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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

## Bill 48

(2010, chapter 30)

### **Code of ethics and conduct of the Members of the National Assembly**

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**Introduced 14 May 2009  
Passed in principle 25 November 2009  
Passed 3 December 2010  
Assented to 8 December 2010**

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## EXPLANATORY NOTES

*This Act enacts the Code of ethics and conduct of the Members of the National Assembly, which contains measures applicable to all MNAs in the exercise of their functions as well as rules applicable to those who are also Cabinet Ministers in the exercise of their ministerial functions.*

*It first affirms the principal values embraced by the Members and establishes ethical principles that delimit the scope of those values.*

*It then establishes the rules of conduct to be observed by Members on such matters as incompatible offices or posts, conflicts of interest, remuneration, gifts and benefits, attendance at Parliament, and the use of State property and services. It also sets out special rules of conduct for Cabinet Ministers with respect to exclusivity of duties, remuneration, conflicts of interest and post-term issues.*

*The Code also requires Members to file a statement disclosing their private interests and those of their family members, and provides for the publication of a summary of such interests.*

*In addition, the Code provides for the appointment by the National Assembly of an Ethics Commissioner, who is to be responsible for the administration of the Code. The Ethics Commissioner's functions include providing advisory opinions to Members, on their request, concerning their obligations under the Code and conducting inquiries into any violation of the rules of conduct established by the Code according to the procedure set by the Code.*

*The Code also provides for the appointment of a jurisconsult responsible for providing advisory opinions on ethics and professional conduct to any Member who requests it. The advisory opinions will not be binding on the Ethics Commissioner.*

*Lastly, certain Acts are amended as regards the ethical obligations of ministerial staff members, House officer staff members and the personnel working for MNAs. This Act also includes a number of technical and consequential amendments.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Public Protector Act (R.S.Q., chapter P-32).



## Bill 48

### CODE OF ETHICS AND CONDUCT OF THE MEMBERS OF THE NATIONAL ASSEMBLY

AS, in their capacity as representatives of the people of Québec, Members of the National Assembly take part in the passage of legislation and the making of regulations, exercise the National Assembly's power of supervision over the actions of the Government and its departments, bodies and agencies, assist individuals and groups who request help in their relations with the State, and participate in public debate;

AS, because of those functions, the people of Québec expect Members to embrace the values of the National Assembly and to observe certain rules of conduct, including, if they are members of the Conseil exécutif, when carrying out their duties as Ministers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### PRELIMINARY TITLE

##### PURPOSE, APPLICATION AND INTERPRETATION

**1.** The purpose of this Code is to affirm the principal values of the National Assembly embraced by its Members, to set out the rules of conduct which they must observe, and to provide for the application and enforcement of those rules.

**2.** This Code applies to all Members of the National Assembly ("Members"). It also applies to the members of the Conseil exécutif ("Cabinet Ministers") when carrying out their duties as Ministers.

For the purposes of this Code,

(1) a Cabinet Minister who has not been elected to the National Assembly,  
or

(2) as far as the imposition of a sanction for a violation of this Code is concerned, a person who has ceased to be a Member

is deemed to be a Member.

**3.** The Ethics Commissioner is responsible for the administration of this Code and comes under the National Assembly.

The Ethics Commissioner exercises the duties of office within the framework of the rights, privileges and immunities of the National Assembly.

This Code does not operate to limit the rights, privileges or immunities of the National Assembly.

**4.** This Code in no way affects the authority conferred by law on the Office of the National Assembly.

**5.** For the purposes of this Code,

(1) “public body” means

(a) a government agency or a government enterprise governed by the Auditor General Act (R.S.Q., chapter V-5.01);

(b) a body referred to in section 6 of that Act, a public or private institution under agreement governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the regional council established by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5); or

(c) any person designated by the National Assembly to carry out duties that come under the National Assembly and any body to which the National Assembly or a committee of the National Assembly appoints the majority of members;

(2) “family member” means the Member’s spouse within the meaning of the Interpretation Act (R.S.Q., chapter I-16), or a dependent child of the Member or the Member’s spouse.

## **TITLE I**

### **VALUES AND ETHICAL PRINCIPLES**

**6.** The following are the values of the National Assembly:

(1) commitment to improving the social and economic situation of Quebecers;

(2) high regard for and the protection of the National Assembly and its democratic institutions; and

(3) respect for other Members, public servants and citizens.

The conduct of Members must be characterized by benevolence, integrity, adaptability, wisdom, honesty, sincerity and justice. Consequently, Members

(1) show loyalty towards the people of Québec;

- (2) recognize that it is their duty to serve the citizens;
- (3) show rigour and diligence;
- (4) seek the truth and keep their word; and
- (5) preserve the memory of how the National Assembly and its democratic institutions function.

**7.** Members embrace the values set out in this Title.

**8.** Members recognize that these values must guide them in carrying out their duties of office and determining the rules of conduct applicable to them, and be taken into account in interpreting those rules. They strive for consistency between their actions and the values set out in this Title, even when their actions do not in themselves contravene the applicable rules of conduct.

**9.** Members recognize that their adherence to these values is essential to maintain the confidence of the people in them and the National Assembly and enable them to fully achieve their mission of serving the public interest.

## **TITLE II**

### **RULES OF CONDUCT APPLICABLE TO ALL MEMBERS**

#### **CHAPTER I**

##### **INCOMPATIBLE OFFICES OR POSTS**

**10.** The office of member of a municipal council or a school board is incompatible with the office of Member.

**11.** Employment, a position or any other post to which remuneration or a benefit in lieu of remuneration is attached is incompatible with the office of Member if it is held with

- (1) the Government or one of its departments or a public body;
- (2) the Government of Canada, the government of another province or of a territory, or a department or agency of such a government, except the regular Armed Forces or the Reserve;
- (3) a foreign country; or
- (4) an international non-profit organization.

However, being a Cabinet Member is not incompatible with the office of Member.

This section does not prohibit engaging in remunerated teaching activities or practising a profession within a body referred to in subparagraph *b* of paragraph 1 of section 5, subject to the Member having informed, and obtained permission from, the Ethics Commissioner.

**12.** The post of director or officer of a legal person, partnership or association engaged in professional, commercial, industrial or financial activities is incompatible with the office of President of the National Assembly.

**13.** A Member who, when elected, holds an incompatible office or post within the meaning of section 10 or 11 must resign from that office or post before taking the oath of office.

If a post incompatible with the office of Member devolves on a Member during his or her term, the Member must resign from one or the other within 30 days. Meanwhile, the Member is barred from sitting in the National Assembly.

