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## 4. THE CODE IN PRACTICE: SELECTED EXAMPLES

We have received favorable comments over the years from senators, their staff and from the general public when we have included in our annual reports examples of some of the considerations that are relevant with respect to the opinions and advice we give to senators to assist them in meeting their obligations under the Code.

The seventeen examples we selected this year are intended to help readers better understand the work of the Office and to draw attention to some of the important provisions of the Code, including gifts, travel, disclosure requirements and inquiries and investigations. That being said, these examples do **not** constitute formal advice under the Code. They are intended to be educational and informative. They are illustrative and abbreviated as well. They are **not** actual opinions given by the Senate Ethics Officer.

The advice and opinions given by the Senate Ethics Officer are based on a careful analysis of the Code and each senator's circumstances. Obviously, each situation must be evaluated on its own particular facts and different circumstances will lead to different conclusions. Senators are expected to contact the Office of the Senate Ethics Officer for specific advice and guidance where they have any doubts about the best course of action.

### **A. Activities Outside Official Parliamentary Duties**

#### **1. Issue**

A senator inquires as to whether the provision in the *Conflict of Interest Code for Senators* (the Senate Code) authorizing senators to engage in activities outside their parliamentary duties and functions is also found in the *Conflict of Interest Code for Members of the House of Commons* (the House Code).

#### **Considerations**

Both the conflict of interest code applicable to senators and that applicable to members of the House of Commons authorize private members to engage in outside activities provided they are able to comply with the provisions of the code applicable to them. More specifically, section 5 of the Senate Code provides that senators, who are not ministers of the Crown, may participate in any outside activities, including practicing a profession, carrying on a business or holding official positions in corporations and other bodies, as long as they are able to fulfill their obligations under the Senate Code. Section 7 of the House Code provides that nothing in the House Code precludes members, who are not ministers of the Crown or parliamentary secretaries, from engaging in outside activities



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(the list of outside activities being identical to that contained in section 5 of the Senate Code), as long as they are able to fulfill their obligations under the House Code. In fact, the conflict of interest laws in some other Canadian jurisdictions also permit members of legislative assemblies to engage in activities outside their official duties and responsibilities as members of a legislature.

## **2. Issue**

A senator asks whether he can accept an invitation from a not-for-profit organization to be an Honorary Patron of its fundraising campaign. The senator's role would be limited to allowing the use of his or her name and position on the organization's letterhead or other printed and electronic material for the duration of the campaign.

## **Considerations**

Acceptance of this honorary position would be permissible under section 5 of the Code, but would require public disclosure pursuant to paragraph 31(1)(b). Given the senator's involvement with this organization, certain precautions would have to be taken. Specifically and for the duration of the campaign, the senator would be asked to refrain from making representations on behalf of the organization, to the Government of Canada or any federal agency or body, in order to obtain financial assistance or contracts. Moreover, in order to avoid any apparent conflict of interest, the senator would be advised to refrain from being involved in any announcement of federal funding to the organization, should the situation occur.

## **3. Issue**

A senator is asked to become a member of the Board of Directors of a not-for-profit organization which receives federal financial assistance.

## **Considerations**

Although it is acceptable for a senator to sit as a director of a not-for-profit organization (paragraph 5(c) of the Code), this outside activity is subject to certain limitations. For example, the senator would be asked to refrain from making any representations on behalf of the organization for the continued receipt of federal financial assistance. The senator would also be asked to refrain from dealing with federal officials in order to obtain contracts from the federal government or any of its agencies or bodies. These restrictions would address the perception that might be created that the organization is receiving financial assistance due to the senator's involvement with it (section 9 and paragraph 2(1)(c)). The senator would also be asked to abstain from being involved in any future announcements of federal funding to the organization, again, in order to address the perception of a conflict. Finally, public disclosure of the senator's position on the Board of Directors of this organization would be required pursuant to paragraph 31(1)(b) of the Code.



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#### **4. Issue**

A senator was asked to sit on the Board of Directors of a public corporation and inquires as to whether the Code imposes any restrictions in this regard.

#### **Considerations**

Paragraph 5(c) of the Code explicitly authorizes senators, who are not ministers of the Crown, to participate in outside activities, including sitting on the boards of commercial corporations. However, any such positions must be publicly disclosed under paragraph 31(1)(a). In addition, a senator in such circumstances would be asked to comply with certain restrictions. For example, he or she would be required to refrain from personally having any dealings with government officials and, in particular, federal government officials, in order to obtain on behalf of the corporation any financial benefit, including contracts or financial assistance. This restriction would ensure that the senator not only complies, but appears to comply (paragraph 2(1)(c)), with section 9 of the Code. This provision prohibits senators from using or attempting to use their position to influence the decision of another in order to improperly further their own interests, those of their family members, or to improperly further another person's or entity's private interests, as defined under subsection 11(1).

### **B. Sponsored Travel**

#### **5. Issue**

A senator asks under what circumstances the Code permits senators to accept sponsored travel.

#### **Considerations**

Subsection 18(1) of the Code provides that a senator and guests of the senator may accept sponsored travel if it arises or relates to the senator's position. Where the cost of any such travel exceeds \$500.00 and is not paid for by the senator or any guests of the senator, or through international and interparliamentary affairs programs recognized by the Parliament of Canada, or by the Senate, the Government of Canada or the senator's political party, the trip must be disclosed to the Senate Ethics Officer within 30 days after the end of it. As well, paragraph 31(1)(i) requires that any such trip be publicly disclosed.

#### **6. Issue**

A senator asks if he may accept free accommodation and travel costs to attend a conference. He has been invited by a not-for-profit organization of which he is a member of the Board of Directors.



## Considerations

The senator may accept the offer of free accommodation and travel since he would be attending the conference as a member of the Board of Directors of the organization who offered to pay his expenses. Moreover, there is no requirement for a public declaration in this regard since the benefit falls outside section 18 of the Code. The reason for this is that it relates to the senator's outside activities, not his parliamentary duties and functions. Subsection 18(1), which requires the public disclosure of certain benefits that exceed \$500 in value, only pertains to benefits that arise from or relate to a senator's position.

## C. Gifts and Other Benefits

### 7. Issue

A senator is offered a gift that relates to her position in the Senate.

## Considerations

Since the gift relates to the senator's position, it is not acceptable under subsection 17(1) of the Code, unless it falls under subsection 17(2) as a normal expression of courtesy or protocol or is within the customary standards of hospitality. In the latter case, the gift is acceptable but a public declaration is required under subsection 17(3) if the value of the gift exceeds \$500.

### 8. Issue

A senator asks whether he may accept free tickets to an NHL hockey game. They have been offered to him by an organization of which he is a member of the Board of Directors.

## Considerations

The senator may accept the tickets because they are provided by an organization in which he sits as a member of its board. Section 17 of the Code does not apply in cases where a gift is received in connection with an outside activity. However, care must be taken to avoid any conflict of interest situation. For example, the senator should not, either at the present time or in the foreseeable future, act in any way to further the organization's private interests when performing his parliamentary duties and functions.

### 9. Issue

A senator asks whether he may accept an honorarium for giving a speech at a conference.

## Considerations

Whether the honorarium is acceptable depends on the particular circumstances. If the senator was invited as a senator and his participation relates to his parliamentary duties and responsibilities, the honorarium may not be accepted (subsection 17(1) of the Code). However, if the senator was not invited as a senator, he may accept an honorarium if the speech is clearly unrelated to his parliamentary duties (i.e. given in connection with his



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outside or professional activities) and the honorarium cannot reasonably be seen to have been given to influence the senator. Examples of speech topics that are unlikely to relate to a senator's parliamentary duties and functions are as follows: leadership and motivation, sports/athletics, negotiation and conflict resolution. In case of doubt, the Senate Ethics Officer should be consulted.

## **D. Declarations of Private Interests**

### **10. Issue**

A senator inquires about the circumstances under which he must make a declaration of a private interest in the Senate or in a committee of which he is a member; the manner in which a declaration must be made; and the restrictions that would be imposed upon him under such circumstances.

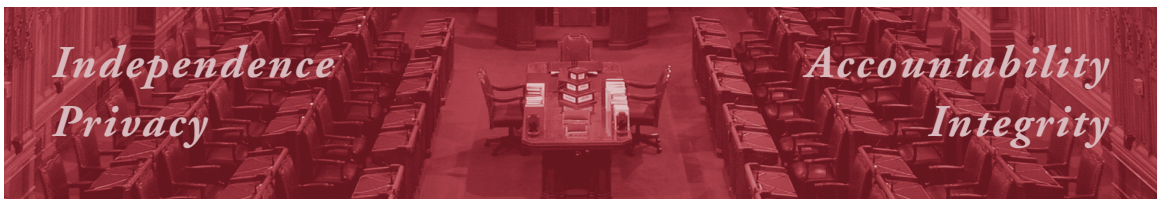
### **Considerations**

Under subsection 12(1), the senator must make a declaration of a private interest if he has reasonable grounds to believe that he, or a member of his family, has a private interest that might be affected by a matter that is before the Senate or a committee of the Senate of which he is a member. The senator must make the declaration at the earliest opportunity. The declaration may be made orally on the record or in writing to the Clerk of the Senate if the matter is before the Senate, or to the Clerk of the committee if the matter is before a committee. The declaration will be recorded in the *Journals of the Senate* if it was made in the Senate, or in the Minutes of Proceedings of the committee if it was made in committee. It is then sent to the Senate Ethics Officer, who must file it in the senator's public disclosure file (subsection 12(3) and paragraph 31(1)(h)). This public file is placed in the Public Registry, along with all other senators' public disclosure files, at the Office of the Senate Ethics Officer and made available for public inspection (subsection 33(1)).

Once the senator makes a declaration of a private interest in the Senate or in the relevant committee, he may not participate in debate or any other deliberations in the Senate or in a committee with respect to that matter (subsections 13(1) and (2)) and he may not vote on the matter but may abstain (section 14). In addition, if the matter is before a Senate committee, the senator must also withdraw altogether from the proceedings in question (subsections 13(2)).

### **11. Issue**

A senator inquires whether she is required to make a second declaration of a private interest under subsection 12(1) of the Code in respect of a bill that is before a committee of the Senate where she had already made such a declaration regarding this measure during the previous parliamentary session.



## Considerations

The senator should make a further declaration of a private interest under subsection 12(1) of the Code if the bill in question is reintroduced in the new session. During a prorogation or dissolution of Parliament, all bills die on the Order Paper and most parliamentary committees cease to exist. When Parliament resumes, any bills that are reintroduced would be renumbered. In addition, committees are reconstituted and, consequently, there may be changes in their membership. In light of these circumstances, a further declaration in the new Parliament or the new session makes sense in order to ensure that the public record is clear and that there is no confusion regarding which measure may pose a conflict for the senator in question.

## E. Retractions of Declarations of Private Interests

### 12. Issue

A senator, who is uncertain about whether she is required to make a declaration of private interest, makes one but does so out of abundance of caution. Thereafter, she receives additional information indicating that the declaration was, in fact, not required. She asks what she should do to retract her declaration.

## Considerations

Under subsection 12(7), the senator must make a retraction in the same way as she made her initial declaration of private interest. The procedural experts in the Senate and in committees are available to assist senators with the relevant forms and procedures for making retractions. Both the initial declaration and the retraction will remain on the parliamentary record but, under paragraph 31(1)(h) of the Code, the initial declaration will be withdrawn from the senator's public disclosure file, which is kept in the Office of the Senate Ethics Officer.

## F. Furthering Private Interests

### 13. Issue

A senator inquires about section 9 of the Code and in what circumstances it would be relevant.

