



COMMISSAIRE  
À L'ÉTHIQUE ET À  
LA DÉONTOLOGIE

2020-2021  
ACTIVITY  
REPORT



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Ethics Commissioner

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This document is available in the News/Publications  
section of the Ethics Commissioner's website: [ced-qc.ca](http://ced-qc.ca)

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Note - In this document, where appropriate, the masculine gender  
applies to both women and men. In addition, the Commissioner  
(with a capital "C") refers to the institution, while the commissioner  
(with a lower-case "c") is used when referring to the person  
designated by the National Assembly of Québec.

ISBN 978-2-550-89936-5  
ISBN (PDF) 978-2-550-89937-2

Legal deposit - Bibliothèque et Archives nationales du Québec, 2021

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**COMMISSAIRE  
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LA DÉONTOLOGIE**

**2020-2021  
ACTIVITY  
REPORT**



September 21, 2021

Mr. François Paradis  
President of the National Assembly:  
Hôtel du Parlement  
1045, rue des Parlementaires  
1st floor, suite 1.30  
Québec City QC G1A 1A4

Dear Mr. Paradis,

I have the honour of presenting to you the activity report of the Ethics Commissioner for April 1, 2020 to March 31, 2021, as well as the financial statements as at March 31, 2021, pursuant to section 79 of the *Code of Ethics and Conduct of the Members of the National Assembly* (CQLR c. C-23.1).

Sincerely,

Ariane Mignolet

A handwritten signature in black ink, appearing to read 'Ariane Mignolet', with a large, stylized flourish above the name.

Ethics Commissioner



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## MESSAGE FROM THE COMMISSIONER



I am pleased to present the activity report of the Ethics Commissioner for the year 2020-2021. It has been a year of challenge and upheaval, but also of resilience, innovation and determination.

The year started with uncertainty and unpredictability as the COVID-19 pandemic turned our daily lives upside down. This time last year, I was anticipating a year of challenges and reflection. The past few months have indeed raised a number of questions about our working methods and the interpretation of the Code, which are discussed in this report.

We also celebrated the tenth anniversary of the adoption of the *Code of Ethics and Conduct of the Members of the National Assembly*. While that may not seem such a long lifespan, the pandemic has highlighted the evolving nature of parliamentary ethics and professional conduct. This is the first crisis during which the Code has been applied. The pandemic highlighted the distinction between ethical principles—which are flexible and evolving—and rules of conduct—which were not designed for times of crisis. The interpretation of the Code has therefore given rise to a great deal of reflection in which the values of the National Assembly have played a leading role.

I would like to acknowledge the remarkable work of my team who, despite the challenges created by the pandemic, quickly adapted to teleworking and managed to keep up all our services to elected members and their staffs. I would like to thank each and every one of its members who have enhanced the institution's mission day after day and have made considerable efforts to maintain public integrity, preserve the trust of citizens and cultivate a healthy democracy. I am fortunate to have a strong team that is committed to the Ethics Commissioner's important mandate.

All areas of our young institution have had to deal with issues that are unique to them, but those issues have provided learning opportunities that will survive long after the pandemic is over. It is also clear that the health context has had an impact on the daily lives of parliamentarians. This has been reflected in the number of requests for advice and the number of gift disclosures we have received. Prevention being a priority, we have managed to be flexible enough to adapt to this new reality.

Moreover, although it has sometimes been more difficult against the backdrop of a health crisis, the Ethics Commissioner has continued to grow by relying on the tools available. Virtual meetings and social media have replaced seminars and training rooms, and they have also opened the door to unexpected opportunities.

Lastly, I would like to take this opportunity to acknowledge the work of M<sup>tre</sup> Jean-Louis Baudouin, who has completed his term as juriconsult to the National Assembly. Over the years we have worked together to promote a culture of integrity, which is key to maintaining public trust in its elected representatives and the National Assembly. I am pleased to continue this collaboration with his successor, M<sup>tre</sup> Louis Lebel. His extensive experience will certainly be a great asset in guiding MNAs as they perform their duties.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ariane Mignolet', written in a cursive style.

Ariane Mignolet



## MESSAGE FROM THE JURISCONSULT



I completed my five-year term as jurisconsult on December 31, 2020. The Honourable Louis Lebel, former Justice of the Supreme Court of Canada, has replaced me as of January 1, 2021. I wish him as much interest and pleasure in his duties as I have had.

There is not much to report in this past year, which has been relatively quiet. I opened three new files and managed to close four that were still pending. I passed the baton to my successor for those that remained open.

I have many people to thank: first, all the staff of the Commissioner's Office for their expertise and support, and second, the MNAs with whom I have had the pleasure of interacting for the past five years. My relationships with them have always been very cordial, even if on rare occasions I have had to make decisions that some people did not like.

In addition, I would like to single out the two Commissioners with whom I have worked, M<sup>re</sup> Jacques Saint-Laurent and M<sup>re</sup> Ariane Mignolet. Their support and encouragement have been invaluable to me, and the close collaboration between us has been very helpful in certain matters.

That said, the function of jurisconsult, as a complement to that of Ethics Commissioner, is crucial to ensuring that parliamentary democracy is fully respected and completely independent.

I think it is important (and this is my parting wish) to update the law and the regulations relating to this function and to bring them into line with both evolving customs and legal developments. The rules of law must be adapted to the new realities and, as I have seen, the current texts, even though they were drafted only a few decades ago, often leave either a complete vacuum or significant doubts about their possible interpretation in new contexts.

Once again, thank you to the National Assembly for placing your trust in me, and good luck to my successor.

A handwritten signature in black ink, consisting of a stylized first name and a horizontal line underneath.

Jean-Louis Baudouin




## DECLARATION OF DATA RELIABILITY

As Ethics Commissioner, I am responsible for the findings and information in this report. I must carry out the institution's mission in accordance with the laws and regulations that govern it. I hereby attest to the accuracy and reliability of the data reported.

This activity report accurately describes the institution's mission and operation and presents the results of its activities, particularly those concerned with the implementation of the legislative and regulatory measures under its responsibility. The report also provides information on the financial statements for the period in question.

I declare that the data, information and explanations in this annual activity report reflect the situation of the Ethics Commissioner as at March 31, 2021.

Ariane Mignolet

A handwritten signature in black ink, appearing to read 'Ariane Mignolet', with a large, stylized flourish at the end.

