

SUMMARY¹

The Ethics Commissioner's Inquiry Report on Mr. François Legault, Leader of the Second Opposition Group and Member for L'Assomption

December 6, 2018

CONTEXT

On August 2, 2018, Mr. Claude Surprenant, Member for Groulx ("the Member"), filed an inquiry request with the Commissioner in which he claimed to have reasonable grounds to believe that Mr. François Legault, Leader of the Second Opposition Group and Member for L'Assomption ("the Leader of the Second Opposition Group"), had violated sections 15, 16 and 36 of the *Code of ethics and conduct of the Members of the National Assembly* (CQLR, c. C-23.1) ("the Code").

The Member raised the fact that the Leader of the Second Opposition Group had awarded a Medal of the National Assembly to Mr. Jean Allaire, co-founder of the Action démocratique du Québec. According to the Member, the medal was awarded for political reasons. Furthermore, the Member alleged that the Leader of the Second Opposition Group had allowed the Coalition Avenir Québec ("the CAQ") to amend the by-laws of the Commission de la relève de la CAQ ("the CRCAQ") so that the latter's president could work in a riding office. According to the Member, the Leader of the Second Opposition Group derived partisan advantage from both situations.

FACTS

In the course of the verifications made during this inquiry, the National Assembly sent its medal awarding policy, the *Politique sur l'attribution des médailles de l'Assemblée nationale*, to the Commissioner's office. The policy provides that parliamentarians may award a Medal of the National Assembly to people of their choice who are deserving of special recognition.² A register of medal recipients is kept by the National Assembly on the basis of the voluntary declarations made by parliamentarians who have awarded such medals.

The by-laws of the CRCAQ provide that a member of its executive board may not simultaneously work as an employee of the National Assembly, a member of the CAQ caucus or an employee at the CAQ's national office.³ However, an amendment was made to the by-laws to provide that [TRANSLATION] "a youth sitting on the executive board or working as a regional officer may, without resigning, accept a student internship, a contract or a summer job at the

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1. The Ethics Commissioner's official position and conclusions are included in the inquiry report. Where there are any differences between the summary and the report's content, the latter prevails.
 2. Secretariat General of the National Assembly of Québec, *Politique sur l'attribution des médailles de l'Assemblée nationale*, updated to January 25, 2010.
 3. Commission de la Relève de la Coalition Avenir Québec, *Régie*, September 10, 2016, available online at <https://coalitionavenirquebec.org/wp-content/uploads/2018/08/regie-2016.pdf>.

National Assembly, in the caucus, in the party's offices or in riding offices".⁴ The Leader of the Second Opposition testified that the amendment to the by-laws was not designed to favour a person in particular or encourage partisan activities within riding offices.

ANALYSIS OF THE FACTS AND APPLICABLE LEGISLATION

For the purposes of the request received, the Commissioner had to determine whether the Leader of the Second Opposition Group, in either situation,

- [1] had placed himself in a situation where his private interests may impair independence of judgment in carrying out the duties of office, in violation of section 15 of the Code;
- [2] had acted, attempted to act or refrained from acting, so as to further his private interests or improperly further another person's private interests, in violation of paragraph 1 of section 16 of the Code;
- [3] had used his position as a Member to influence or attempt to influence another person's decision so as to further his private interests or improperly further another person's private interests, in violation of paragraph 2 of section 16 of the Code;
- [4] had used, and allowed the use of, State property, including property leased by the State and services made available to the Member by the State, for activities unrelated to the carrying out of the duties of office, in violation of section 36 of the Code.

It is important to point out that the *Politique sur l'attribution des médailles de l'Assemblée nationale* gives Members a lot of leeway in choosing persons deserving of recognition. By awarding a Medal of the National Assembly, they may highlight the accomplishments or work of a person or organization of their choice.

It should also be noted that the CRCAQ's by-laws are not within the jurisdiction of the Ethics Commissioner. Nor is it within the Commissioner's jurisdiction to analyze the merits of those by-laws as made or amended by the CAQ's executive board or, more generally, of political parties' internal management rules, unless they have an impact on the application or observance of provisions under the Commissioner's responsibility.⁵

In both cases, the Member did not, in support of his inquiry request, submit elements that buttressed the allegations made against the Leader of the Second Opposition Group. In fact, the inquiry request established no links between the facts submitted and the alleged violations of sections 15, 16 and 36 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.

4. Ibid.

5. Namely the Code, the *Rules of conduct applicable to the staff of Members and House officers of the National Assembly* (Office of the National Assembly, Decision 1690) and the *Regulation respecting the rules of conduct applicable to the office staff of ministers* (CQLR, chapter C-23.1, r. 2).

CONCLUSION

In light of the verification findings, the 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.

Furthermore, the 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.