## Considerations

Section 9 of the Code is aimed at ensuring that senators do not use, or attempt to use, their position as senators in order to influence the decisions of individuals, entities, or governments in order to benefit themselves or their family members or to improperly benefit another person or entity in any manner listed under subsection 11(1) of the Code. The provision is very broad and is not limited to influencing decisions of governments to further private interests, although the use of influence in regards to decisions of government respecting the awarding of contracts or other financial benefits is always of



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particular concern. The advice provided to a senator concerning how to ensure that he or she remains in compliance with section 9 would depend upon the particular facts of the case. However, in cases involving decisions of government, senators would, for example, be cautioned against personally having any dealings with government officials and, in particular, federal government officials, in order to obtain, or seek to obtain, a financial benefit, including contracts or financial assistance, on behalf of themselves, their family members, or on behalf of any entities where to do so would be improper (for example, on behalf of a private corporation in which the senator, or a family member of the senator, holds a position on the Board of Directors). This would include arranging or facilitating meetings with government officials. Taking this precaution also addresses the perception of a conflict (paragraph 2(1)(c) under section 9.

## **G. Family Members**

### **14. Issue**

A senator inquires as to whether the provisions of the Code are pertinent to her spouse.

### **Considerations**

There are a number of provisions in the Code that concern “family members” of senators, the definition of which (in subsection 3(2) of the Code) includes a senator’s spouse or common-law partner. These provisions include sections 8, 9 and 10, which prohibit a senator from furthering or attempting to further their family members’ interests, among others, in the circumstances outlined in those provisions.

Under section 12, a senator must make a declaration of any interests his or her family members have in any matter before the Senate or any committee of which he or she is a member. In addition, a senator must not, pursuant to section 13, participate in the debate of any matter before the Senate or a committee of the Senate in which a family member has an interest nor is the senator permitted to vote on such matters (section 14).

Under subsections 17(1) and (2), a family member of a senator is also precluded from accepting, directly or indirectly, any gift or other benefit that could reasonably be considered to relate to the senator’s position, unless the matter falls under the exception for gifts or other benefits that are received as a normal expression of courtesy or protocol, or that are within the customary standards of hospitality that normally accompany a senator’s position.

Senators are also required to advise the Senate Ethics Officer in their annual confidential disclosure statements if, after making reasonable inquiries, they ascertain that any family member has, directly or through a subcontract, or by virtue of a partnership or a significant interest in a private corporation, an interest in a contract or other business

arrangement with the Government of Canada or a federal agency or body (paragraph 28(1)(f)). The Senate Ethics Officer is then required to make this information public as part of the senators' public disclosure summaries, pursuant to paragraph 31(1)(f) of the Code. In addition, the Senate Ethics Officer would advise senators in such circumstances to refrain from any involvement in negotiations or dealings with government officials concerning these contracts or business arrangements, including refraining from arranging or setting up meetings with government officials on behalf of their family members or the entities in which their family members have interests.

Finally, under paragraph 28(1)(h), senators are required to disclose to the Senate Ethics Officer, as part of their confidential disclosure statements, any information, in addition to that specified in paragraphs 28(1)(a) to (g), that they believe to be relevant to the Code. As such, if a senator's spouse has certain interests that the senator believes could come in conflict with the senator's public duties, the senator should disclose these interests to the Senate Ethics Officer in his or her confidential disclosure statement.

## **H. Opinions and Advice**

### **15. Issue**

A senator inquires about the circumstances in which he may obtain a written opinion from the Senate Ethics Officer and the process for seeking such an opinion.

### **Considerations**

Under subsection 42(1) of the Code, the senator may request a written opinion from the Senate Ethics Officer in order to obtain his views on any matter concerning the senator's obligations under the Code, including, for example, an opinion providing guidance to the senator as to the appropriate course of action in a given situation in order to avoid a conflict of interest or an opinion concerning whether the senator has contravened certain provisions of the Code.

With respect to the process for seeking a written opinion, the senator must first make a request in writing to the Senate Ethics Officer. A written opinion or advice provided by the Senate Ethics Officer is confidential and may only be made public by the senator in question or with his or her written consent (subsection 42(4)). Written opinions and written advice are binding on the Senate Ethics Officer in relation to any subsequent consideration of the subject-matter of the opinion or advice as long as all the relevant facts that were known to the senator were disclosed to the Senate Ethics Officer (subsections 42(2) and (3)).

### **16. Issue**

A senator inquires whether all opinions and advice provided by the Senate Ethics Officer must be in writing.



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## **Considerations**

The Senate Ethics Officer provides written opinions and advice at the request of a senator under subsection 42(1) of the Code. Obtaining an opinion or advice in writing is particularly important if the matter is complex in nature and requires a more detailed analysis of the provisions of the Code. However, for more routine requests and matters that require little interpretation of the provisions of the Code, the Senate Ethics Officer may provide advice over the telephone or in person.

## **I. Investigations and Inquiries**

### **17. Issue**

A senator asks about the process for initiating a complaint against another senator.

## **Considerations**

A senator who has reasonable grounds to believe that another senator has not complied with his or her obligations under the Code may request that the Senate Ethics Officer conduct an inquiry into the matter (subsection 44(2)). The request must be in writing, signed by the requesting senator and it must identify the alleged non-compliance with the Code and the grounds for the allegation (subsection 44(3)).

The Senate Ethics Officer is required to forward the request for an inquiry to the senator who is the subject of the allegation and to afford that senator a reasonable opportunity to respond (subsection 44(4)).

The Senate Ethics Officer must then conduct a preliminary review to determine whether or not an inquiry is in fact warranted and he must then notify the requesting senator and the senator who is the subject of the allegation of his decision in this regard (subsection 44(5)). The Senate Ethics Officer must also inform the Conflict of Interest Committee for Senators if he decides that an inquiry is warranted under the circumstances (subsection 44(6)).

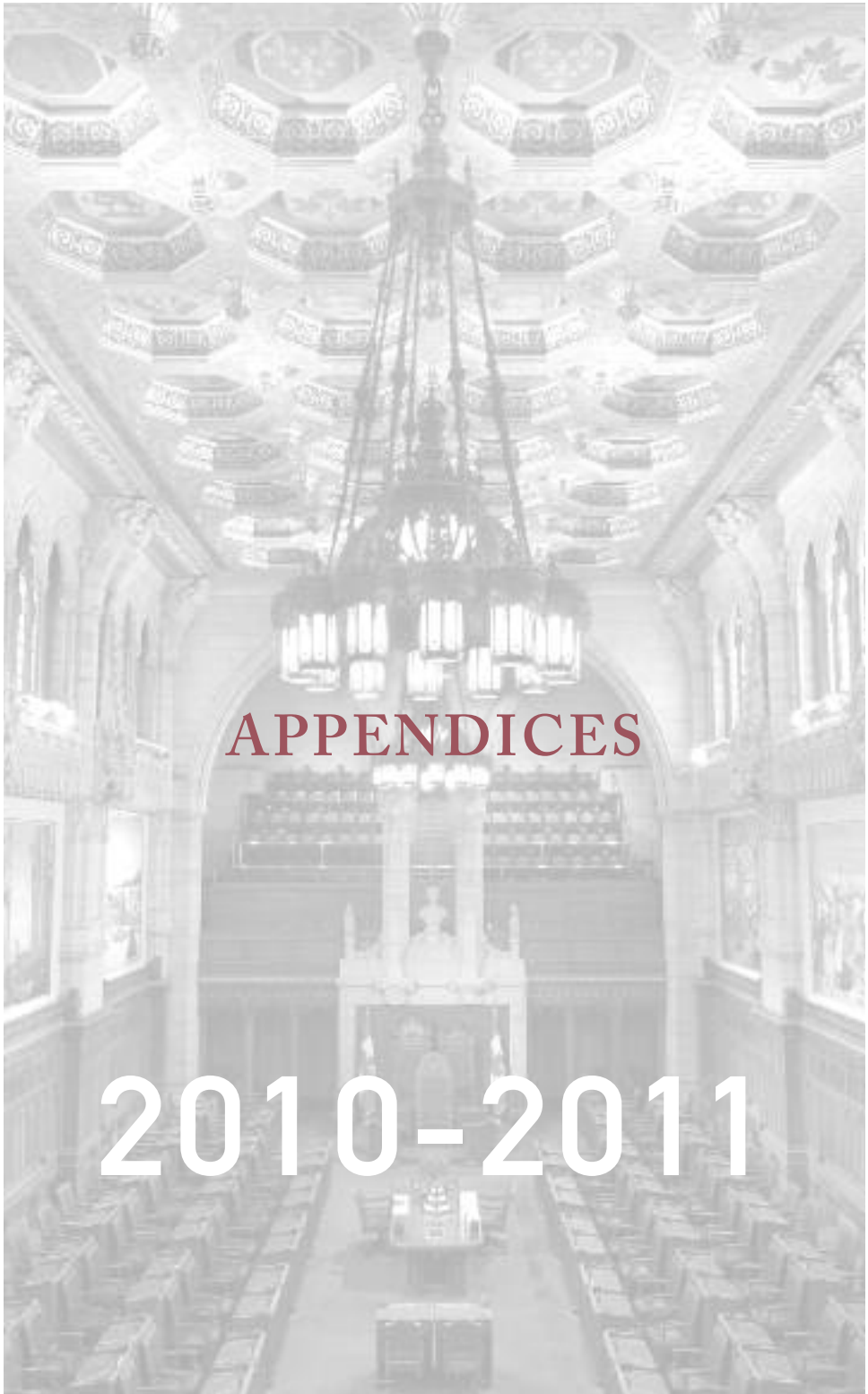
There are two other ways in which an inquiry may be conducted by the Senate Ethics Officer: (1) at the direction of the Standing Committee on Conflict of Interest for Senators (subsection 44(1)); and (2) on his own initiative, with the approval of the Committee, if after receiving significant evidence, the Senate Ethics Officer believes that an inquiry may be warranted to determine whether a senator has complied with his or her obligations under the Code (subsections 44(7) and (8)).



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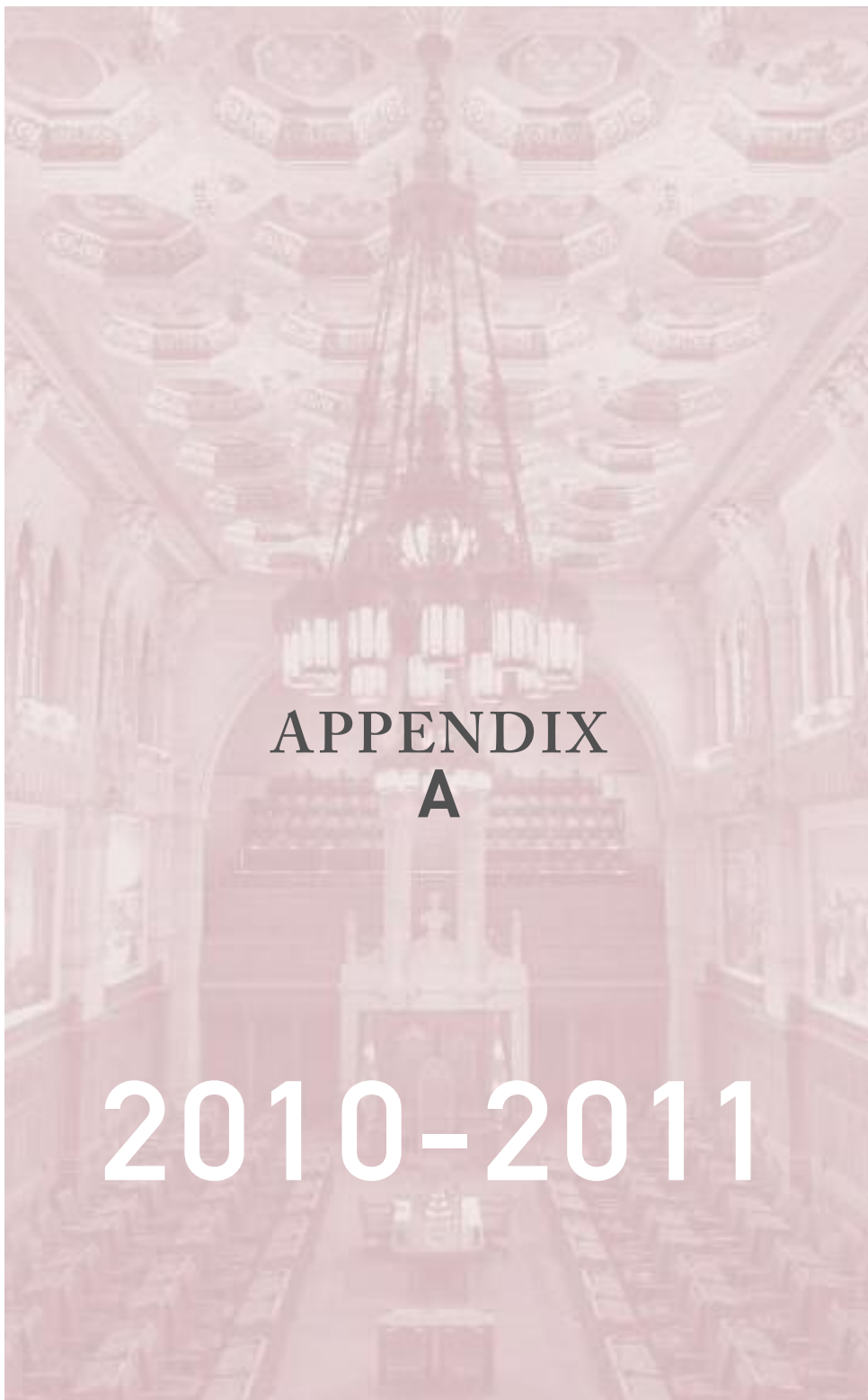
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**Notes**



