



Office of the
Senate Ethics Officer
Bureau du
conseiller sénatorial
en éthique

ANNUAL REPORT

2023-2024

Annual Report of the Senate Ethics Officer 2023-2024

Print copies of this publication may be obtained at the following address:

Office of the Senate Ethics Officer
90 Sparks Street, Room 526
Ottawa, Ontario K1P 5B4

Tel.: (613) 947-3566
Fax: (613) 947-3577
e-mail: cse-seo@sen.parl.gc.ca

This document is also available electronically at the following address:
<https://seo-cse.sencanada.ca/>

© Office of the Senate Ethics Officer, Senate of Canada, 2024
Catalogue number: Y7-1E-PDF
ISSN: 1928-2052





Senate Ethics
Officer
Conseiller sénatorial
en éthique

June 2024

The Honourable Raymonde Gagné
Speaker of the Senate
Room A108, Senate of Canada Building
Parliament Buildings
Ottawa, Ontario K1A 0A4

Dear Madam Speaker:

It is my honour and pleasure to submit to you the Nineteenth Annual Report of the Office of the Senate Ethics Officer, pursuant to section 20.7 of the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, as amended. by S.C. 2004, c.7; S.C. 2006, c.9. It covers the period from April 1, 2023 to March 31, 2024.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'P. Legault', with a large, sweeping flourish above the name.

Pierre Legault

Table of Contents

MESSAGE FROM THE SENATE ETHICS OFFICER	1
MANDATE OF THE SENATE ETHICS OFFICER	7
Three Major Functions	7
Opinions and Advice	7
Annual Disclosure Process	8
Preliminary Reviews and Inquiries	9
Harassment and Violence.....	11
Other Rules and Laws	11
Independence of the Senate Ethics Officer.....	12
THE YEAR IN REVIEW 2023-2024.....	14
Opinions and Advice	14
Annual Disclosure Process	15
Preliminary Reviews and Inquiries	18
Preliminary reviews.....	18
Inquiries	18
Complaints and allegations of breaches of the Code.....	19
Harassment and Violence.....	19
Outreach.....	19
Outreach to Senators	19
Outreach to Ethics and Conflict of Interest Officials and Others.....	20
Media and the Public.....	21
Administration of the Office	23
Budget and Administration.....	23
APPENDIX	24



MESSAGE FROM THE SENATE ETHICS OFFICER

This is my seventh annual report since my appointment as Senate Ethics Officer (SEO) in January 2018. It is also the last annual report of my seven-year mandate. This mandate was preceded by a six-month mandate as Interim Senate Ethics Officer.

2023-2024

Over the last fiscal year, the Office of the Senate Ethics Officer (Office) and I have continued to fulfil the three main functions of my mandate under the *Ethics and Conflict of Interest Code for Senators* (Code): provide advice to senators, administer the Annual Disclosure Process, and conduct preliminary reviews (PR) and inquiries.

We have provided individualized and tailor-made opinions and advice to senators with a view to advising them on their obligations under the Code and to preventing conflicts of interest from arising rather than addressing them once they have arisen. We have observed a substantial increase in the number and the complexity of the requests for advice we have received from senators and their offices.

We have administered the Annual Disclosure Process and the Public Registry to bring as much transparency as the Code allows. The number of senators who were late in fulfilling their disclosure obligations under the Code has decreased this year. The number of Statements of Sponsored Travel and of Statements of Material Change, particularly in relation to outside activities, has continued to increase. The completion rate of the Annual Disclosure Process at year end was lower than last year's.

Fifteen new senators were appointed during the past year while five senators left the Senate. I met all of them shortly after their appointment and all were briefed about their obligations under the Code. The unpredictable timing of the appointment of so many new senators had an important operational impact on the Office. The onboarding of new senators is time consuming and, given the importance of ensuring that new senators understand their obligations under the Code and conform to it, it displaced and postponed some activities that had otherwise been planned for the year. The Public Disclosure Summaries of some new senators still had to be posted in the Public Registry at year end.

This year, I completed one preliminary review that was in the public domain concerning Senator Michael L. MacDonald. I also completed one inquiry on Senator MacDonald; this report was made public. Four other PR were also completed this year. As they are not in the public domain, they cannot be disclosed due to the confidentiality obligations imposed on the Office under the Code. As of March 31, 2024, there were no ongoing PR and there was one ongoing inquiry.

The increase in the requests for advice, the appointment of so many new senators and the number of PR and inquiries we conducted had a significant operational impact on the Office given our limited resources. The coincidental increase of our workload under each of the three main functions of my mandate forced the Office to set aside projects we had planned for the fiscal year, particularly the online disclosure project.

The Office continued to rely on the Senate Administration for the provision of security, finance, information technology and human resources services under a cost-recovery agreement. I thank them for their services.



2018-2024

It is also opportune to revisit some events and issues of the past seven years and offer observations.

Pandemic

The most significant and unexpected event of my mandate was, without question, the pandemic. Much has been said about the lock down, remote and hybrid work. The pandemic also had a transformative and lasting impact on the Office. It has changed our working environment and has led us to clarify and streamline the Annual Disclosure Process, our practices and processes, workflow, and the tools we use, to make them more efficient and adaptive. These changes are now permanent.

Advice

Providing advice to senators on the Code and how it individually applies to them due to their own circumstances is not only one of the three main functions of the SEO but it is also the most important function in preventing conflicts of interest from arising. The relatively limited number of senators allowed us to provide each senator a bespoke service, as required.

The principles of the Code guided us in its interpretation, in the provision of advice to senators and in the administration of the Annual Disclosure Process. So did the need to balance transparency and privacy as stated in the Code.

The Code is the expression of the Senate parliamentary privileges and immunities insofar as the conduct and discipline of its members are concerned. It is a codification of the rules that it wants its members to follow. In addition to the institutional parliamentary privileges and immunities, individual senators also have parliamentary privileges and immunities. We were always mindful of respecting these privileges and immunities.

The Code has some unique features. For instance, the Code stipulates as a principle that senators “are expected to fulfil their public duties while upholding the highest standards so as to avoid conflicts of interest...”. This is why the advice we gave to senators always reflected the highest standards, so that senators were advised as to how to comply with both the spirit and the letter of the Code. Of course, senators made their own decisions after receiving this advice. They are, after all, the ones who are accountable under the Code.

Some rules directly address some of the principles. One of the rules, section 7.1, refers specifically to the highest standards raised by the principle described above. Also, one of the principles is concerned not only with real conflicts of interest but also the perception of conflicts of interest particularly regarding outside activities. This too guided our interpretation of some provisions of the Code.

Senators and their office normally came to us first to seek our advice. However, we also provided unsolicited advice to senators and their office not only when we identified some issues but also in a precautionary, preventive, and educational spirit.

Most of our advice was given on the traditional conflict of interest rules of the Code (the rules of conduct) as opposed to the broader ethics/conduct rules. The former focus on the use of a senator’s position, influence, gifts, sponsored travel, etc. while the latter concern the behaviour of senators. In fact, we gave very little advice on the ethics/conduct rules of the Code and the cases that led to most PR and inquiries were related to these rules.