Ethics Commissioner  
Québec City, September 21, 2021

## 2020 – 2021 IN A FEW NUMBERS



### INDIVIDUALS SUBJECT TO THE CODE

**125**

MNAs,

**of whom**

**29**

are subject to the rules that concern the Conseil exécutif



### INDIVIDUALS SUBJECT TO THE RULES AND REGULATION

**856**

members of MNA staff, ministerial offices and the offices of the National Assembly



### TRAINING AND AWARENESS-RAISING

**50**

people were trained and informed



### REQUESTS AND CONSULTATIONS

**151**

requests from citizens and the media



## INQUIRIES

**2**

inquiry requests  
made by MNAs

**2**

inquiry reports tabled  
in the National Assembly

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## ADVISORY OPINIONS

**133**

advisory opinions  
delivered under  
the Code

**62**

advisory opinions  
delivered under the Rules  
and Regulation

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## DISCLOSURE STATEMENTS

**164**

164 statements analyzed

**126**

summaries made public

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## GIFTS AND BENEFITS

**14**

statements submitted  
by MNAs

**1**

statement submitted  
by a staff member

# I. THE INSTITUTION

## Mission and roles

The Ethics Commissioner (hereinafter the “Commissioner”) is an independent authority responsible for enforcing and applying the ethical provisions prescribed by:

- the *Code of Ethics and Conduct of the Members of the National Assembly* (hereinafter “the Code”);
- the *Rules of conduct applicable to the staff of the Members and House Officers of the National Assembly* (hereinafter “the Rules”); and
- the *Regulation respecting the rules of conduct applicable to the office staff of Ministers* (hereinafter “the Regulation”).

The Code, the Rules and the Regulation set out the ethical principles and rules of conduct that Members of the National Assembly and their staff must follow in carrying out their duties.

### DID YOU KNOW?

*We celebrated the tenth anniversary of the adoption of the Code of Ethics and Conduct of the Members of the National Assembly this year. Bill 48 instituting the Code was unanimously adopted by the members of the National Assembly on December 3, 2010. Its provisions came into effect gradually from January 2011 to January 2012.*



The Commissioner’s mission comprises three major roles:

- **Advise and guide** the MNAs and their staff in the fulfillment of their obligations by providing advisory opinions, offering training, producing guidelines and ensuring the Members produce their required statements;
- **Conduct inquiries** or verifications when there are reasonable grounds to do so; and
- **Inform** the public of the rules and what they mean for the MNAs and the work of their staff members.

## Vision and values

The Commissioner plays a key role in promoting a political culture that is respectful of the ethical principles and rules of conduct inherent in a healthy democracy and that benefits both the MNAs and the citizens of Québec. Integrity, rigour, independence, trust, respect and objectivity guide the institution and its staff as it carried out its mission.





## Clientele

The Code applies to all Members of the National Assembly, including Cabinet Ministers. Anyone who is a member of the Cabinet but not of the National Assembly is deemed to be an MNA under the Code.

*As at March 31, 2021, **125** Members of the National Assembly were bound by the provisions of the Code. Of these, **29** were subject to the rules that specifically concern Cabinet Ministers.*

The Rules apply to the staff of the MNAs and House Officers of the National Assembly such as the Leader, House Leader or Whip of a parliamentary group. The Rules also apply to staff hired to provide support and research assistance to a political party or to independent MNAs.

The Regulation applies to ministerial staff, including constituency and regional staff.

*As at March 31, 2021, more than **850** political staff members were bound by the provisions prescribed in the Rules and Regulation. Of these, **472** were staff of Members and of House Officers of the National Assembly and **384** were ministerial staff.*

## POST-TERM RULES

At the end of their term of office or on termination of their duties, Cabinet Ministers, ministerial staff and staff of Members and House Officers of the National Assembly remain subject to some provisions of the Code, Rules and Regulation. These are called “post-term rules.” Some of the rules governing the post-term period apply for a specific period while others apply for an unlimited time. Our clientele is therefore composed of an ever-increasing number of former Cabinet Ministers and staff members.

*October 18, 2020 marked the end of the fixed-term ethics rules for Ministers in the 41<sup>st</sup> legislature under section 60 of the Code. That is the section that lists the entities for which former Cabinet Ministers may work or accept mandates and with which they may deal on behalf of others for two years after their terms as Ministers end.*

## Staff

As at March 31, 2021, a total of 11 employees assisted M<sup>tré</sup> Ariane Mignolet in her duties as Commissioner. Certain services relating to the management of human, material, financial and information resources were provided by the National Assembly pursuant to section 74 of the Code.

Job category	Staff	Female representation	Under the age of 35
Executive	1	1	—
Civil servant	2	2	1
Professional	9	6	5
<b>TOTAL</b>	<b>12</b>	<b>9</b>	<b>6</b>

The Commissioner's team is divided into two distinct sectors: Prevention and Inquiries and Verifications. First, among the professional staff, four lawyers are assigned primarily to the *Prevention* sector. They handle requests for advisory opinions from Members of the National Assembly and their staff. They draft legal opinions, provide advice and assist the commissioner. They also analyze the private-interest disclosure statements of elected members and chiefs of staff. Lastly, they inform MNAs and the public about the Commissioner's role and the application of the Code, Rules and Regulation.

Second, three lawyers are primarily assigned to the *Inquiries and Verifications* sector. They are responsible for collecting, researching and analyzing relevant facts. They provide the commissioner with interpretations of the Code concerning a given inquiry to determine whether there has been a violation. They also help draft information materials for elected members, political staff and the general public.

The team of professionals is rounded out by a communications and institutional relations adviser and an administration and resource management adviser. They are responsible for MNA services, administrative planning, communications, media and public relations and institutional development. They also work closely with the National Assembly and all of the Commissioner's partners.

In addition, the team is supported by two technicians who revise, create and draft documents and administrative processes. They also provide support in the website's Statement Zone when private-interest statements have to be made.

## PROFESSIONAL DEVELOPMENT

The approach used for in-house professional development is specific to the parliamentary environment in order to more efficiently respond to the needs of the clientele and the requirements of the Ethics Commissioner's mission. Organizational expertise was developed during the current year, as our professionals were given training in negotiation, effective communication, political skills and derogatory acts during administrative investigations.

***Expertise development is one of the three priority institutional orientations for 2018-2022. The Ethics Commissioner intends to make a real contribution to the culture of ethical principles and rules of conduct. One way to do that is to build multidisciplinary expertise in its support team.***

## II. THE PREVENTION SECTOR

Prevention, training and support are the Commissioner's primary mission. To ensure compliance with the obligations set out in the Code, Rules and Regulation, the Ethics Commissioner provides advice and advisory opinions at the request of MNAs, analyzes their disclosure statements, and offers them training on ethical principles and rules of conduct.