# APPENDICES

# 2010-2011



APPENDIX  
A

2010-2011

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SENATE  
ETHICS OFFICER



CONSEILLER  
SÉNATORIAL EN ÉTHIQUE

January 27, 2011

The Honourable Noël A. Kinsella  
Speaker of the Senate  
Room 280-F, Centre Block  
The Senate of Canada  
Ottawa, ON K1A 0A4

Dear Senator:

I would like to inform you that I will be leaving my position as Senate Ethics Officer, effective May 2011. It has been a high honour for me to serve as the first Senate Ethics Officer. It is a time and memory I will always cherish. I have enjoyed my tenure and appreciate the cooperation and courtesy which you, your predecessor, the Honourable Dan Hays and your colleagues in the Senate, present and past, have extended to me over the last six years. I hope that in some small way the work of the Office has been useful to senators as they seek to comply with the conflict of interest rules of the Senate and resolve potentially problematic situations.

My decision, which has not been taken lightly, comes after spending 45 years with the Government of Canada (12 years as a Deputy Minister), working in 6 different departments, with 2 Royal Commissions, as High Commissioner to Australia and as Senate Ethics Officer, a position to which I was appointed in April 2005.

Although I am looking forward to the next chapter of my life and to spending more time with my family and friends, it is with regret that I am leaving, having completed six years of a seven-year term. I will greatly miss working with senators, the members of my small staff as well as the great work environment that the Senate provides.

After considerable thought, I have decided it is an opportune time for me to step down and for my successor to continue to build on the solid foundation that has been established. I have often said the Senate Code, like other parliamentary and legislative ethics codes across Canada and elsewhere, is a work in progress. Important changes were made in 2008 and I hope that the new Standing Committee on the Conflict of Interest Code for Senators, chaired by Senator Stratton, will soon consider further changes, including those I proposed in my Annual Report 2009-2010 designed to increase the transparency and accountability of the Senate ethics regime and to ensure that the rules of conduct for senators reflect the values and expectations of Canadians over time.

I would like to take this opportunity to express through you, Mr. Speaker, my sincere appreciation to all senators for their support during my term in Office. I will do my utmost to be of assistance to them until my departure. To that end, by the end of May, I expect to have completed my annual meetings with individual senators for the year 2010-2011, the review of the annual disclosure statements in which senators are required to disclose their financial and other interests and the drafting of my sixth and final Annual Report in accordance with the provisions of the *Parliament of Canada Act*, thus allowing the next Senate Ethics Officer to begin his or her term with a clean slate.

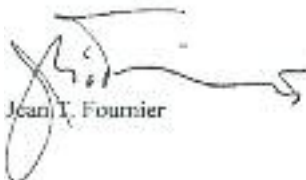
I also want to thank the members of the Standing Committee on Conflict of Interest for Senators for their assistance and for the respect they have shown for the independence of the Office. In each of the last six years, the Office provided over 200 opinions and advice to individual senators, both formal and informal, reflective of the level of trust and confidence that has developed between senators and the Office. I also wish to acknowledge with heartfelt thanks the assistance that the Office has received from the Senate Administration over the years in the areas of security, finance, human resources and information technology.

I owe an immense debt of gratitude to my loyal and hard working staff who has been with me since the beginning in 2005. Allow me to express my appreciation and affection to each of them: Louise Dalphy, Deborah Palumbo, Willard Dionne and Jacques Lalonde. I am proud of the role they played in the development of the Office. Without their support and diligence, the creation of this Office would not have occurred as smoothly and efficiently as it has. They will be of great assistance to my successor.

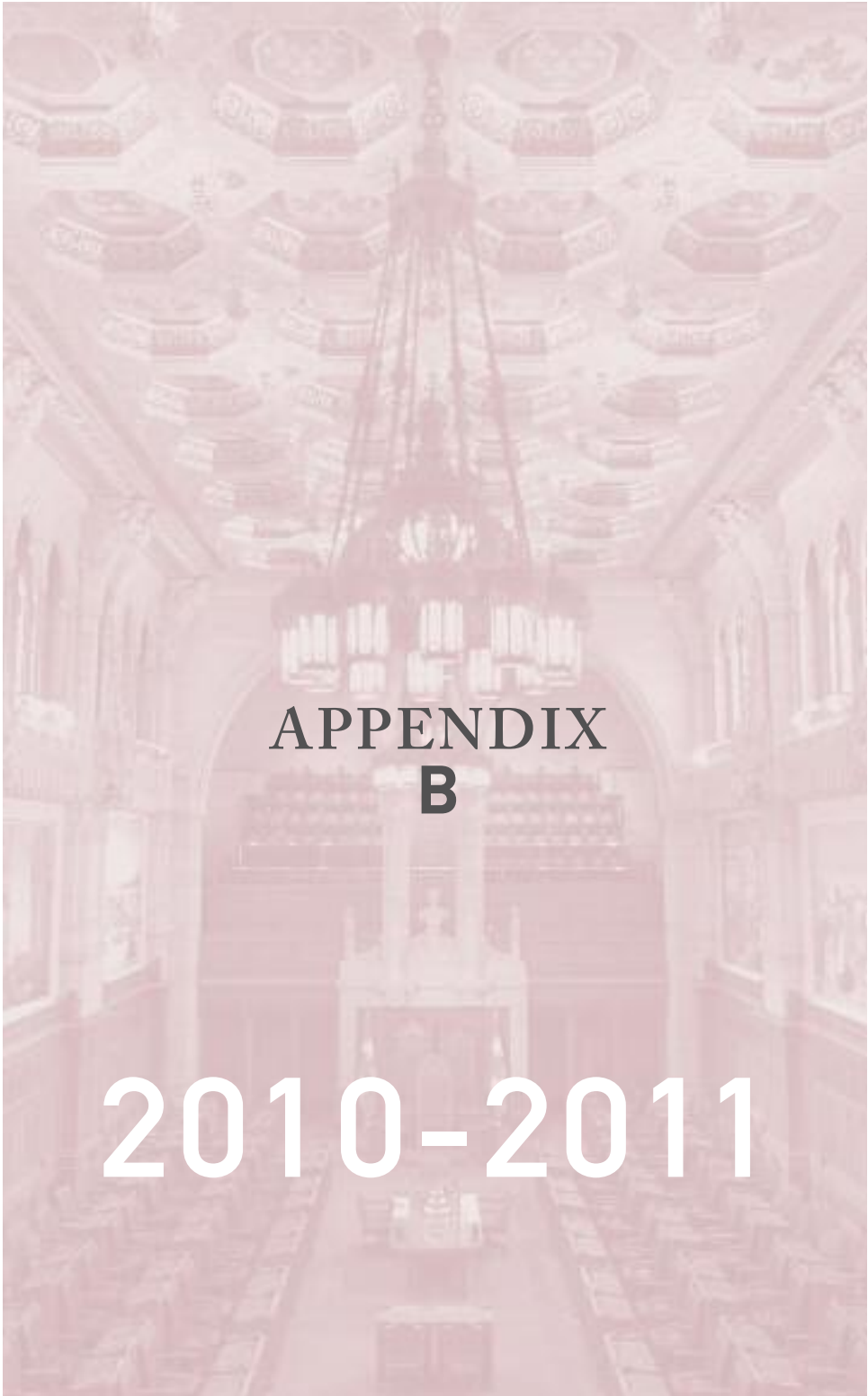
In closing, I propose to send copies of this letter for their information to the Leader of the Government in the Senate, the Honourable Marjory LeBreton, the Leader of the Opposition in the Senate, the Honourable James Cowan, the Chair of the Standing Committee on Conflict of Interest for Senators, the Honourable Terry Stratton, the Deputy Chair of the Standing Committee on Conflict of Interest for Senators, the Honourable Serge Joyal, and to both the Clerk of the Privy Council and the Clerk of the Senate. I also propose to send copies to all other senators to inform them of my plans and to confirm that I will continue to be available over the coming months to advise them concerning their obligations under the *Conflict of Interest Code for Senators* and to assist them in remaining in compliance with the requirements of the Code.

I would like to work with you in terms of coordinating logistics and timing of a public announcement regarding my departure. Thank you again for your confidence and your understanding in this matter.

Yours sincerely,



Jean Y. Fournier



APPENDIX  
**B**

2010-2011



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Functions – full-time	(4) In the case of a full-time appointment, the Senate Ethics Officer shall engage exclusively in the duties and functions of the Senate Ethics Officer and may not hold any other office under Her Majesty or engage in any other employment for reward.
Deputy head	20.4 (1) The Senate Ethics Officer has the rank of a deputy head of a department of the Government of Canada and has the control and management of the office of the Senate Ethics Officer.
Powers to contract	(2) The Senate Ethics Officer may, in carrying out the work of the office of the Senate Ethics Officer, enter into contracts, memoranda of understanding or other arrangements.
Staff	(3) The Senate Ethics Officer may employ any officers and employees and may engage the services of any agents, advisers and consultants that the Senate Ethics Officer considers necessary for the proper conduct of the work of the office of the Senate Ethics Officer.
Authorization	(4) The Senate Ethics Officer may, subject to the conditions he or she sets, authorize any person to exercise any powers under subsection (2) or (3) on behalf of the Senate Ethics Officer that he or she may determine.
Salaries	(5) The salaries of the officers and employees of the office of the Senate Ethics Officer shall be fixed according to the scale provided by law.
Payment	(6) The salaries of the officers and employees of the office of the Senate Ethics Officer, and any casual expenses connected with the office, shall be paid out of moneys provided by Parliament for that purpose.
Estimates to be prepared	(7) Prior to each fiscal year, the Senate Ethics Officer shall cause to be prepared an estimate of the sums that will be required to pay the charges and expenses of the office of the Senate Ethics Officer during the fiscal year.
Inclusion in Government estimates	(8) The estimate referred to in subsection (7) shall be considered by the Speaker of the Senate and then transmitted to the President of the Treasury Board, who shall lay it before the House of Commons with the estimates of the government for the fiscal year.



**Duties and functions**                      **20.5 (1)** The Senate Ethics Officer shall perform the duties and functions assigned by the Senate for governing the conduct of members of the Senate when carrying out the duties and functions of their office as members of the Senate.

**Privileges and immunities**                      (2) The duties and functions of the Senate Ethics Officer are carried out within the institution of the Senate. The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its members when carrying out those duties and functions.

**General direction of committee**                      (3) The Senate Ethics Officer shall carry out those duties and functions under the general direction of any committee of the Senate that may be designated or established by the Senate for that purpose.

