code provides that Members may not act, attempt to act or refrain from acting, so as to further their private interests or those of a family member or non-dependent child, or to improperly further another person's private interests.

For example, Members must ensure that their decisions do not improperly further the organization's interests. Elected officials must pay special attention to the non-profit organization's financial assistance application in the context of their responsibilities as Member or Cabinet Minister. They must be able to substantiate the fact that the decision to grant financial assistance to the non-profit organization, over another organization, is fair and objective.

Members of a political party's riding association

The distinction between partisan activities and performing the duties of office is sometimes vague. I had the opportunity to explain to a Member that the Rules do not apply to members of a political party's riding association. In the case at hand, when an association member voiced an opinion that caused significant discontent in the riding, the Member worried that he could be suspected of a conflict of interest if he intervened in the debate. To better explain the framework in which a Member can act in these circumstances, I informed him that he had to refer to the rules of ethics and conduct that applied to him, that is, those prescribed by the Code.

He had to begin by ensuring that his political party's riding association member understood and made the distinction between his mandate within the association and his professional activities. Members of the National Assembly do not place themselves in a conflict of interest situation simply because a member of their riding association has expressed opinions contrary to other people's point of view as part of a debate raging in the riding. Referring to section 16 of the Code, I pointed out that nothing prevented the Member from intervening in the case in question. However, he had to be careful not to improperly further the interests of another person, including those of the association member concerned. A cautious, transparent attitude seemed the best course of action in this regard.

Becoming a member of a non-profit organization

During their term of office, Members may be offered the opportunity to become members of non-profit organizations in their riding. How should they respond?

First, they should keep in mind that their conduct must not further or be perceived as potentially furthering private interests, especially improperly. For example, it would not be right for a Member to ask for donations for such organizations, since doing so might seem as if the Member were using his or her position to influence a donor's decision. Members who decide to use their discretionary budget to grant a subsidy to a non-profit organization must take the necessary precautions so that their private interests, in particular as a member of the organization, do not influence their independence of judgment in carrying out their duties of office. Furthermore, Members must not be perceived as attempting to influence another person's decision so as to further the interests of the organization they belong to.

Shares in a company that contracts with a municipality or childcare centre

In an advisory opinion given this year, I had to determine the scope of the rule set out in section 18 of the Code. This very important rule prohibits Members from being party to a contract with the Government, a government department or a public body. The question was "If a Member owns shares in a company about to enter into a contract with a municipality or childcare centre in the Member's riding, what should the Member do?".

Based on section 18 of the Code, I began by specifying that municipalities and childcare centres do not fit the definition of a public body within the meaning of section 5 of the Code and cannot be considered the Government or a government department. This means the specific rules in section 18 do not apply to a Member who owns shares in a company which signs a contract with a municipality or childcare centre. Nevertheless, Members should exercise caution, since the conflict of interest rules, especially under sections 15 and 16, apply at all times. More specifically, Members must analyze the situation, bearing in mind what a reasonably well-informed person might perceive. There must be absolutely no doubt as to whether a Member was involved in the contract awarding. In the case at hand, the Member was informed that, as far as contracts go, the rules of conduct prescribed by the Code differ significantly for Cabinet Ministers.

Invitation to travel to a foreign country

Members must be aware of professional conduct issues linked to accepting an invitation to go to a foreign country. So-called "sponsored" trips are not covered under a specific provision of the Code but are subject to rules governing gifts, hospitality and other benefits under sections 29 to 34 of the Code. Consequently, the circumstances surrounding the invitation need to be analyzed.

Before accepting such invitations, Members must ensure that there is no risk or possibility that the gift is being given in exchange for speaking or taking a position on an issue on which they may be called on to take a stand in carrying out their duties. Based on the circumstances, in particular relations between Québec and the host country, Members must also determine whether accepting the invitation could directly or indirectly impair their independence of judgment in carrying out the duties of office or compromise either their integrity or

that of the National Assembly. Members must be able to justify their trips based on their responsibilities and carrying out their parliamentary duties. Finally, for other Canadian legislative assemblies, sponsored trips are subject to a specific framework and are published.[11]

I encourage Members to consult the Ethics Commissioner or Jurisconsult if the value of the trip is significant[12] and remind them that any gifts, benefits or hospitality over $200 must be declared under section 31 of the Code.

On the other hand, as part of their duties related to the National Assembly, Members may agree to have their expenses paid for an invitation to speak at an international convention, if the prohibitions under sections 29 and 30 of the Code do not apply and they declare the situation to the Commissioner.

Inquiry request based on National Assembly values

Under section 91 of the Code, Members may not demand that the Ethics Commissioner conduct an inquiry into a possible violation of the values of the National Assembly or ethical principles of the Code. However, they may confidentially bring a potential violation of National Assembly values to the Commissioner's attention although this process is not a means of circumventing section 91 of the Code. The Ethics Commissioner may receive information related to the Code's application in general, but the law is very specific where inquiries are concerned. Under section 92, only the Ethics Commissioner may, on his or her own initiative, decide to undertake an inquiry on National Assembly values.

Post-term rules – Minister's staff member

In the course of his duties, a ministerial office staff member acted as a liaison between the Minister's Parliamentary Assistant and the President of an organization that is not a "State entity" within the meaning of section 56 of the Code. Would the staff member have to wait a year before accepting a job with that organization?

Under section 26 of the Regulation, Minister's office staff members must wait one year after leaving their duties in the Minister's office before accepting a position with an employer that is not a "State entity" referred to in section 56 of the Code and with which they had "official, direct and significant dealings in the year before leaving their duties". In the case at hand, although the dealings with the organization in question were direct, they could not be qualified as official and significant within the meaning of the Regulation. In the absence of facts enabling us to identify a specific file, mandate or other matter in relation to a law, regulation, order or any other legal or formal act stemming from a recognized authority or the administration, there were no facts establishing that these dealings were official. Informal communications are not significant dealings unless they result in a legal effect or agreement on a matter under the Minister's authority.

The term "dealings", used in section 26 of the Regulation, is broadly interpreted to refer to all types of relations, such as relations between persons or groups of persons, including legal persons. The meaning of the adjectives "official, direct and significant" are interpreted as usual.

[11] For example, Members can refer to the list of sponsored trips offered to Members of the House of Commons published by the Office of the Conflict of Interest and Ethics Commissioner.

[12] Members can also refer to section 2.2.2 of the Guidelines on gifts, hospitality and other benefits of May 2012.

Political staff members' intervention

Members' political staff have significant freedom of action to help citizens in their dealings with public bodies. However, they must avoid communicating directly with an administrative tribunal, representing a citizen at a hearing or publicly commenting on a matter that is before the courts.

Similarly, Members or Ministers may not speak on behalf of a citizen from their riding before an administrative tribunal. They must not intervene in a judicial body's (such as an administrative tribunal) evidence-gathering process or communicate parties' observations to the decision-making body. An information note on letters of support or recommendation entitled "Lettre d'appui ou de recommandation" was published on this subject in September 2013.

Professional activities and private interests must not be confused

Members' staff must take special precautions, in their capacity as political advisers or members of a political party, not to be associated with advertising by a business in which members of the staff's family have an interest.

4. INQUIRIES

The Ethics Commissioner may begin an inquiry on his own initiative or at the request of a Member who has reasonable grounds for believing that another Member has violated the rules of conduct prescribed by 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.

In 2015–2016, two inquiry reports were submitted to the President of the National Assembly. One of these inquiries involved Members of the National Assembly under the Code and the other involved a member of a Minister's office staff under the Regulation. Two inquiries were conducted at the request of Members, and one was conducted on my initiative. I will get back to the content of these inquiry reports after some general comments.

Filing an inquiry request

Section 91 of the Code specifies that Members must have reasonable grounds for believing that a violation of the rules of conduct has occurred. Their inquiry request must set out these reasonable grounds.

Members must substantiate their request with specific facts supporting the grounds on which it would be reasonable to believe that a violation of the rules of conduct has occurred. The Code does not authorize Members to request an inquiry from the Ethics Commissioner based on suspicion alone, without having gathered and analyzed certain information.

Given the risk of causing a Member serious harm, legislators have insisted on the importance of having reasonable grounds for believing that a violation has occurred before asking the Ethics Commissioner to conduct an inquiry. This is why legislators gave the Ethics Commissioner the power to conclude that a Member has made a request for an inquiry in bad faith or with intent to harm (sections 97 and 100 of the Code), which, in itself, amounts to a violation of the Code.

Political debate

The Ethics Commissioner intervenes to support the values of the National Assembly and the rules of conduct prescribed by the Code, Rules and Regulation. Outside this legal framework, the Ethics Commissioner is not authorized to intervene.

The Ethics Commissioner must refuse to give advisory opinions or conduct inquiries for issues that are unrelated to the ethical framework and professional conduct prescribed by the Code, Rules and Regulation. It is not unusual for the Ethics Commissioner to be asked for an opinion on political matters, which he must refuse to give. Refusal to issue an opinion or to intervene must not be interpreted as an indirect opinion on the part of the Ethics Commissioner concerning the issue or the public debate in question. The Code requires the Ethics Commissioner to remain silent.