### Advice and advisory opinions

The Commissioner plays an important role in supporting and advising MNAs and their staff. The Code, Rules and Regulation provide a formal mechanism whereby MNAs can seek the commissioner's advice on anything to do with their obligations. These opinions are confidential and only the people who requested them can make them public.

Opinions may be given in written or verbal form. The Commissioner receives several requests by telephone which can be answered after some checking. If a request is more complex, it is recommended that the applicant request a written opinion. Opinions must be provided to MNAs within 30 days. Although there is no such time limit for staff members, the Commissioner's goal is to issue all opinions within 30 days of the request.

#### DID YOU KNOW?

***Due to the need for confidentiality, and because each situation must be assessed on its own facts and context, only the MNA or staff member affected by a situation can ask the Commissioner to advise on his ethical obligations.***



The Code provides that an MNA cannot be in violation of the Code if he or she previously received a favourable opinion from the Commissioner on that issue, so long as the facts relevant to the request were fully and accurately presented. Staff members of MNAs and Cabinet Ministers have the same protection under the Rules and Regulation.

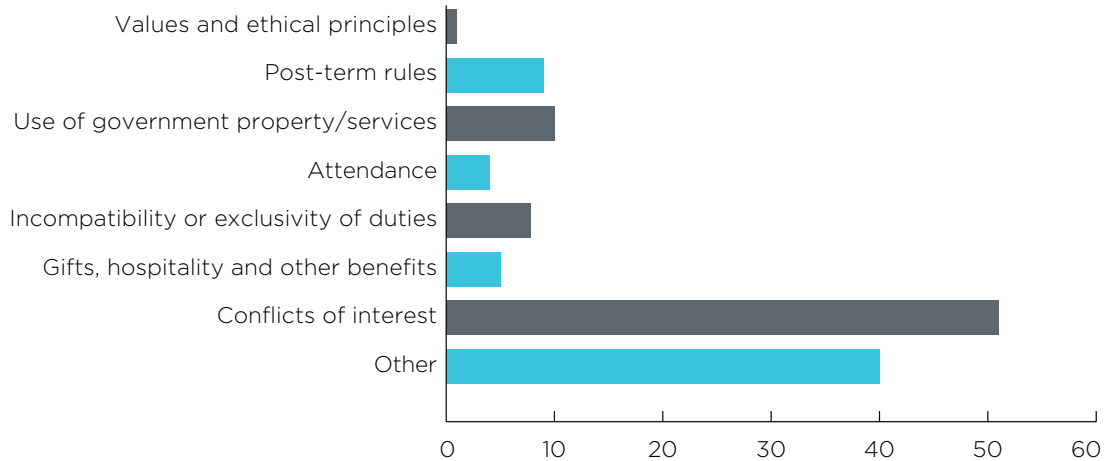
***In 2020-2021 the average time for the production of written opinions was **17** days for MNAs and **15** days for their staff.***

The following table details the origin of the requests made to the Commissioner during the year.

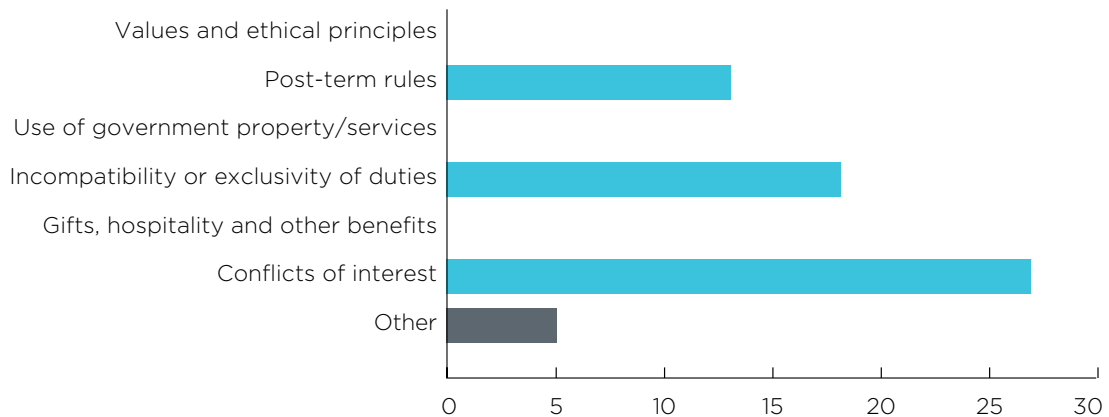
Consultations and Requests for Information and Opinions	Verbal Advice and Opinions	Written Opinions	Total
From MNAs	97	36	133
From the staff of MNAs, the offices of the National Assembly and Cabinet Ministers' offices	28	34	62
<b>TOTAL</b>	<b>125</b>	<b>70</b>	<b>195</b>

The following graphs show the themes on which the Commissioner is most often called upon to address. Any given opinion may cover more than one theme. The total number of topics addressed is therefore greater than the number of opinions listed in the previous table.

### Themes addressed in the opinions issued under the Code



### Themes addressed in the opinions issued under the Rules and Regulation



MNAs may also seek advice from the juriconsult of the National Assembly, an adviser appointed unanimously by the Office of the National Assembly whose opinions are not binding on the Commissioner.

## Statements filed by Members of the National Assembly and their staff

The Code, Rules and Regulation require all MNAs and chiefs of staff to file annual statements of their personal interests and those of their immediate families with the Commissioner. There are also provisions for the Commissioner's clientele to declare gifts and benefits received in the exercise of their office or duties.



### PRIVATE-INTEREST DISCLOSURE STATEMENTS

Upon taking office, and annually thereafter, MNAs and Cabinet Ministers must file with the Commissioner a disclosure statements of their own private interests and those of their immediate family members. The House Officers' and Cabinet Ministers' chiefs of staff must also file such statements.

***The content of the private-interest disclosure statements will vary depending on the position held. MNAs and Cabinet Ministers must declare the following:***

- ***Income or benefits***
- ***Immovable property***
- ***Notice of expropriation***
- ***Professional, commercial or industrial activities***
- ***Interest in an enterprise***

The initial declaration must be completed and submitted to the Commissioner within 60 days of:

- the publication of an MNA's election in the *Gazette officielle du Québec*;
- the swearing in of a Cabinet Minister;
- the appointment for a chief of staff.

The statement must then be completed each year on the date set by the Commissioner.

