



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

2024-25 ANNUAL REPORT

June 2025

Hon James W O'Reilly
Senate Ethics Officer



Annual Report of the Senate Ethics Officer 2024-2025

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, 2025
Catalogue number: Y7-1E-PDF
ISSN: 1928-2052





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

June 2025

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 Twentieth Annual Report of the Office of the Senate Ethics Officer, covering the period from April 1, 2024, to March 31, 2025 (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.).

Yours sincerely,

A handwritten signature in blue ink, reading 'James W O'Reilly'.

Hon James W O'Reilly

Table of Contents

MESSAGE FROM THE SENATE ETHICS OFFICER.....	1
Observations	1
1. Senators will be senators.....	1
2. Senators need more tools.....	1
3. The Office's resources are strained.....	1
4. The Office needs adequate time to respond to questions.	2
5. Senators' needs must be met.	2
6. Senators' involvement in non-profit organizations needs attention.....	2
7. Annual disclosures provide an opportunity for ongoing guidance.	3
Aspirations and Goals	3
1. Let senators be senators.	3
2. Provide senators more tools.....	3
3. Increase the Office's resources.....	4
4. Allow the Office adequate time to respond to questions.....	4
5. Address senators' needs.....	4
6. Recognize and affirm senators' involvement in non-profit organizations.	5
7. Give meaningful guidance on annual disclosures.	5
THE OFFICE OF THE SENATE ETHICS OFFICER IN 2024-2025	6
1. Opinions and Advice	6
2. The Annual Disclosure Process	7
3. Preliminary Reviews and Inquiries.....	7
Rules and Laws beyond the Code	8
4. Other Activities of the Office.....	8
Outreach to Senators	8
Outreach to Ethics and Conflict of Interest Officials and Others.....	8
Media and the Public	9
Budget and Administration	9
SUMMARY OF KEY OBLIGATIONS IN THE <i>ETHICS AND</i>	
<i>CONFLICT OF INTEREST CODE FOR SENATORS</i>.....	10



MESSAGE FROM THE SENATE ETHICS OFFICER

This is my first Annual Report, having taken up the role of Senate Ethics Officer on January 10, 2025. I hesitate to summarize the activities and accomplishments of the Office of the Senate Ethics Officer over the past twelve months, since most of them should be credited to my predecessor, Mr Pierre Legault.

Still, in addition to an update on the Office, I have some preliminary observations to share based on my first few months on the job, and some aspirations and goals to offer for the next year, and beyond.

Observations

1. Senators will be senators.

Senators enjoy a wide margin of freedom to perform their parliamentary and public duties. The *Ethics and Conflict of Interest Code for Senators* specifically recognizes that senators are entitled to engage in outside activities, including assisting members of the public, so long as they comply with the principles of the Code and fulfil their obligations under it (ss 4, 5). In addition, the principles of the Code recognize that senators are expected to remain members of their communities and to continue to engage in community activities (s 2(2)(a)). These aspects of senators' functions must always be kept in mind when interpreting the rules and principles in the Code.

2. Senators need more tools.

New senators receive an introductory, oral briefing from the Senate Ethics Officer and the Assistant Senate Ethics Officer/General Counsel, usually lasting about an hour. They receive a document summarizing provisions of the *Ethics and Conflict of Interest Code for Senators* but the Code, while an important document, obviously, is difficult to interpret and navigate on one's own (See below the Summary of Key Obligations in the Code). After that, senators are generally left to identify ethical issues themselves and to respond accordingly. Of course, many seek advice from our Office, but others handle these ethical issues without much, if any, guidance.

Our Office has produced general guidelines on some of the main issues senators face (Outside Activities, Gifts, and Sponsored Travel), but these tools provide limited guidance. Senators should have more tools available to them.

3. The Office's resources are strained.

We have a small staff – an Assistant Senate Ethics Officer/General Counsel (Ms Deborah Palumbo), an Executive Assistant, a Senior Ethics Advisor and a Junior Ethics Advisor. All these employees are dedicated, hard-working, and experienced public servants. They perform a remarkable job.



But we are not keeping up with demand. Partly, as I will explain more below, this shortfall results from rising needs and expectations, to which we must respond. Partly, it is a question of timing. I arrived in the Office when there were some outstanding and pressing issues to resolve, and when several new senators were appointed. These circumstances were somewhat unusual. But I also arrived just before Parliament was prorogued and most senators had left Ottawa. Had Parliament been in session, the Office would have been even busier.

