



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 131

**An Act to amend the Act respecting
the Ministère du Conseil exécutif
as regards standards of ethics
and professional conduct**

Introduction

**Introduced by
Mr Jacques Parizeau
Prime Minister**

DEC 10 1995

ASSEMBLÉE NATIONALE

**Québec Official Publisher
1995**

EXPLANATORY NOTES

This bill provides that the Government will be empowered to make regulations to enact standards of ethics and professional conduct applicable to the public office holders it indicates, and to require the boards of directors of government agencies and corporations to adopt codes of ethics and professional conduct. The regulations will also define the authorities responsible for, and procedure governing, examinations and inquiries with respect to misconduct, determine appropriate penalties, and indicate by which authorities the penalties are to be imposed.

The bill also imposes on various institutions in the sectors of education and health and social services the obligation to adopt standards of ethics and professional conduct applicable to their directors.

Lastly, the bill provides that any person deriving a benefit from a failure to comply with a standard established by regulation will be liable to the State for the value of the benefit obtained.

Bill 131

An Act to amend the Act respecting the Ministère du Conseil exécutif as regards standards of ethics and professional conduct

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by inserting, after section 3, the following division:

“DIVISION I.1

“STANDARDS OF ETHICS AND PROFESSIONAL CONDUCT

“§ 1. — *Public office holders*

“3.0.1 Public office holders shall be subject to the standards of ethics and professional conduct enacted by government regulation, including those relating to remuneration.

The following persons are public office holders:

(1) the directors and members of a government agency or government corporation within the meaning of the Auditor General Act (chapter V-5.01) and the persons holding other offices provided for by law within such an agency or corporation;

(2) the persons appointed or designated by the Government or by a minister to an office within any other agency or corporation that is not a public body within the meaning of the Auditor General Act;

(3) the persons appointed or designated by government agencies or corporations as directors or members of other agencies or corporations.

The Université du Québec, its constituent universities, its research institutes and its superior schools within the meaning of the Act respecting the Université du Québec (chapter U-1), are considered to be government agencies.

A person already governed by standards of ethics or professional conduct under the Public Service Act (chapter F-3.1.1) or the Courts of Justice Act (chapter T-16) shall, in addition, be subject to the standards prescribed under this division where that person's position is that of a public office holder.

“3.0.2 The regulations made under section 3.0.1 may

(1) prescribe standards that vary according to the various classes of agencies, corporations or persons to which they apply;

(2) prescribe the rules with which public office holders are required to comply after the expiry of their term of office, and the period of compliance;

(3) regulate or prohibit certain practices relating to the remuneration of public office holders;

(4) require the boards of directors of government agencies and corporations, or the entities acting as such, to establish, in conformity with the standards prescribed by the regulations, a code of ethics and professional conduct applicable to the persons referred to in section 3.0.1 and specify the matters to be addressed by the codes; the codes may prescribe standards that vary according to the various classes of persons to which they apply;

(5) establish the authorities responsible for, and the procedure governing, examinations of and inquiries into alleged or actual conduct that may be in contravention of the law, the regulations or the codes of ethics and professional conduct, determine appropriate penalties, and determine the authorities which are to impose such penalties;

(6) determine the terms and conditions according to which public office holders may be temporarily relieved of their duties.

The codes of ethics and professional conduct shall be established after the board of directors of the agency or corporation concerned, or the entity acting as such, has received notice from the Secretary General of the Conseil exécutif to the effect that the code is in conformity with the regulations made under this subdivision.

“§ 2. — *Health and social services and education sectors*

3.0.3 The following institutions shall establish standards of ethics and professional conduct applicable to the members of their boards of directors or of the entities acting as such:

(1) every educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) except an institution referred to in the third paragraph of section 3.0.1;

(2) every general and vocational college established under the General and Vocational Colleges Act (chapter C-29);

(3) every school board subject to the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) and the Conseil scolaire de l'Île de Montréal;

(4) every private institution accredited for the purposes of subsidies under the Act respecting private education (chapter E-9.1);

(5) every other educational institution more than half of whose expenses are paid out of appropriations appearing in the budget estimates tabled in the National Assembly;

(6) every public or private institution that is a party to an agreement and every regional board referred to in the Act respecting health services and social services (chapter S-4.2);

(7) the regional council established under the Act respecting health services and social services for Cree Native persons (chapter S-5).

The standards established under this section shall include implementation mechanisms.

The provisions of the first paragraph of section 3.0.2, adapted as required, apply to the standards established under this section.

“§ 3. — *Special provision*

3.0.4 Any person who derives a benefit as a result of a failure to comply with any standard of ethics or professional conduct

established under this division is liable to the State for the value of the benefit derived.”

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