**14.** A Member must not engage in lobbying within the meaning of the Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011).

However, this section does not prohibit any activities normally engaged in by Members acting in their official capacity.

In determining whether a Member has engaged in lobbying, the Ethics Commissioner must consult the Lobbyists Commissioner.

## CHAPTER II

### CONFLICTS OF INTEREST

**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; or

(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.

**17.** A Member must not use, communicate or attempt to use or communicate information obtained in or in connection with the carrying out of the duties of



office that is not generally available to the public so as to further the Member's or another person's private interests.

**18.** No Member may, directly or indirectly, be party to a contract with the Government or a department or public body.

However, a Member may

(1) have interests in an enterprise that is party to such a contract, subject

(a) in the case of an enterprise whose securities are not listed on an exchange and for which there is no published market, to informing the Ethics Commissioner as soon as the Member becomes aware of the contract and to the Ethics Commissioner authorizing the Member to retain the interest, on the conditions specified by the Commissioner, such as the creation of a blind trust managed by an independent trustee or the establishment of a blind management agreement with an independent mandatary; and

(b) in the case of any other enterprise, to collusion or undue influence being unlikely given the extent of the interests or the circumstances in which the contract is made;

(2) receive a loan, a reimbursement, a grant, an indemnity or any other benefit from the Government or a department or public body under any Act, regulation or program; and

(3) hold securities issued by the Government or a public body on the same terms as are applicable to all.

**19.** A Member may claim and receive remuneration or a benefit resulting from a contract mentioned in the first paragraph of section 18 if the contract was entered into and carried out before the Member's election.

**20.** If the Government or a department or public body acquires property belonging in whole or in part to a Member, or a real right affecting such property, the purchase price or indemnity must be set by the Administrative Tribunal of Québec. The Member informs the Ethics Commissioner within 30 days.

**21.** A Member may, in the course of professional or similar activities, receive remuneration to which he or she is entitled even if it is paid in whole or in part by the Government or a department or public body, provided that the service recipient is not the Government or a department or public body.

This section does not prohibit engaging in remunerated teaching activities or practising a profession within a body referred to in subparagraph *b* of paragraph 1 of section 5, subject to the Member having informed, and obtained permission from, the Ethics Commissioner.

**22.** A Member whose election places him or her in a conflict of interest situation must inform the Ethics Commissioner without delay and put an end to that situation within 60 days, unless a different compliance period is set by the Ethics Commissioner.

**23.** A Member placed in a conflict of interest situation during his or her term by the operation of an Act or by entering into a marriage, civil union or de facto union or by accepting a gift, a legacy or the office of liquidator of a succession must inform the Ethics Commissioner without delay and put an end to that situation within 60 days unless a different compliance period is set by the Ethics Commissioner.

**24.** A Member placed in a conflict of interest situation without his or her knowledge or against his or her will must inform the Ethics Commissioner without delay and put an end to that situation within 60 days after becoming aware of it, unless a different compliance period is set by the Ethics Commissioner.

**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.

**26.** A Member who, while in office, holds another post must avoid any conflict between the duties of that post and the duties of office.

### CHAPTER III

#### REMUNERATION

**27.** A Member must not receive, directly or indirectly, any form of salary, indemnity, financial assistance or other benefit from a political party or party authority.

A Member may, however, be reimbursed by a political party or party authority authorized under the Election Act (R.S.Q., chapter E-3.3) for reasonable expenses incurred in the course of a partisan activity.

**28.** A former Member must inform the Ethics Commissioner in writing, within 60 days, of any salary, indemnity, financial assistance or other benefit arising from the Member's prior office that is paid directly or indirectly to him or her. The Ethics Commissioner gives public notice of the information within 15 days after receiving it.

## CHAPTER IV

### GIFTS AND BENEFITS

**29.** A Member must not solicit, elicit, accept or receive any benefit, whether for himself or herself or for another person, in exchange for speaking or taking a certain position on any issue, including one that may be brought before the National Assembly or a committee.

**30.** A Member must refuse or, at the first opportunity and after requesting an advisory opinion from the Ethics Commissioner, return to the donor or deliver to the Ethics Commissioner any gift, hospitality or other benefit, whatever its value, that may impair his or her independence of judgment in carrying out the duties of office, or that may compromise the Member's integrity or that of the National Assembly. If the Member refuses such a benefit, he or she so informs the Ethics Commissioner in writing.

**31.** A Member who receives, directly or indirectly, a gift, hospitality or other benefit that has a value of more than \$200 and chooses not to return it to the donor or not to deliver it to the Ethics Commissioner must, within 30 days, file with the Ethics Commissioner a disclosure statement containing an accurate description of the gift, hospitality or benefit received and specifying the name of the donor and the date on which and circumstances under which it was received.

The Ethics Commissioner keeps a public register in which such statements are recorded.

If a Member returns a thing to the donor, the Member so informs the Ethics Commissioner in writing.

**32.** Section 31 does not apply to gifts, hospitality or other benefits received by a Member in the context of a purely private relationship.

**33.** For the purposes of sections 30 and 31, the repeated receipt of gifts, hospitality and other benefits from the same source must be taken into account.

For the purposes of section 31, the \$200 is computed over a 12-month period.

**34.** The things delivered to the Ethics Commissioner under this chapter are turned over to the Secretary General of the National Assembly. The Secretary General disposes of them as appropriate.

## CHAPTER V

### ATTENDANCE RECORD

**35.** A Member must maintain a good attendance record in carrying out the duties of office. He or she may not be absent from sittings of the National Assembly for an unreasonable length of time without a valid reason.

## CHAPTER VI

### USE OF STATE PROPERTY AND SERVICES

**36.** A Member uses, and allows the use of, State property, including property leased by the State and services made available to the Member by the State, for activities related to the carrying out of the duties of office.

## CHAPTER VII

### DISCLOSURE STATEMENT

**37.** Within 60 days after the notice of his or her election is published in the *Gazette officielle du Québec*, and annually on or before the date set by the Ethics Commissioner, a Member must file with the Ethics Commissioner a statement disclosing his or her private interests and those of his or her family members. The statement is kept at the office of the Ethics Commissioner.