Thankfully, senators have followed our advice most of the time, and it is remarkable and a credit to senators that there have been very few conflicts of interest cases and issues during the years of my mandate.

Annual Disclosure Process

Transparency is one of the underlying values of the Code. The Code imposes yearly disclosure obligations on senators. With very rare exceptions, most of these disclosures are published in the Public Registry, which is available to the public.

To facilitate the task of senators in making their disclosures and our own task of processing them, we adopted procedural milestones, template letters, practices, and internal policies on how to deal with certain situations, defined and assigned responsibilities, and implemented a reminder system. The reminder system was particularly important and absolutely necessary to ensure that senators made their disclosures within the Code's deadlines.

We examined closely the Confidential Disclosure Statements (CDS) and Statements of Material Changes disclosed to the Office to ensure that senators complied with the Code. A large percentage of CDSs were incomplete at the time of disclosure. The Office was diligent in following up on these at the cost of a lengthier and more protracted Annual Disclosure Process than would normally be expected. In addition, we actively raised issues with senators when we identified these issues. We ensured that the Public Disclosure Summaries in the Public Registry on the Office's website were always accurate.

Preliminary Reviews and Inquiries

The conduct of PR and inquiries has also been a defining issue. As already noted above, most but not all PR and inquiries have been related to the ethics/conduct rules of the Code (sections 7.1 and 7.2) whereby senators are required to uphold the highest standards of dignity inherent to the position of senator, to refrain from acting in a way that could reflect adversely on the position of senator or the institution of the Senate, and to perform their parliamentary duties and functions with dignity, honour and integrity.

These broad provisions go beyond the usual conflict of interest rules and are almost unique in Canada. Issues such as inappropriate sexual relations with a minor, harassment, sexual harassment, racism (particularly vis-à-vis Aboriginal people), and the use of social media (and related intellectual property rights) have all been the subject of preliminary determination letters and inquiry reports. These reports raised issues relating to the Senate and senators' parliamentary privileges, freedom of speech, behavior in public space, and professional standards of conduct.

Senators who have reasonable grounds to believe another senator has not complied with his or her obligations under the Code can trigger a PR, which may lead to an inquiry if certain conditions described in the Code are met. I may also self-initiate PR, which may lead to inquiries, if I have such reasonable grounds. Senators were attentive to the behavior of their colleagues. I have often received complaints from senators about other senators; some that did meet the conditions prescribed by the Code and some that did not. Their motivation for sending such complaints were many.

In addition, I have regularly received complaints from the public. These complaints were often made after senators publicly expressed opinions on various issues particularly on social medias. The public does not have a right to request PR and inquiries under the Code. Yet, I have welcomed and examined all complaints from the public and the information they sent to me. Many complaints were the result of a policy disagreement. Some misunderstood the roles of



various constitutional and legislative actors including senators or the importance of a senator's freedom of speech. Very few public complaints led to PR. But some rightfully did! And some, while not meeting the threshold to trigger a PR, led me to initiate discussions with senators. The public voice matters!

PR and inquiries are controversial, formal, and lengthy. They consume vast amounts of time and resources often leaving little time for other priorities. Procedural fairness towards the senators who are the object of PR and inquiries is an important feature in how we conducted PR and inquiries. While they are not conducted in an adversarial fashion, because PR and inquiries can have such an impact on senators and their reputation, there was a trend for senators to retain the services of counsel which, in turn, led to longer PR and inquiries.

Whether a possible breach of the Code is on a very serious substantive matter such as racism or a technical breach such as the non-respect of a deadline, the Code has a singular enforcement process: PR and inquiries. Inquiries for technical breaches are heavy and disproportionate tools to use given their complexities, length, and how resource intensive they are. A simpler and faster enforcement process such as administrative monetary penalties should be considered for technical breaches.

It is unfortunate that, at times, the conduct of PR and inquiries was made more difficult due to lack of cooperation, misleading statements and the invocation of parliamentary privileges, all of which were documented in various inquiry reports. Fortunately, the Standing Committee on Ethics and Conflict of Interest for Senators (CONF) in its own reports and recommendations to the Senate and the Senate itself supported and upheld the role, mandate, and position of the SEO.

The Senate also voted to assign me additional responsibilities beyond the Code with respect to monitoring and implementing the disciplinary measures it imposed on a senator following an inquiry report. This was the first time a SEO was asked to play such a role.

The Code

The Senate has amended the Code a few times during the past years. Some amendments were technical and administrative in nature. For instance, since 2021, senators must file their CDS within 30 days of the anniversary of their summons to the Senate rather than on a single yearly date determined by the SEO and approved by the CONF as was the case in the past. This has allowed the Office to spread the Annual Disclosure Process over the whole fiscal year and allowed for a better use of its resources.

Other modifications to the Code have been more substantive. The ethics/conduct rules of the Code introduced in 2014 and 2021 remain at the vanguard of such provisions in Canadian parliaments. A new ethics/conduct rule on harassment and violence and a new part concerning this area were welcomed additions to the Code in 2021. They followed, in part, observations I had made in an inquiry report.

The expectations of Canadians towards their parliamentarians, including senators, have evolved considerably over the years. What was acceptable in 2005 is often no longer acceptable in 2024. The addition of ethics/conduct rules in 2014 and 2021 demonstrate this point.

The profile, background and interests of senators appointed to the Senate since 2015 have also changed considerably.





Yet, the rules of conduct of the Code are largely the same as those in the first version of the Code in 2005. The rules written and adopted by the Senate at the time did not contemplate today's reality and issues. In other words, the rules of the Code fail to address recent issues.

As SEO, I could only apply and interpret the Code (only the Senate has the power to modify the Code.) as it is and apply the 2005 rules to today's issues.

Hence, the Code would benefit from a policy review on matters that include:

- The role of senators particularly as it relates to outside activities and non-profit organizations
- Whether the rules of conduct should distinguish between non-profit organizations and for-profit organizations
- Influence and fundraising activities of non-profit organizations
- Sponsored travel and the level of disclosure
- Preliminary reviews: process and administrative monetary penalties
- The use of social media

Administration of the Office

The Office is a public, independent, parliamentary institution and a separate employer. It is a very small one with limited personnel and resources. It has largely the same obligations as any separate employer in the public service and most of the financial obligations and safeguards as any other public service organization without the direct support needed to fulfil these obligations.

In addition to the changes we made to the Annual Disclosure Process as mentioned above, we have also made other significant changes to the Office and the tools it offers in support of senators.

Our corporate image had remained unchanged since the creation of the Office in 2005. We adopted and operationalized a new, modern, professional branding across our Office and in our communication tools.

We rebranded and restructured our annual reports to make them more informative and transparent.

We reconstructed the Office's website to make it more easily accessible and informative for senators and the public alike. For the first time, the new website included FAQs to better inform senators and the public on the Code and its administration and we kept the FAQs current and responsive to issues we identified. We added research functions to the Public Registry on the website to make the information more easily accessible.

After receiving the CONF's approval as required under the Code, the Office published its first ever guidelines under the Code. The Guideline on Gifts and Other Benefits (Section 17 of the Code), the Guideline on Sponsored Travel (Section 18 of the Code), and the Guideline on Outside Activities (Section 5 of the Code), can be consulted on the Office's website. The guidelines are significant tools to assist senators and the public in understanding how the Code is interpreted and administered resulting in more transparency in this regard.