Personal and financial information is disclosed in confidence to the Commissioner, which analyzes it in order to prevent real or potential conflicts of interest. The Commissioner then produces a summary, which is made public, of each statement filed by MNAs and Cabinet Ministers describing the nature of the interests disclosed. The Code sets out which elements of the disclosed information must appear in the published summary. The summary for Cabinet Ministers provides more information than the summary for MNAs because of the positions held. Statements made by the chiefs of staff are analyzed but not summarized.



***The private-interest disclosure summaries can be found in the «Public Registers» section of the Commissioner's website.***

The Commissioner analyzed the 2019 statements in 2020-2021. The summaries were filed in the register in September 2020 for MNAs and in October 2020 for Cabinet Ministers, thus ending the statement analysis process.

*In 2020-2021 the Commissioner analyzed **164** statements and produced and made public the **125** summaries of both MNAs and Cabinet Ministers.*

The Code also requires the commissioner to file a statement of her own personal interests and those of her immediate family. The summary of this statement is made public.

## GIFTS, HOSPITALITY AND OTHER BENEFITS

MNAs or members of their staff may accept gifts, hospitality or other benefits if they are not offered in exchange for a speaking intervention or a statement of position. In addition, any gift, benefit or hospitality that may impair an MNA's independence of judgement or compromise his or her integrity or that of the National Assembly must be refused, returned or handed over to the Commissioner by the MNA or staff member concerned. All gifts, hospitality or other benefits received that have a value of more than \$200 must be disclosed to the Commissioner, which keeps a public record of these reports on its website.

*In 2020-2021 the Commissioner published **14** statements relating to gifts accepted by Members of the National Assembly. This is in addition to **one** statement from a staff member which is not made public.*



*The public record of donations, hospitality and other benefits is available in the “Public Registers” section of the Commissioner’s website.*

## TRAINING

The Commissioner relies on training to raise awareness of ethical values and rules of conduct among MNAs and their political staff. It provides general training, either face-to-face or by webinar, to newly elected MNAs and their teams. This is a key element for preventing conflicts of interest.

***Training and coaching are one of the three priority institutional orientations for 2018-2022. In order to provide enough in-house training and coaching, the Commissioner intends to increase the number of training sessions and develop practical tools.***

*In 2020-2021, **15** MNAs and political staff attended presentations on their obligations during two online training sessions.*

Training and awareness tools also include the publication of guidelines and briefing notes to help those concerned interpret the provisions.

These documents are public and available on the Commissioner’s website.

## III. THE INQUIRIES AND VERIFICATION SECTOR

By adopting the Code, the National Assembly gave the Commissioner the power to investigate the conduct of its members in matters of ethics and professional conduct. That means that the Commissioner performs her duties within the purview of the rights, privileges and immunities of the National Assembly. Information, prevention, confidentiality, objectivity and impartiality are her watchwords.



### Inquiries

#### OPENING AN INQUIRY

The Commissioner may open an inquiry on her own initiative or at the request of an MNA. For inquiries concerning an MNA, the request can be made by any MNA who has reasonable grounds to believe that the rules of the Code have been violated. In such cases the request must relate exclusively to a violation of the rules of conduct. However, if the inquiry is initiated by the commissioner, it may also relate to a violation of the values and ethical principles set out in the Code.

#### DID YOU KNOW?

***MNAs must make their inquiry requests in writing and clearly set out the reasonable grounds they have to believe that another MNA has violated the Code. They must state the facts and submit any available evidence. The request must be targeted and include reasons.***

***If the request is incomplete, the commissioner may ask the MNA for details. If she considers that the request does not contain reasonable grounds to believe that there has been a violation, she may refuse it.***



In the case of an inquiry concerning a political staff member, the request must come from the office holder or the MNA to whom the employee in question reports, or from the leader of the authorized political party represented in the National Assembly if he or she has reasonable grounds to believe that the Rules have been violated. In the case of an inquiry into a Cabinet Minister's staff member, the request may also be made by the Premier under the Regulation.

#### INQUIRY PROCESS

When checking whether there has been a violation, whether the commissioner conducts an inquiry on her own initiative or at the request of an MNA, she carefully considers all the information received. She analyzes all the relevant facts in confidence, objectively and impartially, based on the values of the National Assembly, the ethical principles and the rules of conduct.

All of the Commissioner's inquiries are confidential and are conducted in private. The commissioner may, however, confirm that a request was received or that a verification or an inquiry is underway or has been completed.

## CLOSING AN INQUIRY

Once the inquiry has been completed, the commissioner promptly submits a substantiated inquiry report to the president of the National Assembly, who will table the report and make it public. The commissioner is not required to produce a report for inquiries conducted on her own initiative, however.



***Inquiry reports are available in the “Publications” section of the Commissioner’s website.***

## CONTENT OF AN INQUIRY REPORT AND SANCTION RECOMMENDATION

An inquiry report presents the evidence gathered, an analysis of that evidence in light of the applicable provisions and the commissioner’s conclusion as to whether the Code was violated. Depending on the circumstances, only the Code allows the commissioner to recommend a sanction. She may also recommend that no sanction be imposed or that any of those provided for in section 99 of the Code be imposed:

- (1) a reprimand;
- (2) a penalty, specifying the amount;
- (3) the return to the donor, delivery to the State or reimbursement of the value of the gift, hospitality or benefit received;
- (4) the reimbursement of any unlawful profit;
- (5) the reimbursement of the indemnities, allowances or other sums received as a Member or a Cabinet Minister while the violation of this Code continued;
- (6) a suspension of the Member’s right to sit in the National Assembly, together with a suspension of any indemnity or allowance, until the Member complies with a condition imposed by the Ethics Commissioner;
- (7) the loss of his or her seat as a Member;
- (8) the loss of his or her position as a Cabinet Minister, if applicable.

Under the Code, elected officials must take a position on Commissioner reports containing a recommendation for sanction. The recommendation will be applied if the report is adopted by two thirds of the National Assembly.



## REQUESTS SUBMITTED

Two requests for an inquiry concerning a Member of the National Assembly were submitted to the Commissioner under Section 91 of the Code in 2020-2021. During the same period, the Commissioner also received 20 reports from citizens.

A person who is not a member of the National Assembly, such as a citizen or an MNA's staff member, may not ask the commissioner to conduct an inquiry. However, any relevant information can be reported, since the Commissioner follows up on all information brought to its attention. Due to the confidentiality requirements imposed by the Code, people who send information to the Commissioner cannot be informed of the outcome unless the information leads to an inquiry culminating in a report tabled in the National Assembly.

