



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 48

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

Introduction

**Introduced by
Mr. Jacques P. Dupuis
Government House Leader and Minister responsible for
the Reform of Democratic Institutions**

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EXPLANATORY NOTES

This bill 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, in the exercise of ministerial functions, to those who are also Cabinet Ministers.

It first affirms the principal values of the National Assembly embraced by its Members, namely, social justice, integrity, honesty, the honour attached to the office of Member of the National Assembly, prudence in the pursuit of the public interest, and respect toward other MNAs, public servants and citizens.

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

The bill also requires Members to file a full 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 bill provides for the appointment by the National Assembly of an Ethics Commissioner, who is to be responsible for the administration of the Code and accountable to the National Assembly for the discharge of that responsibility. The Ethics Commissioner's functions include providing advisory opinions to Members, on their request, concerning their obligations under the Code—and providing such advisory opinions to the Premier concerning a Cabinet Minister—and conducting inquiries into any violation of the rules of conduct established by the Code according to the procedure set by the Code.

Lastly, various legislation is amended to enable the Ethics Commissioner to issue advisory opinions and conduct inquiries concerning any matter related to the ethical obligations of persons appointed by the National Assembly and of ministerial staff members, House officer staff members and the personnel working for MNAs. The bill also includes a number of technical and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Election Act (R.S.Q., chapter E-3.3);
- Executive Power Act (R.S.Q., chapter E-18);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Public Protector Act (R.S.Q., chapter P-32);
- Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011);
- Auditor General Act (R.S.Q., chapter V-5.01).

REGULATION REPEALED BY THIS BILL:

- Règlement sur les conflits d'intérêts du juriconsulte.

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.

A Cabinet Minister who has not been elected to the National Assembly is deemed to be a Member.

3. The Ethics Commissioner is responsible for the administration of this Code and is accountable in that regard to 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 government agency or a government enterprise governed by the Auditor General Act (R.S.Q., chapter V-5.01), 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 the 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 OF THE NATIONAL ASSEMBLY

6. Members embrace the values of the National Assembly set out in this Title, and recognize that these values must guide them in carrying out their duties of office, including those of their ministerial office if they are Cabinet Ministers, and in observing the rules of conduct applicable to them.

Accordingly, when carrying out their duties of office, Members

(1) work for social justice, thus helping to improve the social and economic situation of all Quebecers;

(2) strive to preserve the integrity of the National Assembly and its Members, and hold honesty as paramount in their conduct;

(3) uphold the honour attached to the office of Member of the National Assembly so as to maintain the dignity of Québec’s parliamentary institution and everything it represents;

(4) act with prudence in the pursuit of the public interest; and

(5) show respect toward other Members, public servants and citizens.

TITLE II

RULES OF CONDUCT APPLICABLE TO ALL MEMBERS

CHAPTER I

INCOMPATIBLE OFFICES OR POSTS

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

8. A post or employment 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; or

(3) a foreign country.

A post to which remuneration from a non-profit international organization is attached is also incompatible with the office of Member.

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

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

10. A Member who, when elected, holds an incompatible office or post within the meaning of section 7 or 8 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.

CHAPTER II

CONFLICTS OF INTEREST

11. A Member must avoid any situations where his or her private interests may impair his or her independence of judgment in carrying out the duties of office.

12. When carrying out the duties of office, a Member must not

(1) act or attempt to act in any way to further his or her private interests or those of a family member, or to improperly further another person's private interests;

(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 to improperly further another person's private interests;

(3) use or attempt to use information obtained as a Member that is not generally available to the public so as to further the Member's private interests or those of a family member, or to improperly further another person's private interests; or

(4) communicate or attempt to communicate such information to another person if the Member knows, or reasonably ought to know, that the information can be used to further the Member's private interests or those of a family member, or to improperly further another person's private interests.

13. 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 to having informed the Ethics Commissioner, unless, in the Ethics Commissioner's opinion, the circumstances of the contract are such that it is likely to affect the Member's obligations under this Code; in the latter case, the Ethics Commissioner may authorize the contract, but subject to conditions specified by the Commissioner, such as the creation of a blind trust or a blind management contract;

(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.

14. A Member may claim and receive remuneration or a benefit resulting from a contract mentioned in the first paragraph of section 13 if the contract was entered into and carried out before the Member's election.

15. If the Government or a department or public body acquires immovable 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.

16. A Member may, in the course of professional, commercial, industrial or financial 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 client is not the Government or a department or public body.

17. A Member whose election places him or her in a conflict of interest situation must put an end to that situation within six months, unless a different compliance period is set by the Ethics Commissioner.

18. 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 put an end to that situation within six months unless a different compliance period is set by the Ethics Commissioner.

19. A Member placed in a conflict of interest situation without his or her knowledge or against his or her will must put an end to that situation within six months after becoming aware of it, unless a different compliance period is set by the Ethics Commissioner.