We also started to provide information sessions on the Code to senators. The first information sessions were on the Guideline on Outside Activities (Section 5 of the Code).





The combination of the new website and the information it contains, the FAQs and the new guidelines created over the past years represent a substantial increase in the tools made available to senators and to the public to better inform them on the Code and its administration.

Spurred on by the pandemic, we also initiated a project to create an online portal that senators would use to fulfil their disclosure obligations under the Code rather than using paper forms. The online portal would offer an integrated, faster, more secure, durable way for senators to fulfil their disclosure obligations. It would increase the accuracy of the disclosed information, facilitate the work of the Office, and make better use of its resources, and shorten the length of the Annual Disclosure Process. Finally, the portal would interface with the Public Registry to facilitate the public posting of information disclosed by senators and would permit even greater research capabilities for the Public Registry.

We have spent considerable time and efforts to finalize the portal and it is now near ready to be tested and deployed.

I remain profoundly thankful to the employees of the Office who have continuously demonstrated considerable resilience, adaptability, and commitment. Of all those who toil behind the scenes to serve the Senate, albeit independently so in their case, the staff of the Office are the most easily forgotten. Yet, they are as deeply committed to serving the Senate and in maintaining and enhancing public confidence and trust in the integrity of senators and the Senate by supporting me in the administration of the Code.

Finally, I wish to express how grateful and thankful I am for having had the great privilege and opportunity of being Interim Senate Ethics Officer and Senate Ethics Officer, and for serving the public interest, the Senate, and senators during my mandate.





MANDATE OF THE SENATE ETHICS OFFICER

The position of Senate Ethics Officer (SEO) was created under the Parliament of Canada Act (the Act). The SEO performs the duties and functions assigned by the Senate for governing the conduct of senators. The SEO is responsible for the interpretation, administration and application of the Ethics and Conflict of Interest Code for Senators (the Code). The Code defines a set of principles and rules which guide senators in the exercise of their functions. It also provides a means by which to maintain and enhance public confidence and trust in the integrity of senators and the Senate. The Code ensures that questions related to the conduct of senators may be addressed by an independent, non-partisan advisor. It was adopted by the Senate in May 2005, and was revised in 2008, in 2012, twice in 2014 and, again twice in 2021.

The SEO is supported by the Office of the Senate Ethics Officer (the Office).

After consulting the SEO, the Standing Committee on Ethics and Conflict of Interest for Senators (the Committee) may give general directives to the SEO on the interpretation, application, and administration of the Code, but not as it relates to the circumstances of a particular senator.

Three Major Functions

The mandate of the SEO includes three major functions: providing opinions and advice to senators, administering the Annual Disclosure Process and conducting preliminary reviews and inquiries.

Opinions and Advice

The first of the SEO's major functions is to provide advice and guidance to senators with respect to the Code, and, in particular, to assist them in understanding their obligations under the Code and identifying ethics and conflict of interest issues – real, potential and apparent – that could be relevant to their circumstances.

This advisory function is essential to the success of an ethics and conflict of interest regime. It provides a means by which legislators can better understand how ethics and conflict of interest rules apply to their individual circumstances, especially when their application may not be so clear.

Senators are encouraged to seek advice before acting, and to avail themselves of the SEO's advice in order to effectively prevent ethics and conflict of interest issues from arising. This approach best serves the public interest because it avoids costly and time-consuming inquiries. It also ensures that the focus is not on addressing conflicts once they have arisen, but rather on preventing them from arising.

The Code provides that written opinions and advice are to be kept confidential, but they may be made public by the senators to whom they relate, or by the SEO with the particular senator's written consent. However, some opinions related to contracts with the federal government must be made public.





Annual Disclosure Process

The SEO is also responsible for administering the Annual Disclosure Process, which is an essential feature of any ethics and conflict of interest regime. It ensures a measure of transparency and accountability which, in turn, inspires public confidence in the system.

The Code provides that senators must annually file, within 30 days of the anniversary of their summons to the Senate, a Confidential Disclosure Statement. Newly appointed senators must file their initial statements within 60 days after being summoned to the Senate.

These disclosure statements include information concerning senators' activities outside their parliamentary duties and functions, their assets and liabilities over \$10,000, their sources of income over \$2,000, and any federal government contracts, as well as the activities and financial interests of their spouses or common-law partners. The Code sets out the list of interests that senators are required to report confidentially to the SEO.

The SEO provides each senator with a letter, which draws attention to any provisions of the Code that are relevant to their circumstances. Where senators have specific questions about a particular situation, they should raise the matter with the SEO and provide the necessary information to assist the latter in formulating useful advice.

The Office also prepares a public disclosure summary for each senator based on the information that was provided in the senator's Confidential Disclosure Statement. The Code sets out the list of interests that must be publicly disclosed. Again, this list includes senators' activities outside their parliamentary duties and functions, as well as their income over \$2,000, and their assets and liabilities valued at over \$10,000. The information about spouses and common-law partners is not publicly disclosed.

Senators are then required to review their Public Disclosure Summaries, sign and return them to the Office. These summaries are then placed in the paper Public Registry located in the Office. They are also published in an online Public Registry available on the Office's website. This registry contains all the information that is required to be made public under the Code.

In addition, senators are required to annually file a Statement of Compliance confirming that they have read the Code within the last 30 days and that, to the best of their knowledge and belief, they are in compliance with the Code as of the day the statement is filed.

The disclosure process is an ongoing process that continues throughout the year, even after completion of the annual Confidential Disclosure Statements and their publication in the Public Registry. Senators are required to ensure that their Confidential Disclosure Statements are kept up to date throughout the year by filing material change forms with the Office within 30 days after any material changes occur in their circumstances. These forms are included within each senator's public disclosure file. They are published as soon as possible after they are received.

In addition, senators must file a Statement of Gifts or Other Benefits with the SEO for any gift or benefit received as a normal expression of courtesy or protocol, or that is within the customary standards of hospitality that normally accompany the senator's position, if the value of the gift or benefit (or the cumulative value of all gifts or benefits received from one source in a 12-month period) exceeds \$500. The Statement of Gifts or Other Benefits is placed in the senator's public disclosure file.

It should be noted that courtesy gifts are exceptions to the general prohibition concerning senators receiving gifts and other benefits that could reasonably be considered to relate to a senator's position.



Similarly, sponsored travel must be reported in a statement which forms part of a senator's public disclosure file if the travel costs exceed \$500.

Over the course of the year, senators must also publicly declare any private interests that may be affected by matters before the Senate, or a committee of the Senate of which they are members. These public declarations are also placed in the public disclosure files of senators.

The following information about a senator must be disclosed publicly:

- employment outside the Senate, a profession, or a business;
- a senator's positions in corporations, income trusts and trade unions, associations and not-for-profit organizations;
- the source and nature, but not the amount, of any income over \$2,000 tt senators have received in the last 12 months, or are likely to receive in the next 12 months;
- the nature, but not the value, of any assets and liabilities over \$10,000;
- the source and nature, but not the value, of any contracts, subcontracts or other business arrangements with the Government of Canada or a federal agency or body involving a senator or the senator's family, directly or indirectly, through a subcontract or by virtue of a partnership or significant interest in a private corporation;
- a trust in which a senator could derive an income or other benefit;
- any Declarations of Private Interest;
- any Statements of Gifts or Other Benefits and Sponsored Travel; and
- any Statements of Material Change.