## INQUIRY REPORTS TABLED IN THE NATIONAL ASSEMBLY

Two inquiry reports were tabled in the National Assembly in 2020-2021. In both cases the commissioner concluded that violations of the Code had occurred and recommended that a sanction be imposed on the individual concerned.

Inquiry reports tabled in 2020-2021:

Date tabled	MNA concerned	Decision
October 28, 2020	Pierre Fitzgibbon, Minister of Economy and Innovation and MNA for Terrebonne	Failure to comply with sections 15 and 53 of the Code. A reprimand was recommended. Following a vote by the members of the National Assembly, the report was adopted.
December 6, 2020	Pierre Fitzgibbon, Minister of Economy and Innovation and MNA for Terrebonne	Failure to comply with sections 15, 46 and 51 of the Code. A reprimand was recommended. Following a vote by the members of the National Assembly, the report was not adopted.



## IV. THE INFORMATION SECTOR

As well as enforcing the Code, Rules and Regulation, the Commissioner takes part in mission-related training, communication and cooperation activities. These activities inform the public about the rules and their meaning in relation to the duties of MNAs or the work of their staffs.

### Communications activities

#### REQUESTS FROM CITIZENS AND THE MEDIA

The Commissioner responded to 117 information requests from citizens and 34 from journalists in 2020-2021. Those requests were mostly about the behaviour of an MNA or a Minister, or expressed a point of view on a current issue. As inquiries continue to be the most frequently discussed topic, a portion of the «Inquiries» section of this report is devoted to the reports made by citizens.

The Commissioner recognizes the importance of informing the public and provides clarifications to help them understand the rules. While providing the best possible information, the Commissioner must also strictly respect the confidentiality imposed by the legislator and therefore never comments on specific cases. When requests do not fall under the Commissioner's jurisdiction, the applicants are directed to the appropriate authorities.

#### Requests from citizens and the media by topic



## SOCIAL MEDIA

The Commissioner must keep both the MNAs and the general public informed on an ongoing basis. Its role in the public arena is fundamental to promoting more ethical and honest politics and building public trust in its democratic institutions. In its efforts to reach a wider audience, the Commissioner has increased its digital presence. Already active on Twitter since April 2018, it is also on Facebook and LinkedIn since November 2020. The publications shared on social media cover a variety of topics, including the provisions of the Code, Rules and Regulation and the Commissioner’s mission, duties and activities.

	Number of publications	Total print run*	New subscribers
<b>Twitter</b> (April 1, 2020 - March 31, 2021)	98	34,739	76
<b>Facebook</b> (November 13, 2020 - March 31, 2021)	47	4,151	163
<b>LinkedIn</b> (November 13, 2020 - March 31, 2021)	46	6,467	102

\* Number of times the publication has appeared on the screen.

## Training and public awareness activities

The Commissioner takes part in activities to give people a better understanding of how the institution works and the ethical rules that apply to MNAs and their staff. Presentations were made to the following groups this year:

- undergraduate students, as part of the «Droit et procédures parlementaires» course at Université Laval;
- interns at the Fondation Jean-Charles-Bonenfant.

***Communication is one of the three priority institutional orientations for 2018-2022. The Commissioner wants to increase public awareness by providing educational content and creating partnerships that will share that content with wider audiences.***

The commissioner also gave a speech on ethics in the face of the crisis at the Observatoire de l'éthique publique's virtual symposium in July 2020. Her presentation focused on how the COVID-19 pandemic has affected the interpretation of the Code's ethical principles and rules of conduct. She also shared some thoughts on how ethics and professional conduct go together, and on the role and relevance of the Code—and, incidentally, of the Ethics Commissioner—in a crisis context.

## PODCAST

During this past year the Commissioner worked on the design and planning of its podcast, *les Notes de bas de page*. This series of audio clips is designed to give an insight into the institution and how it works. Listeners will get a better understanding of the rules of ethics and conduct that MNAs, Cabinet Ministers and their staff must abide by. The pilot project entitled “*The Code during a Pandemic*” was recorded in July 2020.

Many different contributors will also join the discussion and share their perspectives. A conversation with the Québec Commissioner of Lobbying was recorded in February 2021. The first clips are scheduled for release next year.



## Institutional Relations

### COLLABORATION WITH THE ACADEMIC COMMUNITY

Universities are teeming with intellectual resources that deepen collective knowledge and contribute to the growth of societies. The Commissioner recognizes just how much universities contribute to research and critical thinking, both of which are essential to the development and strengthening of public institutions.

We have reaffirmed our commitment in this regard by signing a collaboration agreement with the École nationale d'administration publique (ENAP). This renewable, three-year partnership will allow the Commissioner and ENAP to inform a wider audience about the issues surrounding parliamentary ethics and conduct. The collaboration involves hosting foreign delegations, developing and offering training courses, organizing international seminars and strengthening both organizations' respective expertise through mutual support and advice.

The Commissioner is also continuing the work with the Research Chair on Democracy and Parliamentary Institutions at Université Laval which began in 2017. Professors Steve Jacob and Éric Montigny continued their study of practices surrounding gifts, benefits and hospitality in 2020-2021. The results of their study will help us revise our guidelines in this field.

As part of our partnership with Université de Montréal, Professor Martine Valois completed her study on the Ethics Commissioner's powers under the Code and the *Act respecting public inquiry commissions* (c. C-37). A portion of this study is devoted to comparing the practices of organizations with similar powers.

### ANNUAL CONFERENCE OF THE CANADIAN CONFLICT OF INTEREST NETWORK

The Canadian Conflict of Interest Network brings together the Ethics Commissioners of the different Canadian jurisdictions. As a member, the Commissioner participates in the Network's annual conferences to discuss topics of common interest and share best practices.

This year, due to the pandemic, the members met virtually on September 9, 2020 and March 2, 2021. The Commissioners had the opportunity to discuss how COVID-19 affected their activities. Among the topics they discussed were the inquiry process, private-interest statements and parliamentary privilege.

## RÉSEAU FRANCOPHONE D'ÉTHIQUE ET DE DÉONTOLOGIE PARLEMENTAIRES

The Réseau francophone d'éthique et de déontologie parlementaires is an international non-profit organization that brings together public institutions in the French-speaking world that are active in the field of parliamentary ethics and conduct. It contributes to critical thinking on those issues and to their promotion throughout the French language world. As at March 31, 2021 the Réseau had 22 members from 10 countries.



**Réseau francophone  
d'éthique et  
de déontologie  
parlementaires**

The commissioner continued to serve as Chair of the Réseau as part of her two-year term that started in October 2019. She met regularly with her colleagues to plan and carry out the Réseau's activities.