20. A Member who knowingly has a private financial interest, not shared by the other Members or the general public, in a matter that is before the National Assembly or a committee of which he or she is a member must publicly declare the general nature of the interest at the first opportunity, and disclose it in writing to the Secretary General of the Assembly and to the Ethics Commissioner.

The Member is not required to make such a declaration and disclosure if he or she abstains from participating in debate and voting on the matter.

CHAPTER III

GIFTS AND BENEFITS

21. A Member must not solicit, elicit or accept any benefit, whether for himself or herself or for another person, in exchange for taking a position on a matter that may be brought before the National Assembly or a committee.

22. A Member must refuse or, at the first opportunity, return to the donor or deliver to the State 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.

23. In addition to what is provided in section 22, a Member must not accept any gift, hospitality or other benefit unless it is within the normal bounds of propriety, a normal expression of courtesy or protocol or within the normal standards of hospitality and is of reasonable value in the circumstances.

24. A Member who receives, directly or indirectly, a gift, hospitality or other benefit described in section 23 and chooses not to return it to the donor or deliver it to the State 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 circumstances under which it was received.

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

25. Sections 23 and 24 do not apply to gifts, hospitality or other benefits given to a Member that are of a purely private nature or that are received in connection with the carrying out of the duties of office.

26. For the purposes of sections 22 and 23, the repeated receipt of gifts, hospitality and other benefits from the same source must be taken into account.

27. A thing is delivered to the State by giving it to the Secretary General of the National Assembly, who disposes of it as appropriate.

CHAPTER IV

USE OF STATE PROPERTY

28. A Member must not use directly or indirectly, or allow the use of, State property, including property leased by the State, for anything other than activities related to the carrying out of the duties of office.

CHAPTER V

DISCLOSURE STATEMENT

29. 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 full statement disclosing his or her private interests and those of his or her family members. Information relating to the private interests of family members is to the best of the Member's knowledge. The statement is kept at the office of the Ethics Commissioner.

30. The disclosure statement must

(1) identify, and state the value of, the assets and liabilities of the Member and his or her family members, including

(a) the immovable and movable property that they own, in whole or in part, in Québec and elsewhere, except property held for personal use; however, any property in respect of which the Government or a department or public body has issued a notice of expropriation must, if not already disclosed, be added to the disclosure statement at the first opportunity; and

(b) the name, address and occupation of any individual creditor, other than a financial institution, with whom they have incurred a personal debt exceeding \$3,000 resulting from an unsecured loan of money, as well as the balance owing if in excess of \$20,000;

(2) state all income that the Member or a family member has earned during the preceding 12 months and is entitled to receive during the next 12 months, as well as the source of that income;

(3) state all benefits that the Member or a family member has received during the preceding 12 months, and is entitled to receive during the next 12 months, from a contract with the Government or a department or public body, and describe the subject-matter, value and nature of each such contract;

(4) state the name of any enterprise in which the Member or a family member has interests in the form of shares, stocks or debt obligations and that is likely to be party to a contract with the Government or a department or public body;

(5) if the statement mentions an enterprise whose securities are not traded on an exchange, include any of the following information that the Member is able to obtain by making reasonable inquiries:

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

(b) the names and addresses of persons who have interests in the enterprise; and

(c) the names of any other legal persons with which the enterprise is affiliated;

(6) list all legal persons of which the Member or a family member is director or an officer and all partnerships in which the Member or a family member is a partner, including a general or special partner;

(7) state any non-financial interest that the Member or a family member may have in an enterprise, body, legal person, partnership, association or pressure group that makes representations to the Government or a department or public body; and

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

31. A Member must report in writing to the Ethics Commissioner any material change to the information required in the disclosure statement within 30 days after the change.

32. After reviewing a Member's disclosure statement filed under section 29, the Ethics Commissioner may require a meeting with the Member and any family members to ensure that adequate disclosure has been made and to discuss the Member's obligations under this Code.

33. A disclosure summary of the private interests of each Member and his or her family members is prepared by the Ethics Commissioner after consulting with the Member, and is to be made available for public inspection.

The summary must

(1) set out the source and nature, but not the value, of income, assets and liabilities other than

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

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

(c) sums of money invested with a financial institution;

(d) securities issued by the Government or a public body on the same terms for all;

(e) a registered retirement savings plan that is not self-directed or investments in a self-directed registered retirement savings plan that would not be disclosed if held outside the plan;

(f) an interest in a pension plan, employee benefit plan, annuity or life insurance policy;

(g) an investment in an open-ended mutual fund;

(h) a guaranteed investment certificate or similar financial instrument; and

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

(2) identify any contracts with the Government or a department or public body referred to in the disclosure statement, and describe their subject-matter and nature;

(3) the name of any enterprise with respect to which a blind trust or a blind management contract has been created in accordance with section 13, the name and address of the trustee or mandatary and the date of the trust deed or management agreement;

(4) list the names of any enterprises, bodies, legal persons, partnerships, associations and pressure groups referred to in the disclosure statement; and

(5) include any other information that the Ethics Commissioner considers should be made public.