**38.** The disclosure statement must

(1) state the value of all income and all benefits that the Member has received during the 12 months preceding the disclosure statement and is entitled to receive during the next 12 months for services already provided, as well as the nature and source of that income and those benefits;

(2) identify the immovable property, situated in Québec and elsewhere, in which the Member or a family member possesses a real right for purposes other than personal residential use;

(3) mention any notice of expropriation issued for property in which the Member or a family member possesses a real right, whether or not it is property described in paragraph 2;

(4) state the name, occupation and address of any person, other than a financial institution or a family member, who owes money to the Member or a family member or to whom the Member or a family member owes money as a result of a loan in excess of \$3,000, and state the balance owing if in excess of \$20,000;

(5) state the nature of any professional, commercial or industrial activity engaged in by the Member or a family member during the 12 months preceding

the disclosure statement, other than a dependent child's employment that generated income not exceeding \$10,000, and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the Member's or family member's own account;

(6) state all benefits that the Member or a family member has received during the 12 months preceding the disclosure statement, and is entitled to receive during the next 12 months, from a contract with the Government or a department or public body, other than a contract described in subparagraph 2 or 3 of the second paragraph of section 18, and describe the subject-matter, value and nature of each such contract;

(7) state the name of any enterprise whose securities are listed on an exchange or for whose securities there is a published market and in which the Member or a family member has an interest, including shares, stocks or pecuniary benefits, and specify the nature and value of that interest;

(8) state the name of any enterprise, other than an enterprise described in paragraph 7, in which the Member or a family member has an interest, including shares, stocks or pecuniary benefits, and specify the nature and value of that interest; the Member must provide any of the following information about any such enterprise that the Member is able to obtain by making reasonable inquiries:

(a) the enterprise's activities and sources of income;

(b) the ties that may exist between the enterprise and the Government, a department or a public body;

(c) the name and address of the persons who have interests in the enterprise; and

(d) the names of any legal persons related to the enterprise;

(9) list all legal persons, associations and partnerships of which the Member or a family member has been a director, an officer or a partner, including a general or special partner, during the 12 months preceding the disclosure statement;

(10) provide information concerning any succession or trust under which the Member or a family member is a beneficiary entitled to a value of \$10,000 or more; and

(11) include any other information that the Ethics Commissioner may require.

**39.** After reviewing a Member's disclosure statement filed under section 37, the Ethics Commissioner may request a meeting with the Member to ensure that adequate disclosure has been made and to discuss the Member's obligations under this Code.

**40.** A disclosure summary of the private interests of each Member is prepared by the Ethics Commissioner after consulting with the Member. The summary must state the general nature of the interests mentioned in the disclosure statement and be made public by the Ethics Commissioner.

The summary must

(1) set out the nature and source of the income and benefits mentioned in the disclosure statement other than

(a) a source of income or benefits if the total of the income and benefits from that source during the 12 months before the relevant date is less than \$10,000; or

(b) any other source of income or benefits that the Ethics Commissioner determines should not be disclosed;

(2) identify any immovable property in which the Member possesses a real right and for which a notice of expropriation has been issued;

(3) state the nature of any professional, commercial or industrial activity engaged in by the Member during the 12 months preceding the disclosure statement and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the Member's own account;

(4) describe the subject-matter and nature of any contract described in paragraph 6 of section 38;

(5) identify any interest with respect to which a blind trust or a blind management agreement has been created in accordance with section 18, and state the name and address of the trustee or mandatary and the date of the trust deed or management agreement;

(6) list the names of any enterprises, legal persons, partnerships, associations, successions and trusts mentioned in the Member's disclosure statement, and state the nature of the interest; and

(7) provide any other information that the Ethics Commissioner sees fit to make public.

## **CHAPTER VIII**

### **ACTS CONTRARY TO THIS 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.

### **TITLE III**

#### **SPECIAL RULES OF CONDUCT APPLICABLE TO CABINET MINISTERS**

##### **CHAPTER I**

###### **INTERPRETATION**

**42.** For the purposes of this Title, a Member who is not a Cabinet Minister but is authorized to sit in the Cabinet is considered a Cabinet Minister.

##### **CHAPTER II**

###### **EXCLUSIVITY OF DUTIES**

**43.** Cabinet Ministers must devote themselves exclusively to the duties of office. No Cabinet Minister may, for example, hold the post of director or officer of a legal person, partnership or association.

**44.** A Cabinet Minister must, as soon as possible after being sworn in, resign as a director or officer of any legal person, partnership or association and cease any activity other than carrying out the duties of office. Meanwhile, the Cabinet Minister is barred from taking part in Cabinet meetings and in meetings of Cabinet committees or the Conseil du trésor.

##### **CHAPTER III**

###### **CONFLICTS OF INTEREST**

**45.** A Cabinet Minister must, within 60 days after appointment to the Cabinet or after being conferred interests in an enterprise whose securities are listed on an exchange or for whose securities there is a published market, either dispose of such interests, place them in a blind trust managed by an independent trustee or entrust them to an independent mandatary under a blind management agreement. The Cabinet Minister must also comply with any other measure or condition imposed by the Ethics Commissioner.

However, this section does not apply in respect of an investment in an open-ended mutual fund, a guaranteed investment certificate or similar financial instrument, an interest in a pension plan, a registered retirement savings plan

that is not self-directed, an employee benefit plan, a life insurance policy or similar annuity, an investment in the Fonds de solidarité des travailleurs du Québec (F.T.Q.) or Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi or any similar interest which the Ethics Commissioner considers should be excluded from the application of this section.

**46.** A Cabinet Minister who, either directly or indirectly, has interests in an enterprise other than an enterprise described in the first paragraph of section 45 must, within 60 days after appointment to the Cabinet or after being conferred any such interests and subject to the exception provided in subparagraph 3 of the second paragraph of section 18, see to it that the enterprise abstain from becoming, directly or indirectly, party to a contract with the Government or a department or public body.

The first paragraph also applies, with the necessary modifications, if such interests are held by a family member of a Cabinet Minister. However, if, in the Ethics Commissioner's opinion, there is no resulting risk of the Cabinet Minister violating this Code or of the public interest not being served, the Ethics Commissioner may, after informing the Secretary General of the Conseil exécutif, authorize contracts or certain types of contracts between an enterprise in which a family member of a Cabinet Minister has interests and the Government or a department or public body, provided that

(1) neither the department or a public body under the Cabinet Minister's responsibility nor the Ministère du Conseil exécutif are involved in such a contract;

(2) the enterprise has already been a party to such contracts or types of contracts and the general conditions applicable to them remain identical, even if the department or a public body under the Cabinet Minister's responsibility or the Ministère du Conseil exécutif is involved in the contract;

(3) no such contract is entered into by mutual agreement between the enterprise and the Government or a department or public body;

(4) the enterprise is not a sole source supplier with respect to such contracts or types of contracts;

(5) the Cabinet Minister concerned undertakes never to discuss, with Cabinet colleagues or any other interested person, even privately, any file even remotely connected to a contract that has been or could be made, directly or indirectly between the Government or a department or public body and the enterprise, not to exert or attempt to exert, directly or indirectly, any influence in relation to such a file and to withdraw from any Cabinet meeting or meeting of a Cabinet committee or the Conseil du trésor while such a file is being discussed;



(6) the Cabinet Minister concerned attaches to his or her disclosure statement a signed document identifying the enterprise, and stating the interests the family member holds in it; and

(7) the Cabinet Minister concerned informs the deputy minister of the department and the chief executive officers of the public bodies under the Cabinet Minister's responsibility, in writing, that there are to be no contracts between the department or such a public body and an enterprise identified in the document attached to the Cabinet Minister's disclosure statement.