The Réseau's Annual General Meeting was held by videoconference on November 16 and 17, 2020 on the theme «Issues in Ethics Terminology.» Guillaume Tusseau, professor of public law at Sciences Po Paris, spoke on the concepts of ethics and conduct, and Cécile Guérin-Bargues, professor of public law at Université Panthéon-Assas Paris 2, shared her experience on the regulation of incompatibilities and conflicts of interest. During the meeting the members voted in favour of two resolutions to determine the criteria for membership in the Réseau and establish an annual fee. They also adopted a five-pronged action plan for development, expertise, communication, training and events.

## ANNUAL CONFERENCE OF THE COUNCIL ON GOVERNMENTAL ETHICAL LAWS

The Council on Governmental Ethics Laws (COGEL) is a professional association made up of several hundred North American professionals from government agencies and organizations working in ethics, lobbying, access to information and elections. The Commissioner has attended the annual COGEL conference since 2012.

This year's conference was held virtually throughout the month of December. Several presentations and discussion workshops allowed representatives to exchange views on ethical issues that have been in the headlines recently. The institutions responsible for parliamentary ethics and conduct in North America also reported on their activities over the past year. The Commissioner learned about new developments in educational initiatives, recent legislation, litigation and advisory opinions, information technology and interest disclosure statements. Since the event was held virtually, four of our team members were able to attend.

## V. THE IMPACT OF THE PANDEMIC ON THE COMMISSIONER'S ACTIVITIES

The COVID-19 pandemic is the first crisis the institution has faced in its 10-year history. This crisis has raised a number of issues, including the enforcement of the Code. It has also given rise to much reflection on the interpretation of certain provisions and the working methods we should use as we continue carrying out our mandate. Like all other sectors of society, parliamentary activities were also put on hold for a period of time, which had an impact on the overall statistics to do with the Commissioner's activities.

### Enforcement of the Code

The Code and the ethical rules it establishes were drawn up in the normal course of the activities of the National Assembly and its members. The Code does not have express provisions for adapting its rules to a specific context such as a health crisis.

***The COVID-19 pandemic has revealed a need to interpret the provisions of the Code in light of the circumstances, even more so when extreme situations arise.***

### INCOMPATIBLE FUNCTIONS

Several people working in the National Assembly responded to the government's call by offering their assistance on the health front lines, including in long-term care centres (CHSLDs). That raised incompatibility issues for MNAs and exclusivity issues for Cabinet Ministers under the Code, because the health system is part of the public sector.

Although the Code does have rules dealing with multiple functions, it was obvious that they were doing this out of a desire to serve their fellow citizens. The idea was to work with the health network on an ad hoc basis and only in response to a health emergency. We therefore opted for an analysis that took account of both the legislator's intent and the values of the National Assembly. In addition to a «commitment to improving the social and economic situation of Quebecers,» the Code also requires that MNAs demonstrate loyalty to the people of Québec and recognize that they are at the service of the citizens. These values must take on a special meaning against the backdrop of the crisis. In these exceptional circumstances, the commissioner considered that the MNAs who came to the assistance of their most vulnerable fellow citizens were simply performing their parliamentary duties.

In short, we felt that allowing MNAs to provide temporary, unpaid assistance to vulnerable citizens in health care facilities was in keeping with the purpose of the Code and the expectations citizens have of their elected representatives.

### CONTRACTS WITH THE GOVERNMENT

The Québec government has introduced several programs to reduce the health and economic impact of the pandemic. It was to be expected that many businesses that do not normally contract with the government might need these programs in order to survive. The Code does, however, regulate the contracts that MNAs may enter into with the Québec government, including the holding of interests in a company that could enter into such contracts.

The Commissioner was again confronted with a conflict between a strict interpretation of the Code and an interpretation that takes into account the context, the legislator's intent and the values of the National Assembly. We are of the opinion that the rules on the holding of interests in enterprises that contract with the Government must take account of this extraordinary situation, akin to force majeure. Without judging the effectiveness or merit of any particular program, the measures introduced by the Québec government to counter the economic effects of the health crisis are in line with improving the social and economic situation of Quebecers, which is one of the values of the National Assembly. These measures, which are general in scope for all Québec businesses, are often really aimed at the workers of these businesses.

The Commissioner therefore took a preventive stance. In April 2020 we published the Information Note «Interests in an enterprise wanting to take advantage of the measures put in place by the Government of Québec to mitigate the effects of COVID-19.» It asked the MNAs and political staff concerned to contact our office for any support they needed.

### PRIVATE-INTEREST DISCLOSURE STATEMENTS

After making their initial statements, MNAs must declare their personal interests every year. They are generally asked to file their statements at the same time as their tax returns, i.e. during March and April.

An email announcing the opening of the reporting period was sent to MNAs, Cabinet Ministers and chiefs of staff on March 10, 2020. Just a few days later the government declared a health emergency and the first lockdown. The National Assembly also suspended its proceedings. In line with their obligations and the ethical principles set out in the Code, the MNAs made it a priority to assist their fellow citizens. They were all back in their respective ridings, working with people.

Given the magnitude of the crisis, the Commissioner decided to extend the deadline for filing the private-interest statements from April 30, 2020 to June 12, 2020. It remained available to assist elected representatives and chiefs of staff throughout the reporting process. This was completed on September 25, 2020 for MNAs and October 20, 2020 for Cabinet Ministers, when the summaries were published on the Commissioner's website.

***The values of benevolence and loyalty and the principle that MNAs have a duty to serve the public came to the fore against a backdrop of anxiety and uncertainty.***

### VALUES

As the Commissioner has noted, the crisis has changed the way things are done and highlighted the fact that the framework envisaged by the legislator when the ethical rules were drawn up was far removed from that of a pandemic. In this context, the values and ethical principles underpinned the rules.

Despite their differences, the crisis has highlighted the essential complementarity of ethical principles and rules of conduct. Not only do the values inform the ethical rules set out in the Code, but they also serve as a guide as to how elected representatives should behave when a situation is not expressly provided for in the Code. Under the Code, those values must guide the MNAs in both the performance of their duties and their understanding of the ethical rules applicable to them. In the same way that MNAs must seek consistency between their actions and the stated values, the crisis has shown that the Commissioner must interpret the Code in light of the ethical principles set out in it.



