



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 1098

**An Act to amend the Code of ethics and
conduct of the Members of the National
Assembly**

Introduction

**Introduced by
Mr. Claude Surprenant
Member for Groulx**

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EXPLANATORY NOTES

This bill amends the Code of ethics and conduct of the Members of the National Assembly.

To begin with, the bill provides that an Ethics Commissioner inquiry report must be produced within 90 days of the date on which an inquiry began. However, it specifies that the Commissioner may request an extension if warranted by the level of complexity of the matter or the circumstances.

The bill also entitles a Member who is the subject of an Ethics Commissioner inquiry report to request that a review committee be established to examine the report before it is tabled in the National Assembly. The review committee, which is composed of three persons and chaired by a Court of Appeal judge designated by that court's chief judge, can approve the inquiry report or revise some or all of it. The bill provides that the committee must hear the Member and the Ethics Commissioner and that it may conduct a further investigation.

Lastly, the bill determines the procedure for tabling the review report in the National Assembly.

LEGISLATION AMENDED BY THIS BILL:

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

Bill 1098

AN ACT TO AMEND THE CODE OF ETHICS AND CONDUCT OF THE MEMBERS OF THE NATIONAL ASSEMBLY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1) is amended by inserting the following section after section 97:

“**97.1.** The Ethics Commissioner has 90 days from the inquiry start date to produce a report.

The President of the National Assembly may, at the Ethics Commissioner’s request, grant an extension of up to 30 days if warranted by the level of complexity of the matter or the circumstances. The inquiry may be prolonged more than once.”

2. Section 98 of the Code is replaced by the following sections:

“**98.** Following his or her inquiry, the Ethics Commissioner reports without delay to the President of the National Assembly, the Member under inquiry and the leader of the recognized party to which the Member belongs, if applicable. The report must include the reasons for the Commissioner’s conclusions and recommendations.

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

“**98.1.** In the five days after the report is filed, the Member may request that the President of the National Assembly establish a review committee under Chapter III.1. The request must state the grounds for establishing the committee.

If the President receives the request within the time specified in the first paragraph, he or she establishes a review committee following the procedure described in Chapter III.1. If not, the President tables the report in the National Assembly on or before the third sitting after the expiry of the time limit.”

3. The Code is amended by inserting the following chapter after section 101:

“CHAPTER III.1

“REVIEW COMMITTEE

“DIVISION I

“ESTABLISHMENT

“101.1. The President of the National Assembly establishes a review committee within five days after receiving a request under section 98.1.

“101.2. The review committee consists of the following members:

(1) the National Assembly’s jurisconsult;

(2) a person designated by the President of the National Assembly from among the following: the Lobbyists Commissioner, the Chief Electoral Officer, the Public Protector or the Auditor General; and

(3) a Court of Appeal judge designated by that court’s chief judge, who chairs the review committee.

At the jurisconsult’s request, or if the jurisconsult notices that he or she cannot act in particular because of a conflict of interest situation or because his or her impartiality could be questioned, he or she may be replaced by a Superior Court judge designated by that court’s chief judge.

“101.3. For the purposes of the review committee’s work, the committee members have the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“101.4. Review committee members may not be prosecuted for an act or omission in good faith in the exercise of their functions.

“101.5. No remedy under the Code of Civil Procedure (chapter C-25.01), including an application for judicial review, may be made nor any injunction granted against the review committee members.

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

“DIVISION II

“REVIEW PROCEDURE

“101.6. The committee hears the Member under inquiry and the Ethics Commissioner without delay regarding the grounds set out in the request to establish a review committee.

“101.7. The committee analyzes the inquiry report it was convened for. To do so, among other things, it may consult all of the evidence gathered by the Ethics Commissioner during his or her inquiry. It may also conduct a further inquiry.

“101.8. The review committee may

- (1) approve the inquiry report and the recommended sanction, if applicable;
- (2) approve the inquiry report and modify or eliminate the recommended sanction within the limits prescribed in section 99, with the necessary modifications; or
- (3) re-examine some or all of the issues addressed in the inquiry report.

If the committee avails itself of subparagraph 1 of the first paragraph, the inquiry report produced by the Ethics Commissioner is appended to the review report. If the committee avails itself of subparagraph 2 or 3 of the first paragraph, its review report replaces the inquiry report.

“101.9. Committee decisions are made by a majority vote and must be substantiated.

“101.10. Committee work is carried out in camera.

“101.11. Not later than 30 days after it was convened, the committee must submit its review report to the President of the National Assembly, the Member under inquiry and the leader of the recognized party to which the Member belongs, if applicable.

The President of the National Assembly may, at the review committee’s request, extend the deadline specified in the first paragraph once by up to 15 days if he or she deems it warranted by the level of complexity of the matter or the circumstances.

“101.12. The President of the National Assembly tables the review report in the National Assembly within three days after receiving it or, if the Assembly is not sitting, within three days of resumption.

Chapter IV applies to the review report, with the necessary modifications.”

TRANSITIONAL AND FINAL PROVISIONS

4. This Act applies to Ethics Commissioner inquiry reports submitted after the date of its coming into force.

5. This Act comes into force on (*insert the date of assent to this Act*).