In addition, the Ethics Commissioner may at any time impose any requirement the Ethics Commissioner considers appropriate, limit the contracts or types of contracts authorized or ask that authorized contracts be terminated.

Public notice of any authorization granted under this section or any change made to such an authorization must be given by the Ethics Commissioner without delay and must include the grounds for the authorization or change, the name of the enterprise, the name of the Cabinet Minister and the family member concerned, the nature of the contracts or types of contracts and the conditions imposed by the Ethics Commissioner.

**47.** No Cabinet Minister may acquire, for speculation purposes, land in Québec, interests in land in Québec or interests in a land development company that carries on business in Québec.

**48.** A Cabinet Minister must inform the Ethics Commissioner in writing of any serious effort he or she makes or participates in with respect to an appointment the Cabinet Minister could accept or to any employment, position or post the Cabinet Minister could hold after cessation of office.

In such a case, the Ethics Commissioner may request the Cabinet Minister either to terminate the effort or to comply with conditions the Ethics Commissioner determines. In the latter case, the Ethics Commissioner informs the Premier.

**49.** As soon as a Cabinet Minister becomes aware of a situation described in section 22, 23 or 24, he or she must inform the Ethics Commissioner and the Secretary General of the Conseil exécutif. The Cabinet Minister must undertake in writing to abstain, for as long as the situation is not regularized, from discussing with Cabinet colleagues, even privately, any file even remotely connected to the interest concerned, not to exert or attempt to exert, directly or indirectly, any influence in relation to such a file and to withdraw from any Cabinet meeting or meeting of a Cabinet committee or the Conseil du trésor while such a file is being discussed. The Cabinet Minister must also expressly direct the deputy minister of the department and the chief executive officers of the public bodies under the Cabinet Minister's responsibility never to bring to the Cabinet Minister's attention any information concerning such a file, to deal themselves with such information and to make any decision relating to such a file on their own.

Moreover, if the Ethics Commissioner sets a compliance period different from that provided for in sections 22, 23 and 24, the Ethics Commissioner informs the Secretary General of the Conseil exécutif.

#### **CHAPTER IV**

##### **REMUNERATION**

**50.** Despite section 27, a Cabinet Minister who has not been elected to the National Assembly may receive from an authorized political party or an authorized party authority, from the date he or she becomes a Cabinet Minister until he or she ceases to be a Cabinet Minister or is elected as a Member, whichever occurs first, an amount not exceeding the amount the Cabinet Minister would receive under section 1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) if he or she were a Member.

That amount must not be taken into account in computing allowances, pensions or benefits provided for by that Act. However, the amount is a salary for the purposes of subparagraph 11 of the first paragraph of article 553 of the Code of Civil Procedure (R.S.Q., chapter C-25).

#### **CHAPTER V**

##### **DISCLOSURE STATEMENT**

**51.** Within 60 days after being sworn in as a Cabinet Minister, and annually on or before the date set by the Ethics Commissioner, a Member must file with the Ethics Commissioner a statement disclosing his or her private interests and those of his or her family members. The statement is kept at the office of the Ethics Commissioner.

Such a statement must be filed even if the Cabinet Minister has already filed a Member's statement under section 37.

**52.** The disclosure statement must

(1) state the income, benefits, assets and liabilities of the Cabinet Minister and his or her family members, and their value, including

(a) the movable and immovable property, situated in Québec and elsewhere, in which the Cabinet Minister or a family member possesses a real right and the immovable property of which the Cabinet Minister or a family member is the lessee, except movable property intended for personal use; however, any property for which a notice of expropriation has been issued must be added to the disclosure statement;

(b) the value of all income and all benefits that the Cabinet Minister or a family member has received during the 12 months preceding the disclosure statement, and is entitled to receive during the next 12 months for services already provided, other than a dependent child's income not exceeding \$10,000, as well as the nature and source of that income and those benefits;

(c) information concerning any succession or trust under which the Cabinet Minister or a family member is a beneficiary entitled to a value of \$10,000 or more;

(d) the name, occupation and address of any person, other than a financial institution or a family member, who owes money to the Cabinet Minister or a family member or to whom the Cabinet Minister or a family member owes money as a result of a loan in excess of \$3,000, and the balance owing if in excess of \$10,000;

(e) the amount of any other debt or surety bond, except

i. a debt or surety bond of \$10,000 or less;

ii. a debt on movable property intended for personal use; or

iii. the balance on a credit card;

(2) state the nature of any professional, commercial or industrial activity engaged in by the Cabinet Minister during the 12 months preceding his or her swearing in and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the Cabinet Minister's own account;

(3) state the nature of any professional, commercial or industrial activity engaged in by a family member of the Cabinet Minister during the 12 months preceding the disclosure statement, other than a dependent child's employment that generated income not exceeding \$10,000, and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the family member's own account;

(4) state all benefits that the Cabinet Minister has received during the 12 months preceding his or her swearing in, and is entitled to receive subsequently, from a contract entered into with the Government or a department or public body before his or her swearing in, other than a reimbursement or indemnity described in subparagraph 2 of the second paragraph of section 18 or a contract described in subparagraph 3 of that paragraph, and describe the subject-matter, value and nature of each such contract;

(5) state all benefits that a family member of the Cabinet Minister has received during the 12 months preceding the disclosure statement, and is entitled to receive during the next 12 months, from a contract with the Government or a department or public body, other than a reimbursement or indemnity described in subparagraph 2 of the second paragraph of section 18 or a contract described

in subparagraph 3 of that paragraph, and describe the subject-matter, value and nature of each such contract;

(6) state the name of any enterprise whose securities are listed on an exchange or for whose securities there is a published market and in which the Cabinet Minister or a family member has an interest, including shares, stocks or pecuniary benefits, and specify the nature and value of that interest;