CHAPTER VI

ACTS CONTRARY TO THIS CODE

34. A Member acts contrary to this Code if he or she

- (1) refuses or fails to respond to a formal request of the Ethics Commissioner;
- (2) refuses or fails to provide the Ethics Commissioner with information or a document the Ethics Commissioner requires;
- (3) misleads or attempts to mislead the Ethics Commissioner in the exercise of the Ethics Commissioner's functions;
- (4) in any way hinders or attempts to hinder the Ethics Commissioner in the exercise of the Ethics Commissioner's functions; or
- (5) files with the Ethics Commissioner a complaint against another Member that is frivolous or vexatious or made in bad faith or without a valid reason.

TITLE III

SPECIAL RULES OF ETHICS APPLICABLE TO CABINET MINISTERS

CHAPTER I

INTERPRETATION

35. 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.

36. For the purposes of this Title,

(1) "State entity" means any of the following persons, agencies, bodies, enterprises or institutions:

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

(b) 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);

(c) 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;

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

(e) 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;

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

(g) 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;

(h) 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);

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

(j) 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);

(k) 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);

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

(2) “public company”, in relation to a Cabinet Minister, means a company whose shares are traded on an exchange or that has an established market for its shares, or a company whose shares are held by more than 25 shareholders and whose management is totally independent of the Cabinet Minister.

CHAPTER II

INCOMPATIBLE OFFICES OR POSTS

37. The post of director or officer of a legal person engaged in professional, commercial, industrial or financial activities is incompatible with the office of Cabinet Minister.

38. A Cabinet Minister may engage in a professional, commercial, industrial or financial activity only to the extent permitted by the Ethics Commissioner.

39. A Cabinet Minister must, as soon as possible after appointment to the Cabinet, resign as a director or officer of a legal person described in section 37 and cease any activity not permitted under section 38. 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

40. A Cabinet Minister must, within 60 days after appointment to the Cabinet or after being conferred interests in a public company, either dispose of such interests, place them to 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 that may be imposed by the Ethics Commissioner.

However, this section does not apply to interests described in subparagraphs *e* to *h* of paragraph 1 of section 33 or prohibit investment in a stock savings plan (SSP), the Fonds de solidarité FTQ or Fondation, nor does it apply to an interest which the Ethics Commissioner considers should be excluded from the application of this section.

41. A Cabinet Minister who, either directly or indirectly, has interests in an enterprise other than a public company 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 13, 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.

However, the Ethics Commissioner, after informing the Secretary General of the Conseil exécutif, may authorize, on specified conditions, a contract between an enterprise in which a Cabinet Minister has interests and the Government or a department or public body if, in the Ethics Commissioner's opinion, there is no resulting risk of the Cabinet Minister violating this Code.

The conditions specified by the Commissioner must include a requirement that the Cabinet Minister

(1) undertake 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 in which the Cabinet Minister has interests, 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, meeting of a Cabinet committee or the Conseil du trésor while such a file is being discussed;

(2) attach to his or her disclosure statement a signed document identifying each enterprise in which he or she has interests, and stating the nature of the interests;

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

(4) place the interests in a blind trust managed by an independent trustee, or entrust them to an independent mandatary under a blind management agreement.

The conditions may include any other requirement which the Ethics Commissioner may impose at any time, for instance that the Cabinet Minister dispose of the interests within the time and in the proportion determined by the Ethics Commissioner.

In addition, the Ethics Commissioner may at any time limit the types of contracts authorized or ask that authorized contracts be terminated. As an exception, the Ethics Commissioner may, even though the requirements of the third paragraph have not been met, authorize a particular contract but only in a case where the public interest so requires.

This section, except subparagraph 4 of the third paragraph, applies, with the necessary modifications, to the family members of a Cabinet Minister.

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 include the grounds for the authorization, the name of the enterprise, the name of the Cabinet Minister and, if applicable, family member concerned, the nature of the contract and the conditions imposed by the Ethics Commissioner.

42. 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.

43. As soon as a Cabinet Minister becomes aware of a situation described in section 17, 18 or 19, 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, the six-month compliance period provided for in sections 17, 18 and 19 is reduced to 60 days, unless the Ethics Commissioner sets a different compliance period, in which case the Ethics Commissioner informs the Secretary General of the Conseil exécutif.

CHAPTER IV

DISCLOSURE STATEMENT

44. A Cabinet Minister must provide in the disclosure statement under section 30 any additional details required by the Ethics Commissioner concerning any blind trust or blind management agreement set up in accordance with section 40 or 41, including the name of the trustee or mandatary.