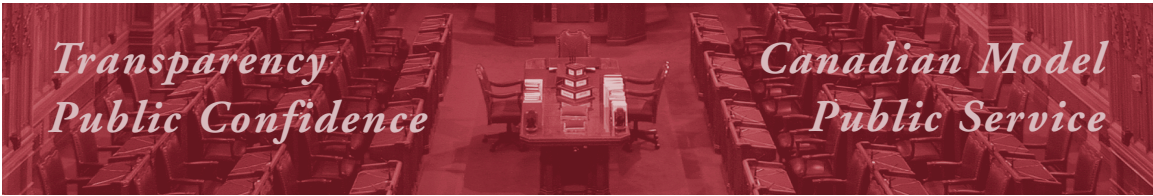
***Conflict of Interest Act***                      (4) For greater certainty, the administration of the *Conflict of Interest Act* in respect of public office holders who are ministers of the Crown, ministers of state or parliamentary secretaries is not part of the duties and functions of the Senate Ethics Officer or the committee.

**Clarification – powers, etc., of the Senate**                      (5) For greater certainty, this section shall not be interpreted as limiting in any way the powers, privileges, rights and immunities of the Senate or its members.

**No summons**                      **20.6 (1)** The Senate Ethics Officer, or any person acting on behalf or under the direction of the Senate Ethics Officer, is not a competent or compellable witness in respect of any matter coming to his or her knowledge as a result of exercising any powers or performing any duties or functions of the Senate Ethics Officer under this Act.

**Protection**                      (2) No criminal or civil proceedings lie against the Senate Ethics Officer, or any person acting on behalf or under the direction of the Senate Ethics Officer, for anything done, reported or said in good faith in the exercise or purported exercise of any power, or the performance or purported performance of any duty or function, of the Senate Ethics Officer under this Act.

**Clarification**                      (3) The protection provided under subsections (1) and (2) does not limit any powers, privileges, rights and immunities that the Senate Ethics Officer may otherwise enjoy.

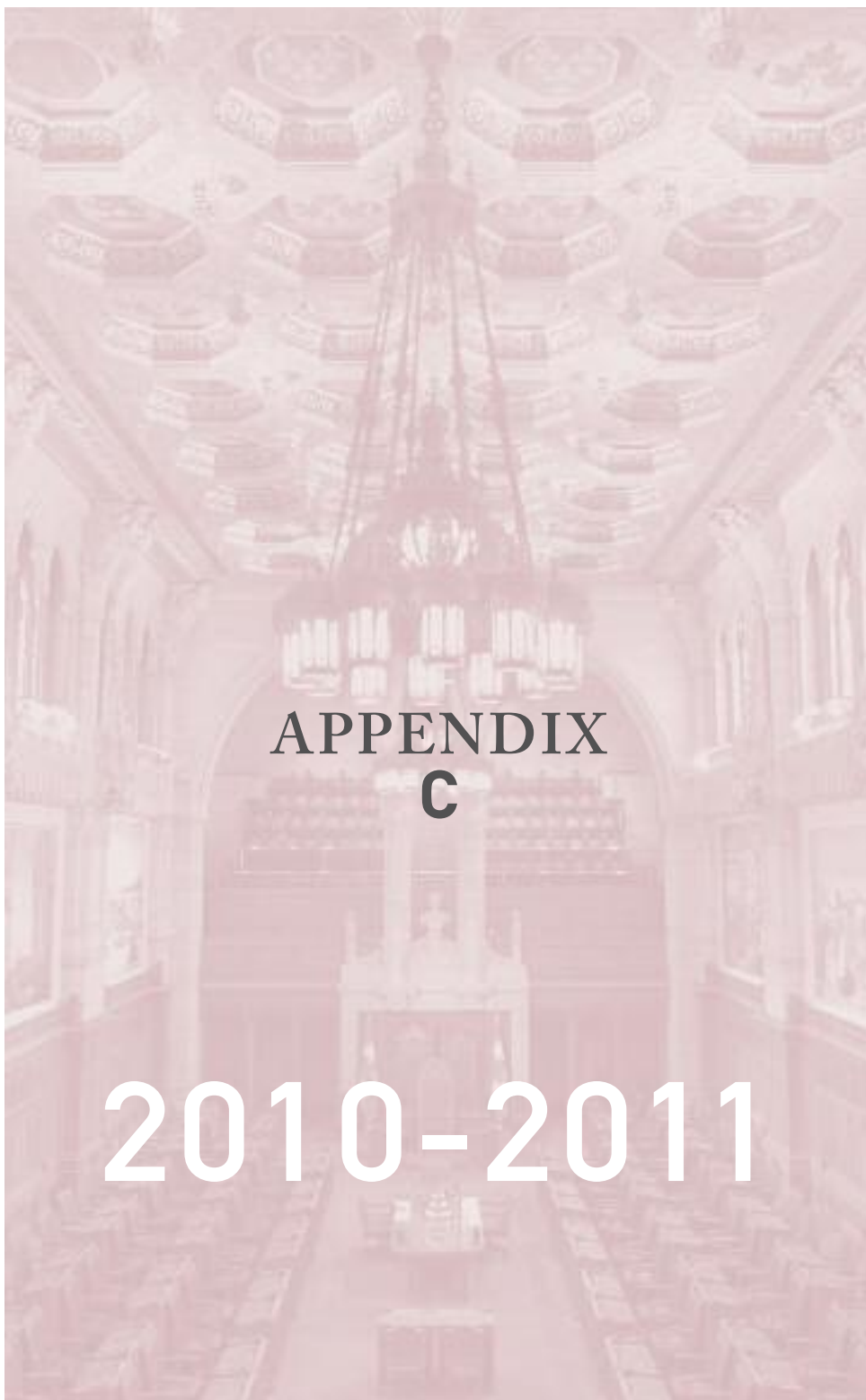


Annual report

**20.7 (1)** The Senate Ethics Officer shall, within three months after the end of each fiscal year, submit a report on his or her activities under section 20.5 for that year to the Speaker of the Senate, who shall table the report in the Senate.

Confidentiality

**(2)** The Senate Ethics Officer may not include in the annual report any information that he or she is required to keep confidential.



# APPENDIX C

# 2010-2011



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## APPENDIX C

### CONFLICT OF INTEREST CODE FOR SENATORS

#### PURPOSES

##### Purposes

1. The purposes of this Code are to
  - (a) maintain and enhance public confidence and trust in the integrity of Senators and the Senate;
  - (b) provide for greater certainty and guidance for Senators when dealing with issues that may present foreseeable real or apparent conflicts of interest; and
  - (c) establish clear standards and a transparent system by which questions relating to proper conduct may be addressed by an independent, non-partisan adviser.

#### PRINCIPLES

##### Principles

2. (1) Given that service in Parliament is a public trust, the Senate recognizes and declares that Senators are expected
  - (a) to remain members of their communities and regions and to continue their activities in those communities and regions while serving the public interest and those they represent to the best of their abilities;
  - (b) to fulfil their public duties while upholding the highest standards so as to avoid conflicts of interest and maintain and enhance public confidence and trust in the integrity of each Senator and in the Senate; and
  - (c) to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising, but if such a conflict does arise, to resolve it in a way that protects the public interest.

##### Privacy

- (2) The Senate further declares that this Code shall be interpreted and administered so that Senators and their families shall be afforded a reasonable expectation of privacy.



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## INTERPRETATION

### Definitions

3. (1) The following definitions apply in this Code.

“Committee”

« *Comité* »

“Committee” means the Committee designated or established under section 35.

“common-law partner”

« *conjoint de fait* »

“common-law partner” means a person who is cohabiting with a Senator in a conjugal relationship, having so cohabited for at least one year.

“Intersessional Authority”

« *autorité intersessionnelle* »

“Intersessional Authority on Conflict of Interest for Senators” means the committee established by section 38.

“parliamentary duties and functions”

« *fonctions parlementaires* »

“parliamentary duties and functions” means duties and activities related to the position of Senator, wherever performed, and includes public and official business and partisan matters.

“Senate Ethics Officer”

« *conseiller sénatorial en éthique* »

“Senate Ethics Officer” means the Senate Ethics Officer appointed under section 20.1 of the *Parliament of Canada Act*.

“spouse”

« *époux* »

“spouse” means a person to whom a Senator is married but does not include a person from whom the Senator is separated where all support obligations and family property have been dealt with by a separation agreement or by a court order.



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### **Family members**

- (2) The following are the family members of a Senator for the purposes of this Code:
- (a) a Senator's spouse or common-law partner; and
  - (b) a child of a Senator, a child of a Senator's spouse or common-law partner, or a person whom a Senator treats as a child of the family, who
    - (i) has not reached the age of 18 years, or
    - (ii) has reached that age but is primarily dependent on a Senator or a Senator's spouse or common-law partner for financial support.

## **ACTIVITIES AND JURISDICTION PRESERVED**

### **Assisting the public**

4. Senators are encouraged to continue to assist members of the public as long as their actions are consistent with their obligations under this Code.

### **Carrying on activities**

5. Senators who are not ministers of the Crown may participate in any outside activities, including the following, as long as they are able to fulfil their obligations under this Code:

- (a) engaging in employment or in the practice of a profession;
- (b) carrying on a business;
- (c) being a director or officer in a corporation, association, trade union or not-for-profit organization; and
- (d) being a partner in a partnership.

### **Existing committee jurisdiction**

6. Nothing in this Code affects the jurisdiction of the Standing Senate Committee on Internal Economy, Budgets and Administration.

### **Role of the Speaker**

7. Procedural matters referred to in this Code that are expressly provided for in the *Rules of the Senate* are under the jurisdiction and authority of the Speaker rather than the Senate Ethics Officer.



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## RULES OF CONDUCT

### Furthering private interests

8. When performing parliamentary duties and functions, a Senator shall not act or attempt to act in any way to further his or her private interests, or those of a family member, or to improperly further another person's or entity's private interests.

### Use of influence

9. A Senator shall not use or attempt to use his or her position as a Senator to influence a decision of another person so as to further the Senator's private interests, or those of a family member, or to improperly further another person's or entity's private interests.

### Use of information

10. (1) If as a result of his or her position, a Senator obtains information that is not generally available to the public, the Senator shall not use or attempt to use the information to further the Senator's private interests, or those of a family member, or to improperly further another person's or entity's private interests.

### Conveying information

(2) A Senator shall not convey or attempt to convey information referred to in subsection (1) to another person if the Senator knows, or reasonably ought to know, that the information may be used to further the Senator's private interests, or those of a family member, or to improperly further another person's or entity's private interests.

### Clarification: furthering private interests

11. (1) In sections 8 to 10, furthering private interests of a person or entity, including the Senator's own private interests, means actions taken by a Senator for the purpose of achieving, directly or indirectly, any of the following:

- (a) an increase in, or the preservation of, the value of the person's or entity's assets;
- (b) the elimination, or reduction in the amount, of the person's or entity's liabilities;
- (c) the acquisition of a financial interest by the person or entity;
- (d) an increase in the person's or entity's income from a contract, a business or a profession;
- (e) an increase in the person's income from employment;
- (f) the person becoming a director or officer in a corporation, association, trade union or not-for-profit organization; or
- (g) the person becoming a partner in a partnership.

### **Clarification: not furthering private interests**

(2) A Senator is not considered to further his or her own private interests or the private interests of another person or entity if the matter in question

- (a) is of general application;
- (b) affects the Senator or the other person or entity as one of a broad class of the public; or
- (c) concerns the remuneration or benefits of the Senator as provided under an Act of Parliament or a resolution of the Senate or of a Senate committee.

### **Declaration of a private interest: Senate or committee**

12. (1) If a Senator has reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected by a matter that is before the Senate or a committee of which the Senator is a member, the Senator shall, on the first occasion at which the Senator is present during consideration of the matter, make a declaration regarding the general nature of the private interest. The declaration can be made orally on the record or in writing to the Clerk of the Senate or the Clerk of the committee, as the case may be. The Speaker of the Senate shall cause the declaration to be recorded in the *Journals of the Senate* and the Chair of the committee shall, subject to subsection (4), cause the declaration to be recorded in the Minutes of Proceedings of the committee.