(7) state the name of any enterprise, other than an enterprise described in paragraph 6, in which the Cabinet Minister or a family member has an interest, including shares, stocks or pecuniary benefits, specify the nature and value of that interest, and include any of the following information about any such enterprise that the Cabinet Minister is able to obtain by making reasonable inquiries:

(a) the enterprise's activities and sources of income;

(b) the ties that may exist between the enterprise and the Government, a department or a public body;

(c) the name and address of the persons who have interests in the enterprise; and

(d) the names of any legal persons related to the enterprise;

(8) list all legal persons, associations and partnerships of which the Cabinet Minister has been a director, an officer or a partner, including a general or special partner, during the 12 months preceding his or her swearing in;

(9) list all legal persons, associations and partnerships of which a family member of the Cabinet Minister has been a director, an officer or a partner, including a general or special partner, during the 12 months preceding the disclosure statement;

(10) provide information concerning proceedings before a court of law or adjudicative body in respect of which the Cabinet Minister is involved as a party;

(11) disclose any amount received under section 50; and

(12) include any other information that the Ethics Commissioner may require.

**53.** A Cabinet Minister must inform the Ethics Commissioner in writing of any material change in the information required in his or her disclosure statement within 60 days after the change occurs.

**54.** After reviewing a Cabinet Minister's disclosure statement filed under section 51, the Ethics Commissioner may request a meeting with the Cabinet

Minister to ensure that adequate disclosure has been made and to discuss the Cabinet Minister's obligations under this Code.

**55.** A disclosure summary is prepared by the Ethics Commissioner for each Cabinet Minister and his or her family members after consulting with the Cabinet Minister. The summary must state the general nature of the interests mentioned in the disclosure statement and be made public by the Ethics Commissioner.

With respect to the Cabinet Minister, the summary must

(1) state the nature and source of income, benefits, assets and liabilities other than

(a) an asset or liability with a value of less than \$10,000;

(b) a source of income or benefits if the total of the income and benefits from that source during the 12 months before the relevant date is less than \$10,000; and

(c) any other asset, liability or source of income or benefits that the Ethics Commissioner determines should not be disclosed;

(2) identify any immovable property among the Cabinet Minister's assets for which a notice of expropriation has been issued;

(3) state the name, occupation and address of a person described in subparagraph *d* of paragraph 1 of section 52, if the Cabinet Minister owes money to that person, and state the balance owing if in excess of \$20,000;

(4) state the nature of any professional, commercial or industrial activity engaged in by the Cabinet Minister during the 12 months preceding his or her swearing in and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the Cabinet Minister's own account;

(5) describe the subject-matter and nature of any contract described in paragraph 4 of section 52;

(6) identify any interest with respect to which a blind trust or a blind management agreement has been created, and state the name and address of the trustee or mandatary and the date of the trust deed or management agreement;

(7) list the names of any enterprises, legal persons, partnerships and associations mentioned in the Cabinet Minister's disclosure statement, and state the nature of the interest;

(8) state the nature and source of any benefit received under section 50; and

(9) provide any other information that the Ethics Commissioner sees fit to make public.

With respect to each family member of the Cabinet Minister, the summary must

(1) state the names of the enterprises described in paragraph 6 of section 52, unless the interests in those enterprises have been transferred to a blind trust or a blind management agreement; in the latter case, the summary must state the name and address of the trustee or mandatary and the date of the trust deed or management agreement;

(2) state the names of the enterprises described in paragraph 7 of section 52;

(3) provide a list of all immovable property having a value of \$10,000 or more in which the family member possesses a real right for purposes other than personal residential use;

(4) identify any immovable property included in the family member's assets for which a notice of expropriation has been issued;

(5) provide information concerning any succession or trust under which the family member is a beneficiary entitled to a value of \$10,000 or more;

(6) state the name, occupation and address of a person described in subparagraph *d* of paragraph 1 of section 52, if the family member owes money to that person, and state the balance owing if in excess of \$20,000; and

(7) provide any other information that the Ethics Commissioner sees fit to make public.

## CHAPTER VI

### POST-TERM ISSUES

**56.** For the purposes of this chapter, “State entity” means any of the following persons, agencies, bodies, enterprises or institutions:

(1) any public body, government agency or government enterprise within the meaning of the Auditor General Act (R.S.Q., chapter V-5.01);

(2) the Université du Québec and its constituent universities, research institutes and superior schools within the meaning of the Act respecting the Université du Québec (R.S.Q., chapter U-1);

(3) any university-level institution referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1), other than those mentioned in paragraph 2;

(4) any general and vocational college established under the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(5) any school board governed by the Education Act (R.S.Q., chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) or the Comité de gestion de la taxe scolaire de l'île de Montréal;

(6) any private institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., chapter E-9.1);

(7) any other educational institution more than half of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(8) any public or private institution that is a party to an agreement referred to in the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(9) the regional council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

(10) any municipality or any body referred to in section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

(11) any regional conference of elected officers established under the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., chapter M-22.1) or any local development centre established under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01);

(12) any agency described in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011).

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

**58.** Former Cabinet Ministers must not disclose confidential information obtained in or in connection with the carrying out of the duties of office, and must not give advice to any person based on information not available to the public, obtained in or in connection with the carrying out of the duties of office.

**59.** Cabinet Ministers who acted in connection with a proceeding, negotiation or other transaction may not act for or on behalf of anyone else in the same proceeding, negotiation or other transaction after leaving office.

**60.** Cabinet Ministers may not, in the two years after they leave office,

(1) accept any appointment to a board of directors or as a member of any body, agency, enterprise or other entity that is not a State entity and with which they had official, direct and significant dealings in the year preceding the cessation in office, or accept employment, a position or any other post within such an entity; and

(2) unless they are still Members and subject to the prohibition set out in section 14, intervene on behalf of anyone else with any department or other State entity with which they had official, direct and significant dealings in the year preceding their cessation in office.

**61.** A Cabinet Minister in office must, upon discovering that another person who is subject to this chapter is violating a provision of section 59 or paragraph 2 of section 60 in connection with a proceeding, negotiation or other transaction, abstain from dealing with that person within the context of the proceeding, negotiation or other transaction, and inform the Ethics Commissioner in writing. The Cabinet Minister must also see to it that the Minister's staff and the personnel of the department or any State entity under the Minister's responsibility also abstain from dealing with that person within the context of the proceeding, negotiation or other transaction.