But whatever the reason, we frequently have to ask senators for more time to reply to their queries. Too often, senators have to follow up with us to enquire when they will get an answer. This is not a satisfactory situation.

4. The Office needs adequate time to respond to questions.

It is rare that ethical questions can be answered yes or no. At least, not the kind of questions that senators typically pose. Before answering, we usually need to do some fact gathering first because context is always important. Even if a senator provides us with a factual scenario, we often need to follow up to obtain more details. Then we need time to compose a written opinion addressing the senator's specific concerns and providing what we hope is helpful advice.

It is important that senators understand this process and take it into account when asking for advice. We do our best to be as responsive as possible, but it is appreciated when a senator allows us a reasonable amount of time to reply. Our answers will be better thought-out and more helpful if we have adequate time to craft them.

5. Senators' needs must be met.

We must realize that senators come from busy, diverse, and successful careers, whether in the public or the private sector. They arrive with many questions about their ability to continue to engage in the activities they pursued in the past and to express their views on subjects within their areas of expertise. Senators need timely advice – the demands of their professional lives have not slowed – and they often need guidance on an ongoing basis because they receive frequent invitations to deliver speeches, attend conferences, or communicate with stakeholders. It is not reasonable or acceptable for senators to wait weeks for guidance.

6. Senators' involvement in non-profit organizations needs attention.

Many senators are concerned that the Code has been interpreted too restrictively in relation to their involvement in non-profit organizations. There are two main issues. The first is whether senators can be identified as senators when they are involved in non-profit organizations, whether as a member, officer, or director. The second is whether they may engage in fundraising activities on behalf of a non-profit group.

Senators naturally need to know the rules surrounding their involvement in public-interest entities and our Office needs to provide them reasonable and consistent advice. They need more clarity.



7. Annual disclosures provide an opportunity for ongoing guidance.

An important part of our work is to respond to senators' annual disclosures. Each year, we receive confidential information from senators summarizing their outside activities, sources of income, assets, and liabilities. We review these disclosures and determine what information needs to be posted in the Public Registry.

This annual review process serves two purposes. The first is transparency – relevant information about senators and their activities is made publicly available. The second is accountability – that information can be reviewed by our Office and ethical issues, if any, that arise from it can be identified and brought to the senator's attention.

From my early observations, the former purpose, transparency, has been achieved. However, the latter purpose, accountability, has not. This is partly a function of the strained resources I mentioned above. Identifying and analyzing ethical issues is a time-consuming process and the workload is heavy. However, there is also a question of emphasis. Over the years, transparency has trumped accountability as the superordinate purpose of the annual review process. The result is that senators, in my view, do not receive sufficient ongoing guidance about the ethical issues that may arise from their conduct and financial circumstances. Annual disclosures accompanied by a meaningful review process would provide senators greater guidance.

Aspirations and Goals

My aspirations and goals for the next year and beyond are simply to respond to the above observations with concrete and achievable actions.

1. Let senators be senators.

It is not the role of the Senate Ethics Officer to unduly constrain the activities of senators. Rather, it is to remind senators of the ethical boundaries that apply to them and to advise them on how to respect them. Where possible, senators should be given leeway to carry out their important functions. The wide-ranging role of senators must always inform the advice we give them.

2. Provide senators more tools.

New senators should receive, and all senators should have on their desks, a booklet that would help them understand the most important aspects of the Code – the principles, the parameters of permissible outside activities, the rules of conduct, and the disclosure requirements. Most queries from senators fall under these general rubrics. A handbook that described these parts of the Code and summarized their scope would, I believe, be an important tool for senators.



The current guidelines provided to senators give them some assistance in navigating the Code. However, some guidelines do not necessarily reflect current interpretations of the Code. Others create an unfortunate impression that they establish supplementary principles and rules, not contained in the Code. Even though the guidelines are meant to provide general information about senators' obligations and are not binding, some leave the impression that they were intended to replace or expand on the Code.

I intend to revisit the status and content of the guidelines with a view to making some improvements.

3. Increase the Office's resources.

A modest increase in our staff is fully justified given the current workload in the Office and the rising needs and expectations of senators. This would allow us to better serve the senators who count on us for timely and well-considered advice. As noted below, the budget currently allocated to the Office has room for at least one additional employee.

4. Allow the Office adequate time to respond to questions.

I humbly ask senators to take account of the amount of time that is necessary for us to provide well-thought-out responses to sensitive ethical questions. It is always appreciated when senators provide sufficient advance notice of an upcoming event or invitation or can tell us when an answer is needed so that we can set our priorities accordingly.