Preliminary Reviews and Inquiries

It is also the SEO's responsibility to conduct inquiries in order to determine whether senators have complied with their obligations under the Code where there are allegations of non-compliance. Below is an explanation of the process regarding preliminary reviews and inquiries.

First, the SEO must conduct a preliminary review – which is distinct from an inquiry – if the SEO has reasonable grounds to believe that a senator has not complied with their obligations under the Code or receives a request to conduct an inquiry from a senator who has reasonable grounds to believe that another senator has not complied with their obligations under the Code.





A request by a senator to the SEO to conduct an inquiry must be in writing and signed by the senator. It must identify the alleged non-compliance and the reasonable grounds for the belief the Code has not been complied with.

The SEO must afford the senator who is the subject of a preliminary review an opportunity to respond within 15 days. This period may be extended by the SEO depending on circumstances. The SEO must provide the senator with a preliminary determination letter that includes the SEO's reasoned decision as to whether an inquiry is warranted.

A preliminary review is conducted confidentially pursuant to the Code. However, where the SEO determines that an inquiry is not warranted, the preliminary determination letter is made public (unless the matter is not in the public domain) when the Committee tables it in the Senate. If the SEO determines that an inquiry is warranted, the matter remains confidential until the inquiry report of the SEO is tabled in the Senate.

The Code does not provide a mechanism for the public to trigger a preliminary review or an inquiry. However, the SEO examines all information pertaining to a senator provided by members of the public, including the media, and may self-initiate a preliminary review under the Code as described above.

Second, the Code provides that the SEO must conduct an inquiry in either of the following circumstances: where the SEO determines that an inquiry is warranted after conducting a preliminary review; or where the senator who was the subject of a preliminary review requests that an inquiry be conducted because the SEO has made a finding that an obligation under the Code may have been breached but has determined that an inquiry is not warranted.

The SEO must give the senator who is the subject of an inquiry access to information about the relevant facts, access to documents, and a reasonable opportunity to make representations in writing or in person and to be represented at the various stages of the inquiry process. What is reasonable is at the discretion of the SEO.

This process may often be lengthy and includes inviting the senator to attend an initial interview to ascertain facts and obtain evidence. The senator testifies under oath. Witnesses are also identified and invited to provide their testimony under oath.

The SEO may seek information and documents from the senator, the witnesses and others.

The senator who is the subject of the inquiry will be invited to a second interview towards the end of the process -- the final interview in the inquiry process -- where they will have an opportunity to respond to the allegations and to make representations on the testimony of witnesses and the documentary evidence. The senator will be offered a final opportunity to make representations when the senator is invited to read parts of the draft inquiry report, ordinarily on the process, the allegations and the findings of fact.

The length of an inquiry is the result of a combination of factors. Some of these factors are related to the very nature of an inquiry, to the circumstances of a particular inquiry (these are normally identified in inquiry reports), or to factors external to the inquiries. Examples of these factors include the following:

- An inquiry is a complex, impartial and objective process that is meant to balance the rights and privileges of the Senate to discipline its own members and the right of individual senators to a fair process.



- The Code requires that senators who may be the subject of an inquiry be given information and reasonable opportunities to make representations at various stages of the inquiry process. Senators who are the subject of an inquiry and other participants to an inquiry can be, and often are, represented by counsel. The inquiry process established by the SEO must be fair and follow due process. Giving senators a reasonable time and multiple opportunities during the various stages of an inquiry to make representations lengthens the time required to complete the process.
- An inquiry is a process for gathering evidence and facts, testimony and documents against which the provisions of the Code will be applied. Gathering these should be, but is often not, a straightforward process. The scheduling of witnesses depends on the availability of senators and others who, due to the parliamentary calendar, are sometimes unavailable during parliamentary breaks, which sometimes extend for months at a time. Information and documents, both written and electronic, should be made readily available without delay and without raising questions but, often, they are not. The time required to establish contacts with witnesses and to obtain documents may be lengthy. In addition, the evidence obtained throughout the course of an inquiry may lead to the need to interview more witnesses and to obtain and assess additional documents and evidence.
- The Office of the SEO was created in 2005. The first inquiry was initiated in 2013. Up until 2014, the Code was singularly focused on conflicts of interest. In 2014, the Code was amended to add broad ethics rules (sections 7.1 and 7.2). The number of inquiries, while still limited in number, started to increase at that time as did their complexity.

Harassment and Violence

The SEO also has a role to play in harassment and violence cases. In this regard, there were a number of changes made to the Code in 2021. The SEO's involvement in such cases, however, is limited to transmitting an investigation report under the Senate Harassment and Violence Prevention Policy to the Committee; and to recommend remedial, corrective, or disciplinary measures in such cases based on the report of the investigator, if the Committee directs the SEO to do so. In other words, the SEO no longer has the mandate to conduct preliminary reviews and inquiries in matters pertaining to harassment and violence.

Other Rules and Laws

The SEO's jurisdiction is limited to the Code. The Code, however, is not the only set of rules that governs the conduct of senators. Senators are subject to a number of other rules and laws, which are outside the purview of the SEO.

Senators are subject to the Senate Administrative Rules and other Senate policies and directives relating to the proper allocation and use of Senate resources. These rules, policies and directives are within the jurisdiction of the Standing Senate Committee on Internal Economy, Budgets and Administration.

Senators are also subject to section 16 of the Parliament of Canada Act, which prohibits a senator from receiving or agreeing to receive outside compensation, whether directly or indirectly, for services rendered or to be rendered to any person, either by the senator or another person, in relation to any matter before the Senate or the House of Commons or any of their committees, or for the purpose of influencing or attempting to influence any member of either House.



In addition, sections 119, 121 and 122 of the Criminal Code are other examples of laws that apply to senators relating to the misuse of a public office. Section 119 deals with offences that relate to bribery. Section 121 concerns frauds on the government and is aimed, in part, at influence peddling. Section 122 creates offences relating to fraud and breach of trust.

Independence of the Senate Ethics Officer

The SEO is an independent, non-partisan Officer of the Senate. This independence is essential in order to ensure public confidence and credibility in the Senate ethics and conflict of interest regime. A number of provisions of the Act and of the Code confer this status of independence and autonomy on the SEO, including the provisions in the Act concerning the appointment process, the security of tenure, financial autonomy, and the management of the Office.

For example, the Act ensures that the SEO alone has “the control and management of the Office”. In fact, the Office is a separate employer distinct from the Senate and does not fall under its jurisdiction. It provides that the SEO is responsible for preparing the estimate of the budget for the Office. This estimate is separate and apart from the estimates of the Senate. The estimate of the SEO is provided to the Speaker of the Senate who, after considering it, transmits it to the President of the Treasury Board who, in turn, lays it before the House of Commons with the estimates of the Government of Canada for the fiscal year.