#### **TITLE IV**

##### **ADMINISTRATION AND ENFORCEMENT**

#### **CHAPTER I**

##### **ETHICS COMMISSIONER**

#### **DIVISION I**

##### **APPOINTMENT, FUNCTIONS AND ORGANIZATION**

**62.** On the joint motion of the Premier and the Leader of the Official Opposition, after consulting with the Leaders of the other authorized parties represented in the National Assembly and with the approval of two thirds of the Members, the National Assembly appoints an Ethics Commissioner to be responsible for the administration of this Code.

**63.** The Assembly determines in the same manner the remuneration, employment benefits and other conditions of employment of the Ethics Commissioner.

**64.** The Ethics Commissioner exercises the duties of office exclusively and on a full-time basis.

The Ethics Commissioner exercises any other function assigned by law to the Ethics Commissioner.



**65.** In exercising the duties of office, the Ethics Commissioner focusses on information and prevention and maintains high standards of confidentiality, objectivity and impartiality.

In all interventions and more particularly in determining the rules of conduct applicable to Members, the Ethics Commissioner takes into account the Members' adherence to the values of the National Assembly and the principles set out in Title I.

**66.** The Ethics Commissioner is appointed for a fixed term of five years or less. At the expiry of the term, the Ethics Commissioner remains in office until reappointed or replaced.

The Ethics Commissioner may resign at any time by giving notice in writing to the President of the National Assembly. The Ethics Commissioner may only be removed by a resolution of the Assembly approved by two thirds of the Members.

**67.** If the Ethics Commissioner leaves office or is unable to act, the Government, after consulting with the Leaders of the authorized parties that are represented in the National Assembly, may designate a person to act as Ethics Commissioner for a period not exceeding six months. The Government determines the designated person's remuneration and conditions of employment.

**68.** Before entering into office, the Ethics Commissioner must take the oath set out in the schedule before the President of the National Assembly.

**69.** The Ethics Commissioner may not

(1) be related by blood, or connected by marriage or civil union, to a Member of the National Assembly, a person described in the second paragraph of section 2 or the Premier's chief of staff up to the third degree inclusively; or

(2) be a member of a federal, provincial or municipal political party or be a candidate on a ticket in a school election.

**70.** The Ethics Commissioner must not place himself or herself in a situation involving any direct or indirect conflict between the Ethics Commissioner's private interests and the Ethics Commissioner's duties of office.

**71.** The Office of the National Assembly may, by a regulation adopted by a unanimous decision, establish rules applicable to the Ethics Commissioner concerning conflicts of interest.

The Ethics Commissioner must make a disclosure statement every year in accordance with section 38 and publish a disclosure summary in accordance with section 40.

**72.** If, in a specific case, the Ethics Commissioner finds that he or she cannot act in particular because of a conflict of interest situation or because his or her impartiality could be questioned, the Ethics Commissioner, after consulting with the Leaders of the authorized parties that are represented in the National Assembly, refers the case to an ad hoc commissioner.

The provisions applicable to the Ethics Commissioner apply, with the necessary modifications, to the ad hoc Commissioner, and any advisory opinion or report of the ad hoc Commissioner has the same effect as if it had been produced by the Ethics Commissioner.

**73.** Subject to the appropriations voted by the Office of the National Assembly, the Ethics Commissioner determines the maximum number of staff members needed for the exercise of the Ethics Commissioner's functions, their assignment and the level of their positions.

Ethics Commissioner staff members are appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

## **DIVISION II**

### **FINANCIAL AND ADMINISTRATIVE PROVISIONS**

**74.** The Ethics Commissioner prepares budget estimates every year and submits them before 1 April to the Office of the National Assembly, which approves them with or without modification.

At the Ethics Commissioner's request, the Office of the National Assembly may determine the human, physical, financial and information management resource services to be provided at no charge to the Ethics Commissioner by the National Assembly.

**75.** If, during a fiscal year, the Ethics Commissioner foresees that the budget estimates approved by the Office of the National Assembly will be exceeded, the Ethics Commissioner prepares supplementary budget estimates and submits them to the Office of the National Assembly, which approves them with or without modification.

**76.** Chapter III, Chapter IV with the exception of section 44, of the second and fourth paragraphs of section 45, of sections 46 and 53 and of the third paragraph of section 57, Chapter VI and section 73 of the Public Administration Act (R.S.Q., chapter A-6.01) apply to the Ethics Commissioner.

The Office of the National Assembly may, however, by a regulation adopted by a unanimous decision, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place.

**77.** The provisions of the Financial Administration Act (R.S.Q., chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the financial resources of the Ethics Commissioner.

The Office of the National Assembly may, however, by a regulation adopted by a unanimous decision, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place.

**78.** The Ethics Commissioner may, by regulation, determine the conditions applicable to the contracts of the Ethics Commissioner.

A regulation under this section comes into force on the date it is approved by the Office of the National Assembly, and is published in the *Gazette officielle du Québec*.

**79.** On or before 30 September each year, the Ethics Commissioner must submit a report on the Ethics Commissioner's activities to the President of the National Assembly, together with financial statements for the preceding fiscal year.

The President of the National Assembly lays the reports and the financial statements before the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

**80.** The sums required for the administration of this Code and for the carrying out of the duties of office assigned by law to the Ethics Commissioner are taken out of the consolidated revenue fund.

### **DIVISION III**

#### **MISCELLANEOUS**

**81.** The Ethics Commissioner retains his or her authority in respect of a former Member for a period of five years after the end of the person's term. Even after the expiry of that period, the Ethics Commissioner may continue an inquiry that had already begun.

**82.** The Ethics Commissioner must retain all documents relating to a Member for a period of 60 months after he or she ceases to be a Member. The documents are then to be destroyed unless an inquiry under this Code is in progress or has been suspended or a charge has been laid against the Member under an Act, and the documents may be relevant.

**83.** The Ethics Commissioner and the Ethics Commissioner's staff members may not be prosecuted for an act or omission in good faith in the exercise of their functions.

**84.** No civil action may be brought by reason of the publication of a report of the Ethics Commissioner or the publication, in good faith, of an extract from or summary of such a report.

**85.** The Ethics Commissioner and the persons the Ethics Commissioner has authorized to conduct an inquiry may not be compelled to give testimony relating to information obtained in the exercise of their functions or to produce a document containing such information.

**86.** No remedy under the Code of Civil Procedure (R.S.Q., chapter C-25), including an extraordinary recourse, may be exercised nor any injunction granted against the Ethics Commissioner or the persons the Ethics Commissioner has authorized to conduct an inquiry.

A judge of the Court of Appeal may, on a motion, annul by a summary proceeding any decision rendered or order or injunction issued contrary to the first paragraph.