Gathering information

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

The public's contribution is essential to the Ethics Commissioner's enforcement mission and must be acknowledged. The facts provided by the public and the media are essential information sources for the Ethics Commissioner's oversight mandate.

Inquiries conducted during the 2015–2016 fiscal year

Conflict of interest – using the position of Member to influence another person's decision so as to further one's private interests

The first inquiry report, dated June 10, 2015, concerned the Member for La Pinière, Minister of Health and Social Services.[13] At the request of the Member for Verchères, the then Deputy Official Opposition House Leader, the Ethics Commissioner examined the enforcement of section 16 of the Code in the context where the Minister may have put himself in a conflict of interest situation by trying "… to influence the decision of the Executive Director of the CHUM Board of Directors… " with regard to the appointment of the institution's Chief of Surgery.

> **16.** When carrying out the duties of office, a Member must not:
>
> (1) act, attempt to act or refrain from acting, 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; or

[13] DE-01-2015.

(2) use the position of Member to influence or attempt to influence another person's decision so as to further the Member's private interests or those of a family member or non-dependent child, or to improperly further another person's private interests.

At the beginning of the inquiry, the Minister drew the Ethics Commissioner's attention to the CHUM's importance among Québec health institutions, indicating that it was the "flagship" of Québec's health network institutions. The inquiry report summarized various events that occurred at the CHUM or at the Université de Montréal's Faculty of Medicine that explained the complexity of the facts in the context of the Chief of Surgery's appointment.

The inquiry began when the CHUM's Executive Director announced his resignation after meeting with the Minister, explaining that the Minister tried to convince him to keep the Chief of Surgery and all CHUM department heads in their current positions until the move was completed. The Executive Director's understanding was that the Minister might decide not to appoint him to the position of CHUM President and CEO if the Chief of Surgery was not kept on.

Pursuant to paragraph 2 of section 16 of the Code, the inquiry report points out that the Minister's intervention could constitute a violation of the Code if its goal was to "improperly" further the private interests of another person. The Minister referred to the *Act respecting the Ministère de la Santé et des Services sociaux* and the *Act respecting health services and social services* to claim that he had to act under the circumstances and that his intervention was not improper. Since the Code prohibits, in practice, improper intervention on behalf of a third party, the inquiry report stated that although the CHUM Executive Director was convinced that the Minister had set the condition of keeping on the Chief of Surgery as a prerequisite for appointing the Executive Director as hospital President and CEO, the evidence was not sufficient to affirm that this condition was actually imposed.

The inquiry report stated that the Minister had not committed a violation under section 16 of the Code since the elements gathered during the inquiry were not conclusive. The reasons for the Minister's interventions in winter 2015 were twofold: fears that the selection committee put in place was biased and the corresponding protests not dying down, and the institution's stability, especially given the move planned for summer 2016.

Separate private financial interests – hindrance – conflict of interest – National Assembly values

The second inquiry report, dated July 29, 2015, concerned Yves Bolduc, Minister of Education, Recreation and Sports, Minister of Higher Education, Research and Science and Member for Jean-Talon until February 26, 2015.[14] At the Member for Taschereau's request while she was the Official Opposition House Leader, the Ethics Commissioner was asked to examine the enforcement of sections 25, 41 and 57 of the Code and the values of the National Assembly.

[14] DE-02-2015.

The former Member for Jean-Talon had allegedly violated section 25 of the Code by intervening and voting on the Wednesday motion concerning him, moved by the Member for Verchères, on September 17, 2014.

> **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.

On September 26, 2012, Mr. Bolduc was appointed Official Opposition critic for health and social services. Alongside his duties as a Member, he practised medicine part-time. In addition to his professional fees as a physician, he received extra remuneration of more than $200,000 for taking on patients who had no family physician. This additional remuneration was questioned by several people, who stressed how difficult it would be for a Member to take on patients who had no family physician for a sufficient period of time. This led to a Wednesday motion on September 17, 2014, requesting that the National Assembly order the Minister of Education, Recreation and Sports to immediately reimburse the entire $215,000 bonus he had received in addition to his fee-for-service billing and Member's salary after his return to medical practice in September 2012.

Mr. Bolduc took part in the debates on the motion and voted against it. I informed him on September 30, 2014 that, under section 25 of the Code, he had to withdraw from the meeting or sitting without participating in the debates or voting. The Member for Taschereau's inquiry request dealt with the same facts as those that I had considered in September 2014. As a result, I maintained my 2014 conclusion and noted that, by participating in the debates and voting on the motion moved by the Member for Verchères, Mr. Bolduc had violated section 25 of the Code.

After reading correspondence between the Minister and myself, in my capacity as Ethics Commissioner, the Member for Taschereau claimed that the Minister's tardiness in acting on my request constituted a violation of section 41 of the Code.

> **41.** A Member acts contrary to this Code if he or she
>
> (1) refuses or fails to respond to a written request of the Ethics Commissioner within a reasonable time;
>
> (2) refuses or fails to provide within a reasonable time information or a document the Ethics Commissioner has required in writing;
>
> (3) misleads or attempts to mislead the Ethics Commissioner in the exercise of the Ethics Commissioner's functions; or
>
> (4) in any way hinders the Ethics Commissioner in the exercise of the Ethics Commissioner's functions.

Under section 91 of the Code, a Member may not contact the Ethics Commissioner to request an inquiry on enforcement of section 41 of the Code. Under section 92 of the Code, only the Ethics Commissioner may, on his or her own initiative, conduct an inquiry into any potential violation of acts that are contrary to the Code, as described in section 41 of the Code. Although the Member for Taschereau's inquiry request was not receivable, I indicated the circumstances under which I would likely undertake a self-initiated inquiry if a Member or Minister failed to act on the Ethics Commissioner's request. The Minister finally acted on my request, thereby terminating enforcement of section 41 of the Code.

Moreover, the Member for Taschereau claimed that the additional compensation received by the Member for Jean-Talon for the period during which he practised medicine in addition to carrying out his duties as a Member of the Official Opposition was a benefit in contravention of section 57 of the Code.

> **57.** Former Cabinet Ministers must conduct themselves so as not to obtain undue benefit from their prior office.

Yves Bolduc ceased performing his duties as Cabinet Minister on September 19, 2012 and took them up again on April 23, 2014. Under section 57 of the Code, he had stopped performing his duties as a Cabinet Minister when he received additional compensation for taking on patients who had no family physician. The inquiry report specified that the amounts Mr. Bolduc received were obtained as part of a prescribed framework available to all physicians. Receiving an incentive to take on patients with no family doctor does not, as such, constitute a violation of the Code. However, the Member for Taschereau claimed that while carrying out his duties as Minister of Health and Social Services, before 2012, Mr. Bolduc implemented the program in order to further his own interests, anticipating the time he would return to practising medicine after leaving his political activities. This would constitute a conflict of interest in contravention of section 15 and paragraph 1 of section 16 of the Code.

> **15.** A Member must not place himself or herself in a situation where his or her private interests may impair independence of judgment in carrying out the duties of office.»
>
> **16.** When carrying out the duties of office, a Member must not
>
> (1) act, attempt to act or refrain from acting, 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…

The evidence summarized in the report indicates that the Minister and his office were not involved in negotiating the incentive to encourage taking on patients with no family physician. When Minister Bolduc intervened to approve the agreement, he did not do so for direct personal gain. The inquiry report added that failing the certainty that the incentive would still be in place when the Minister returned to practising medicine, it is difficult to claim that he could have anticipated a personal benefit without knowing the future more specifically.

Lastly, I took the initiative to consider application of the values of the National Assembly by questioning the behaviour of Minister Bolduc, who received more than $200,000 for taking on patients with no family physician, knowing that his care would end given his political activities.

Underscoring the relevance of questions on the cumulative remuneration Mr. Bolduc received, on the risk inherent in simultaneously carrying on duties as important as being a Member and a family physician, and dropping his new patients when returning to his ministerial activities, I specified that I could not rule on questions related to practising medicine and the corresponding compensation, which are not part of my mandate. The Ethics Commissioner may not, on his or her own initiative, take on a mandate involving activities outside performing the duties of a Member of the National Assembly. For instance, the Ethics Commissioner is not authorized to intervene under the Code to reprimand behaviour between spouses.

Regardless, while stressing the vision of excellence proposed by the Code and the resulting goal of setting an example, I have asked every Member of the National Assembly to take the initiative of upholding National Assembly values under all circumstances, even questions outside a Member's or Minister's duties, in order to maintain public confidence.

After concluding that the former Member for Jean-Talon had violated section 25 of the Code, I recommended that no penalty be imposed, as was the case for the Member for Mirabel and the Member for Saint Jérôme with respect to similar violations of section 25 of the Code.

Minister' office – post-term rules – conflict of interest – guidelines

The third inquiry report, dated November 30, 2015, concerned a Minister's office staff member and application of the Regulation. The staff member was informed of an opening for a position of Vice-President of a public body for which that Minister was responsible and vis-à-vis which the Political Adviser represented the Minister.

