

ETHICS AND CONDUCT COMMISSIONER

BY E-MAIL

Québec city, April 5, 2024

Mr. Shane Getson
Member of the Legislative Assembly of Alberta
Chair, *Select Special Conflicts of Interest Act*
Review Committee
COIACommittee@assembly.ab.ca

Dear Mr. Getson:

On behalf of the Office of the Ethics and Conduct Commissioner of Québec (hereinafter “the commissioner”), I am pleased to forward to you the following information, which we hope will contribute to the important deliberations that your committee is to undertake with regard to the Alberta *Conflict of Interest Act*.

In Québec the process of revising the *Code of ethics and conduct of the Members of the National Assembly* (RLRQ, ch. C-23.1) (hereinafter “the code”) falls in the first place to the commissioner under section 114 of that act. Thus, in a report that he is legally obligated to transmit to the President of the National Assembly every five years the commissioner may make recommendations concerning the advisability of amending the code.

Since this institution was created in 2010, the commissioner has published an initial report on the implementation of the code in 2015 and a second in 2019. A third report is to be made public in the course of the coming year. You will find the first two reports attached to the present as well as in the “Publications” section of our internet site.

After these reports were tabled, and as stipulated in section 114 of the code, the National Assembly’s Committee on Institutions took them into consideration, during which process special consultations were held. On both occasions the Committee on Institutions heard a number of intervenors, including the commissioner and her predecessor, and formulated various observations, conclusions, or recommendations as deemed appropriate. Attached to the present you will find the reports by this committee that resulted from these proceedings. In the National Assembly’s internet site you can also peruse the corpus of the documentation submitted to parliamentarians during the proceedings held in 2015 and 2016 as well as that of 2023.

We believe that certain recommendations made in the latter report on the implementation of the code (hereinafter the “RMEO 2015-2019”) may be of interest to your committee, to the extent that they concern provisions which, although containing significant

differences, deal with matters that are also taken up in the Alberta law. Of course, these recommendations apply exclusively within the context of parliamentary conduct in Québec. References to these recommendations are therefore intended for informational purposes only and should not be interpreted as a commentary, a point of view, or indeed a recommendation regarding the situation in Alberta.

First, Recommendation No. 14 of the RMEQ 2015-2019 suggested that legislators amend the code to allow a Member of the National Assembly who has a personal, financial, and distinct interest in relation to a matter that is before the Assembly or one of its committees to participate in a sitting where such parliamentary business is conducted, on the condition that he or she declare the said interest. This measure, which was also recommended in the previous report, would make it possible, in particular, to benefit from the contribution of such a Member without placing him or her in a situation of conflict of interest.

With respect to commercial transactions with the State, it was proposed in Recommendation No. 16 of the RMEQ 2015-2019 that more latitude be granted to the commissioner in this regard. The adoption of this recommendation would allow the commissioner to authorize a Member of the National Assembly to participate in a commercial transaction with the State in accordance with the conditions determined by the commissioner. I would also draw your attention to Recommendation No. 17 of the RMEQ 2015-2019, which would allow the commissioner greater discretion when a member of the Executive Council possesses an interest in a private enterprise that conducts business with the State.

Furthermore, Recommendation No. 8 of the RMEQ 2015-2019, like the preceding report, suggested that the code be amended to permit the imposition of a penalty in cases of failure to respect certain obligations for which an inquiry would not constitute an appropriate means of enforcement. Such penalties could apply, for example, when a Member of the National Assembly fails to complete a declaration of personal interest.

With respect to electoral timelines, Recommendation No. 11 of the RMEQ 2015-2019 proposed that the presentation of a request for an inquiry be disallowed during a period of four (4) months prior to the date on which the vote in a general election is to take place.

Finally, I would draw your attention to Recommendation No. 7 of the RMEQ 2015-2019, which proposed that the code be amended so that the National Assembly would be called upon to render a decision only upon a recommendation contained in the report on an inquiry to impose a penalty – and not on the report in its entirety –, in particular to preserve the commissioner's independence with respect to the interpretation of the act.

As well, I would submit for your consideration the *Guide relatif aux dons, avantages et marques d'hospitalité* (Guide relating to gifts, advantages, and tokens of hospitality), published last January, which clarifies the commissioner's interpretation of the obligations set forth on this

subject in the code. This guide, which you will find attached, also discusses the question of sponsored travel. It may also be found in the useful "Documentation" section of our [internet site](#).

I hope you will find these various documents to be of use to you during your deliberations.

Respectfully yours,

Catherine Durepos
Secretary General

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