## CHAPTER II

### ADVISORY OPINIONS OF THE ETHICS COMMISSIONER

**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.

**88.** An act or omission by a Member is deemed not to be a breach of this Code if he or she previously requested an advisory opinion from the Ethics Commissioner and the advisory opinion concluded that the act or omission did not contravene this Code, so long as the facts relevant to the request were fully and accurately presented to the Ethics Commissioner.

**89.** The Ethics Commissioner may publish guidelines for the Members regarding the application of this Code, provided that no personal information is included.

**90.** The Ethics Commissioner organizes educational activities for Members and the general public on the role of the Ethics Commissioner and the application of this Code.

## CHAPTER III

### INQUIRY AND REPORT

**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.

**93.** If the Ethics Commissioner considers it necessary, the Ethics Commissioner may specially authorize a person to conduct an inquiry.

The Ethics Commissioner and any such specially authorized person have, for the purposes of an inquiry, the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

**94.** The Ethics Commissioner may make agreements with other persons such as the Auditor General and the Lobbyists Commissioner for the conduct of joint inquiries, each under the legislative provisions that person administers.

**95.** If, after a verification, the Ethics Commissioner is of the opinion that there are no grounds for a request for an inquiry, the Ethics Commissioner terminates the inquiry process and records that fact in the report on the matter. Section 98 applies, with the necessary modifications, to the report.

**96.** The Ethics Commissioner must conduct inquiries in private and with due dispatch. The Ethics Commissioner must allow the Member concerned to present a full and complete defence, including an opportunity to submit observations and, if the Member so requests, to be heard

(1) first, on whether the Member has violated this Code; and

(2) after being informed of the Ethics Commissioner's conclusion and the grounds for it, on the sanction that could be imposed.

The Ethics Commissioner must not comment publicly on a verification or inquiry but may confirm that a request for a verification or an inquiry has been received or that a verification or inquiry is under way or has been completed. The Ethics Commissioner may also state why, after a verification, the Ethics Commissioner decided not to conduct an inquiry.

**97.** The Ethics Commissioner may, on the Ethics Commissioner's own initiative or at the request of the Member who was the subject of a request for an inquiry that led to a decision under section 95, conduct verifications to determine whether the complaint was made in bad faith or with intent to harm.

**98.** Following an inquiry, the Ethics Commissioner reports without delay to the President of the National Assembly, the Member under inquiry and the leader of the authorized party to which the Member belongs. The report must include reasons for its conclusions and recommendations.

However, if the Ethics Commissioner conducted the inquiry under section 92, no report is required.

The President of the National Assembly lays the report before the National Assembly within the next three days or, if the Assembly is not sitting, within three days of resumption.

**99.** If the Ethics Commissioner concludes that a Member has violated this Code, the Ethics Commissioner so states in the report and, according to the circumstances, may recommend that no sanction or one or more of the following sanctions 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.

**100.** If the Ethics Commissioner concludes that a request for an inquiry was made in bad faith or with intent to harm, the Ethics Commissioner may recommend in the report on the matter that one or more of the sanctions provided for in section 99 be imposed.

**101.** The Ethics Commissioner may include in the report any guidelines for the general interpretation of this Code and any recommendations for revision of this Code.

## **CHAPTER IV**

### **DECISION OF THE NATIONAL ASSEMBLY**

**102.** A person who is the subject of a report of the Ethics Commissioner and is a Member at that time has the right to reply to the report, within five sitting days after the tabling of the report in the National Assembly, by making a statement not exceeding 20 minutes at the time set aside during Routine Proceedings for complaints of breach of privilege or contempt and personal explanations.

If the person who is the subject of the report is not a Member, he or she may address a written notice to the President of the National Assembly within the time set out in the first paragraph asking to be heard by the Assembly. The President convenes the appropriate committee without delay to hear the person's statement, which must not exceed 20 minutes. The report of the committee is then laid before the National Assembly.

**103.** At the sitting following the reply or the tabling of a committee report under section 102, or, if no reply is made or report tabled, on the expiry of the time specified in that section, the National Assembly votes, during Deferred Divisions, on the report of the Ethics Commissioner if the latter recommended the imposition of a sanction. No debate or amendments to the report are admissible.

**104.** Any sanction recommended in a report of the Ethics Commissioner is applicable upon adoption of the report by the National Assembly by the vote of two thirds of the Members.

**105.** The National Assembly is fully competent to apply a sanction under this chapter.

**106.** If the National Assembly orders the payment or reimbursement of a sum of money or the delivery or reimbursement of the value of a benefit, it may have its decision homologated by the Superior Court or the Court of Québec, according to the amount or value involved.

In that case, the decision becomes enforceable as a judgment of that court in civil matters.

**107.** Any sum of money collected under this Code is paid into the consolidated revenue fund.

## CHAPTER V

### ADVISORY OPINION OF JURISCONSULT

**108.** The Office of the National Assembly appoints a juriconsult by a unanimous vote of its members to be responsible for providing advisory opinions on ethics and professional conduct to any Member who requests it. The juriconsult may not be a Member.

**109.** The advisory opinions provided by the juriconsult are confidential, unless the Member concerned consents to their being disclosed.

**110.** The advisory opinions provided by the juriconsult are not binding on the Ethics Commissioner.

The juriconsult may not provide an advisory opinion to a Member who is under verification or under inquiry until the verification process or inquiry process is completed.

The Ethics Commissioner notifies the juriconsult of the beginning and termination of a verification or inquiry. Such a notification is confidential.

**111.** The Office of the National Assembly determines, if need be, the remuneration, employment benefits and other conditions of employment of the juriconsult and of the personnel the juriconsult requires.

Sections 69 and 70 and the first paragraph of section 71 apply, with the necessary modifications, to the juriconsult.

**112.** The juriconsult is appointed for a term of five years or less. On the expiry of the term, the juriconsult remains in office until reappointed or replaced.

## TITLE V

### MISCELLANEOUS, AMENDING, TRANSITIONAL AND FINAL PROVISIONS

**113.** Despite section 168 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), that Act does not apply to this Code or to any other legislative provision that assigns a function to the Ethics Commissioner.

**114.** No later than (*insert the date that is three years after the date of coming into force of this section*) and every five years after that, the Ethics Commissioner must report on the carrying out of this Code and the advisability of amending it.



The report is submitted to the President of the National Assembly, who tables it in the Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption. The competent committee of the National Assembly subsequently examines the report.

**115.** Section 17 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by replacing “sections 84, 134 and 136” in the second paragraph by “section 134 and in the Code of ethics and conduct of the Members of the National Assembly (2010, chapter 30)”.