The Political Adviser quickly informed the President and CEO of his interest in the vacant position and called on the body's Public Affairs Adviser, also a friend. The President and CEO was informed and, despite certain hesitations the latter expressed through the Public Affairs Adviser, the Political Adviser asked to meet with the President and CEO. Before the meeting took place, a second position of Vice-President became vacant, following a death.

On September 29, 2014, the Political Adviser met with the President and CEO and informed him of his interest in the two vacant Vice-President positions. He was told that the positions would be filled in keeping with the formal recruiting procedure and was invited to apply. He was also told of various deliberations underway concerning the organization's structure, which might change. On October 6, 2014, the Political Adviser decided not to apply and informed the Minister's Executive Secretary of his decision. A year later, I learned of these facts through the media.

On September 29, 2015, I informed the Political Adviser that I had decided to conduct a self-initiated inquiry to determine whether a violation of the rules of conduct set out in the Regulation had occurred.

I needed to check whether, in accordance with the post-term rules under the Regulation, the Political Adviser should have waited one year before being able to accept a position with the organization. Noting that the body was a "State entity" within the meaning of the Regulation and the Code, I confirmed that, under section 26 of the Regulation, the person would not, in this case, have been required to wait a year before applying for and accepting the position of Vice-President.

The inquiry report sought to determine whether the Political Adviser was in a conflict of interest situation, given his efforts to obtain the position of Vice President, based on section 6 of the Regulation.

> **6.** In the exercise of their functions, office staff may not
>
> (1) place themselves in a situation where there is a conflict between their private interests and the duties of their position;
>
> (2) act, attempt to act, or refrain from acting, so as to further their private interests or those of a family member, or to improperly further another person's private interests; or
>
> (3) use their position to influence or attempt to influence another person's decision so as to further their private interests or those of a family member, or to improperly further another person's private interests.

In my view, the Political Adviser had a private interest in accessing the position of Vice-President. I also emphasized that, as part of their respective mandates, the Minister's office staff members and executives of the body in question maintained close ties, in addition to the fact that the Minister's office was in a position of authority with respect to the body reporting to the Minister.

The Political Adviser did not wait before expressing his interest in the position of Vice-President. His duties in the Minister's office allowed him to ask for a meeting with the body's President and CEO. Therefore, in theory he had an opportunity to try to influence the body's President and CEO by directly expressing his interest in the position of Vice-President. However, no evidence hints at the possibility that he requested special treatment in consideration of his application for the position of Vice-President.

It is incumbent on all Minister's office staff members to apply the most rigorous standards in exercising their duties, particularly when their private interests are concerned. An ordinary working meeting can take on a different meaning if a question of private interest is added to the agenda. A Minister's office staff member may apply for a position with a "State entity". However, there must be no doubt as to whether the staff member is favoured or could be favoured, in any way whatsoever, due to his or her position in the Minister's office. By using his position to meet with the body's President and CEO about his private interest in the Vice-President position, the Political Adviser violated section 6 of the Regulation.

The inquiry report added that, under current regulations and the definition of "State entity", Minister's office staff members could hold a position in a "State entity" immediately after leaving their duties in the Minister's office. However, if the "State entity" is one of the bodies under the responsibility of the Minister employing the staff member, the appearance of a conflict of interest is difficult to dismiss, particularly if the staff member takes steps to apply for the position while still working in the Minister's office. To deal with this situation, until the Regulation is amended, I have issued the following guideline, drawing on section 48 of the Code.

> Minister's office staff members must inform the Ethics Commissioner in writing of any serious effort they make or participate in relating to an appointment they might accept, or a job, position or other office they might hold after ceasing to perform their duties, with a "State entity" within the meaning of section 56 of the Code under the authority of the Minister to whom they report.

National Assembly values – social networks

In some cases, I intervened on my own initiative under the Code, Rules or Regulation, without necessarily writing an inquiry report. For example, I took the initiative to intervene with Members and their staff to reiterate the need for caution expressed in my *Report on the Implementation of the Code of Ethics and Conduct of the Members of the National Assembly 2011–2014*. It was my duty to repeat the message that the acceptable limit for content published in electronic media is not always clear. There is still little jurisprudence with regard to social media. However, like any citizen who wishes to avoid incurring civil liability, elected officials should ask themselves if the information they are about to express in the electronic media could be published in a newspaper, aired on the radio or broadcast on television. If there are any doubts, I feel the message or comment should be rephrased or the appropriateness of expressing it reconsidered. Members must be aware of the risks of improper social media use. Through factually sound statements and rigorous messages and comments, Members and Cabinet Ministers can, in my opinion, set an example and guide the public.

5. OTHER ACTIVITIES

The following subjects are not covered in detail but give an overview of certain activities in 2014–2015.

Gifts, hospitality and other benefits

When Members, Cabinet Ministers or staff members receive a gift, it is advisable for them to question the reason behind it. Does the person receiving the gift run the risk of being influenced or of being placed in a situation in which he or she might feel an obligation toward a person or an organization because of the gift?

The rules regarding gifts and benefits are set out in sections 29 to 34 of the Code, sections 10 to 15 of the Rules, and sections 11 to 16 of the Regulation. There are also the Guidelines on gifts, hospitality and other benefits published in 2012. In applying the rules governing gifts and benefits, the Ethics Commissioner invites the Members and political staff to take the time to think before accepting a gift, to rely on their good judgment and to consider the opinion that a reasonably well-informed person might have in the same situation. For example, looking at the ties that may exist between the gift giver and the State, the connection between the recipient's responsibilities and the gift, and what the giver might expect in return can all help in deciding whether to accept or refuse a gift. If in doubt, a gift or benefit can always be refused, even if the legal reasons do not apply.

Questions and comments from the general public

Questions and comments addressed to the Ethics Commissioner by the general public can be grouped into two categories. First, some citizens seek clarification on a matter, wish to express a viewpoint on topical issues or have questions about the behaviour of a Member or Minister.

The Ethics Commissioner's office received 28 such questions and comments, the majority in writing. Although a citizen cannot request that the Ethics Commissioner conduct an inquiry, I try to answer each query received with a personalized explanatory message.

Second, the Ethics Commissioner receives information from citizens, who are best placed to witness situations that may constitute Code violations and who hold information that can be extremely valuable to his or her mission. I sincerely appreciate receiving such information and my effectiveness is greatly enhanced when I can count on the population's support. Although the Code does not clearly express this, I believe it is necessary to clear up any doubt on the subject and insist on the relevance of communicating, with complete confidentiality, with the Commissioner when circumstances require it.

In 2015–2016, questions, comments and information received from citizens concerned primarily issues relating to conflicts of interest and incompatibility of duties. There were also matters regarding gifts, hospitality and other benefits, disclosure statements and inquiries.

Media consultations

During the year, the number of requests submitted to the Ethics Commissioner by the media decreased significantly from the election period that preceded it. The Ethics Commissioner's office responded to a total of 36 requests.

Answering these requests is delicate. On one hand, the Commissioner must keep in mind the importance of informing the public on the Code's implementation. On the other hand, he or she cannot answer questions about the specific situation of elected officials or members of their staff, as this information must remain confidential. This exercise is sometimes complicated and can be frustrating for journalists, who would like me to talk openly about an elected official's specific situation. While providing information to the media, I tried to rigorously respect the absolute confidentiality imposed by legislators.

The main topics discussed during these exchanges with journalists concerned conflicts of interest, the inquiry process, disclosure of gifts and other subjects, including blind trusts.

Website

This year, the Ethics Commissioner's website averaged 392 visits per month. As soon as the documents issued by the Ethics Commissioner's office can be made public, they are posted on the website so that Members, their staff, the media and the public can access them quickly. For example, in January 2016, we published an administrative consolidation of the laws, regulations, rules, guidelines and information notes governing the ethical aspects of the duties of Members, Ministers and their staff.

On September 22, 2015, the Ethics Commissioner's Activity Report for 2014–2015, including the financial statements, was published after being tabled in the National Assembly. In addition, on October 8, 2015, the disclosure statement summaries for the new Members for Chauveau and Jean-Talon were published on the website under section 40 of the Code. On March 16, 2016, the disclosure statement summaries for the new Members for Fabre, Beauce Sud and René Lévesque were posted online.

Finally, two inquiry reports were published on the website: the report on Gaétan Barrette on June 10, 2015 and the report on Yves Bolduc on July 29, 2015.

Training activities

Under section 90 of the Code, the Ethics Commissioner must inform Members and the public on his role and on the Code's application. These educational activities are carried out when Members and their staff contact the Commissioner seeking advice of all kinds, including written advisory requests under section 87 of the Code. During these discussions, the Commissioner provides general information on the interpretation and application of the values of the National Assembly and the rules of conduct prescribed by the Code. In addition, training activities are held from time to time.

During the fiscal year, briefing sessions for Members' staff were held at various times in April, May and September 2015 in Québec City, Shawinigan, Sherbrooke, Montréal and Laval.