45. When it concerns a Cabinet Minister, a disclosure summary under section 33 must provide the following additional information:

(1) the names of the public companies in which the Cabinet Minister has interests that have been placed in a blind trust or are covered by a blind management agreement in accordance with section 40 or 41, the name and address of the trustee or mandatary and the date of the trust deed or management agreement;

(2) the names of the public companies in which a family member of the Cabinet Minister has interests, unless they have been placed in a blind trust or are covered by a blind management agreement;

(3) the name of any enterprise, other than a public company, in which a family member of the Cabinet Minister has direct or indirect interests and which, but for the prescriptions of this Code, could possibly be party to contracts with the Government or a department or public body;

(4) a list of all immovable property exceeding \$10,000 in value that is owned in whole or in part by a family member of the Cabinet Minister, except that held for personal use;

(5) a reference to any immovable property included in the assets of the Cabinet Minister or a family member in respect of which the Government or a department or public body has issued a notice of expropriation;

(6) the name, address and occupation of any individual creditor, other than a financial institution, with whom the Cabinet Minister or a family member has incurred a personal debt exceeding \$3,000 resulting from an unsecured loan of money, as well as the balance owing if in excess of \$20,000;

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

(8) any other information which the Ethics Commissioner sees fit to make public.

CHAPTER V

POST-TERM ISSUES

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

47. 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, concerning the State or a third party with which they had official, direct and significant dealings during the year preceding their cessation in office.

48. 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.

49. 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 agree to carry out duties or accept employment or a post within such an entity; and

(2) intervene on behalf of anyone else with a department for which they were responsible in the year preceding their cessation in office or with any department or other State entity with which they had official, direct and significant dealings in that year.

50. At the request of a former Cabinet Minister, the Ethics Commissioner may, on specified conditions and in keeping with the objectives of section 49, lift a prohibition set out in paragraph 1 of the first paragraph of that section or

shorten the two-year compliance period applicable to such a prohibition, taking into account the following factors:

- (1) the length of the person's term as a Cabinet Minister, the circumstances in which the person left office and the person's employment opportunities;
- (2) the level of authority or actual influence the person had as a Cabinet Minister in dealings with the entity within which the person would accept an appointment, agree to carry out duties or accept employment or a post;
- (3) the ties the person may have established as a Cabinet Minister with the entity and the advantages the person may draw from those ties; and
- (4) the significance of the information the person obtained as a Cabinet Minister in connection with the activities of the entity;
- (5) the nature of the duties that would be assigned to the person and the conditions the person undertakes to comply with concerning his or her activities within the entity.

Public notice of a decision under this section must be given without delay by the Ethics Commissioner and include the grounds on which the decision is based, the name of the former Cabinet Minister, the name of the entity concerned, the nature of the appointment, duties, employment or post and the conditions imposed by the Ethics Commissioner.

51. A Cabinet Minister in office must, upon discovering that another person who is subject to this chapter is violating a provision of section 48 or paragraph 2 of section 49 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. 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

52. On the motion of the Premier 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.

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

54. The Ethics Commissioner exercises the duties of office on a full-time basis, focussing on information and prevention and maintaining high standards of confidentiality, objectivity and impartiality.

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

55. 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.

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

57. The Ethics Commissioner may not

(1) be related by blood, or connected by marriage or civil union, to a Member of the National Assembly or a party member or candidate described in subparagraph 2 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.

An indemnity clause must be included in the Ethics Commissioner's conditions of employment in the event that the Ethics Commissioner is forced to leave office prematurely for the reason set out in subparagraph 1 of the first paragraph.

58. The Ethics Commissioner must avoid situations involving any direct or indirect conflict between the Ethics Commissioner's private interests and the Ethics Commissioner's duties of office.

59. The Office of the National Assembly may, by regulation, establish rules applicable to the Ethics Commissioner concerning conflicts of interest.

60. 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

61. 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 management resource services to be provided at no charge to the Ethics Commissioner by the National Assembly.

62. 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.

63. 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 regulation, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place.

64. 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.

65. 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*.

66. 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. A report of the Auditor General, pertaining solely to the financial audit of the Ethics Commissioner, must be submitted with the Ethics Commissioner's report and financial statements.

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.

[[**67.** 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

68. The Ethics Commissioner must retain all documents relating to a Member for a period of 12 months after he or she ceases to be a Member or for a period of 36 months after he or she ceases to be a Cabinet Minister, whichever comes last. 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.

69. 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.

70. 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.

71. 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.

72. Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of the Code 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 made or order or injunction issued contrary to the first paragraph.

CHAPTER II

ADVISORY OPINIONS OF THE ETHICS COMMISSIONER

73. 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.

74. An advisory opinion given to a Member by the Ethics Commissioner is binding on the Ethics Commissioner in relation to any subsequent consideration of the same subject-matter so long as the relevant facts that were known to the Member were fully and accurately presented to the Ethics Commissioner.

75. An act or omission by a Member is not 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.

76. At the Premier's written request, the Ethics Commissioner may issue a written advisory opinion, with reasons and including any recommendation the Ethics Commissioner considers appropriate, on any matter respecting the obligations of a Cabinet Minister or a former Cabinet Minister under this Code, provided, in the case of a former Cabinet Minister, that the person belongs to the same political party as the Premier.

Section 73 applies, with the necessary modifications, to such an advisory opinion.

