

SENATE



SÉNAT

STANDING COMMITTEE ON ETHICS
AND CONFLICT OF INTEREST FOR
SENATORS

CANADA

COMITÉ PERMANENT SUR L'ÉTHIQUE ET
LES CONFLITS D'INTÉRÊTS DES
SÉNATEURS

Ethics and Conflict of Interest Code for Senators
DIRECTIVE 2015-01

Failure to the Duty to Disclose

Pursuant to subsection 37(2) of the *Ethics and Conflict of Interest Code for Senators*, the Standing Committee on Ethics and Conflict of Interest for Senators directs the Senate Ethics Officer to interpret, apply and administer the *Code* in accordance with this directive.

Given by the Committee on Thursday, June 29, 2015.

Directive

The failure by a Senator to comply with his or her obligation to make or file a disclosure declaration or statement under the *Ethics and Conflict of Interest Code for Senators* is subject to the enforcement process established under sections 47 to 52 of the *Code*, as with any other breach of the *Code*.

Explanatory Note

The *Ethics and Conflict of Interest Code for Senators* requires every Senator to make or file disclosure declarations and statements: declaration of private interest (section 12), statement of gifts and other benefits (subsection 17(3)), statement of sponsored travel (subsection 18(1)), annual confidential disclosure statement (subsection 27(1)), statement of material change (subsection 28(6)), statement of compliance (subsection 45(1)). These disclosure requirements apply to all Senators, whether on leave of absence, suspended or absent due to illness (subsection 3(3)).

The failure by a Senator to comply with his or her obligation to make or file a disclosure declaration or statement is subject to the enforcement process established under sections 47 to 52 of the *Code*, as with any other breach of the *Code*. With regard to the failure to make a declaration of private interest and to file the annual confidential disclosure statement, no different enforcement process is implied by section 15 and subsection 27(4), which respectively provide that a Senator may raise with the Senate Ethics Officer another Senator's failure to make a declaration of private interest and that the Senate Ethics Officer must submit to the Committee the name of any Senator who has not filed his or her annual confidential disclosure statement 30 days after the established date.