Fondation Jean Charles Bonenfant

In September 2015, 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 always thoroughly enjoy these discussions, which focus on current events, as they relate to the fundamental principles of our democracy.

University training

In November 2015, I participated in a Université Laval training session for political science students. I was assisted by the Clerk responsible for the registry of the Ethics Commissioner's office, Dominique Baron. Based on past years' experiences, our goal was to convey our enthusiasm for implementing the rules of conduct and ethical principles that guide Members, Cabinet Ministers and their staff. We also discussed the Ethics Commissioner's enforcement mechanisms in connection with certain current events. I thoroughly enjoy 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 account in exercising my duties.

National Assembly of France

As part of the 28th Session of the France-Québec Interparliamentary Committee, I was invited by the Consul General of France in Québec City, Nicolas Chibaef, to meet with the Members from France and Québec assembled for the occasion. I gave an overview of Québec's approach to ethics and professional conduct and reviewed the fundamental rules introduced by legislators in 2010. In comparing our rules with those applicable in France, we analyzed some situations experienced since the Code came into force.

Ethicists from the National Assembly of France and the High Authority for transparency in public life host the Québec delegation

After the September 2015 conference in Québec City, in which the members of the French delegation had participated, sharing continued throughout the year via electronic communications and by telephone, concluding with the welcome the Clerk responsible for the registry and I received in Paris in late March 2016. The purpose of the trip was to talk with interested persons at the National Assembly of France and the High Authority for transparency in public life about Québec's experience in adopting and implementing the *Code of ethics and conduct of the Members of the National Assembly*.

We had the privilege of meeting a number of people with whom we talked about our experiences and the enthusiasm surrounding implementation of the Code in Québec. These people also generously shared their own experiences, resulting in a wealth of information that helped us better understand, sometimes from a different viewpoint, ethical and professional conduct issues affecting elected officials and their staff. We met with the following:

- Ferdinand Mélin Soucramanien, Professional Ethicist, National Assembly of France
- Catherine Leroy, Division Chief, General Secretariat of the Assembly and the Presidency, National Assembly of France
- Christophe Pallez, Secretary General of the Questure, National Assembly of France
- Rémi Schenberg, Director General, Legislative Services, National Assembly of France
- Alain Rousset, Member for Gironde and René Dosière, Member for Aisne
- Claude Bartolone, President, National Assembly of France
- Georges Bergougnous, Director, Legal Affairs Department, National Assembly of France
- Antoine Malone, Attaché, Political Affairs and Cooperation, Québec office in France
- François Pillet, Chair, Senate Parliamentary Ethics Committee
- Jean-Louis Nadal, President, High Authority for transparency in public life
- Antoine Héry, Head, Public relations, High Authority for transparency in public life
- Éric Buge, Associate Secretary General, High Authority for transparency in public life
- Laurence Abgrall, Rapporteur, High Authority for transparency in public life
- David Ginocchi, Head, Legal and Research, High Authority for transparency in public life
- Louis Martino, Head, Comptrolling and Procedures, High Authority for transparency in public life
- Janos Bertok, Head, Public Sector Integrity Division, OECD Public Governance Directorate
- Christian Vigouroux, Head, Interior, Council of State

Lastly, we had the opportunity to participate in a seminar at the Université Paris I / Paris II Sorbonne open to Master's students on the parliamentary code of conduct in Québec, with Jean Gicquel, Professor Emeritus and former Ethicist at the National Assembly of France, Bertrand Mathieu, Professor of Universities in Public Law at the Université Paris I Panthéon Sorbonne, Michel Verpeaux, Professor of Universities in Public Law at the Université Paris I Panthéon Sorbonne, and many students.

6. OFFICE OF THE ETHICS COMMISSIONER

Under section 74 of the Code, the National Assembly provides the Ethics Commissioner with human, physical, financial and information resource management services at no charge. This collaboration dates from early 2011. The Ethics Commissioner's office is very grateful for the consulting services and operational support we have received from various National Assembly experts. This collaboration has enabled us to maintain a very small staff and budget since the beginning of the Ethics Commissioner's activities. The financial statements that follow give more details on our expenditures.

The Ethics Commissioner's office has three units, whose responsibilities align with the main Titles of the Code: advice and advisory opinions, registry, and verifications and inquiries.

Acknowledgements

In this 5th activity report, my acknowledgements are even more important because the length of collaboration and amount of work accomplished have passed a threshold that warrants mention. I would like to take this opportunity to sincerely thank our administrative assistant, Doris Dion. She is at the heart of all our activities and performs a wide range of duties that help the entire team. Thanks to her, we have the necessary tools to do our work. She is also responsible for the quality of the documents issued by the Ethics Commissioner's office.

Advice and advisory opinions

At the beginning of 2015–2016, two jurists made up the advice and advisory opinions unit of the Ethics Commissioner's office. I highly value the cooperation of Me Élodie Gagné-Lafrance and Me Bruno Fontaine, who provided legal support needed for implementation of the Code, Regulation and Rules. In June 2015, Me Fontaine chose to take on a new challenge with the Direction des affaires juridiques at the Ministère des Affaires municipales et de l'Occupation du territoire.

I call on the jurists to answer requests for advisory opinions from Members and their staff, whether the situations they submit are real or suspected. The jurists also submit legal opinions and draft advisory opinions to me, and advise and assist my staff and myself in performing our overall duties. If circumstances allow, I entrust them with the responsibility of answering requests from staff members, analyzing the disclosure statements of Executive Secretaries and meeting with them. The jurists are also involved in informing Members and the general public about the Ethics Commissioner's role and enforcement of the Code, Regulation and Rules. Their activities are carried out with a concern for prevention and strict confidentiality.

For some inquiries, I was assisted in legal matters by Me Marie-Claude Prémont. Given her wealth of experience, her indispensable specialized legal expertise helped us carry out our mission.

Registry

My thanks also go to Dominique Baron, Clerk responsible for the registry, and her assistant, Doris Robichaud. The services for which the registry is responsible in the Ethics Commissioner's office are mainly intended for Members, Ministers and their staff. Elected officials and political staff regularly express their appreciation for the services received and for their contacts with the registry. These comments result from the meticulous, efficient and very respectful work done by Ms. Baron and Ms. Robichaud, with regard to elected officials and their staff, of which I am proud.

The registry unit receives, analyzes and reviews the annual disclosure statements filed by Members of the National Assembly regarding their private interests and those of their family members. The unit ensures that Members' questions are answered in this regard and serves as a liaison with the Ethics Commissioner. It also helps prepare disclosure summaries and maintains the various registers that the Ethics Commissioner is required to keep and update under the Code. The records preserved in the registry are confidential. The registry also handles media communications, receiving requests from journalists, analyzing them and advising the Commissioner.

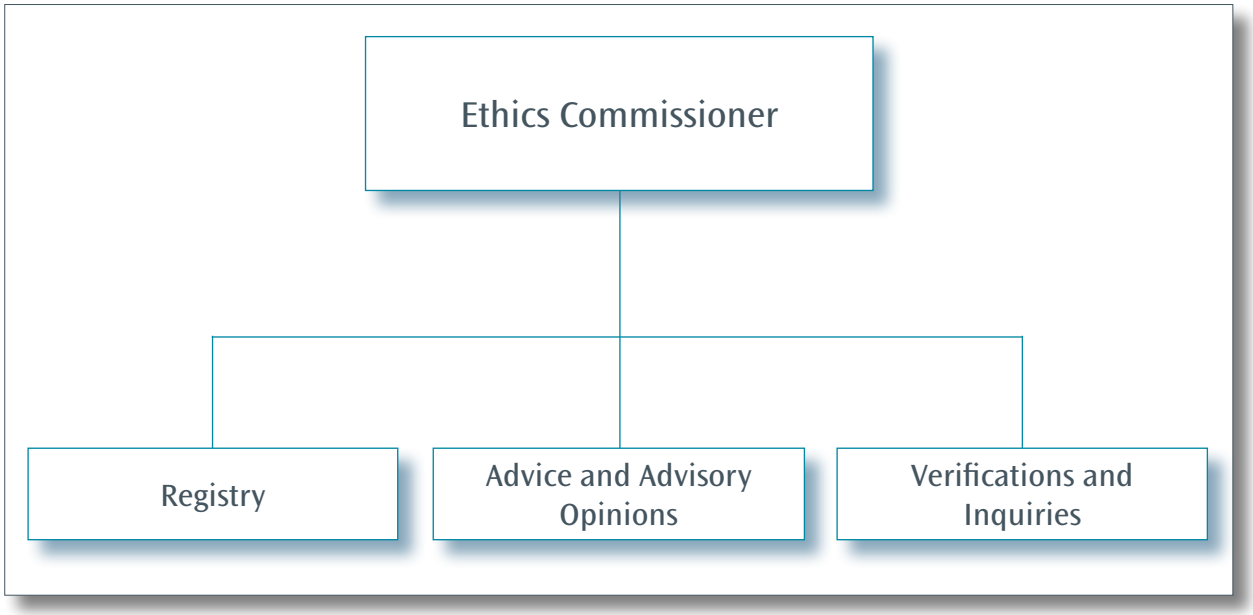
Verifications and inquiries

No member of the Ethics Commissioner's regular office staff is part of the verifications and inquiries unit. In fact, for this unit, I use the services of professionals on a contract basis, when necessary. In 2015–2016, I used the services of Micheline Bélanger, Alain Gagné and Léopold Landry, whose committed, highly professional collaboration was helpful, and I wish to thank them.