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

78. 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

79. A Member who has reasonable grounds for believing that another Member has violated a provision of Chapters I to V of Title II 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.

If the request concerns a Cabinet Minister, a copy is also sent to the Premier.

80. 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 a provision of Title II or Title III, in particular by acting contrary to this Code as described in section 34.

If the inquiry concerns a Cabinet Minister, reasonable advance notice is also given to the Premier.

81. 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.

82. The Ethics Commissioner may make agreements with other persons such as the Auditor General and the Lobbyists Commissioner for the conduct of joint inquiries under this Code and under the legislative provisions they administer.

83. If, after a verification, the Ethics Commissioner is of the opinion that a request for an inquiry is frivolous or vexatious or was not made in good faith, or that there are no or insufficient grounds for an inquiry, the Ethics Commissioner dismisses the request and so informs the Member who made the request, the Member named in the request and, if the request concerns a Cabinet Minister, the Premier.

The same applies if, in the Ethics Commissioner's opinion, it is not in the public interest to continue an inquiry.

84. The Ethics Commissioner must conduct an inquiry in private and with due dispatch, giving the Member concerned an opportunity to submit observations and, if the Member so requests, to be heard.

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.

85. The Ethics Commissioner must suspend the inquiry into a matter without delay if

(1) the Ethics Commissioner has reasonable grounds for believing that the Member has committed a statutory offence, in which case the Ethics Commissioner must refer the matter to the Attorney General; or

(2) the Ethics Commissioner discovers that the facts or the act or omission under inquiry are also the subject of an investigation to determine if a statutory offence has been committed, or that a charge has been laid with respect to those facts or that act or omission.

The Ethics Commissioner may not continue the inquiry until the investigation or the charge has been finally disposed of.

86. Following an inquiry, the Ethics Commissioner reports without delay to the President of the National Assembly. The report must include reasons for its conclusions and recommendations.

If the inquiry concerns a Cabinet Minister, the report is also sent to the Premier.

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

87. If the Ethics Commissioner concludes that there was no contravention of this Code, the Ethics Commissioner so states in the report.

88. If the Ethics Commissioner concludes that a Member has violated this Code but that the Member took all reasonable measures to comply with it, or that the breach was trivial or occurred through inadvertence or an error in judgment made in good faith, the Ethics Commissioner so states in the report. The Ethics Commissioner may recommend the imposition of one or more of the sanctions set out in section 90, or recommend that no sanction be imposed.

89. If the Ethics Commissioner concludes that a Member has held a post or office incompatible with the office of Member and that none of the circumstances in section 88 apply, the Ethics Commissioner so states in the report and recommends that the Member lose his or her seat or position as a Cabinet Minister, as the case may be, and reimburse the indemnities,

allowances or other amounts he or she received as a Member or a Cabinet Minister while so disqualified.

The Ethics Commissioner may also recommend the imposition of a maximum fine of \$1,000 for each day the Member sat as a Member or sat in Cabinet while so disqualified.

90. Except in the cases described in section 89, if the Ethics Commissioner concludes that a Member has violated this Code and that none of the circumstances in section 88 apply, the Ethics Commissioner so states in the report and may recommend one or more of the following sanctions:

- (1) a reprimand;
- (2) a fine, 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 temporary suspension without indemnity;
- (7) the loss of his or her seat as a Member, in which case, if the recommendation is ratified by the National Assembly under section 94, the Member is ineligible and disqualified to sit as a Member for a period of five years from the date of the Assembly's decision or, if applicable, the effective date of the order referred to in the second paragraph;
- (8) the loss of his or her position as a Cabinet Minister, if applicable.

On recommending that a Member lose his or her seat, the Ethics Commissioner may order in the report that the Member be suspended without indemnity until the National Assembly adopts the report. Such an order takes effect upon the receipt of the report by the President of the National Assembly and is enforceable as though it were a decision of the Assembly.

91. The Ethics Commissioner may include in the report any recommendations arising from the matter that concern the general interpretation of this Code and any recommendations for revision of this Code.

CHAPTER IV

DECISION OF THE NATIONAL ASSEMBLY

92. 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.

93. In the case of a report described in section 88 in which the Ethics Commissioner recommended the imposition of a sanction or in the case of a report described in section 89 or 90, the report is considered by the National Assembly in a limited debate at the sitting following the reply under section 92, or, if no reply is made, on the expiry of the time specified in that section. The debate has precedence and no amendments to the report are admissible.

94. 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.

However, only the Premier may impose the sanction set out in paragraph 8 of section 90.

95. The National Assembly is fully competent to make a decision under this chapter and to apply the sanctions prescribed in this chapter that are recommended by the Ethics Commissioner, except the sanction set out in paragraph 8 of section 90.

96. If the National Assembly directs a Member to pay or reimburse a sum of money or to deliver or reimburse the value of a benefit following a breach of this Code, it may, if the Member fails to comply with the order, 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.