The independence of the SEO in respect of opinions and advice given to individual senators is also clear and is expressly provided for in the Code. This independence also applies to any preliminary reviews, inquiries, and any inquiry reports.

These, and other provisions, ensure that the SEO is able to carry out the functions of the SEO in an impartial manner, free from any outside influence or coercion.





Provisions of the Parliament of Canada Act on the independence of the Senate Ethics Officer

- The SEO is appointed by the Governor in Council, by Commission under the Great Seal, after consultation with the leader of every party in the Senate and after approval of the appointment by resolution of the Senate. This is to ensure that the appointment has the broadest support of the Senate, irrespective of political party line. The SEO has the same privileges and immunities as senators.
- The SEO is appointed for a term of seven years as an Officer of the Senate and may be removed from office only for cause, by the Governor in Council, on address of the Senate. These provisions again confer on the SEO a status of independence and autonomy and they provide an effective shield against improper or inappropriate influence.
- The SEO has the rank of a deputy head of a department of the Government of Canada and has the control and the management of the Office, which is run independently from the Senate and its Internal Economy Committee. Any staff for the Office is hired by the SEO.
- The SEO has the responsibility for preparing the estimate of the sums required to pay the charges and expenses of the Office. This estimate is separate from the estimates of the Senate. The Speaker of the Senate, after considering the estimate, transmits it to the President of the Treasury Board who lays it before the House of Commons with the estimates of the Government of Canada for the fiscal year. The Senate reviews the SEO's proposed budget as a part of the annual review of the Main Estimates. This procedure ensures the independence of the SEO and places the responsibility for the estimates of the Office on the SEO. It also emphasizes the direct relationship that Parliament has established between the SEO and the Senate itself, to which the SEO ultimately reports.
- The SEO is required, within three months after the end of each fiscal year, to submit a report of the Office to the Speaker of the Senate, who must table the report in the Senate.





THE YEAR IN REVIEW 2023-2024

During the course of 2023-2024, the SEO delivered on the mandate of the SEO by providing opinions and advice to senators and administering the Annual Disclosure Process. In addition, the SEO engaged in outreach activities with senators, including retiring senators, the media, the public and officials and organizations who have an interest in ethics and conflict of interest.

Opinions and Advice

Senators are encouraged at any time to consult the SEO on any concerns or questions relating to their obligations under the Code in order to promote continued compliance with the Code.

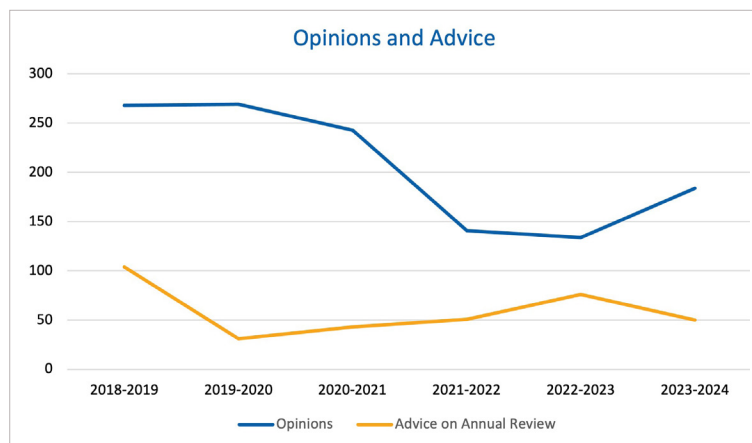
The SEO responds to these requests as promptly as their nature, complexity and the workload permit. Some requests may require more research and consideration than others. The opinions and advice are kept confidential, unless the senators who made the requests decide to release them to the public or provide written consent for the SEO to release them.

Senators continue to reach out to the SEO for advice and opinions, as well as to ask for clarifications and to raise questions concerning their obligations under the Code.

This year, we provided 184 verbal and written opinions and advice to senators. This is a substantial increase from the previous year when 134 opinions were provided.

The subjects of these requests focused on outside activities, the furthering of private interests, participation at events, fundraising, gifts and sponsored travel. The complexity and novel nature of these requests also increased compared to previous years. The Office has also noted an increase in the number of requests for advice being sent to it mere hours before events that triggered the requests. A number of such requests were sent to the Office after these events. It is preferable for senators to seek advice prior to events with enough time to allow for considered advice to be provided.

We also responded to 50 requests for clarification from senators related to the Annual Disclosure Process. In 2022-2023 the Office received 76 such requests, and 51 requests in 2021-2022, 43 requests in 2020-2021, 31 requests in 2019-2020 and 104 requests in 2018-2019.





Annual Disclosure Process

Every year, senators are subject to a disclosure process (Annual Disclosure Process), whereby they must disclose to the SEO, by means of a Confidential Disclosure Statement, information relating to their particular circumstances, such as their activities outside of the Senate and those of their spouse (e.g. their employment and any director or officer positions in for profit or not-for-profit organizations), as well as their income, assets and liabilities, and those of their spouses.

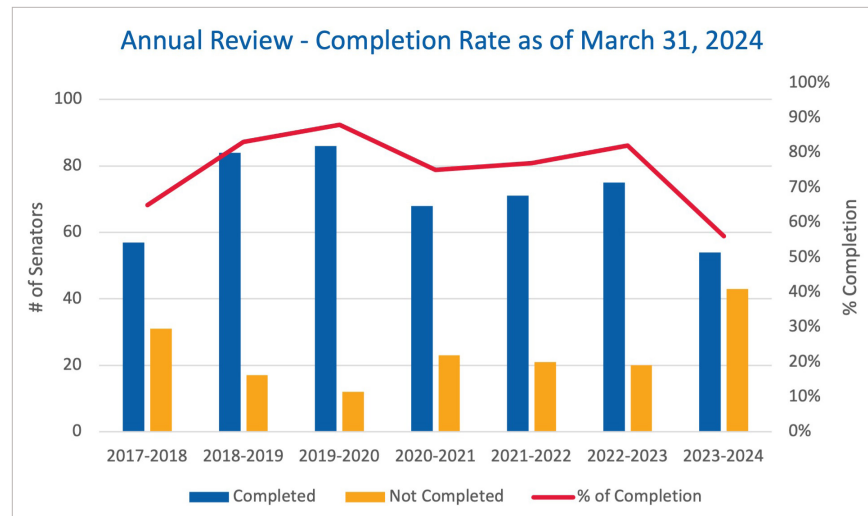
Upon receiving the Confidential Disclosure Statements, the SEO reviews the information and provides senators with a written opinion or advice relating to their particular circumstances. Following this review, the SEO prepares a Public Disclosure Summary containing information related to a senator, which is required to be published under the Code. Senators must examine the information and sign the Public Disclosure Summary prior to the document being placed in the Public Registry. As part of this process, senators must also sign a Statement of Compliance confirming that they have read the Code within the last 30 days, and that they are, to the best of their knowledge, in compliance with the Code.

At any point during this Annual Disclosure Process, should the SEO have questions related to the information in a senator's Confidential Disclosure Statement, the SEO may request clarifications from a senator. There may be more than one such request made to a senator. Each time a request for information is made, a senator has 30 days to respond to the SEO. This may have an impact on the overall processing time for a Confidential Disclosure Statement.