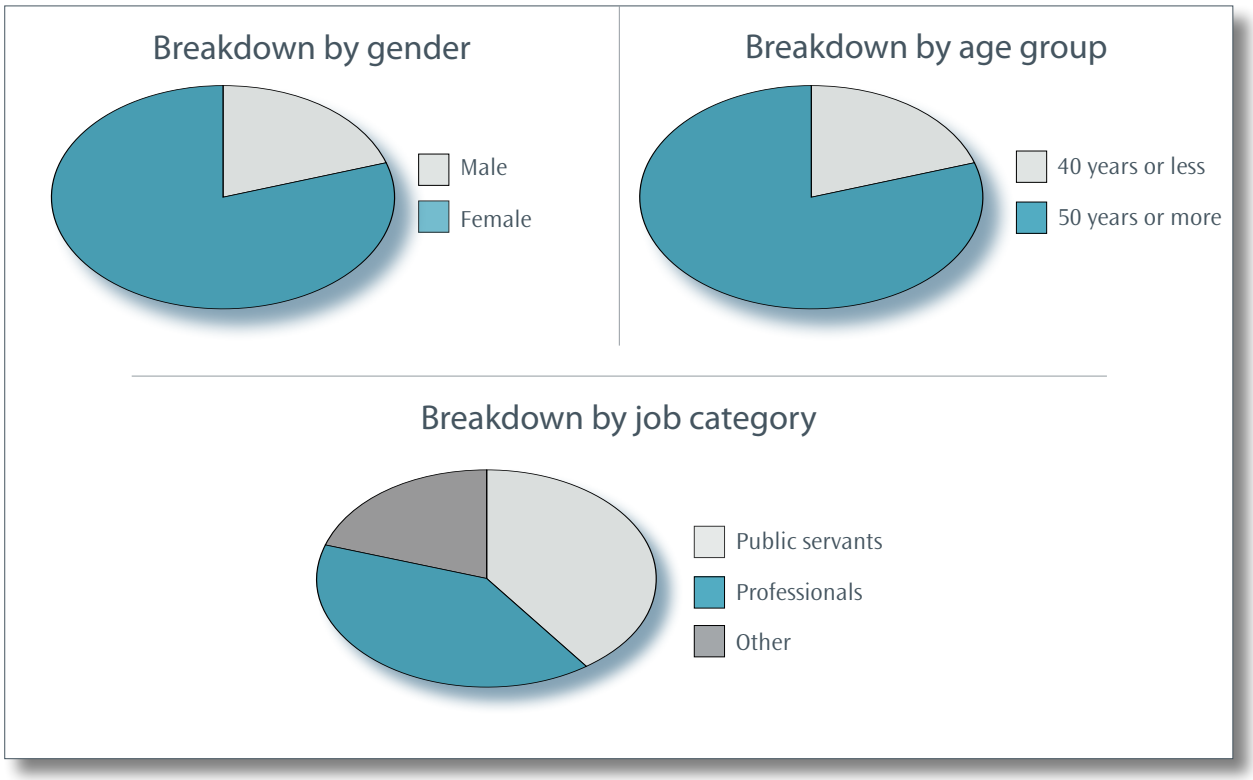
The verifications and inquiries unit is responsible for gathering information, conducting research, and analyzing the relevant facts with regard to a specific context or potential violation of the Rules. Like the Ethics Commissioner and regular staff members, the professionals of the verifications and inquiries unit are fully impartial and objective in performing their duties and maintain the same very strict standards of confidentiality. The unit takes part in implementing and updating the tools used for verifications and inquiries in enforcing the Code, Regulation and Rules.

In fulfilling my mandate of enforcing the Code, Regulation and Rules, I am currently assisted by a team of three professionals and two public servants, who hold regular positions and provide their services on a contract basis, when necessary. The organization chart and table indicating staff breakdown provide additional details on this subject.

ORGANIZATION CHART



STAFF BREAKDOWN



The statistics and financial statements for the period April 1, 2015 to March 31, 2016 are presented in the following section.

STATISTICS

April 1, 2015 to March 31, 2016

Advice and advisory opinions

Consultations, information requests and requests for advisory opinions	Verbal or written requests	Requests under section 30 of the Rules, section 31 of the Regulation and section 87 of the Code	Total
From Members	94	23	117
From Members' staff	49	8	57
From the general public	28	0	28
Total	171	31	202

Number of requests from the media	36

Private-interest disclosure statements for Members of the National Assembly and their family members for 2015

From Cabinet Ministers	28
From Members	96
Total	124

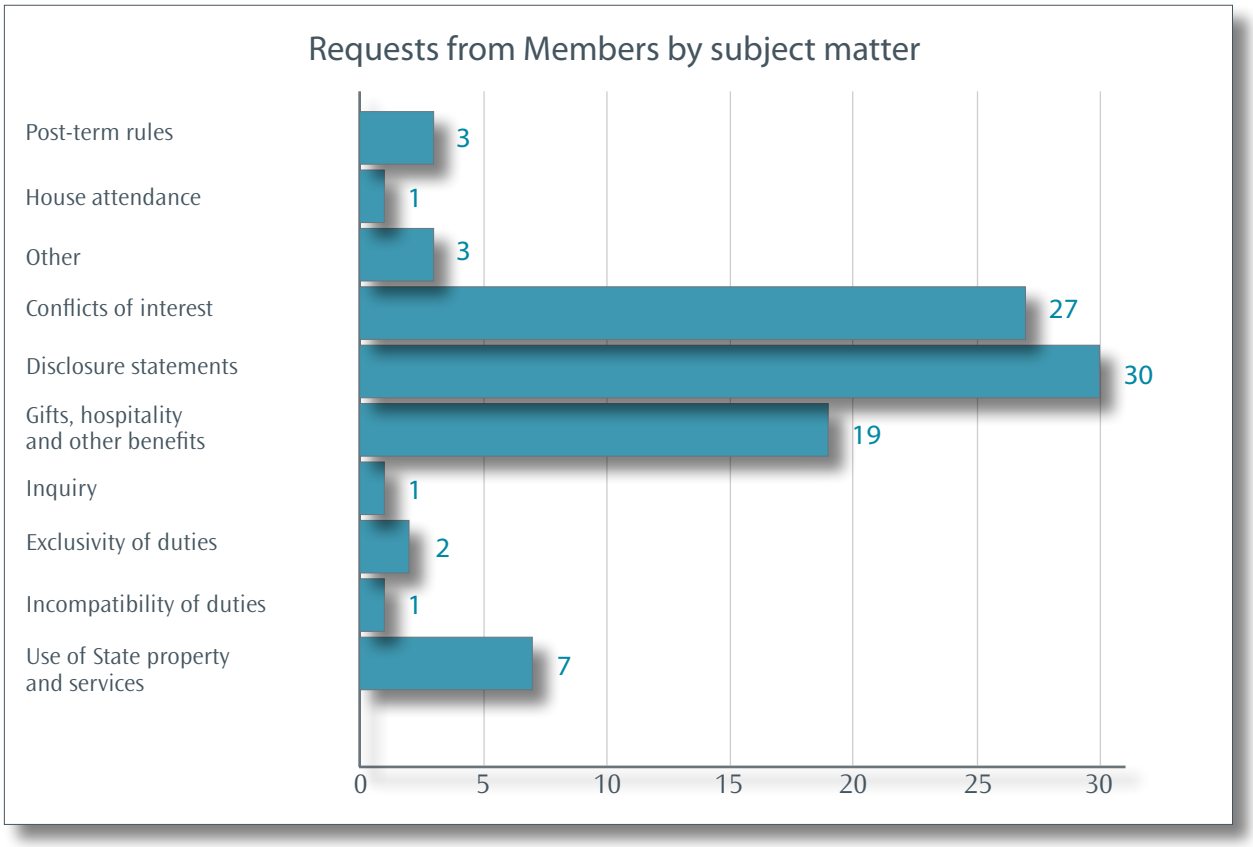
Private-interest disclosure statement summaries for 2015