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

TITLE V

MISCELLANEOUS, AMENDING, TRANSITIONAL AND FINAL PROVISIONS

98. The payment of indemnities, allowances or other amounts to a Member under the Act respecting the National Assembly (R.S.Q., chapter A-23.1) or its regulations, 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) or its regulations, or under the Executive Power Act (R.S.Q., chapter E-18) or its regulations because of the Member's office as a Cabinet Minister, the provision to the President of the National Assembly of premises in which to receive electors in his or her electoral division, or the provision to the Leader of the Official Opposition of premises in which to carry out the duties of that office in the Montréal area does not place that Member in violation of this Code.

99. 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.

100. Section 110.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by inserting "must include the sanctions applicable for a violation of the rules. The sanctions must be approved by regulation of the Office of the National Assembly, with or without modification, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (*insert the year and chapter number of this Act*). The sanctions" after "ethics" in the second paragraph.

101. The Act is amended by inserting the following sections after section 110.1:

"110.2. In response to a request in writing from a member of the Commission, 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 member of the Commission 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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to a member of the Commission by the Ethics Commissioner.

“110.3. The Ethics Commissioner may publish guidelines for the members of the Commission regarding the application of the rules of ethics, provided that no personal information is included.

“110.4. In response to a request in writing from the designated minister or a member of the Commission, or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether a member of the Commission has violated the rules of ethics.

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office of the National Assembly.

The inquiry report of the Ethics Commissioner is sent to the President of the National Assembly, the Minister, the chair of the Commission and, if applicable, the member of the Commission.

The President of the National Assembly shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“110.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

102. Section 17 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended

(1) by inserting “ou tenu pour” after “est déclaré” in subparagraph 6 of the first paragraph in the French text;

(2) 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 (*insert the year and chapter number of this Act*)”.

103. The Act is amended by inserting the following sections after section 28:

“28.1. The Office of the National Assembly shall, by regulation, 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 Secretary General and the associate secretaries general that include the sanctions applicable for the violation of the rules. The regulation is published in the *Gazette officielle du Québec*.

“28.2. In response to a request in writing from the Secretary General or an associate secretary general, 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 Secretary General or the associate secretary general 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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to the Secretary General or an associate secretary general by the Ethics Commissioner.

“28.3. The Ethics Commissioner may publish guidelines for the Secretary General and the associate secretaries general regarding the application of the rules of ethics, provided that no personal information is included.

“28.4. Following a decision of the Office proposed by the President, in response to a request in writing from the Secretary General or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether the Secretary General or an associate secretary general has violated the rules of ethics.

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office.

The inquiry report of the Ethics Commissioner is sent to the chairman, the Secretary General and, if applicable, the associate secretary general concerned.

The President shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“28.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

104. Section 37 of the Act is amended by replacing “the Government departments and the public bodies contemplated in section 66” in the second paragraph by “government departments and public bodies”.

105. The Act is amended by inserting the following section after section 37:

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

106. The Act is amended by inserting the following section after section 56:

“56.1. It is a breach of the privileges of the Assembly for a Member to bring a complaint against another Member before the Assembly under section 55 or 56 without a valid reason.”

107. Divisions II to V of Chapter III of the Act, comprising sections 57 to 85, are repealed.

108. Section 85.1 of the Act is amended

(1) by replacing “the advice of the jurisconsult of the National Assembly” in the third paragraph by “an advisory opinion of the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly”;

(2) by adding the following sentence at the end of the third paragraph: “However, in the case of an inquiry under that Code or proceedings arising from facts under inquiry by the Ethics Commissioner, the advisory opinion shall be given by a member of the Barreau du Québec designated for that purpose by the President of the Assembly.”

109. Sections 85.3 and 85.4 of the Act are amended by replacing “the advice of the jurisconsult” wherever it appears by “an advisory opinion of the Ethics Commissioner”.

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

“124.3. The Office of the National Assembly shall, by regulation, 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 that include the sanctions applicable for the violation of the rules. The regulation is published in the *Gazette officielle du Québec*.

Sections 28.2 to 28.5 apply, with the necessary modifications. However, a request referred to in section 28.4 must be made by the Member for whom the staff member concerned works, and the inquiry report of the Ethics Commissioner is sent to the President, the Member and the staff member.”

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

“134. A Member who commits an act or omission described in sections 55 to 56.1 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 fine;
- (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) a temporary suspension without indemnity;
- (6) the loss of his or her seat.

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

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

113. Section 60 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is replaced by the following sections:

“60. The members of the commission shall remain in office until they are replaced, unless they resigned or were removed.

A member of the commission may only be removed by a resolution of the National Assembly approved by two thirds of its Members.

“60.1. The commission shall adopt rules of ethics for its members that include the sanctions applicable for the violation of the rules. The rules must be approved by regulation of the Office of the National Assembly with or without modification, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (*insert the year and chapter number of this Act*). The regulation is published in the *Gazette officielle du Québec*.

“60.2. In response to a request in writing from a member of the commission, 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 member of the commission 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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to a member of the commission by the Ethics Commissioner.