Since Fiscal Year 2019-2020, senators were required to file their statements on the anniversary dates of their appointment to the Senate. However, since 2021-2022, senators are required to file them within 30 days of their anniversary dates.

As of March 31, 2024, the Annual Disclosure Process was completed for 54 senators (56%). Files for 43 senators (44%) remained outstanding. These numbers do not include senators who retired during the year. The total number of senators who went through the Annual Disclosure Process varies from year to year depending on appointments and retirements.

Comparatively, in 2022-2023, the Annual Disclosure Process was completed for 75 senators (82%) and the files of 20 senators (18%) remained outstanding. These numbers were 71 senators (77%) completed and 21 senators (23%) outstanding. In 2021-2022; 68 senators (75%) completed and 23 senators outstanding in 2020-2021; 86 senators (87%) completed 12 senators outstanding In 2019-2020; 84 senators (83%) completed and 17 outstanding files in 2018-2019; and 57 senators (65%) completed and 31 senators outstanding (35%) in 2017-2018.



The sharp decline in the completion rate in 2023-2024 is attributable to a number of reasons. First, it is impossible to achieve a completion rate of more than the low 80%. The reason is that the Senate amended the Code in June 2021 to require senators to file their annual Confidential Disclosure Statements within 30 days of the anniversary date of their summons to the Senate, rather than on the anniversary date of their summons. In some cases, this 30-day deadline falls at the very end of the fiscal year or even in the following fiscal year. For these senators and many others, the examination of their Confidential Disclosure Statements and the 30-day delay allocated by the Code for senators to sign their Public Disclosure Statements means that the Annual Disclosure Process will not be completed during and cannot be accounted for in the fiscal year for which the Confidential Disclosure Statements are submitted.

Second, 15 new senators were appointed during the course of the year. The examination of the affairs of new senators is more time consuming and can be very complex. Six senators whose dates of appointment were late in the year were also impacted by the reason described above.

Third, as further described below, there was a high percentage of incomplete disclosures during the year which needed to be addressed. This considerably extended the length of the Annual Disclosure Process. One reason for this is that the Code affords a 30-day period to senators to respond to the SEO's requests for clarification or assumptions made. In some cases, there were multiple clarification and assumption requests each with a 30-day deadline.

Three senators were late in filing their Confidential Disclosure Statements and their Statements of Compliance on or before their due dates (there were five in 2022-2023). This is an improvement over the previous fiscal year but remains a concern as these two statements are normally filed on time.

As a courtesy, it is the practice of the Office to send senators reminders by email and by telephone of their upcoming due dates. When senators are late in filing these statements, the Code imposes on the SEO the obligation of submitting the names of the non-complying senators to the Standing Committee on Ethics and Conflict of Interest for Senators (CONF). As required, this was done immediately upon the deadlines being breached. All the non-complying senators filed their statements within 24 hours of CONF being notified. A failure to disclose could otherwise have triggered preliminary reviews.



The SEO did not use his discretion under the Code to extend the due date of filing because the SEO was of the opinion that no circumstances existed that warranted an extension. There was one such extension in 2022-2023.

Of the Confidential Disclosure Statements received during the year, 79% were incomplete or lacked information at the time of their submission. The percentage was 68% in 2022-2023. Depending on the nature of the missing information, the Office addressed the issue of the other incomplete Confidential Disclosure Statements through a mixture of formal clarification requests for relevant information as provided for in the Code and asking senators to confirm assumptions made by the Office based on past filings. The Office made assumptions and sought clarifications in 59% of cases.

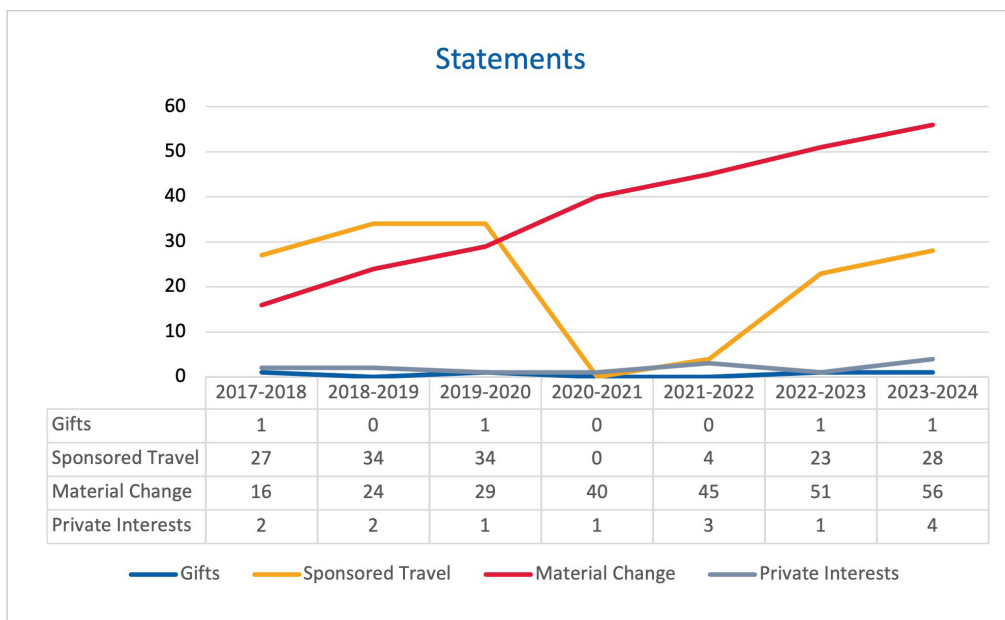
These numbers are very high. One explanation the Office has often encountered is that senators and their staff use and copy information found in incomplete Confidential Disclosure Summaries from previous years instead of using the correct information found in Public Disclosure Summaries for those same years.

Irrespective of the method used (clarification or assumption), pursuant to different authorities under the Code, senators have an additional 30 days to either provide the information sought in clarification requests or confirm directly or indirectly the assumptions made by the Office. Addressing incomplete statements is labour intensive and time consuming. It also means that the annual review will take longer to complete for many senators thus impacting the annual completion rate by year end.

Over the course of the year, senators must also report any sponsored travel or gifts they received, as well as changes to their Confidential Disclosure Statements, to the SEO. In addition, they are required to report any declarations of private interests in the Senate or in committees when they have reasonable grounds to believe that they or their family members have a private interest that might be affected by a matter that is before the Senate or a committee of the Senate in which they are members.

This year, there was one Statement of Gifts or Other Benefits (one in 2022-2023, none in 2021-2022 and in 2020-2021 and one in 2019-2020). There were 28 Statements of Sponsored Travel (23 in 2022-2023, four in 2021-2022, none in 2020-2021, 34 in 2019-2020 and 2018-2019 and 27 in 2017-2018). There were four Declarations of a Private Interest (one in 2022-2023, three in 2021-2022, one in 2020-2021, one in 2019-2020). Finally, there were 56 Statements of Material Change throughout the year (51 in 2022-2023, 45 in 2021-2022, 40 in 2020-2021, 29 in 2019-2020 and 24 in 2018-2019).