### **Subsequent declaration**

(2) If a Senator becomes aware at a later date of a private interest that should have been declared under subsection (1), the Senator shall make the required declaration forthwith.

### **Declaration recorded**

(3) The Clerk of the Senate or the Clerk of the committee, as the case may be, shall send the declaration to the Senate Ethics Officer who, subject to subsection (4) and paragraph 31(1)(h), shall file it with the Senator's public disclosure summary.

### **Where declaration *in camera***

(4) In any case in which the declaration was made during an *in camera* meeting, the Chair of the committee and Senate Ethics Officer shall obtain the consent of the subcommittee on agenda and procedure of the committee concerned before causing the declaration to be recorded in the Minutes of Proceedings of the committee or filing it with the Senator's public disclosure summary, as the case may be.



### **Further declaration**

(5) A declaration made in camera that, in compliance with subsection (4), has been neither recorded nor filed with the Senator's public disclosure summary is only valid in respect of the proceeding during which the declaration was made or the matter that the declaration concerned was discussed, and the Senator shall make a further declaration at the first possible opportunity.

### **Declaration of a private interest: other circumstances**

(6) In any circumstances other than those in subsection (1) that involve the Senator's parliamentary duties and functions, a Senator who has reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected shall make an oral declaration regarding the general nature of the private interest at the first opportunity.

### **Declaration of retraction**

(7) A Senator may, by declaration made under this section, retract a previous declaration, in which case the Senator may participate in debate or other deliberations and vote on the matter in respect of which the previous declaration was made.

### **Debate in the Senate**

13. (1) A Senator who has made a declaration under section 12 regarding a matter that is before the Senate may not participate in debate or any other deliberations in the Senate with respect to that matter.

### **Debate in committee where Senator is member**

(2) A Senator who has made a declaration under section 12 regarding a matter that is before a committee of the Senate of which the Senator is a member may not participate in debate or any other deliberations in the committee on the matter, and must withdraw from the committee for the duration of those proceedings, but the Senator need not resign from the committee.

### **Debate in committee where Senator is not member**

(3) A Senator who has reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected by a matter that is before a committee of the Senate of which the Senator is not a member may not participate in debate or any other deliberations in the committee on the matter, and must withdraw from the committee for the duration of those proceedings.



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### **Debate where Senator has not yet declared**

(4) A Senator who is required by section 12 to make a declaration but has not yet done so may not participate in debate or any other deliberations on the matter and, in the case of committee proceedings, the Senator must withdraw from the committee for the duration of those proceedings.

### **Prohibition on voting**

14. A Senator who has made a declaration under section 12, or a Senator who is required to make such a declaration but has not yet done so, may not vote on the matter but may abstain.

### **Procedure**

15. If a Senator reasonably believes that another Senator has failed to make a declaration of a private interest as required by section 12 or has failed to comply with section 13 or 14, the matter may be raised with the Senate Ethics Officer.

### **Clarification: having a private interest**

16. For the purpose of sections 12 to 14, private interest means those interests that can be furthered in subsection 11(1), but does not include the matters listed in subsection 11(2).

### **Prohibition: gifts and other benefits**

17. (1) Neither a Senator, nor a family member, shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that could reasonably be considered to relate to the Senator's position.

### **Exception**

(2) A Senator, and a family member, may, however, accept gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany the Senator's position.

### **Statement: gift or other benefit**

(3) If a gift or other benefit that is accepted under subsection (2) by a Senator or his or her family members exceeds \$500 in value, or if the total value of all such gifts or benefits received from one source in a 12-month period exceeds \$500, the Senator shall, within 30 days after the gift or benefit is received or after that total value is exceeded, as the case may be, file with the Senate Ethics Officer a statement disclosing the nature and value of the gifts or other benefits, their source and the circumstances under which they were given.



### **Statement: sponsored travel**

18. (1) Notwithstanding subsection 17(1), a Senator may accept, for the Senator and guests of the Senator, sponsored travel that arises from or relates to the Senator's position. If the travel costs of a Senator or any guest exceed \$500 and are not paid personally by the Senator or the guest, and the travel is not paid through the programs for international and interparliamentary affairs of the Parliament of Canada, by the Senate, the Government of Canada or the Senator's political party, the Senator shall, within 30 days after the end of the trip, file a statement with the Senate Ethics Officer.

### **Contents of statement**

(2) The statement shall disclose the name of the person or organization paying for the trip, the destination or destinations, the purpose and length of the trip, whether or not any guest was also sponsored, and the general nature of the benefits received.

### **Duplication**

(3) Any disclosure made in relation to sponsored travel does not need to be disclosed as a gift or other benefit.

### **Consent of Senate**

19. Gifts, other benefits and sponsored travel accepted in compliance with the requirements of sections 17 and 18 are deemed to have received the consent of the Senate thereto for all purposes.

### **Government contracts**

20. A Senator shall not knowingly be a party, directly or through a subcontract, to a contract or other business arrangement with the Government of Canada or any federal agency or body under which the Senator receives a benefit unless the Senate Ethics Officer provides a written opinion that

- (a) due to special circumstances the contract or other business arrangement is in the public interest; or
- (b) the contract or other business arrangement is unlikely to affect the Senator's obligations under this Code.

### **Public corporations**

21. (1) A Senator may own securities in a public corporation that contracts with the Government of Canada or any federal agency or body unless the holdings are so significant that the Senate Ethics Officer provides a written opinion that they are likely to affect the Senator's obligations under this Code.



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### **Public interest**

(2) A contract between a public corporation and the Government of Canada or any federal agency or body that, in the Senate Ethics Officer's opinion, is in the public interest due to special circumstances, shall not preclude a Senator from holding securities in that public corporation.

### **Government Programs**

(3) For the purpose of subsection (1), a public corporation shall not be considered to contract with the Government of Canada or any federal agency or body merely because the corporation participates in a Government program that meets the criteria described in section 23.

### **Trust**

(4) If the Senate Ethics Officer is of the opinion that the Senator's obligations under this Code are likely to be affected under the circumstances of subsection (1), the Senator may comply with the Code by placing the securities in a trust under such terms as the Senate Ethics Officer considers appropriate.

### **Partnerships and private corporations**

22. A Senator shall not have an interest in a partnership or in a private corporation that is a party, directly or through a subcontract, to a contract or other business arrangement with the Government of Canada or any federal agency or body under which the partnership or corporation receives a benefit unless the Senate Ethics Officer provides a written opinion that

- (a) due to special circumstances the contract or other business arrangement is in the public interest; or
- (b) the contract or other business arrangement is unlikely to affect the Senator's obligations under this Code.

### **Clarification: Government programs**

23. For the purposes of sections 20 and 22, it is not prohibited to participate in a program operated or funded, in whole or in part, by the Government of Canada or any federal agency or body under which a Senator, or a partnership or private corporation in which a Senator has an interest, receives a benefit if

- (a) the eligibility requirements of the program are met;
- (b) the program is of general application or is available to a broad class of the public;
- (c) there is no preferential treatment with respect to the application; and
- (d) no special benefits are received that are not available to other participants in the program.



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## **Trust**

24. Section 22 does not apply if the Senator has entrusted his or her interest in a partnership or private corporation to one or more trustees on all of the following terms:

- (a) the provisions of the trust have been approved by the Senate Ethics Officer;
- (b) the trustees are at arm's length from the Senator and have been approved by the Senate Ethics Officer;
- (c) except as provided in paragraph (d), the trustees may not consult with the Senator with respect to managing the trust, but they may consult with the Senate Ethics Officer;
- (d) the trustees may consult with the Senator, with the approval of the Senate Ethics Officer and in his or her presence, if an extraordinary event is likely to materially affect the trust property;
- (e) in the case of an interest in a corporation, the Senator resigns any position of director or officer in the corporation;
- (f) the trustees provide the Senate Ethics Officer annually with a written report setting out the nature of the trust property, the value of that property, the trust's net income for the preceding year and the trustees' fees, if any; and
- (g) the trustees give the Senator sufficient information to permit the Senator to submit returns as required by the *Income Tax Act* and give the same information to the appropriate taxation authorities.

## **Pre-existing Contracts**

25. The rules in sections 20, 21 and 22 do not apply to a contract or other business arrangement that existed before a Senator's appointment to the Senate, but they do apply to its renewal or extension.

## **Interest acquired by inheritance**

26. The rules in sections 20, 21 and 22 do not apply to an interest acquired by inheritance until the first anniversary date of the transfer of legal and beneficial ownership. In special circumstances, the Senate Ethics Officer may extend this time period.

## **DUTY TO DISCLOSE**

### **Confidential disclosure statement: sitting Senators**

27. (1) Every Senator shall file annually, on or before the date applicable to the Senator as established by the Senate Ethics Officer under subsection (2), a confidential statement disclosing the information required by section 28.



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### **Filing date**

(2) The date or dates on or before which the annual confidential disclosure statements are required to be filed shall be established by the Senate Ethics Officer following approval by the Committee.

### **Confidential disclosure statement: new Senators**

(3) Within 120 days after being summoned to the Senate, a Senator shall file a confidential statement disclosing the information required by section 28.

### **Submission to Committee**

(4) Thirty days after the date established under subsection (2), the Senate Ethics Officer shall submit to the Committee the name of any Senator who has not complied with his or her duty to file a confidential disclosure statement.

### **Errors or omissions**

(5) If, at any time after the date established under subsection (2), the Senate Ethics Officer has reason to believe that a Senator's confidential disclosure statement contains an error or omission, the Senate Ethics Officer shall notify the Senator concerned and request the Senator to provide the relevant information.

### **Response within 60 days**

(6) Upon receipt of a request under subsection (5), the Senator shall provide the information within 60 days.

### **Family members**

(7) A Senator may file with the Senate Ethics Officer a confidential disclosure statement relating to the Senator's family members so that the Senator may discuss their interests in relation to the Senator's obligations under this Code and receive advice in that regard.

### **Confidentiality**

(8) The Senate Ethics Officer and all officers, employees, agents, advisers and consultants that may be employed or engaged by the Senate Ethics Officer shall keep all disclosure statements confidential.

### **Initial meeting with Senate Ethics Officer**

(9) Senators, and in particular newly-summoned Senators, who may have questions regarding their confidential disclosure duties should make every effort to meet with the Senate Ethics Officer before submitting their confidential disclosure statement.



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### **Contents of confidential disclosure statement**

28. (1) Subject to subsection (2) regarding excluded matters, and any Guidelines published by the Senate Ethics Officer under section 43, the confidential disclosure statement shall list:

- (a) any corporations, income trusts and trade unions in which the Senator is a director or officer and any partnerships in which the Senator is a partner, including a description of the activities of each entity;
- (b) any associations and not-for-profit organizations in which the Senator is a director, officer or patron, including memberships on advisory boards and any honorary positions;
- (c) the nature but not the amount of any source of income over \$2,000 that the Senator has received in the preceding 12 months and is likely to receive during the next 12 months; for this purpose,
  - (i) a source of income from employment is the employer,
  - (ii) a source of income from a contract is a party with whom the contract is made,
  - (iii) a source of income arising from a business or profession is that business or profession, and
  - (iv) a source of income arising from an investment is that investment;
- (d) the source, nature and value of any contracts or other business arrangements with the Government of Canada or a federal agency or body that the Senator has directly, or through a subcontract;
- (e) the source, nature and value of any contracts, subcontracts or other business arrangements with the Government of Canada or a federal agency or body that the Senator has by virtue of a partnership or a significant interest in a private corporation that the Senator is able to ascertain by making reasonable inquiries;
- (f) the source, nature and value of any contracts or other business arrangements with the Government of Canada or a federal agency or body that a member of the Senator's family has, directly or through a subcontract, or by virtue of a partnership or a significant interest in a private corporation, that the Senator is able to ascertain by making reasonable inquiries;
- (g) information regarding the nature but not the value of any assets and liabilities over \$10,000; and
- (h) any additional information that the Senator believes to be relevant to this Code.