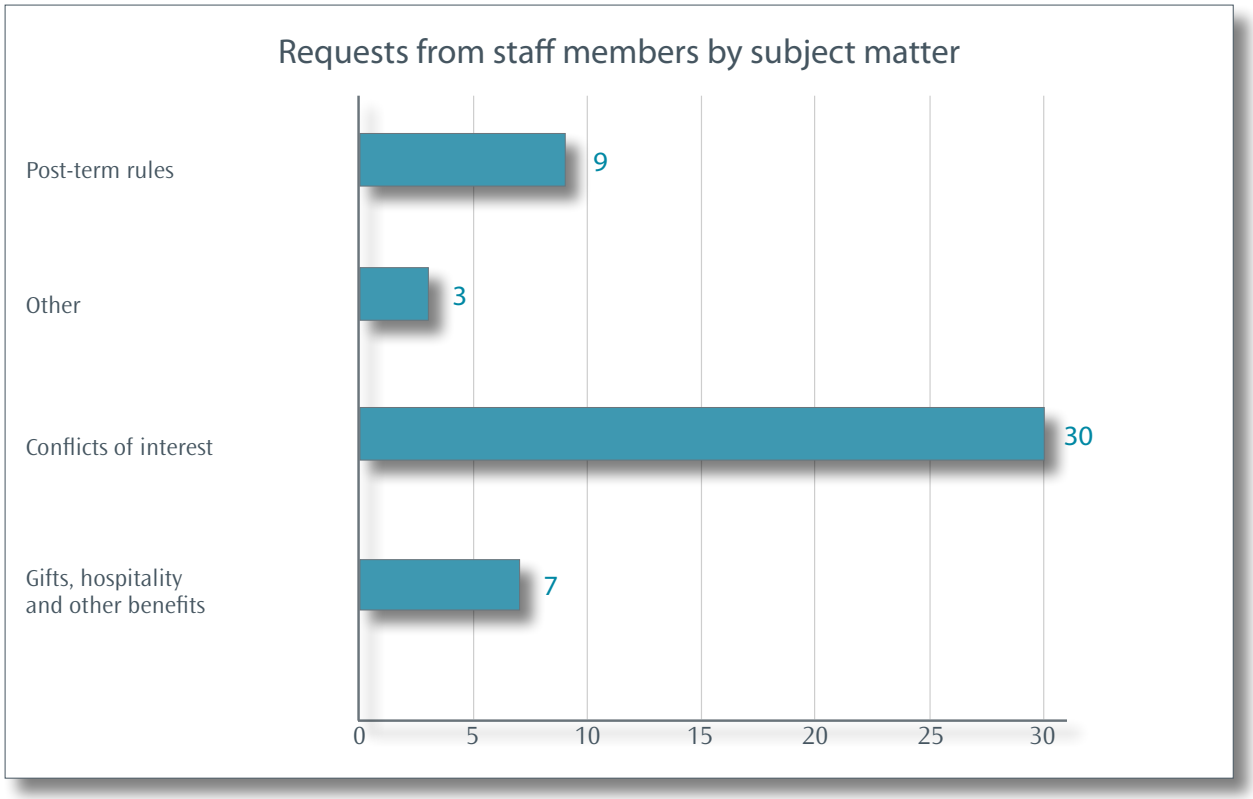
For Cabinet Ministers and their family members	28
For Members	96
Total	124

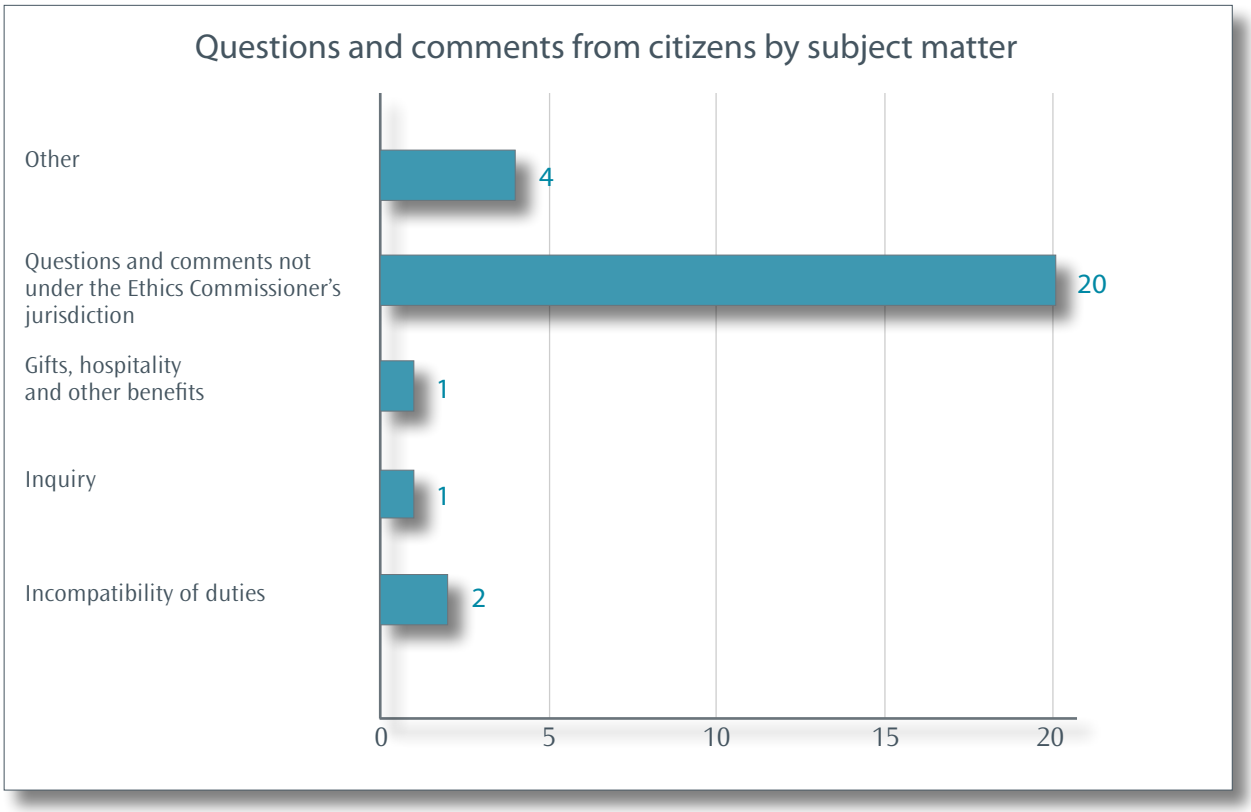
Disclosure statements concerning gifts, hospitality and other benefits for 2015–2016

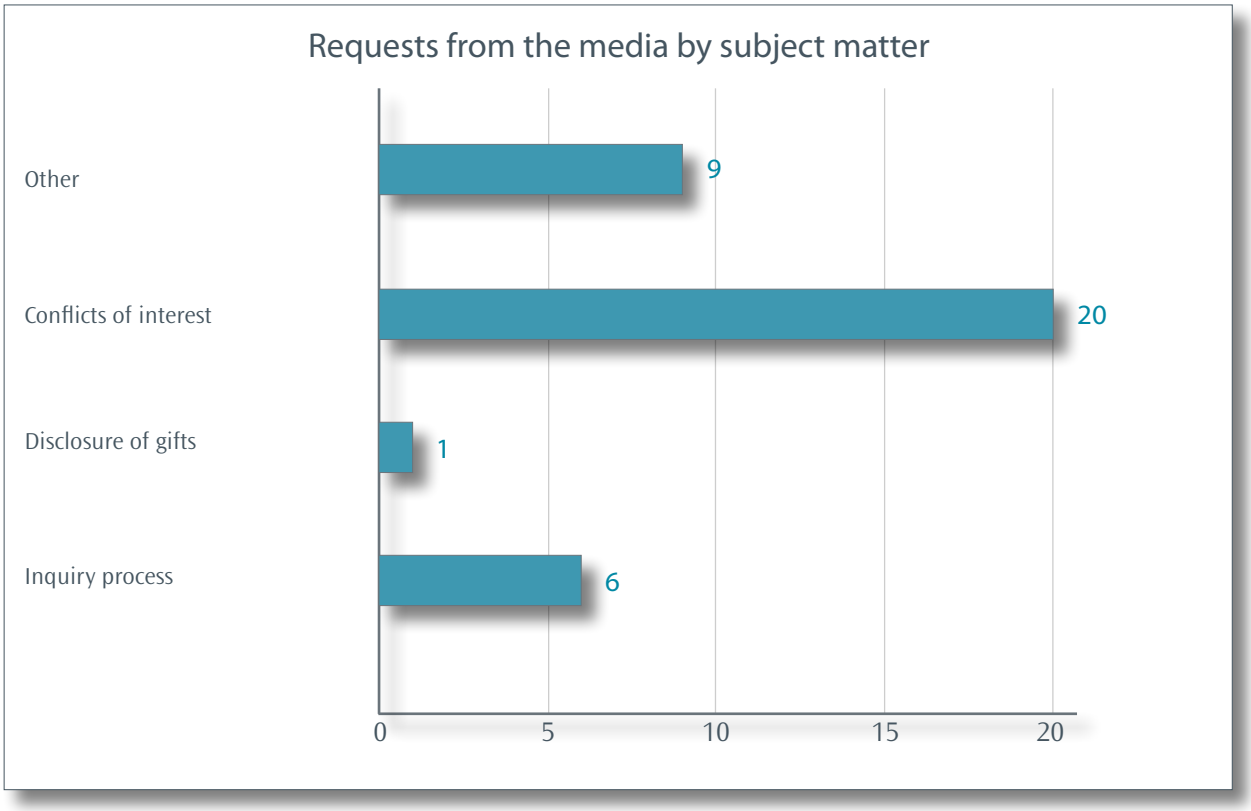
	Statements received and published	Notification of refusal under section 30 or 31 of the Code
Number	53	4
Total	57	

STATISTICAL GRAPHS






Questions and comments from citizens by subject matter
Other
4
Questions and comments not under the Ethics Commissioner's jurisdiction
20
Gifts, hospitality and other benefits
1
Inquiry
1
Incompatibility of duties
2
0
5
10
15
20


Requests from the media by subject matter
Other
9
Conflicts of interest
20
Disclosure of gifts
1
Inquiry process
6
0
5
10
15
20

FINANCIAL STATEMENTS

Management's Report

The Ethics Commissioner's financial statements were prepared by management, which is responsible for their preparation, presentation and the estimates and judgments included therein, and for choosing the appropriate accounting policies in accordance with Canadian generally accepted accounting principles.