Preliminary Reviews and Inquiries

As of March 31, 2024, there are no ongoing preliminary reviews and there is one ongoing inquiry.

Preliminary reviews

This year, I completed one preliminary review that was in the public domain concerning Senator Michael L. MacDonald. Four other preliminary reviews were also completed this year. However, these latter reviews are not in the public domain and, as such, cannot be disclosed in light of the confidentiality obligations imposed on the Office under the Code.

Inquiries

This year, I completed one inquiry involving Senator Michael L. MacDonald. This inquiry relates to the preliminary review referred to above. The inquiry concerned allegations that Senator MacDonald had breached the Code in relation to certain comments he had made that were captured in a video which was widely disseminated on social media and by the national media.

The inquiry report was published on July 9, 2023. In this case, I found that the Senator had used profanity and his remarks were disparaging to Canadians. This behavior did not uphold the highest standards of dignity inherent in the position of a senator. Moreover, the Senator had acted in a way that reflected adversely on the position of a senator and of the Senate.

In addition, I found that Senator MacDonald failed to comply with his obligation under the Code to cooperate in the inquiry by refusing to participate in the inquiry process that is outlined under the Code and by me, and by insisting that he would refer the matter to the CONF instead. I also found that Senator MacDonald's failure to comply with the inquiry process resulted in a failure to uphold the highest standards of dignity inherent to the position of senator and a failure on his part to refrain from acting in a way that could reflect adversely on the position of senator and the institution of the Senate. Finally, by refusing to respect this process and to cooperate with me, the Senator failed to perform his parliamentary duties and functions with dignity, honour and integrity.



In November 2023, the CONF recommended the sanctions in this matter, which were adopted by the Senate:

- (1) That Senator MacDonald provide a sincere, unqualified apology in the Senate for his breaches of the Code and that he post this apology on his Senate and personal websites, as well as on his Senate and personal social medial accounts.
- (2) That the Senate censure Senator MacDonald for his breaches and that it be printed in the Journals of the Senate.

Complaints and allegations of breaches of the Code

I also received other requests for inquiries this year, though these did not move to the preliminary review stage.

In one case, I did not proceed with the complaint due to the fact that I did not have jurisdiction under the Code to address the matters raised in the complaint and also given that the complaining senator had failed to identify reasonable grounds to believe that the senator who was the subject of the complaint had not complied with their obligations.

With respect to the other requests for an inquiry, I did not proceed with these given that I did not have reasonable grounds to do so.

The details of the complaints that did not result in a preliminary review are required to remain confidential under the Code.

It should be noted that some of these complaints were made by senators while others were made by members of the public. As already noted earlier in this report, while the public does not have standing to file complaints under the Code, the SEO is authorized to self-initiate a preliminary review of a matter where the SEO has reasonable grounds to believe that a senator has not complied with their obligations under the Code. The information the public provides may be sufficient to provide reasonable grounds, though as already noted above I did not find that this was the case in any of the complaints referred to above.

Harassment and Violence

No cases were referred to the SEO Involving harassment and violence during the year 2023-2024.

Outreach

Outreach to Senators

The SEO regularly meets individually with senators to discuss the Code in order to give senators the opportunity to raise concerns or in order for the SEO to provide feedback on a number of issues, including questions related to the particular circumstances of senators. The SEO met senators in person and virtually during the year. Also, senators have also consulted with the SEO by email, by telephone and virtually throughout the year. As of March 31, 2024, the SEO had 96 consultations (81 in 2022-2023) with senators.

It is a priority for the SEO to meet all new senators upon their appointment. This year, 15 senators were appointed to the Upper Chamber (six were appointed in 2022-2023, eight were appointed in 2021-2022, none were appointed in 2020-2021, three senators were appointed in 2019-2020 and 16 senators were appointed in 2018-2019).



The SEO met and briefed the new senators on their obligations under the Code, including their responsibility to file an initial Confidential Disclosure Statement within 60 days of their appointment, and annually thereafter. The SEO provided advice on the individual circumstances of these senators and answered their questions. Senators are informed of the need to disclose to the SEO any changes to their Confidential Disclosure Statements throughout the year and within the timeline prescribed by the Code. They are also made aware that the Code requires that certain information be publicly released.

The SEO met new senators a second time after their initial Confidential Disclosure Statements had been examined. The SEO shared with them his comments, observations, and advice arising out of this examination. The onboarding process for each senator can be an extensive one over a number of months depending on their affairs and other circumstances. The high number of new senators during the year presented a challenge. The appointment of senators is unpredictable and cannot be planned ahead of time. One consequence of onboarding new senators is that planned work is postponed accordingly.

Four senators left the Senate on or prior to their mandatory retirement age of 75 and, sadly, one senator passed away while in office. The SEO communicates with senators prior to their leaving the Senate to inform them that they may request the return of their confidential documents as provided for in the Code. He also informs them that the Code will no longer apply to them after their retirement from the Senate and that it does not contain post-employment obligations. Of course, this was done for the four senators who retired. As provided for in the Code, confidential documents that are not claimed by senators are destroyed after one year and public documents are sent to the Senate Archives.

In April and May 2023, the SEO delivered three information sessions to senators on the new *Guideline on Outside Activities (Section 5 of the Code)*. The SEO offered these information sessions to all parties and groups in the Senate, and non-affiliated senators. Two groups accepted the invitation, and one session was given to some non-affiliated senators.

Outreach to Ethics and Conflict of Interest Officials and Others

The Office participates in seminars, conferences and events in order to exchange information about ethics and conflict of interest with other experts in the field, to remain current on recent developments in these areas, and to educate and inform others on the work of the Office and of the Code.

The SEO is a member of the Canadian Conflict of Interest Network (CCOIN). CCOIN is a key organization in the area of ethics and conflict of interest related to members of legislative bodies in Canada. It is comprised of the various ethics and conflict of interest commissioners from across the country. CCOIN not only provides a useful resource for sharing information and practices, but it is also a key resource throughout the year for ethics and conflict of interest commissioners to seek members' views and information on related issues while maintaining the confidentiality of the information they are entrusted with. The annual CCOIN conference took place in person in September 2023, in Halifax. In addition, the SEO, along with his federal, provincial and territorial colleagues, attended a mid-year virtual meeting in March 2024.





The Office is one of the founding members of the “Réseau francophone de l'éthique et de la déontologie parlementaires.” The Réseau is an international non-profit association of parliamentary ethics organizations in francophone jurisdictions. It was created at the instigation of the “Assemblée parlementaire de la Francophonie.” The Réseau promotes exchanges between francophone parliaments and entities responsible for ethics oversight. Together, they focus on ethics issues and on promoting them throughout the international parliamentary francophone community. The 2023-2024 annual general meeting of the Réseau took place in-person, in Québec City, in October. The term of the SEO as an administrator of the Réseau ended at the end of the October 2023 annual general meeting.

The SEO is a member of the Council on Governmental Ethics Law (COGEL), an international organization whose members work in the fields of government ethics, elections, lobbying, and campaign finance across North America. The SEO attended the in-person annual COGEL conference, in Kansas City, in December 2023. The SEO was a panelist on an ethics panel entitled “How to build confidence in public institutions and programs.”