*It is the consideration of values and ethical principles that makes parliamentary ethics a living force that adapts to circumstances and society's expectations.*

## Working methods

### TELEWORKING

The Commissioner's team quickly adjusted to the health constraints imposed by the pandemic. All our staff members were able to work from home thanks to the computer equipment made available to them via the National Assembly. That meant we could continue carrying out our mission and keeping our activities up to speed the whole time. Although some staff members have had to travel to our office on occasion, telecommuting was maintained throughout 2020-2021.

In order to process requests efficiently, we started by asking people to contact us by email. Follow-ups were then done by phone or via the Teams platform. All requests received, whether by email or phone, were processed quickly. Internal measures were also taken to promote communication among team members and make sure files were followed up on properly.

### VIRTUAL INTERVIEWS

The new teleworking normal has had an incidental impact on the Commissioner's normal working methods, especially for meetings with witnesses and individuals involved in inquiries and verifications. Those meetings must be held behind closed doors and require great discretion. Complying with the health measures, we held those meetings virtually, following a rigorous process that ensured confidentiality.

In this exceptional context the Commissioner had to review not only its working methods but also the way it maintains relationships with its clientele. All team members have shown flexibility and availability in order to carry out their mandate and continue supporting the elected representatives and their staffs. Although we are still adapting to this new environment, the lessons we have learned in the past year will certainly serve us well in the future and help us face the upcoming challenges better.



## VI. FINANCIAL STATEMENTS

### Management Report

The Ethics Commissioner's financial statements were prepared by management, which is responsible for their preparation and presentation including significant estimates and judgements. This responsibility includes selecting appropriate accounting policies that are consistent with the Public Sector Accounting Standards in Canada.

It should be noted that the data for the 2019-2020 financial year has been adjusted to reflect a more accurate picture of the financial position. For comparison purposes, therefore, the data presented in this report may differ from that presented in the 2019-2020 Activity Report.

To fulfil its mandate, management maintains a system of internal 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 commissioner, I recognize that I am responsible for conducting my affairs in accordance with the statutes and regulations governing my office.

Ethics Commissioner

A handwritten signature in black ink, appearing to read 'Ariane Mignolet', with a large, stylized flourish at the end.

Ariane Mignolet  
Québec City, September 21, 2021

## Operations and Accumulated Surplus in thousands of dollars for the year ended March 31, 2021

(in thousands of dollars)

		2021	2020
	Budget (Note 3)	Actual results	Actual results
<b>Revenue (Note 4)</b>	<b>1,670.7</b>	<b>1,419.5</b>	<b>1,704.0</b>
<b>Expenses</b>			
Remuneration	1,288.1	1,143.1	1,120.3
Transportation and representation	28.5	0.6	21.8
Telecommunications	9.5	5.7	6.6
Professional, administrative and other services	182.6	83.9	90.5
Rent and other rental payments	153.0	164.4	84.9
Material and supplies	9.0	4.4	52.3
<b>Expenses using appropriations</b>	<b>1,670.7</b>	<b>1,402.1</b>	<b>1,376.4</b>
Amortization of tangible capital assets	106.7	75.0	47.6
Loss on disposition of tangible capital assets		37.0	—
	<b>1,777.4</b>	<b>1,514.1</b>	<b>1,424.0</b>
<b>Surplus/(Deficit) for the year</b>		<b>(94.6)</b>	<b>-280.0</b>
Accumulated surplus/(deficit) at beginning of year		349.1	69.1
<b>Cumulative surplus/(deficit) at end of year</b>		<b>(254.5)</b>	<b>349.1</b>

The notes form an integral part of the financial statements.

## Financial Position as at March 31, 2021

(in thousands of dollars)

	2021	2020
<b>Financial assets</b>		
Cash entitlements	74.2	65.7
	<b>74.2</b>	<b>65.7</b>
<b>Liabilities</b>		
Accounts payable and accrued liabilities (Note 5)	74.2	65.7
	<b>74.2</b>	<b>65.7</b>
<b>Net debt</b>	<b>0</b>	<b>0</b>
<b>Non-financial assets</b>		
Tangible capital assets (Note 6)	254.5	349.1
	<b>254.5</b>	<b>349.1</b>
<b>Accumulated surplus (Note 7)</b>	<b>254.5</b>	<b>349.1</b>
Contractual obligations (Note 8)		

The notes form an integral part of the financial statements.

## Change in Net Debt for the Fiscal Year Ended March 31, 2021

(in thousands of dollars)

		2021	2020
	Budget (Note 3)	Results	Results
<b>Surplus/(Deficit) for the year</b>	<b>(91.7)</b>	<b>(94.6)</b>	<b>280.0</b>
Change due to capital assets:			
Acquisition of tangible capital assets	(15.0)	(17.4)	(327.6)
Amortization of tangible capital assets	106.7	75.0	47.6
Loss on disposition of tangible capital assets	—	37.0	—
<b>Change in net debt</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Net debt at beginning of year</b>		<b>—</b>	<b>—</b>
<b>Net debt at end of year</b>		<b>—</b>	<b>—</b>

The notes form an integral part of the financial statements.

## Cash Flow Statement for the Fiscal Year Ended March 31, 2021

(in thousands of dollars)

	2021	2020
<b>Operating activities</b>		
Surplus/(Deficit) for the year	(94.6)	(47.6)
Non-cash item:		
Amortization of tangible capital assets	75.0	47.6
Loss on disposition of tangible capital assets	37.0	—
Change in operating assets and liabilities:		
Accounts payable and accrued liabilities	8.5	52.6
<b>Cash flows from operating activities</b>	<b>25.9</b>	<b>380.2</b>
<b>Investing activity</b>		
Acquisition of tangible capital assets	(17.4)	(327.6)
<b>Increase (Decrease) in cash entitlement</b>	<b>8.5</b>	<b>52.6</b>
<b>Cash entitlement at beginning of year</b>	<b>65.7</b>	<b>13.1</b>
<b>Cash entitlement at end of year</b>	<b>74.2</b>	<b>65.7</b>

The notes form an integral part of the financial statements.

## Notes to Financial Statements March 31, 2021

(Amounts are expressed in thousands of dollars)

### 1. NATURE OF THE OPERATIONS

The Ethics Commissioner is an independent authority responsible for enforcing and applying the ethical principles and rules guiding the conduct of the Members of the National Assembly and their staff. These obligations are set out in the *Code of Ethics and Conduct of the Members of the National Assembly* (CQLR c. C-23.1), the *Rules of conduct applicable to the staff of the Members and House Officers of the National Assembly* (Office of the National Assembly, Decision No. 1690, March 21, 2013) and the *Regulation respecting the rules of conduct applicable to the office staff of ministers* (CQLR c. C-23.1 r. 2).