5. Address senators' needs.

I have already mentioned that senators need more tools, including better guidelines; that we need to establish a meaningful annual review of senators' activities and circumstances; and that our Office needs a small increase in its human resources. These measures would address some of the challenges currently facing the Office. However, to meet senators' needs and expectations, there are some additional steps that would help. For example, the annual review process could be made more efficient and user-friendly. The disclosure forms that senators currently fill out are confusing and could be streamlined. The entire annual review process should be made available online with an accessible and logical user interface. This would make it easier for senators to comply with their disclosure obligations and allow our Office to respond more quickly. My predecessor made substantial strides on the latter front, and it falls to me to complete the task.



6. Recognize and affirm senators' involvement in non-profit organizations.

Senators have asked me for guidance on the question of whether they can identify themselves as senators when they are involved in not-for-profit organizations. In my view, since section 5 of the Code explicitly authorizes senators to be involved in not-for-profit organizations, it would not be inappropriate for those organizations to identify a senator who is associated with them. There may be occasions, however, where it would be wise for senators to make clear that their role in the organization is personal and not related to their senatorial position. Further, there are other provisions of the Code of which senators should be mindful. For example, senators must always give precedence to their parliamentary duties (s 2(1)). They must also avoid conflicts of interest (s 2(2) (c)), refrain from using their position as a senator to advance private interests (s 9) and respect the other rules of conduct under the Code (eg ss 7.1, 7.2).

I intend to revisit the guideline that relates to fundraising with a view to improving it.

7. Give meaningful guidance on annual disclosures.

I have already begun this process. Senators may notice that the letters they receive in response to their annual disclosures are longer and more detailed than in the past. This is not because there are more reasons to be concerned about these disclosures; rather, it is because I believe the annual review process provides an apt opportunity to remind senators of some of the provisions of the Code that are relevant to their activities and financial circumstances.



THE OFFICE OF THE SENATE ETHICS OFFICER IN 2024-2025

The Senate Ethics Officer is an independent, non-partisan officer of the Senate. Independence reinforces public confidence in the administration and application of the ethics and conflict of interest regime. Several provisions of the *Parliament of Canada Act* and the Code confirm the independence and autonomy of the SEO, including the provisions relating to the appointment process, 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. The Act also 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. It 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 expressly provided for in the Code. This independence also extends to preliminary reviews, inquiries, and inquiry reports.

The SEO has three main responsibilities.

1. Opinions and Advice

My most important responsibility is to respond to senators’ requests for advice. Timely guidance can help prevent senators from wading into ethically troubled waters.

Typically, senators contact me to ask about specific activities or events in which they have been invited to participate. The advice I give turns on the facts of each situation. We often follow up with senators or their staff to obtain as much detailed information as we can gather so that we understand what the circumstances are and can provide advice tailored to the situation the senator faces.

It is rare that I tell senators that the Code prevents them from accepting invitations they receive. In most cases, I can point out the ethical issues that may arise if they choose to accept the invitation – for example, the need for them to give precedence to Senate responsibilities, to avoid furthering private interests, to refrain from revealing confidential information and, when necessary, to disclose gifts and sponsored travel. After receiving my advice, senators decide for themselves how to proceed; it is they who are accountable under the Code.

When I arrived, I learned that some senators and others (including my predecessor), felt that the Code needed some reform and updating. That may well be true. I am not yet able to voice an informed opinion on that issue. However, I can see that the Code may need some fresh interpretation. I mentioned above that the Guidelines available to senators should be updated, and that senators need more tools to enable them to navigate the Code. But I have not yet seen a need to revise the Code itself, although I remain open to the idea if I see a problem.



2. The Annual Disclosure Process

As mentioned, transparency is one of the underlying values of the Code. In that vein, the Code imposes yearly disclosure obligations on senators. Most of those disclosures are published in the Public Registry, which is available to the public.

Senators must disclose to the Office a Confidential Disclosure Statement containing information about their circumstances, including their outside activities, as well as their income, assets, and liabilities, and those of their spouses.

The annual disclosure process creates an opportunity to provide senators with guidance on their activities and circumstances. For example, a senator may disclose to us that they have joined the board of a company or non-profit organization. That disclosure provides us an opportunity to remind senators about the provisions of the Code that apply to outside activities. Our guidance tends to be quite general because we do not have enough detailed information to provide an opinion. But I think it is a useful exercise, giving senators an annual reminder of the ethical parameters surrounding their conduct.

Following our review, we prepare a Public Disclosure Summary containing the information that must be made public. Senators are given an opportunity to review the information before it is placed in the Public Registry. 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 it.