In May 2023, the SEO participated in a « Webinaire Parlement et éthique —Une perspective de genre ». This virtual information session was organized by the Canadian Parliamentary Centre in collaboration with the « Réseau francophone d'éthique et de déontologie parlementaires » and was offered to the parliamentarians of the National Assembly of Togo. This webinar focused on inclusive parliaments and harassment.

In March 2024, the SEO spoke at a session of the 15th Canadian Parliamentary Seminar entitled “Conflict of Interest Regimes for Parliamentarians: Challenges and Opportunities”.

Media and the Public

The Office frequently receives requests from the media and comments from the public.

The public generally raises complaints concerning senators, requests inquiries and asks that sanctions be imposed on certain senators. Over the past year, the main area of concern from the public remained the behaviour of certain senators, particularly their use of social media and the statements they make publicly.

It should be noted that the Code does not provide a formal complaints mechanism for the general public. However, the SEO always welcomes and carefully considers all feedback and information from the public, as well as from the media.

If the SEO has reasonable grounds to believe that a senator has not complied with their obligations under the Code, the SEO may self-initiate a preliminary review which may lead to an inquiry.

Even if the SEO does not initiate a preliminary review as a result of a media or public complaint, the SEO may, in that context, provide advice to a senator on the senator's obligations under the Code.

Members of the public often expect the SEO to follow up with them concerning their requests. The media seek information concerning the circumstances of a particular senator or the status of an inquiry as well. However, the Code imposes strong confidentiality obligations on the SEO and the Office, which precludes the SEO from commenting or providing information on individual senators. This includes informing others about the actions taken in relation to each complaint or providing a status update on an inquiry. The only exception in terms of confidentiality with respect to an inquiry is that the SEO may officially acknowledge its existence if the SEO believes it is in the public interest to do so, and this has been done in the past.



The Office continues to respond to requests for information from senators, their staff, the media and the general public as promptly as circumstances permit. The number of requests for information varies each year.

There were two requests from the media in 2023-2024 compared to no requests in 2022-2023, two requests in 2021-2022, none in 2020-2021, 21 requests in 2019-2020 and 53 requests in 2018-2019.

The Office received 105 comments and requests from the public in 2023-2024 compared 32 comments and requests from the public in 2022-2023, 61 in 2021-2022, 77 in 2020-2021, 72 in 2019-2020 and 114 in 2018-2019. This was a substantial increase in the number of public complaints.

The Year in Numbers

1	Statement of Gifts or Other Benefits
28	Statements of Sponsored Travel
4	Declarations of Private Interest
56	Statements of Material Change
2	Inquiries
5	Preliminary Reviews
2	Media Requests
105	Public Requests and Comments
184	Opinions and Advice



Administration of the Office

Budget and Administration

The Office is a public, independent, separate employer. It is also considered a parliamentary institution. It is a very small one with limited personnel, yet it has all the same obligations as any employer in the public service. It also has most of the financial obligations and safeguards as any other public service organizations. In short, the Office has most of the obligations of bigger organizations without the direct support needed to fulfil these obligations.

With the exception of one additional position in recent year, the Office has the same number of employees as it had 2005 when it was created. Yet, the administrative burden has increased over the years. Despite this, the Office has continued to deliver on the SEO's core mandate. Also, the Office did not conduct any inquiries prior to 2013. Inquiries are formal, resource intensive activities that the Office has managed with its core resources. The resources of the Office are seriously strained when more than one inquiry or major project is underway.

For the year 2023-2024, the Office's total budget was \$1,464,676. The actual expenditures were \$951,851. An important portion of the operating budget of the Office is to augment the operational capacity of the Office if and when there is a surge in work required as a result of inquiries, major projects or for other reasons. This, and prudent management, explains why our budget was not fully expended last year.

The Office continues to rely on the Senate Administration for the provision of security, finance, information technology and human resources services under a cost-recovery agreement. These services are provided to the Office under the direction of the SEO, not of the Senate.

The Office's financial statements for the year 2023-2024 will be audited by an independent accounting firm. The financial statements form part of the Public Accounts. The financial statements are posted on the Office's website once their audit is completed.



Appendix

*SUMMARY OF KEY OBLIGATIONS OF SENATORS IN THE CONTEXT
OF THE ETHICS AND CONFLICT OF INTEREST CODE FOR SENATORS*



SUMMARY OF KEY OBLIGATIONS OF SENATORS IN THE CONTEXT OF THE *ETHICS AND CONFLICT OF INTEREST CODE FOR SENATORS*

- Senators are required to give **precedence to their parliamentary duties and functions** over any other duty or activity.
- Senators are expected to arrange their private affairs so that **foreseeable real or apparent conflicts of interest may be prevented from arising**, and, if such a conflict does arise, to resolve it in a way that protects the public interest.
- Senators are required to **uphold the highest standards of dignity** inherent to the position of senator.
- Senators must refrain from acting in a way that could **reflect adversely on the position of senator or the institution of the Senate**.
- Senators must **perform** their parliamentary duties and functions **with dignity, honour and integrity**.
- Senators may not act in any way to further their private interests, or those of their family members, or to improperly further another person's or entity's private interests when performing parliamentary duties and functions.
- Senators may not use their position to **influence** a decision of another person in order to further their own private interests, or those of their family members, or to improperly further another person's or entity's private interests.
- Senators may not use **information that is generally not available to the public** to further their own private interests, or those of their family members, or to improperly further another person's or entity's private interests.
- Senators are required to make a **declaration**, orally or in writing, when they have reasonable grounds to believe that they or their family members have a private interest that might be affected by a matter that is before the Senate or a committee of the Senate in which they are members. They may not participate in debate on that matter, nor are they permitted to vote, though they may abstain. In the case of committees, senators must also withdraw



from the proceedings. With respect to senators who are only participating in committee proceedings, but are not formal members, they too must refrain from participating in debate on any matter in which they have reasonable grounds to believe they have a private interest and they too must withdraw from the proceedings in question.

- Senators may not accept, nor may a family member accept, **any gifts or other benefits** that could reasonably be considered to relate to their position, except as permitted under the Code. Gifts, benefits and sponsored travel that are acceptable under the Code must be declared to the Senate Ethics Officer if they exceed \$500 in value and these must be publicly declared.
- Senators may not be parties to, or have interests in corporations or partnerships that are parties to, **contracts with the Government of Canada** under which they receive a benefit, unless specifically authorized by the Senate Ethics Officer.
- Senators must file a **Confidential Disclosure Statement** with the Senate Ethics Officer on an annual basis disclosing their private interests, and those interests that are required to be publicly disclosed under the Code are then made public via the Office website and also in paper format at the Office of the Senate Ethics Officer.
- Senators must file a **Statement of Compliance**, annually, confirming that they have read the Code within the last 30 days and that, to the best of their knowledge and belief, they are in compliance with the Code as of the day the statement is filed.
- Senators must report to the Senate Ethics Officer any **material change** to the information in their Confidential Disclosure Statements, within the prescribed time.
- Senators must cooperate with the Senate Ethics Officer with regard to **any preliminary review and any inquiry, and respect their confidentiality.**





Office of the
Senate Ethics Officer
Bureau du
conseiller sénatorial
en éthique