To fulfill its mandate, management maintains a system of internal accounting controls to provide reasonable assurance that assets are safeguarded and that transactions are properly approved and accurately recorded on a timely basis and result in reliable financial statements.

As Ethics Commissioner, I recognize that I am responsible for conducting my affairs in accordance with the statutes and regulations governing my office.

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

Québec City, September 2016

Operations
for the fiscal year ended March 31, 2016

(in thousands of dollars)

	2016	2015
Revenue (Note 3)	**651.0**	**698.5**
Expenses		
Remuneration	478.1	529.6
Transportation and communication services	20.2	16.2
Professional, administrative and other services	62.4	58.3
Rent paid to the Société québécoise des infrastructures	88.3	88.3
Other rental payments	1.7	1.9
Materials and supplies	0.3	4.2
Expenses using appropriations	**651.0**	**698.5**
Amortization of tangible capital assets	36.7	37.6
	687.7	**736.1**
Annual deficit	**(36.7)**	**(37.6)**
Accumulated surplus at beginning of year	189.3	226.9
Accumulated surplus at end of year	**152.6**	

The notes are an integral part of these financial statements.

Financial position
as at March 31, 2016

(in thousands of dollars)

	2016	2015
Financial assets		
Cash entitlement	2.7	26.1
Prepaid expenses	1.5	0.0
	4.2	**26.1**
Liabilities		
Accounts payable and accrued liabilities (Note 4)	4.2	26.1
	4.2	**26.1**
Net debt	0.0	0.0
Non-financial assets		
Tangible capital assets (Note 5)	152.6	189.3
Accumulated surplus (Note 6)	152.6	189.3
Contractual obligations (Note 7)		

The notes are an integral part of these financial statements.

Change in net debt
for the fiscal year ended March 31, 2016

(in thousands of dollars)

	2016	2015
Annual deficit	(36.7)	(37.6)
Change due to capital assets:		
Amortization of tangible capital assets	36.7	37.6
	36.7	37.6
Change in net debt	0.0	0.0
Net debt at beginning of year	0.0	0.0
Net debt at end of year	0.0	0.0

The notes are an integral part of these financial statements.

Cash flow statement
for the fiscal year ended March 31, 2016

(in thousands of dollars)

	2016	2015
Operating activities		
Annual deficit	(36.7)	(37.6)
Non-cash items:		
Amortization of tangible capital assets	36.7	37.6
Change in operating assets and liabilities		
Prepaid expenses	(1.5)	7.4
Accounts payable and accrued liabilities	(21.9)	7.7
Cash flows from operating activities	(23.4)	15.1
Increase (decrease) in cash entitlement	(23.4)	15.1
Cash entitlement at beginning of year	26.1	11.0
Cash entitlement at end of year	2.7	261

The notes are an integral part of these financial statements.

Notes to the financial statements
March 31, 2016

(in thousands of dollars)

1. Nature of operations

The mission of the Ethics Commissioner is to oversee implementation of the *Code of ethics and conduct of the Members of the National Assembly* (chapter C-23.1) (Code), the *Rules of conduct applicable to the staff of Members and House officers of the National Assembly* (Rules) and the *Regulation respecting the rules of conduct applicable to the office staff of ministers* (chapter C-23.1, r. 2) (Regulation). The Commissioner serves all Members of the National Assembly and their staff 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 or staff members' obligations under the Rules or the Regulation. The Commissioner publishes guidelines for Members and their staff to follow in order to comply with the Code. At a Member's request or on his or her own initiative, the Commissioner may conduct an audit or inquiry to determine whether a violation of the Code, Rules or Regulation has occurred. When he or she intervenes under the Code, the Commissioner must file an inquiry report 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 the financial statements, the Ethics Commissioner uses the CPA Canada Public Sector Accounting Handbook. Any other generally accepted accounting principles used must be consistent with the Handbook.

Preparing the Ethics Commissioner's 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 main element 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 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 his or her obligations out of the appropriations granted to him or her.

Tangible capital assets

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

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

Revenue

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

3. Revenue

The Ethics Commissioner is funded by annual parliamentary appropriations. The initial appropriations comprise expenditure and investment estimates approved by the Office of the National Assembly. The revenue presented in the Operations statement is reported in accordance with Canadian generally accepted accounting principles.

	2016	2015
Parliamentary appropriations		
Initial	1,151.9	1,148.7
Lapsed	(500.9)	(450.2)
Appropriations used	651.0	698.5

4. Accounts payable and accrued liabilities

	2016	2015
Suppliers	2.7	7.0
Salaries	1.5	19.1
	4.2	26.1

5. Tangible capital assets

				2016	2015
Cost of capital assets	Leasehold improvements	Equipment other than computer equipment	Computer equipment	Total	Total
Opening balance	233.4	71.6	14.7	319.7	319.7
Acquisitions	0.0	0.0	0,0	0.0	0.0
Closing balance	233.4	71.6	14.7	319.7	319.7
Accumulated amortization					
Opening balance	77.7	40.2	12.5	130.4	92.8
Amortization for the year	23.3	11.7	1.7	36.7	37.6
Closing balance	101.0	51.9	14.2	167.1	130.4
Net book value	132.4	19.7	0.5	152.6	189.3

6. Accumulated surplus

The accumulated surplus is invested in tangible capital assets.

7. Contractual obligations

The Ethics Commissioner leases premises from the Société québécoise des infrastructures under an occupancy agreement ending on October 31, 2021 (renewable for five years). Commitments under this agreement for the next five years are as follows:

Fiscal year ending March 31	
2017	88.3
2018	88.3
2019	88.3
2020	88.3
2021	51.5

8. 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.

7. PROJECTS FOR 2016–2017

Every year, the activity report provides an excellent opportunity to announce certain planned activities on which the Ethics Commissioner plans to focus in the next fiscal year. Last year, I mentioned the meeting of the Canadian Conflict of Interest Network (CCOIN) in Québec City in 2015, organizing training activities and developing a preventive verification procedure on compliance, by elected officials and their staff, with the ethical principles and rules of conduct.

CCOIN

As planned, the annual meeting of the members of the Canadian Conflict of Interest Network was held in Québec City on September 2, 3 and 4, 2015. The organizers' event planning efforts, the rigorous, enthusiastic participation of Canadian Commissioners and their staff, and the French delegation's attendance contributed to this key activity's success.

Since I had been in contact for some time with Ferdinand Mélin-Soucramanien, National Assembly of France Ethicist, and with the High Authority for transparency in public life in France, in particular its president, Jean-Louis Nadal, I thought it might be useful to have a French delegation join us in Québec City for the Canadian Network's annual meeting. Although we are from different countries, we share the same ethical and conduct-related goals for Members, Ministers and their staff. The French delegation that joined us for the annual CCOIN meeting was composed of Ferdinand Mélin-Soucramanien, Catherine Leroy, Adviser and Division Chief at the National Assembly of France, Marie Pittet, Member of the College of the High Authority for transparency in public life, and David Ginocchi, Head of the Authority's Legal and Research Sector. The delegation was invited to join some of the Canadian Network's activities.

At other times, we also organized special meetings for members of the French delegation, in particular with Mary Dawson, the Conflict of Interest and Ethics Commissioner of the House of Commons in Ottawa, representatives from the Lobbyists Commissioner's office, the Unité permanente anticorruption (Québec's permanent anti-corruption unit-UPAC) and the Secrétariat à l'accès à l'information et à la réforme des institutions démocratiques (Secretariat for access to information and reform of democratic institutions). Canadian Network members also had the opportunity to meet Éric Montigny, Executive Director of the Research Chair on Democracy and Parliamentary Institutions and Lecturer at Université Laval, who offered food for thought on ethics in parliaments, not simply as a new trend.

These activities would not have been possible without the support of several people, whom I wish to thank. As I stated in last year's activity report, I first called on Me Bruno Fontaine to help me prepare the CCOIN conference. After he left, Dominique Baron, our Clerk, took over. She also took charge of hosting the members of the French delegation. On my own behalf and that of all the participants, I would like to thank Ms. Baron for her collaboration and efficiency, which helped make the event a success.