“60.3. The Ethics Commissioner may publish guidelines for the members of the commission regarding the application of the rules of ethics, provided that no personal information is included.

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

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office of the National Assembly.

The inquiry report of the Ethics Commissioner is sent to the President of the National Assembly, the Minister, the president of the commission and, if applicable, the commission member concerned.

The President of the National Assembly shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“60.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

114. The Election Act (R.S.Q., chapter E-3.3) is amended by inserting the following sections after section 484:

“484.1. The Chief Electoral Officer shall adopt rules of ethics that include the sanctions applicable for the violation of the rules. The rules must

be approved by regulation of the Office of the National Assembly with or without modification, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (*insert the year and chapter number of this Act*). The regulation is published in the *Gazette officielle du Québec*.

“484.2. In response to a request in writing from the Chief Electoral Officer, 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 Chief Electoral Officer under the rules of ethics.

The advisory opinion is confidential and may only be made public by the Chief Electoral Officer or with the Chief Electoral Officer’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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to the Chief Electoral Officer by the Ethics Commissioner.

“484.3. The Ethics Commissioner may publish guidelines for the Chief Electoral Officer regarding the application of the rules of ethics, provided that no personal information is included.

“484.4. Following a decision of the Office of the National Assembly proposed by the President of the National Assembly or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether the Chief Electoral Officer has violated the rules of ethics.

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office of the National Assembly.

The inquiry report of the Ethics Commissioner is sent to the President of the National Assembly and the Chief Electoral Officer.

The President of the National Assembly shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“484.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

115. The Act is amended by inserting the following sections after section 531:

“531.1. The Commission shall adopt rules of ethics for its members that include the sanctions applicable for the violation of the rules. The rules must be approved by regulation of the Office of the National Assembly with or without modification, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly. The regulation is published in the *Gazette officielle du Québec*.

“531.2. In response to a request in writing from a commissioner, 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 commissioner 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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to a commissioner by the Ethics Commissioner.

“531.3. The Ethics Commissioner may publish guidelines for the commissioners regarding the application of the rules of ethics, provided that no personal information is included.

“531.4. Following a decision of the Office of the National Assembly proposed by the President of the National Assembly, in response to a request in writing from a commissioner or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether a commissioner has violated the rules of ethics.

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office of the National Assembly.

The inquiry report of the Ethics Commissioner is sent to the President of the National Assembly, the chairman of the Commission and, if applicable, the commissioner concerned.

The President of the National Assembly shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“531.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

116. 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 (*insert the year and chapter number of this Act*) shall, by regulation, after consultation with the Premier, adopt rules of ethics applicable to office staff that include the sanctions applicable for the violation of the rules. 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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, 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 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics adopted by the Ethics Commissioner.

The inquiry report of the Ethics Commissioner is sent to the staff member concerned, the Minister responsible and the Premier.

The Premier shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“11.11. If the Ethics Commissioner has recommended the imposition of a sanction in the report, the Premier is fully competent to make a decision on the matter—after giving the staff member concerned an opportunity to submit observations and, if the staff member has so requested, to be heard—and to apply the sanctions that are recommended by the Ethics Commissioner in the report.”

117. Division III of the Act is repealed.

118. The Public Service Act (R.S.Q., chapter F-3.1.1) is amended by inserting the following sections after section 111:

“111.1. The Commission shall adopt rules of ethics for its members that include the sanctions applicable for the violation of the rules. The rules must be approved by regulation of the Office of the National Assembly with or without modification, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (*insert the year and chapter number of this Act*). The regulation is published in the *Gazette officielle du Québec*.

“111.2. In response to a request in writing from a member of the Commission, 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 member of the Commission 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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to a member of the Commission by the Ethics Commissioner.

“111.3. The Ethics Commissioner may publish guidelines for the members of the Commission regarding the application of the rules of ethics, provided that no personal information is included.

“111.4. In response to a request in writing from the chair of the Conseil du trésor or a member of the Commission, or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether a member of the Commission has violated the rules of ethics.

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office of the National Assembly.

The inquiry report of the Ethics Commissioner is sent to the President of the National Assembly, the chair of the Conseil du trésor, the chairman of the Commission and, if applicable, the Commission member concerned.

The President of the National Assembly shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“111.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

119. Section 121 of the Act is amended by replacing the third paragraph by the following paragraph:

“Sections 111 to 111.5, 113, 114 and 117 to 120 and the rules of ethics approved by the Office of the National Assembly under section 111.1 apply to substitute commissioners.”

120. The Public Protector Act (R.S.Q., chapter P-32) is amended by inserting the following sections after section 7:

“7.1. The Public Protector shall adopt rules of ethics for the Public Protector and the Deputy Public Protectors that include the sanctions applicable for the violation of the rules. The rules must be approved by regulation of the Office of the National Assembly with or without modification, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (*insert the year and chapter number of this Act*). The regulation is published in the *Gazette officielle du Québec*.