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### **Excluded matters**

(2) For the purpose of subsection (1), it is not required to disclose properties used by the Senator or family members as residences; mortgages or hypothecs on such residences; household goods; personal effects; deposits with a financial institution; guaranteed investment certificates; financial instruments issued by any Canadian government or agency; and obligations incurred for living expenses that will be discharged in the ordinary course of the Senator's affairs.

### **Additional excluded matters**

(3) The Senate Ethics Officer may, with the approval of the Committee, establish additional matters not required to be disclosed on the basis that they present no potential to interfere with the obligations of a Senator under this Code.

### **Material change**

(4) A Senator shall report in writing any material change to the information relating to the confidential disclosure statement to the Senate Ethics Officer within 60 days after the change.

### **Meeting with Senate Ethics Officer**

29. (1) After reviewing a Senator's confidential disclosure statement, the Senate Ethics Officer may request to meet with the Senator to discuss the statement and the Senator's obligations under this Code.

### **Necessary meeting**

(2) If, pursuant to a request made under subsection (1), the Senate Ethics Officer advises the Senator that the meeting is necessary in order for the Senate Ethics Officer to carry out his or her duties and functions under the Code, the Senator shall meet with the Senate Ethics Officer.

### **Public disclosure summary**

30. The Senate Ethics Officer shall prepare a public disclosure summary based on each Senator's confidential disclosure statement and submit it to the Senator for review.



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## **Contents of public disclosure summary**

### **31. (1) The public disclosure summary shall list**

- (a) any corporations, income trusts and trade unions in which the Senator is a director or officer and any partnerships in which the Senator is a partner, including a description of the activities of each entity;
- (b) any associations and not-for-profit organizations in which the Senator is a director, officer or patron, including memberships on advisory boards and any honorary positions;
- (c) the source and nature but not the amount of any income that the Senator has received in the preceding 12 months and is likely to receive in the next 12 months that the Senate Ethics Officer has determined could relate to the parliamentary duties and functions of the Senator or could otherwise be relevant;
- (d) the source and nature but not the value of any contracts or other business arrangements with the Government of Canada or a federal agency or body that the Senator has, directly or through a subcontract, including the Senate Ethics Officer's written opinion authorizing them;
- (e) 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 that the Senator has by virtue of a partnership or a significant interest in a private corporation that the Senator is able to ascertain by making reasonable inquiries, including the Senate Ethics Officer's written opinion authorizing them;
- (f) the source and nature but not the value of any contracts or other business arrangements with the Government of Canada or a federal agency or body that a member of the Senator's family has, directly or through a subcontract, or by virtue of a partnership or a significant interest in a private corporation, that the Senator is able to ascertain by making reasonable inquiries;
- (g) information regarding the nature but not the value of any assets and liabilities that the Senate Ethics Officer has determined could relate to the parliamentary duties and functions of the Senator or could otherwise be relevant;
- (h) any declarations of a private interest under section 12, unless the Senator has since retracted the declaration;
- (i) any statements filed under sections 17 and 18 in relation to gifts and sponsored travel; and
- (j) any statements of material change that pertain to the contents of this summary.



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### **Discretion**

(2) The Senate Ethics Officer need not include in the public disclosure summary information that he or she determines should not be disclosed because

- (a) the information is not relevant to the purposes of this Code or is inconsequential, or
- (b) a departure from the general principle of public disclosure is justified in the circumstances.

### **Disagreement**

32. In cases of disagreement between a Senator and the Senate Ethics Officer regarding the contents of the public disclosure summary, the Senate Ethics Officer shall refer the disputed matter to the Committee for decision.

### **Public inspection**

33. (1) Each public disclosure summary is to be placed on file at the office of the Senate Ethics Officer and made available for public inspection.

### **Removal of file from registry**

(2) A public disclosure file shall be removed from the public registry at the time that the Senator concerned ceases to be a Senator.

### **Evasion**

34. A Senator shall not take any action that has as its purpose the evasion of the Senator's obligations under this Code.

## **COMMITTEE**

### **Designation or establishment**

35. (1) At the beginning of each session, a Committee of the Senate shall be designated or established for the purposes of this Code.

### **Membership**

(2) The Committee shall be composed of five members, three of whom shall constitute a quorum.

### **No *ex officio* members**

(3) The Committee shall have no *ex officio* members.



### **Election of members**

(4) Two of the Committee members shall be elected by secret ballot in the caucus of Government Senators at the opening of the session; two of the Committee members shall be elected by secret ballot in the caucus of Opposition Senators at the opening of the session; the fifth member shall be elected by the majority of the other four members after the election of the last of the other four members.

### **Presentation and adoption of motion**

(5) The Leader of the Government in the Senate, seconded by the Leader of the Opposition in the Senate, shall present a motion on the full membership of the Committee to the Senate, which motion shall be deemed adopted without any debate or vote.

### **Chair**

(6) The Chair of the Committee shall be elected by four or more members.

### **Removal**

- (7) A member is deemed removed from the Committee as of the time that
- (a) the Senate Ethics Officer informs the Committee that a request for an inquiry made by the Senator is warranted; or
  - (b) the Senator becomes the subject of an inquiry under the Code.

### **Substitutions**

(8) Where a vacancy occurs in the membership of the Committee, the replacement member shall be elected by the same method as the former member being replaced.

### **Meetings *in camera***

36. (1) Subject to subsection (2), meetings of the Committee shall be held *in camera*.

### **Meetings in public**

(2) At the request of a Senator who is the subject of an investigation, the Committee may hold meetings at which the investigation is being conducted in public.

### **Attendance**

(3) Subject to subsection (4), the Committee may limit attendance at its meetings.



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### **Affected Senator**

(4) The Committee shall give notice to a Senator who is the subject of an investigation of all meetings at which the investigation is being conducted, and shall admit the Senator to those meetings, but the Committee may exclude that Senator from those meetings or portions of meetings at which the Committee is considering a draft agenda or a draft report.

### **Withdrawal**

(5) A member of the Committee who is the subject of a matter being considered by the Committee relating to that specific Senator shall withdraw from the Committee during its deliberations.

### **Jurisdiction**

37. (1) Subject to subsection 41(2) and to the general jurisdiction of the Senate, the Committee is responsible for all matters relating to this Code, including all forms involving Senators that are used in its administration.

### **General directives**

(2) The Committee may, after consultation with the Senate Ethics Officer, give general directives to the Senate Ethics Officer concerning the interpretation, application and administration of the Code, but not concerning its interpretation and application as it relates to an individual Senator's particular circumstances.

## **INTERSESSIONAL AUTHORITY**

### **Intersessional Authority created**

38. During a period of prorogation or dissolution of Parliament and until the members of a successor Committee are appointed by the Senate, there shall be a committee known as the Senate Intersessional Authority on Conflict of Interest for Senators.

### **Composition**

39. The Intersessional Authority on Conflict of Interest for Senators shall be composed of the members of the Committee.

### **General authority**

40. (1) The Senate Ethics Officer shall carry out his or her duties and functions under the general direction of the Intersessional Authority on Conflict of Interest for Senators.



### **Additional functions**

(2) Subject to the rules, direction and control of the Senate and of the Committee, the Intersessional Authority on Conflict of Interest for Senators shall carry out such other of the Committee's duties and functions as the Committee gives to it by resolution.

## **SENATE ETHICS OFFICER**

### **Senate Ethics Officer**

41. (1) The Senate Ethics Officer is an independent officer who performs the duties and functions assigned by the Senate under this Code.

### **Independent status**

(2) The Senate Ethics Officer shall carry out his or her duties and functions under the general direction of the Committee, but is independent in interpreting and applying this Code as it relates to an individual Senator's particular circumstances.

## **OPINIONS AND ADVICE**

### **Request for opinion**

42. (1) In response to a request in writing from a Senator on any matter respecting the Senator's obligations under this Code, the Senate Ethics Officer shall provide the Senator with a written opinion containing any recommendations that the Senate Ethics Officer considers appropriate.

### **Opinion binding**

(2) An opinion given by the Senate Ethics Officer to a Senator is binding on the Senate Ethics Officer in relation to any subsequent consideration of the subject matter of the opinion as long as all the relevant facts that were known to the Senator were disclosed to the Senate Ethics Officer.

### **Written advice binding**

(3) Any written advice given by the Senate Ethics Officer to a Senator on any matter relating to this Code is binding on the Senate Ethics Officer in relation to any subsequent consideration of the subject matter of the advice as long as all the relevant facts that were known to the Senator were disclosed to the Senate Ethics Officer.

### **Confidentiality**

(4) A written opinion or advice is confidential and may be made public only by the Senator or with his or her written consent.



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### **Proof of compliance**

(5) A written opinion or advice given by the Senate Ethics Officer to a Senator under this section and relied upon by that Senator is conclusive proof that the Senator has fully complied with the Senator's obligations under this Code as long as all the relevant facts that were known to the Senator were disclosed to the Senate Ethics Officer.

### **Publication**

(6) Nothing in this section prevents the Senate Ethics Officer, subject to the approval of the Committee, from publishing opinions and advice for the guidance of Senators, provided that no details are included that could identify a Senator.

### **Guidelines**

43. Subject to the approval of the Committee, the Senate Ethics Officer may publish guidelines for the assistance of Senators on any matter concerning the interpretation of this Code that the Senate Ethics Officer considers advisable.

## **INQUIRIES AND INVESTIGATIONS**

### **Direction by the Committee**

44. (1) The Committee may direct the Senate Ethics Officer to conduct an inquiry to determine whether a Senator has complied with his or her obligations under this Code.

### **Request for an inquiry**

(2) A Senator who has reasonable grounds to believe that another Senator has not complied with his or her obligations under this Code may request that the Senate Ethics Officer conduct an inquiry into the matter.

### **Form of request**

(3) The request shall be in writing, shall be signed by the requesting Senator, shall identify the alleged non-compliance with this Code and shall set out the reasonable grounds for the belief that the Code has not been complied with.

### **Request to be sent**

(4) The Senate Ethics Officer shall forward the request for an inquiry to the Senator who is the subject of the request and afford the Senator a reasonable opportunity to respond.



### **Preliminary review**

(5) After a preliminary review to determine whether or not an inquiry is warranted, the Senate Ethics Officer shall notify both the requesting Senator and the Senator who is the subject of the request of his or her decision.

### **If inquiry warranted**

(6) If the Senate Ethics Officer's decision under subsection (5) is that an inquiry is warranted, the Senate Ethics Officer shall so inform the Committee.

### **Receipt of information**

(7) If, after receiving significant evidence, the Senate Ethics Officer believes that an inquiry may be warranted to determine whether a Senator has complied with his or her obligations under this Code, the Senate Ethics Officer shall provide the Senator written notice of his or her concerns and any documentation upon which those concerns are based, and shall afford the Senator a reasonable opportunity to address the issues.

### **Committee to approve**

(8) Following the measures taken in subsection (7), if the Senate Ethics Officer has reasonable grounds to believe that an inquiry is warranted to determine whether the Senator has complied with his or her obligations under this Code, the Senate Ethics Officer shall request the Committee to approve the inquiry, and may proceed when approval has been received.

### **Notice**

(9) Once approval to conduct an inquiry has been received under subsection (8), the Senate Ethics Officer shall provide the Senator concerned with his or her reasons for the opinion that an inquiry is warranted.

### **Respect for the inquiry process**

(10) Once a request for an inquiry has been made, or direction or approval for an inquiry has been given, Senators should respect the process established by this Code.

### **Inquiry to be confidential**

(11) The Senate Ethics Officer shall conduct a confidential inquiry as promptly as the circumstances permit, provided that at all appropriate stages throughout the inquiry the Senate Ethics Officer shall give the Senator a reasonable opportunity to be present and to make representations to the Senate Ethics Officer in writing or in person, by counsel or by any other representative.



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### **Cooperation**

(12) Senators shall cooperate without delay with the Senate Ethics Officer with respect to any inquiry.

### **Powers of Senate Ethics Officer**

(13) In carrying out an inquiry, the Senate Ethics Officer may send for persons, papers, things and records, which measures may be enforced by the Senate acting on the recommendation of the Committee following a request from the Senate Ethics Officer.

