

SUMMARY¹

The Ethics Commissioner's Inquiry Report on Ms. Nathalie Roy, Caucus Chair of the Second Opposition Group and Member for Montarville

November 5, 2018

CONTEXT

On August 2, 2018, Mr. Claude Surprenant, Member for Groulx ("the Member"), filed an inquiry request with the Ethics Commissioner in which he claimed to have reasonable grounds to believe that Ms. Nathalie Roy, Caucus Chair of the Second Opposition Group and Member for Montarville ("the Caucus Chair"), had violated sections 15, 16(1) and 36 of the *Code of ethics and conduct of the Members of the National Assembly* (CQLR, c. C-23.1) ("the Code").

He pointed out that one of the Caucus Chair's political attachés had been selected to be a candidate for the Coalition Avenir Québec ("the CAQ") in the riding of Richelieu in August 2017. The Member alleged that the Caucus Chair had allowed the political attaché to perform work of a partisan nature in the Montarville riding office in connection with that candidacy. According to the Member, the Caucus Chair allegedly derived partisan advantage from the situation.

FACTS

The testimony and documents received show that the political attaché in question had been working at the Montarville riding office since 2012. He resigned from that position in May 2018 to devote all his time to his CAQ candidacy in Richelieu for the October 2018 general election.

In November 2017, ad hoc Ethics Commissioner Saint-Laurent mentioned the political attaché's situation in an inquiry report concerning the Member and, being of the opinion that his mandate did not cover the above-mentioned facts, invited Ethics Commissioner Mignolet to assess whether or not to pursue the inquiry. After carrying out the necessary verifications following publication of the report, she determined that it was not necessary to further inquire into the matter. She informed the whips of all the parliamentary groups as well as the independent members of her decision, noting that certain preventive measures would nonetheless have to be proposed in the short term. One such measure was the publication, by the Commissioner in February 2018, of guidelines on the subject.²

According to the testimonies gathered in the context of this inquiry, no partisan work was performed by the political attaché during the hours he worked for the Montarville riding office.

-
1. The Ethics Commissioner's official position and conclusions are included in the inquiry report. If there are any differences between the summary and the report's content, the latter prevails.
 2. Ethics Commissioner, *Lignes directrices applicables au personnel des députés, des cabinets de l'Assemblée nationale et des cabinets ministériels, Candidature aux élections provinciales*, February 2018 (French only).

ANALYSIS OF THE FACTS AND APPLICABLE LAW

For the purposes of the inquiry request received, the Ethics Commissioner first had to determine whether, under section 15 of the Code, the Caucus Chair had placed herself in a situation where her private interests might have impaired independence of judgment in carrying out the duties of office, and also whether, under section 16(1) of the Code, the Caucus Chair had acted so as to further her private interests or to improperly further those of another person.

In this regard, the Member did not submit elements in support of his inquiry request that substantiated the allegations made against the Caucus Chair. The inquiry request established no links between the facts submitted and the alleged violations of sections 15 and 16(1) of the Code. In addition, when invited to provide further information in connection with his request, the Member was unable to clarify or substantiate his allegations regarding the alleged violations.

Second, the Ethics Commissioner had to determine whether, under section 36 of the Code, the Caucus Chair had used and allowed the use of State property, including property leased by the State and services made available to her by the State, for activities not related to her duties of office as Member.

It is important to first clarify that holding a political attaché position while simultaneously holding another office or post, whether partisan or not, does not in itself violate the *Rules of conduct applicable to the staff of Members and House officers of the National Assembly* (“the Rules”). The Rules do not contain provisions on incompatibility of offices or posts in the case of staff members. The guidelines published in February 2018 by the Ethics Commissioner’s office specify, however, that from the time an election is called, all candidates must cease performing their duties as staff members.³ The guidelines also cover other provisions of the Rules that apply in such circumstances, in particular those related to conflicts of interest, attendance, and use of State property and services.

To allege a possible violation of the Code in relation to this situation, the Member had to submit elements making it reasonable to believe that the Caucus Chair had allowed her employee to use State property and services for activities not related to her duties as a Member. The Member did not do so.

Moreover, the Member did not submit any facts subsequent to the above-mentioned report that could lead one to believe that the political attaché had failed to comply with the applicable rules or that the Caucus Chair had allowed him to do so.

END OF PROCESS

In light of the verification findings, the Ethics Commissioner concludes that the inquiry request filed by the Member on August 2, 2018 was unfounded, thereby terminating the inquiry process in accordance with section 95 of the Code.

3. *Supra*, note 2.

The Ethics Commissioner notes that an inquiry request filed by a Member under section 91 must state the grounds making it reasonable to believe that another Member has committed a violation and be based on arguments that, at least to some degree, pertain to the alleged violations.