To fulfill its mission, the Commissioner advises and guides MNAs and their staff in the fulfillment of their obligations by providing advisory opinions, offering training, ensuring MNAs produce the required statements and publishing guidelines to prevent conflicts of interest in particular.

At the request of an MNA or on her own initiative, the commissioner may conduct a verification or an inquiry to determine whether the Code, Rules or Regulation have been violated. When she intervenes under the Code, the commissioner submits an inquiry report to the president of the National Assembly. If the commissioner concludes that the MNA has violated the Code, she may recommend that a sanction be imposed.

The Commissioner informs the general public of the rules and their meaning as they relate to the work of MNAs and their staff.

The Ethics Commissioner is funded through annual appropriations granted by the National Assembly and is not subject to federal and provincial income tax laws.



## Notes to Financial Statements March 31, 2021

(Amounts are expressed in thousands of dollars)

### 2. MAIN ACCOUNTING POLICIES

#### a) Accounting standards

The Commissioner's financial statements are prepared in accordance with the *CPA Canada Public Sector Accounting Handbook*. Any other generally accepted accounting principles used must be consistent with the Handbook.

#### b) Use of estimates

Preparing the Commissioner's financial statements according to Canadian public sector accounting standards requires management to make significant estimates and judgements. 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.

#### c) 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 recognized as revenue when authorized and when all eligibility criteria are met.

### ASSETS

#### d) Cash entitlements

The financial transactions of the Commissioner were effected through the general fund of the Government of Québec's Consolidated Revenue Fund. The cash entitlement represents the amount of cash the Commissioner is entitled to draw from the general fund to discharge its obligations out of the appropriations granted.

## Notes to Financial Statements March 31, 2021

(Amounts are expressed in thousands of dollars)

### 2. MAIN ACCOUNTING POLICIES

#### NON-FINANCIAL ASSETS

By their nature, non-financial assets are generally used to provide future services.

##### e) Tangible capital assets

Tangible capital assets are recorded at cost and are amortized on a straight-line basis over their estimated service lives, as follows

Asset class	Amortization period
Leasehold improvements	5 years
Materials and equipment	5 and 10 years
Computer equipment	3 years

When conditions indicate that a tangible capital asset no longer contributes to the capacity to provide goods and services, or the value of future economic benefits associated with the tangible capital assets is less than its net book value, its cost is reduced to reflect its decline in value. Capital losses on tangible capital assets are reflected in the book figures for the year. No reversal of allowance for impairment is recorded.

##### f) Inter-entity transactions

Inter-entity operations are those between entities controlled by or subject to joint control by the Government of Québec.

The cost of certain support services is borne by the National Assembly of Québec and is not recognized in the results of the fiscal year.

### 3. BUDGET

The detailed budget was prepared by the Commissioner and approved by the Office of the National Assembly on May 14, 2020.

### 4. REVENUE

The Commissioner is funded by annual parliamentary appropriations.

	2021	2020
<b>Parliamentary appropriations</b>		
Initial	1,688.4	2,119.3
Additional appropriations for the current fiscal year	—	—
Lapsed	(268.9)	(415.3)
	<b>1,419.5</b>	<b>1,704</b>

## Notes to Financial Statements

### March 31, 2021

(Amounts are expressed in thousands of dollars)

#### 5. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES

	2021	2020
Suppliers and others	26.6	50.0
Salaries	47.6	15.7
	<b>74.2</b>	<b>65.7</b>

#### 6. TANGIBLE CAPITAL ASSETS

	2021			2020	
	Leasehold improvements	Materials and equipment	Computer equipment	Total	Total
<b>Cost of capital assets</b>					
Opening balance	505.3	121.9	22.7	649.9	322.3
Acquisitions	10.2	—	7.2	17.4	327.6
Adjustments	(233.5)	—	—	(233.5)	—
<b>Closing balance</b>	<b>282.0</b>	<b>121.9</b>	<b>29.9</b>	<b>433.8</b>	<b>649.9</b>
<b>Accumulated amortization</b>					
Opening balance	214.5	68.9	17.3	300.7	253.2
Amortization for the year	61.8	11.4	1.8	75.0	47.6
Adjustments	(196.4)	—	—	(196.4)	—
<b>Closing balance</b>	<b>79.9</b>	<b>80.3</b>	<b>19.1</b>	<b>179.3</b>	<b>300.8</b>
<b>Net book value as at March 31</b>	<b>202.1</b>	<b>41.6</b>	<b>10.8</b>	<b>254.5</b>	<b>349.1</b>

	2021	2020
Initial budget for tangible capital assets	15.0	515.0
Acquisitions in the fiscal year	17.4	327.6
Additional appropriations during the year	2.7 <sup>1</sup>	—
Lapsed parliamentary appropriations	0.3	(187.4)

1. The Ethics Commissioner received an additional parliamentary appropriation of \$2,700 for investment.

#### 7. ACCUMULATED SURPLUS

The accumulated surplus is invested in tangible capital assets.

## Notes to Financial Statements

### March 31, 2021

(Amounts are expressed in thousands of dollars)

#### 8. CONTRACTUAL OBLIGATIONS

The Commissioner leases premises from the Société québécoise des infrastructures under an occupancy agreement ending on October 31, 2024. The rates in the table are estimates.

In addition, the Commissioner's activities may give rise to contracts and obligations whereby it will be required to make payments over several years for the acquisition of goods and services or for the development of research in its field.

Contractual obligations for the coming years are as follows:

	Leases Agreements	Research support	Total
<b>2020-2021</b>	159.6	5	164.4
<b>2021-2022</b>	174.2	5	179.2
<b>2022-2023</b>	166.4	5	171.4
<b>2023-2024</b>	166.4	5	171.4

#### 9. RELATED-PARTY TRANSACTIONS

For accounting purposes, the Commissioner is related to all entities controlled by the Government of Québec or subject to its joint control. The Commissioner is also related to its commissioner, her close relatives and the entities over which she has the power to govern financial and administrative decisions.

No transactions were concluded between the Commissioner and its commissioner, her close relatives or the entities over which she has the power to govern financial and administrative decisions.

The cost of certain support services is borne by the National Assembly of Québec and is not recognized in the results of the fiscal year. The Commissioner has not entered into any other significant related-party transactions at a value different from that which would have been established if the parties were unrelated.





Division de la reprographie et de l'imprimerie  
de l'Assemblée nationale du Québec

September 2021



Papier fabriqué au Québec

**FOR MORE INFORMATION:**

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