### **Report to the Committee**

45. (1) Following an inquiry the Senate Ethics Officer shall report confidentially in writing to the Committee.

### **Contents of report**

- (2) The Senate Ethics Officer may make findings and recommendations, including
- (a) that the complaint appears to be unfounded and should be dismissed;
  - (b) that the request for an inquiry was frivolous or vexatious or was not made in good faith, or that there were no grounds or insufficient grounds to warrant an inquiry or the continuation of an inquiry;
  - (c) that the complaint appears to be founded and that remedial action has been agreed to by the Senator involved; or
  - (d) that the complaint appears to be founded, but that no remedial action was available or agreed to by the Senator involved.

### **Bad faith**

(3) Where the Senate Ethics Officer makes a finding that the complaint or request for an inquiry was frivolous or vexatious or was not made in good faith, he or she may recommend that action be considered against the person who made the complaint or request.

### **Mitigation**

(4) If the Senate Ethics Officer concludes that a Senator has not complied with an obligation under this Code but that the Senator took all reasonable measures to prevent the non-compliance, or that the non-compliance was trivial or occurred through inadvertence or an error in judgement made in good faith, the Senate Ethics Officer shall so state in the report and may recommend that no sanction be imposed.

### **General recommendations**

(5) The Senate Ethics Officer may include in the report any recommendations arising from the matter that concern the general interpretation of this Code.



### **Reasons**

(6) The Senate Ethics Officer shall include in the report reasons and any supporting documentation for any findings and recommendations.

### **Consideration of report**

46. (1) The Committee shall take into consideration a report received from the Senate Ethics Officer under section 45 as promptly as circumstances permit.

### **Due process**

(2) The Committee shall provide, without delay, a copy of the report of the Senate Ethics Officer to the Senator who was the subject of the inquiry, and shall afford that Senator the opportunity to be heard by the Committee.

### **Investigation**

- (3) In considering a report, the Committee may
- (a) conduct an investigation; or
  - (b) direct that the Senate Ethics Officer's inquiry be continued and refer the report back to the Senate Ethics Officer for such further information as the Committee specifies.

### **Committee report**

(4) Subject to subsection (5), following its consideration under this section of a report of the Senate Ethics Officer, the Committee shall report to the Senate.

### **No report required**

(5) Where the Committee finds that a complaint against a Senator was unfounded, the Committee is not required to report to the Senate unless the Senator concerned requests that it do so.

### **Contents of report**

(6) In its report to the Senate, the Committee shall report the fact of the inquiry and give its findings with respect thereto, its recommendations if any, and its reasons and the supporting documentation for any findings or recommendations.

### **Remedial action**

(7) The Committee may recommend that the Senator be ordered to take specific action or be sanctioned.

### **Anonymity**

(8) Where the Committee finds that a complaint is unfounded and reports to the Senate, its report may, at the Senator's request, keep the Senator's name anonymous in order to protect the Senator's reputation.

### **Suspension of investigation or inquiry: Act of Parliament**

47. (1) The Committee or the Senate Ethics Officer may suspend the investigation or inquiry if

- (a) there are reasonable grounds to believe that the Senator has committed an offence under an Act of Parliament in relation to the same subject matter, in which case the Committee or Senate Ethics Officer, subject to subsection (4), shall notify the proper authorities;
- (b) it is discovered that
  - (i) the subject matter under investigation or inquiry is also the subject matter of an investigation to determine if an offence under an Act of Parliament has been committed, or
  - (ii) a charge has been laid with respect to that subject matter.

### **Investigation or inquiry continued**

(2) If the Committee or the Senate Ethics Officer has suspended the investigation or inquiry, it may resume once the other investigation or charge regarding the same subject matter has been finally disposed of.

### **Suspension of investigation or inquiry: other laws**

(3) The Committee or the Senate Ethics Officer may suspend the investigation or inquiry and, subject to subsection (4), notify the proper authorities if there are reasonable grounds to believe that the Senator has committed an offence under the law of a Canadian province or territory in relation to the same subject matter, and may continue the investigation or inquiry when any actions arising from the notification have been completed.

### **Advice of Committee**

(4) The Senate Ethics Officer shall seek the advice of the Committee before notifying the proper authorities.

### **Notice for motion to adopt**

48. (1) A motion that the Senate adopt a report referred to in subsection 46(4) shall be put pursuant to the notice provisions of paragraph 58(1)(g) of the *Rules of the Senate*.



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### **Motion**

(2) A motion to adopt a report referred to in subsection 46(4) shall be deemed to have been moved on the fifth sitting day subsequent to the presentation of the report if the motion has not yet been moved.

### **Senator may speak**

(3) After a motion to adopt a report has been moved, or has been deemed to have been moved, no vote may be held for at least five sitting days, or until the Senator who is the subject of the report has spoken to the motion for its adoption, whichever is the sooner.

### **Right to speak last**

(4) The Senator who is the subject of the report may exercise the right of final reply.

### **Senate vote**

(5) If a motion for the adoption of a report has not been put to a vote by the 15th sitting day after the motion was moved or deemed to have been moved, the Speaker shall immediately put all necessary questions to dispose of the matter when the item is called.

### **Referral back**

(6) The Senate may refer any report back to the Committee for further consideration.

### **Suspension: former Senators**

49. (1) An investigation or inquiry of a Senator who ceases to be a Senator is permanently suspended unless the Committee directs that the investigation or inquiry be completed.

### **Direction to continue**

(2) In considering whether to issue a direction under subsection (1), the Committee shall consider any request from the former Senator or from the Senator who requested the inquiry, and any representations made by the Senate Ethics Officer.

### **Consideration of committee report**

(3) Notwithstanding subsection 48(5), where a motion to adopt a report about a former Senator is moved or deemed to be moved, the motion shall not be put to a vote until the former Senator has been offered the opportunity to speak to the report as a witness in Committee of the Whole, and has either availed himself or herself of the opportunity or has refused or otherwise failed to take advantage of the offer.



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## PRIVACY AND CONFIDENTIALITY

### Privacy to be minimally impaired

50. In interpreting and administering this Code, reasonable expectations of privacy shall be impaired as minimally as possible.

### Confidentiality

51. (1) All information relating to the private interests of Senators and those of their family members received pursuant to this Code or created under it is to be kept confidential, except in accordance with this Code or as otherwise ordered by the Senate.

### Inclusions

(2) For greater certainty, the requirement set out in subsection (1) applies to documents and information received in the course of an inquiry that the Senate Ethics Officer has suspended in accordance with paragraph 47(1)(a) or subsection 47(3) and to documents and information retained by the Senate Ethics Officer pursuant to section 52.

### Confidentiality

(3) The Senate Ethics Officer and all officers, employees, agents, advisers and consultants that may be employed or engaged by the Senate Ethics Officer shall keep confidential all matters required to be kept confidential under this Code. Failure to do so shall constitute behaviour sufficient to justify either or both of the following:

- (a) a resolution by the Senate under subsection 20.2(1) of the Parliament of Canada Act requesting the Governor in Council to remove the Senate Ethics Officer from office;
- (b) dismissal of any officers, employees, agents, advisers or consultants involved.

### Retention of documents

52. (1) The Senate Ethics Officer shall retain all documents relating to a Senator for a period of 12 months after he or she ceases to be a Senator, after which, subject to subsections (2) to (4), the documents shall be destroyed.

### Ongoing proceedings

(2) Where, at the time that a Senator ceases to be a Senator, there is an investigation or inquiry in progress concerning the Senator or a charge has been laid against the Senator, the destruction of documents that relate to the matter shall be postponed until 12 months after the day of the final disposition of all related proceedings.



### **Return of confidential documents**

(3) At a Senator's request, confidential documents relating to a Senator may be returned to the Senator instead of being destroyed.

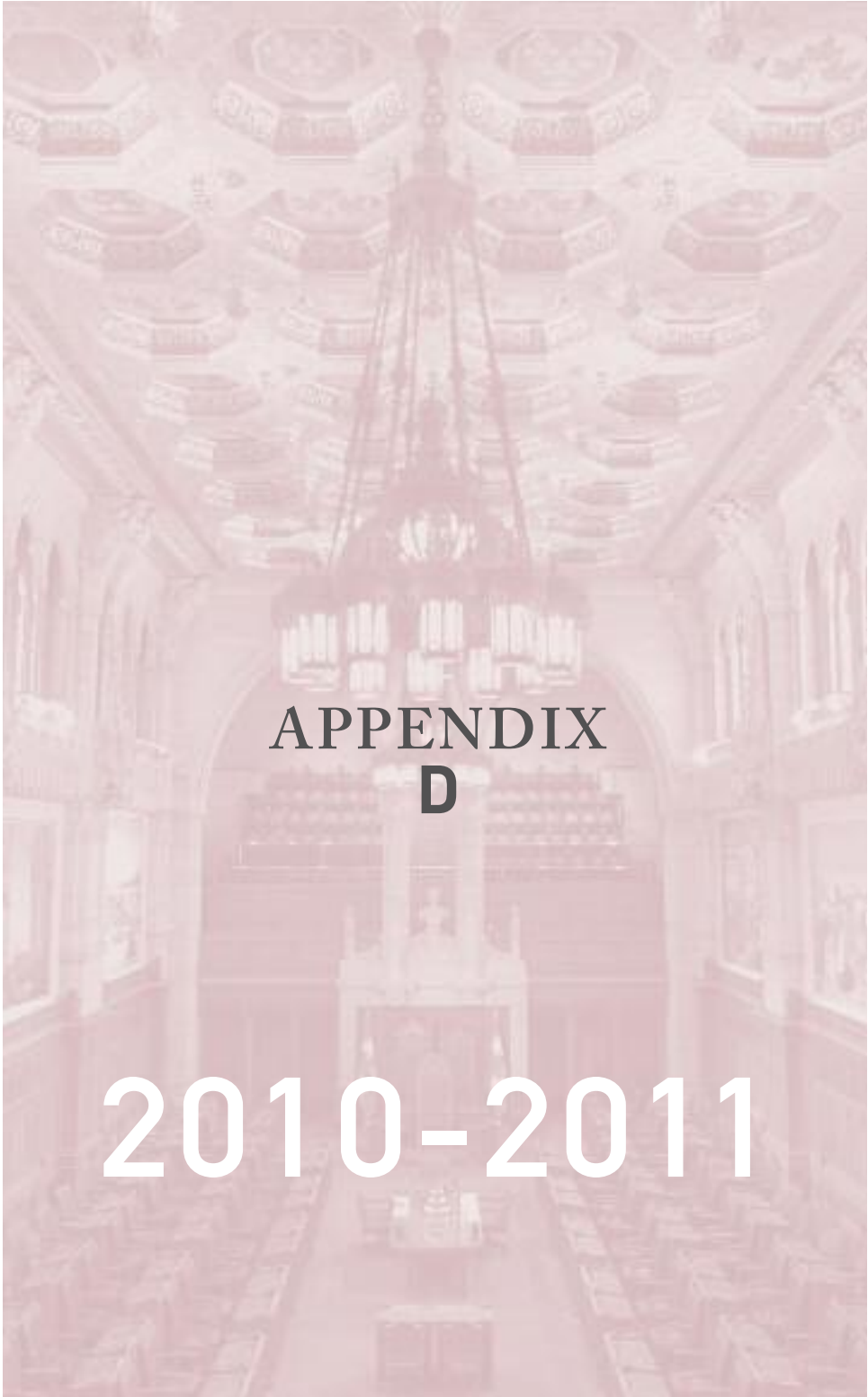
### **Archiving of public documents**

(4) Public documents relating to a Senator shall be forwarded to the Senate archives.

## **PERIODIC REVIEW**

### **Committee review**

53. The Committee shall undertake a comprehensive review of this Code and its provisions and operation once every five years, and shall submit a report to the Senate thereon, including a statement of any changes the Committee recommends.