**116.** Section 37 of the Act is amended

(1) by replacing “the Government departments and the public bodies contemplated in section 66” in the second paragraph by “government departments and public bodies”;

(2) by adding the following paragraph at the end:

“For the purposes of this section, a public body is a body to which the National Assembly, the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or whose capital forms part of the domain of the State.”

**117.** The headings of Divisions II, III, IV and V of Chapter III and sections 57 to 84 of the Act are repealed.

**118.** Section 85.1 of the Act is amended by replacing “jurisconsult of the National Assembly” in the third paragraph by “jurisconsult appointed under the Code of ethics and conduct of the Members of the National Assembly”.

**119.** The Act is amended by inserting the following section after section 124.2:

**124.3.** The Office of the National Assembly shall, by a unanimous decision, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly, adopt rules of ethics applicable to the office staff of the House officers of the National Assembly and the staff of the Members referred to in section 124.1. The Office shall publish the rules on the website of the National Assembly.”

**120.** Section 132 of the Act is amended by replacing “and public bodies” by “, government agencies and government enterprises governed by the Auditor General Act (chapter V-5.01), including bodies referred to in section 6 of that Act, public or private institutions under agreement governed by the Act respecting health services and social services (chapter S-4.2), the regional council established by the Act respecting health services and social services for Cree Native persons (chapter S-5)”.

**121.** Sections 134 to 136 of the Act are replaced by the following section:

“**134.** A Member who commits an act or omission described in section 55, 56 or 85 is guilty of an offence and liable to one or more of the following sanctions, as determined by the Assembly:

- (1) a reprimand;
- (2) a penalty, specifying the amount;
- (3) the reimbursement of any unlawful profit;
- (4) the reimbursement of the indemnities, allowances or other sums received as a Member while the offence continued;
- (5) the loss of his or her seat.

A sanction is applicable as soon as the Assembly imposes it.”

**122.** Section 137 of the Act is amended by replacing “sections 134 to 136” by “section 134”.

**123.** The Executive Power Act (R.S.Q., chapter E-18) is amended by inserting the following sections after section 11.6:

“**11.7.** The Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (2010, chapter 30) shall, by regulation, after consultation with the Premier, adopt rules of ethics applicable to office staff. The regulation is published in the *Gazette officielle du Québec*.

“**11.8.** In response to a request in writing from an office staff member, the Ethics Commissioner shall provide a written advisory opinion, with reasons and any recommendations the Ethics Commissioner considers appropriate, on any matter respecting the obligations of the staff member under the rules of ethics.

The advisory opinion is confidential and may only be made public by the person who requested it or with the person’s written consent, subject to the power of the Ethics Commissioner to conduct an inquiry and report on the facts alleged in or discovered in connection with the request for an advisory opinion.

Section 88 of the Code of ethics and conduct of the Members of the National Assembly applies, with the necessary modifications, to an advisory opinion provided to an office staff member by the Ethics Commissioner.

**“11.9.** The Ethics Commissioner may publish guidelines for the office staff regarding the application of the rules of ethics, provided that no personal information is included.

**“11.10.** In response to a request in writing from the Premier, the Minister responsible, or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether an office staff member has violated the rules of ethics.

Sections 92 to 96 and 101 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications.

The inquiry report of the Ethics Commissioner is sent to the staff member concerned, the Minister responsible and the Premier. If applicable, the Ethics Commissioner informs the person who submitted the request for an inquiry of the Ethics Commissioner’s findings.”

**124.** Division III of the Act is repealed.

**125.** Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “68 of the Act respecting the National Assembly (chapter A-23.1)” in paragraph 2 by “20 of the Code of ethics and conduct of the Members of the National Assembly (2010, chapter 30)”.

**126.** Section 15 of the Public Protector Act (R.S.Q., chapter P-32) is amended by inserting “and the Ethics Commissioner” after “the Chief Electoral Officer” in paragraph 1.

**127.** The Règlement sur les conflits d’intérêts du juriconsulte, made on 23 November 1983 by Decision 57 of the Office of the National Assembly, applies to the juriconsult appointed under section 108.

**128.** Until the coming into force of rules of ethics adopted under section 124.3 of the Act respecting the National Assembly, sections 56 to 61 of this Code apply, except in respect of support staff, to the office staff of the House officers of the National Assembly and the staff of the Members referred to in section 124.1 of the Act respecting the National Assembly if they work for a Member referred to in section 42 of this Code; however, the two-year compliance period prescribed in section 60 is reduced to one year.

**129.** Until the coming into force of rules of ethics adopted under section 11.7 of the Executive Power Act, the following provisions stand in lieu of such rules for the staff of a minister’s office:

(1) sections 35 and 36 of the Directive concernant le recrutement, la nomination, la rémunération et les autres conditions de travail du personnel des cabinets de ministre (Directive 4-83 consolidated by C.T. 164805 dated 30 June 1987); and

(2) sections 56 to 61 of this Code, except in respect of support staff; however, the two-year compliance period prescribed in section 60 is reduced to one year.

Sections 35 and 36 referred to in subparagraph 1 of the first paragraph cease to have effect on the date of coming into force of the rules of ethics adopted under section 11.7 of the Executive Power Act.

**130.** A Cabinet Minister in office on 1 July 2011 must, not later than 30 September 2011, file a disclosure statement with the Ethics Commissioner in accordance with section 51.

A Member who is not a Cabinet Minister and is in office on 1 October 2011 must, not later than 31 December 2011, file a disclosure statement with the Ethics Commissioner in accordance with section 37.

**131.** No request for an advisory opinion submitted by a Member who is not a Cabinet Minister may be accepted by the Ethics Commissioner before 1 October 2011.

**132.** The Office of the National Assembly may appoint a juriconsult in accordance with section 108 before 1 July 2011. However, no request for an advisory opinion submitted by a Cabinet Minister may be accepted by the juriconsult before 1 July 2011, and no such request submitted by a Member who is not a Cabinet Minister may be accepted by the juriconsult before 1 October 2011.

**133.** This Code comes into force on 8 December 2010, except

(1) sections 42 and 51 to 55, the second paragraph of section 71, sections 87, 88 and 108 to 112, which come into force on 1 July 2011;

(2) sections 37 to 40, which come into force on 1 October 2011; and

(3) sections 10 to 36, 41, 43 to 50, 56 to 61, 79, 91 to 107 and 114 to 129, which come into force on the date to be set by the Government, which may not be later than 1 January 2012.

**SCHEDULE***(Section 68)***OATH**

I, *(name)*, declare under oath that I will exercise the functions of Ethics Commissioner with honesty and justice.

I further declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in or in connection with the exercise of my functions.