Senators must also report any sponsored travel or gifts they received, as well as any material changes to their Confidential Disclosure Statements. In the past year, the Office received one statement of gifts or other benefits, 32 statements of sponsored travel, and 44 statements of material change. Senators must also make declarations of private interests if 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. There were four of these in 2024-2025.

3. Preliminary Reviews and Inquiries

Preliminary reviews and inquiries represent the primary enforcement measures under the Code. They are intended to be, and have been, invoked rarely. A preliminary review of a senator's conduct usually takes place only after the Senate Ethics Officer concludes that there are reasonable grounds to believe a senator has not complied with the Code's obligations.

A preliminary review can also be initiated if a senator has reasonable grounds to believe another senator has not complied with his or her obligations under the Code and notifies the Senate Ethics Officer.

We sometimes receive complaints from the public, but they do not automatically trigger a preliminary review. However, information provided by non-senators can form the basis of a decision by the Senate Ethics Officer to conduct a preliminary review.



After a preliminary review, the SEO must decide whether there are sufficient reasonable grounds for concern that the senator has breached the Code's obligations. If so, the SEO must conduct an inquiry. An inquiry is not a prosecution; it is a fair, even-handed proceeding aimed at establishing the relevant facts. It is confidential – participants are guaranteed that their evidence will be kept confidential and not disclosed to anyone except to the extent necessary for purposes of the inquiry. For example, the senator who is the subject of the inquiry will be granted access to relevant information, especially if it could give rise to an adverse inference. In addition, some evidence must be made public in the SEO's inquiry report.

Rules and Laws beyond the Code

The Senate Ethics Officer'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 several other rules and laws, 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, certain provisions of the Criminal Code relating to the misuse of a public office apply to senators. Section 119 deals with bribery, section 121 concerns frauds on the government and is aimed, in part, at influence peddling, and section 122 creates offences of fraud and breach of trust.

4. Other Activities of the Office

Outreach to Senators

The Senate Ethics Officer and the Assistant Senate Ethics Officer/General Counsel meet with senators regularly to discuss the Code and give them an opportunity to raise concerns or receive feedback on issues the senators may be facing or have questions about. Senators consult with us by email, phone, and videoconference. As of March 31, 2025, the Office had 140 consultations with senators.

Outreach to Ethics and Conflict of Interest Officials and Others

The Office participates in seminars, conferences, and other events 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 inform others on the work of the Office and of the Code.



The Senate Ethics Officer is a member of the Canadian Conflict of Interest Network (CCOIN). CCOIN is a key organization in the field of ethics and conflict of interest for members of legislative bodies in Canada. It is comprised of the ethics and conflict of interest officers and commissioners from across Canada. CCOIN provides a valuable resource for its members, enabling them to share information and practices, on a confidential basis, and to exchange views on issues of collective interest. The former SEO attended the 2024-2025 CCOIN conference in Québec City in September 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 2024-2025 annual general meeting of the Réseau took place in-person in Brussels, Belgium, in October 2024.

The SEO is also 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 former SEO attended the in-person annual COGEL conference in Los Angeles, California, in December 2024.

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.

Budget and Administration

The Office is a public, independent, and separate employer. It is a very small one with limited personnel, yet it has all the same obligations as any employer in the public service.

For the year 2024-2025, the Office's total budget was \$1,597,101. The actual expenditures were \$1,104,690. The difference in these figures allows the Office to increase its operational capacity to meet demands.

The Office's financial statements for the year 2024-2025 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.

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 am grateful for their assistance.



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

- Senators must give precedence to their parliamentary duties and functions (s 2(1)).
- Senators are expected to remain members of their communities and regions and to continue to assist members of the public (ss 2(2)(a), 4).
- Senators are expected to arrange their private affairs so that conflicts of interest may be prevented from arising, and, if a conflict does arise, to resolve it in a way that protects the public interest (s 2(2)(c)).
- Senators may participate in outside activities as long as they are able to comply with the principles of the Code and their obligations under it (s 5).
- Senators must uphold the highest standards of dignity inherent to the position of senator (s 7.1(1)).
- Senators must refrain from acting in a way that could reflect adversely on the position of senator or the institution of the Senate (s 7.1(2)).
- Senators must perform their parliamentary duties and functions with dignity, honour and integrity (s 7.2).
- 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 (s 8).
- Senators may not use their position to influence a decision of another person to further their own private interests, or those of their family members, or to improperly further another person's or entity's private interests (s 9).
- 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 (s 10).



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