We also worked closely with the National Assembly's Interparliamentary and International Relations and Protocol Directorate, which provided high-level administrative and logistical support for these meetings. In particular, I would like to thank Jean-François Provençal and Carole Boies Lara for their judicious advice and availability.

Finally, my heartfelt thanks go to Professor Éric Montigny, who shared his very interesting and relevant thoughts with the CCOIN by explaining that ethics and professional conduct in parliaments are not simply a passing fad.

Training

We continue to pursue our objective of providing useful training activities to the Members of the National Assembly and their staff on the Code, Regulation and Rules, as well as on jurisprudence that has developed over the years. Other than the training sessions discussed in a previous section, we have not yet been able to offer subject-specific briefing sessions on request. While reiterating our availability, the challenge for the Ethics Commissioner's office is to offer a training model adapted to the circumstances and needs of those involved. Even if, to date, our efforts have fallen short of the results hoped for, the goal of implementing training measures for elected officials and their staff remains fundamental. We do not intend to give up on our training session project, which is the subject of a recommendation in the "Report on the implementation of the *Code of ethics and conduct of the Members of the National Assembly 2011–2014*."

Verification process

In the context of maintaining public confidence in the Members of the National Assembly, we periodically monitor the activities of elected officials, even if there is no reason to believe that a violation has been committed.

As was the case in 2015–2016, the 2016–2017 fiscal year will provide an opportunity to continue working on a project to implement certain preventive monitoring processes to ensure that the Members, Ministers and their staff comply with the rules of conduct and values of the National Assembly. These verification measures will be extended to work in the ridings.

Legislative changes

Some recommendations made by the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry concern the Ethics Commissioner's operating procedure and the powers conferred on him or her in particular. Several parliamentarians, from various political parties, voiced the desire that these recommendations be analyzed in detail and that they lead to immediate legislative changes.

In 2016–2017, the Commissioner and his staff will help analyze the Inquiry Commission's relevant recommendations and the planned legislative changes as rigorously as possible. Some of the Inquiry Commission's recommendations are similar to those presented in the February 2015 report on the Code's implementation. The convergence of these opinions justifies the Commissioner's active contribution, and major changes may result from work already underway. Our experience over the Office of the Ethics Commissioner's past five years of activities should allow the Commissioner to take an active part in the debate and add his or her own proposals to those that have already been presented.

8. CONCLUSION

For Members, Ministers and their staff, 2015–2016 was marked by the publication of the report of the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry. After careful analysis of the extensive evidence gathered and heard, the Commissioners submitted numerous recommendations to the Government. Among them, a certain number directly or indirectly concern the framework of ethical behaviour in public contract management, in particular by elected officials and political staff. Along with many other stakeholders in the public and private sectors, I was asked to analyze and submit comments to government authorities about certain passages in the Inquiry Commission's report.

Above all, it is important to pay tribute to and sincerely thank Commissioners Charbonneau and Lachance and all who assisted them throughout their mandate for their invaluable work, carried out for the benefit of all citizens to encourage integrity and respect for society's fundamental democratic values. This monumental task will bear fruit for generations to come and serve as a guide for many governments, both present and future.

Bills have already been introduced in the National Assembly to follow up on certain Charbonneau Commission recommendations, and commitments have been made to give effect to others.

With regard to the *Code of ethics and conduct of the Members of the National Assembly*, the Commissioners asked why the Ethics Commissioner is not obliged to hold an inquiry at a citizen's request. They also wondered why sanctions recommended by the Ethics Commissioner could be applied only if adopted by two-thirds of the Members of the National Assembly. They pointed out that the Ethics Commissioner is not empowered to impose a penalty on political staff members. In Recommendation 46, the Commissioners proposed amending the Code to prohibit elected officials from announcing potential contracts or subsidies alongside political fundraising events.

Concerned with maintaining public confidence in elected officials, the Commissioners recommended reviewing the framework governing ethics and rules of conduct. Recommendation 54 proposes abolishing the positions of Québec Ethics Commissioner and Lobbyists Commissioner and replacing them by an Ethics and Lobbyists Commissioner, whose oversight power would cover provincial and municipal elected officials, political staff, Deputy Ministers, Heads of public bodies and Chairs of the Boards of Directors of State bodies and enterprises. Powers to conduct inquiries on the new Ethics and Lobbyists Commissioner's initiative would also be broadened to include the municipal sector, in particular. Commissioners Charbonneau and Lachance also proposed tightening the post-term rules and the rules governing gifts to eliminate the risk that persons giving out work might be influenced. These examples illustrate just how important the Commissioners consider the ethical framework for maintaining the integrity of elected officials and their staff and for combatting the risk of conflicts of interest.

While wholeheartedly supporting the Commissioners' goals as expressed in the Inquiry Commission report's recommendations, I feel it is just as important to take into account the specific context that results from applying existing legislation, for example, established practices and experiences in applying the *Code of ethics and conduct of the Members of the National Assembly*, the *Municipal Ethics and Good Conduct Act* and the *Lobbying Transparency and Ethics Act*. The expertise the Commissioners developed through their inquiry can

be beneficially paired with the knowledge and experience of individuals in various organizations to develop a coherent overview vis-à-vis the risk of conflicts of interest and corruption that the Commissioners propose to fight unconditionally.

In my opinion, to follow up on the Charbonneau Commission's recommendations, we must begin by carefully analyzing the situation concretely and in detail, in the field. Inevitably, this will result in realizations that could both align our thinking toward pursuing the goals of integrity proposed by the Commissioners and address public expectations about the public administration's effectiveness and cost control resulting from overly sudden, inconsistent changes, where there are no imminent risks justifying such urgency.

We can well imagine that, from the public's perspective, the main concerns are eliminating the risk of favouritism, corruption and conflicts of interest. The target goals are public officers' integrity and transparency, in particular elected representatives, regardless of the means used to pursue these goals.

Increasing the number of potentially inconsistent measures poses significant risks, in particular where implementation is concerned. Further, the costs associated with these measures can be formidable. Ultimately, the public pays the bill.

To my mind, the enthusiasm and impatience to concretely implement the Charbonneau Commission's recommendations should be treated cautiously and contextualized in a practical plan in order to more accurately achieve the target outcome. For instance, it is imperative that those overseeing and monitoring public officers' actions have all the tools needed to carry out their mandate. In theory, the rigorous, systematic application of certain measures may give the impression that everything is under control, but that is not always the case. So, this must be overseen as well.

I do not believe that the Commissioners ever thought that their recommendations should be implemented mechanically and without thinking. On the contrary, I am convinced that they are the first to hope that these recommendations lead to careful reflection of the questions raised, in order to find measures that do not paralyze the excellent managers that are part of the State system and the elected officials and their political staff so devoted to our society's development. If we mechanically and systematically apply the Charbonneau Commission's recommendations, do we not risk "throwing out the baby with the bathwater", as the well-known expression has it?

The Charbonneau Commission did a remarkable job finding out, understanding and publicizing the ploys of favouritism, corruption and conflict of interest. Now, it is time, in my opinion, to encourage excellence and integrity through modern, positive legislation. For that purpose, legislators should not hesitate to place their confidence in the elected officials and public officers whose skill and rigour is well known. They must have all the necessary latitude, in keeping with the importance of their responsibilities, provided that adapted, recurrent oversight measures are introduced, along with effective accountability.

I feel that accountability measures will be useful and worthy of confidence only if legislators implement serious oversight of the persons and authorities mandated to carry out these adapted, recurrent oversight measures.

Considering the different actors involved in the many ploys described by the Charbonneau Commission, the public is entitled to know who is overseeing the overseers,[15] and how and when this is being done, and to demand that legislators make oversight a fundamental principle of public administration, without exception. I believe it is time to act, as I indicated in my "Report on the implementation of the *Code of ethics and conduct of the Members of the National Assembly* 2011–2014" on page 51, and it is necessary to oversee the activities of the authority responsible for applying oversight mechanisms.

> Despite all the precautions taken in selecting individuals for positions of authority and the high level of trust that can reasonably be granted to them based on their experience, the risk of inappropriate action cannot be entirely ruled out. This does not mean providing an appeal mechanism for the actions of the Ethics Commissioner. In fact, the Code strictly regulates the Commissioner's interventions, whether for consultations or written advisory opinions, or during inquiries. Certainly, the Ethics Commissioner has wide-ranging powers. In my opinion, establishing monitoring and control mechanisms for the exercise of such responsibilities would contribute to maintaining the highest standards of integrity, objectivity, impartiality and efficiency for such a fundamental role, in the exercise of Québec's democratic process.

I believe that, first and foremost, implementing the Charbonneau Commission's recommendations requires promoting excellence. Giving elected officials and public officers the tools needed to achieve this goal by carrying out the required oversight measures will inevitably promote integrity.

Ethics Commissioner

September 2016

[15] "Who is watching the watchdog?"

Communications and Educational Programs and Visitor Services Directorate

Photocopying and Printing Services
of the National Assembly of Québec

July 2017

Paper made in Québec

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