“7.2. In response to a request in writing from the Public Protector or a Deputy Public Protector, 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 Public Protector or the Deputy Public Protector 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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to the Public Protector or a Deputy Public Protector by the Ethics Commissioner.

“7.3. The Ethics Commissioner may publish guidelines for the Public Protector and the Deputy Public Protectors regarding the application of the rules of ethics, provided that no personal information is included.

“7.4. Following a decision of the Office of the National Assembly proposed by the President of the National Assembly, in response to a request in writing from the Public Protector, or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether the Public Protector or a Deputy Public Protector has violated the rules of ethics.

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office of the National Assembly.

The inquiry report of the Ethics Commissioner is sent to the President of the National Assembly, the Public Protector and, if applicable, the Deputy Public Protector concerned.

The President of the National Assembly shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“7.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

121. Section 15 of the Act is amended by inserting “and the Ethics Commissioner” after “the Chief Electoral Officer” in paragraph 1.

122. The Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011) is amended by inserting the following sections after section 34:

“34.1. The Commissioner shall adopt rules of ethics that include the sanctions applicable for the violation of the rules. The rules must be approved by regulation of the Office of the National Assembly with or without modification, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (*insert the year and chapter number of this Act*). The regulation is published in the *Gazette officielle du Québec*.

“34.2. In response to a request in writing from the Commissioner, the Ethics Commissioner provides a written advisory opinion, with reasons and any recommendations the Ethics Commissioner considers appropriate, on any matter respecting the obligations of the Commissioner under the rules of ethics.

The advisory opinion is confidential and may only be made public by the Commissioner or with that Commissioner’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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to the Commissioner by the Ethics Commissioner.

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

“34.4. Following a decision of the Office of the National Assembly proposed by the President of the National Assembly or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether the Commissioner has violated the rules of ethics.

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office of the National Assembly.

The inquiry report of the Ethics Commissioner is sent to the President of the National Assembly and the Commissioner.

The President of the National Assembly shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“34.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

123. Section 13 of the Auditor General Act (R.S.Q., chapter V-5.01) is replaced by the following sections:

“13. The Auditor General may only be removed by a resolution of the National Assembly approved by two thirds of its Members.

“13.1. The Auditor General shall adopt rules of ethics that include the sanctions applicable for the violation of the rules. The rules must be approved by regulation of the Office of the National Assembly with or without modification, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (*insert the year and chapter number of this Act*). The regulation is published in the *Gazette officielle du Québec*.

“13.2. In response to a request in writing from the Auditor General, 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 Auditor General under the rules of ethics.

The advisory opinion is confidential and may only be made public by the Auditor General or with the Auditor General’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.

Sections 74 and 75 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to an advisory opinion provided to the Auditor General by the Ethics Commissioner.

“13.3. The Ethics Commissioner may publish guidelines for the Auditor General regarding the application of the rules of ethics, provided that no personal information is included.

“13.4. Following a decision of the Office of the National Assembly proposed by the President of the National Assembly or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether the Auditor General has violated the rules of ethics.

Sections 80 to 88, 90 and 91 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, but the sanctions applicable are those set out in the rules of ethics approved by regulation of the Office of the National Assembly.

The inquiry report of the Ethics Commissioner is sent to the President of the National Assembly and the Auditor General.

The President of the National Assembly shall lay the report before the National Assembly within 15 days after it is received or, if the Assembly is not sitting, within 15 days after resumption.

“13.5. The second paragraph of section 92 and sections 93 to 95 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications, to the National Assembly’s decision on the report of the Ethics Commissioner.”

124. Section 17 of the Act is amended by replacing “applies” in the last sentence of the fourth paragraph by “and the standards of ethics and discipline prescribed in sections 4 to 12 of that Act or its regulations apply,”.

125. The Règlement sur les conflits d’intérêts du juriconsulte, made on 23 November 1983 by Decision 57 of the Office of the National Assembly, is repealed.

126. If the Commission des droits de la personne et des droits de la jeunesse, the Chief Electoral Officer, the Commission de la représentation, the Commission de la fonction publique, the Public Protector, the Lobbyists Commissioner or the Auditor General fails to adopt rules of ethics in accordance with the provisions enacted by sections 113 to 115, 118, 120, 122 and 123 within one year after the coming into force of those sections, the Ethics Commissioner adopts rules of ethics for them.

This section also applies to the Commission d’accès à l’information with regard to the review of its rules of ethics.

127. Until the coming into force of rules of ethics adopted under section 124.3 of the Act respecting the National Assembly, sections 46 to 51 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 35 of this Code; however, the two-year compliance period prescribed in sections 49 and 50 is reduced to one year.

128. 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 46 and 51 of this Code, except in respect of support staff; however, the two-year compliance period prescribed in sections 49 and 50 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.

129. The provisions of this Code come into force on the date or dates to be set by the Government, which may not be later than 1 April 2010, or on 1 April 2010 if they are not yet in force on that date.

SCHEDULE

(Section 56)

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.