**APPENDIX  
D**

**2010-2011**



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## APPENDIX D

### OVERVIEW OF THE CONFLICT OF INTEREST REGIME FOR SENATORS

What follows is a brief description of the duties and responsibilities of the Senate Ethics Officer, of the role of the Standing Committee on Conflict of Interest for Senators, of some of the most important aspects of the *Conflict of Interest Code for Senators* and of other rules and laws with which senators are expected to comply.

#### (1) The Senate Ethics Officer

The main responsibilities of the Senate Ethics Officer are to:

- Advise individual senators on a confidential and ongoing basis concerning their obligations under the Code and to assist them in remaining in compliance with the requirements of the Code;
- Oversee the ongoing annual disclosure process in which senators are required to disclose their financial and other interests;
- Conduct inquiries in order to determine whether a senator has complied with his or her obligations under the Code;
- Maintain a registry, available to the public, containing information concerning the financial and other interests of senators that are required to be publicly disclosed under the Code; and
- Submit an annual report of the office's activities to the Speaker of the Senate for tabling in the Senate.

The authority of the Senate Ethics Officer derives both from the *Parliament of Canada Act* and the *Conflict of Interest Code for Senators*.

The *Parliament of Canada Act* was amended in 2004, at which time, a number of sections were added to the Act, including sections 20.1 to 20.7. These provisions established the position of Senate Ethics Officer, defined the mandate of the Office and provided additional details in this regard. The status, duties and powers of the Senate Ethics Officer are broadly similar to those of the Conflict of Interest and Ethics Commissioner in respect of her responsibilities concerning members of the House of Commons, and to those of provincial and territorial ethics commissioners who administer conflict of interest laws applicable to members of legislative assemblies across the country. The *Parliament of Canada Act* provides that both the Senate Ethics Officer and the Conflict of Interest and Ethics Commissioner carry out their duties and responsibilities under the general direction of a committee of each House of Parliament that is designated or established for that purpose.



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The Senate Ethics Officer is an independent Officer of the Senate. He is appointed on the recommendation of the Senate and reports directly to the Senate. There are many provisions of the *Parliament of Canada Act* that clearly demonstrate the importance Parliament attaches to the independence of the Senate Ethics Officer, including the appointment process, the security of tenure, financial autonomy and reporting relationships. For example, the Senate Ethics Officer is appointed by the Governor in Council after consultation with the leader of every recognized party in the Senate and after approval of the appointment by resolution of the Senate. This method of appointment ensures that the Senate Ethics Officer has the broadest support in the Senate, irrespective of party affiliation. The incumbent is appointed for a renewable term of seven years and may be removed from office, only for cause, by the Governor in Council on address of the Senate.

The Senate Ethics Officer has the rank of a deputy head of a department of the Government of Canada and the *Parliament of Canada Act* ensures that the Senate Ethics Officer has the control and management of his or her office independent of the Senate. For example, the Senate Ethics Officer is responsible for preparing the estimates of the budget required to operate the office, which are separate and distinct from the estimates of the Senate as a whole. He submits the estimates to the Speaker of the Senate who, after considering them, transmits them to the President of the Treasury Board. They are then laid before the House of Commons with the estimates of the Government for the fiscal year.

Three months after the end of each fiscal year, the Senate Ethics Officer is required to submit a report of his or her activities to the Speaker of the Senate, who tables the report in the Senate. These aspects of the *Parliament of Canada Act* confer on the Office of the Senate Ethics Officer a status of independence and autonomy and they provide an effective shield against improper or inappropriate influence.

Section 41 of the Code refers explicitly to the Senate Ethics Officer's independence. It provides that he or she is an independent Officer of the Senate who performs the duties and functions assigned by the Senate under the Code. It also makes explicit that he or she is independent in interpreting and applying the Code as it relates to an individual senator's particular circumstances.

## **(2) The Standing Committee on Conflict of Interest for Senators**

Pursuant to subsection 20.5(3) of the *Parliament of Canada Act*, the Senate established the Standing Committee on Conflict of Interest for Senators (see sections 35 to 40 of the *Conflict of Interest Code for Senators*) to provide "general direction" to the Senate Ethics Officer. (The House of Commons Standing Committee on Procedure and House Affairs performs a similar function with respect to the Conflict of Interest and Ethics



Commissioner in respect of her role concerning members of the House of Commons.) The Senate has effectively delegated responsibility to this Committee to oversee the conflict of interest regime in the Senate and to act as the link between the Senate and the Senate Ethics Officer.

The Committee has an important role to play with respect to any inquiries and investigations that may be undertaken under the Code. It makes recommendations to the Senate concerning sanctions, where it considers them necessary, in cases where a senator has failed to comply with the requirements of the Code. The Senate then is able to act on such recommendations and exercise its constitutional right to discipline its own members by making final determinations in this regard.

The Committee is also responsible for undertaking periodic comprehensive reviews of, and recommending changes to, the Code. In a sense, the Committee is the conscience of the Code. As the person responsible for the administration, interpretation and application of the Code on a day-to-day basis, the Senate Ethics Officer brings issues of concern to the Committee's attention and submits proposals to it in order to clarify and strengthen the Code.

The Committee is comprised of five members: two are elected by secret ballot from the caucus of Government senators, two are elected by secret ballot from the caucus of Opposition senators, and these four members elect the fifth by secret ballot.

### **(3) The Conflict of Interest Code for Senators**

The *Conflict of Interest Code for Senators* was adopted by the Senate on May 18, 2005 as a document separate from, but of equal standing to, the *Rules of the Senate*. Amendments were recommended by the Standing Committee on Conflict of Interests for Senators in 2008 as a result of a review required under section 53 of the Code. These changes were adopted by the Senate on May 29, 2008.

The Code outlines a series of rules that are aimed at fostering transparency, accountability and public confidence in the Senate. What follows is a short description of some of the more important aspects of the Code in order to illustrate the nature of the obligations that senators are expected to meet.



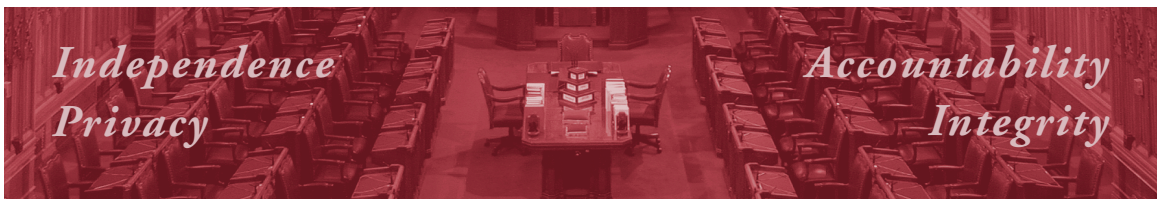
### **A. Purposes (section 1)**

The term “conflict of interest” is not explicitly defined in the Code, but the motivation for adopting a code of conduct is clearly set out in section 1. First, the Code is intended to maintain and enhance public confidence and trust in the integrity of senators and of the Senate. Canadians expect their representatives to make decisions that are in the public interest, rather than in their own private interests.

Second, the Code is intended to provide greater certainty and guidance for senators in dealing with foreseeable, real or apparent conflicts. This is important as a matter of fairness. Conflicts of interest may arise inadvertently despite the best of intentions. Indeed, situations may arise in which there is no real conflict, but rather there is only an apparent conflict. However, the appearance of a conflict may be just as damaging to one’s reputation as a real conflict. Having a clear set of rules and standards is helpful in raising awareness with respect to, not only what would be a real conflict, but also what could be perceived as a conflict.

The third purpose of the Code builds on the second purpose already discussed above in that it refers to the establishment of clear standards on which to measure conduct. But it also highlights the importance of having a transparent system where questions may be addressed by an independent, impartial adviser. The model, in which an independent officer is charged with the responsibility of administering and applying a set of rules that is outlined, either in a code of conduct or in legislation, has been in place for many years and has worked successfully in Canadian provinces and territories.

The Canadian model of parliamentary ethics has proven to be an effective system because it provides objectivity and credibility to ethics regimes. It is also important because conflict of interest questions are often complex. They are not always easy to resolve and they often require a great deal of time and thought in order to find the best solutions. Having an impartial adviser who reviews these questions and issues on a daily basis and applies a common set of rules and standards to all parliamentarians and legislators is both in the public interest, as well as in the interest of both Houses and legislatures across the country.



## B. Principles (section 2)

The Code also contains certain principles set out in section 2 that serve to guide the interpretation of the various provisions of the Code. These principles read as follows:

2. (1) Given that service in Parliament is a public trust, the Senate recognizes and declares that Senators are expected
  - (a) to remain members of their communities and regions and to continue their activities in those communities and regions while serving the public interest and those they represent to the best of their abilities;
  - (b) to fulfil their public duties while upholding the highest standards so as to avoid conflicts of interest and maintain and enhance public confidence and trust in the integrity of each Senator and in the Senate; and
  - (c) to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising, but if such a conflict does arise, to resolve it in a way that protects the public interest.

(2) The Senate further declares that this Code shall be interpreted and administered so that Senators and their families shall be afforded a reasonable expectation of privacy.

The **first principle** is an important one given the unique role the Senate plays in Canada's constitutional framework. The Senate's one hundred and five members are summoned by the Governor General on the advice of the Prime Minister. They are expected to represent regional interests and to reconcile the national interest with regional aspirations. In order to do so, it is key for them to foster a better understanding of the issues that affect the regions they represent. They are able to do so by remaining connected to their communities and regions. Moreover, senators come from various backgrounds, professions and fields of expertise. This diversity enhances the knowledge and experience they are able to bring to their examination of public policy issues and it is one of the strengths of the Senate.

It is important to note that, unlike Cabinet ministers, senators do not control the public finances and they are constitutionally limited in this regard. As such, there are more restrictions that apply to Cabinet ministers in terms of their outside activities. By contrast, and as already noted above, senators are not only permitted, but they are expected, to continue to be involved and active in their communities and regions in order to better represent regional interests.

Having said that, these outside activities may give rise to situations in which a conflict, or the appearance of a conflict, may develop between a senator's private activities and the public interest. In such cases, paragraph 2(1)(c) of the principles is important; it



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indicates that any such conflict or apparent conflict is to be resolved in favour of the public interest.

The **second principle** outlined in the Code provides that senators are expected to fulfill their public duties while upholding the highest standards in order to avoid conflicts of interest. This recognizes the trust that Canadians have placed in their parliamentarians as they carry out their duties and functions, as well as the high standards that Canadians expect of them.

The **third principle** makes reference to apparent conflicts. Senators are expected to arrange their private affairs so that, not only real, but also apparent conflicts may be prevented from arising.

The principles of the Code strike a delicate balance between permitting senators to play the unique constitutional role they were intended to play, while ensuring that their private affairs and outside activities do not take precedence over the public interest where these two come into conflict.

### **C. Activities Outside Official Parliamentary Duties (section 5)**

The *Conflict of Interest Code for Senators* (Senate Code) authorizes senators who are not ministers to engage in activities outside their official parliamentary duties and functions provided they are able to comply with the provisions of the Code. More specifically, section 5 of the Code authorizes such activities, including practicing a profession, carrying on a business or holding official positions in corporations and other bodies, by senators who are not ministers of the Crown. As a matter of interest, section 7 of the *Conflict of Interest Code for Members of the House of Commons* (MP Code) is virtually identical to section 5 of the Senate Code. It provides that nothing in the MP Code precludes members, who are not ministers of the Crown or parliamentary secretaries, from engaging in outside activities (the list of outside activities being identical to that contained in section 5 of the Senate Code), as long as they are able to fulfill their obligations under the MP Code. In fact, the conflict of interest laws in some other Canadian jurisdictions also permit members of legislative assemblies to engage in activities outside their official duties and responsibilities as members of a legislature.

### **D. Rules of Conduct**

The *Conflict of Interest Code for Senators* builds on the overarching principles set out in section 2 through a number of rules of conduct. These rules deal with furthering private interests, use of influence, use of information, declarations of private interests, gifts and other benefits, sponsored travel and federal government contracts.



**(a) Private Interests (sections 8 to 16)**

In the performance of their parliamentary duties and functions, senators are prohibited from acting or attempting to act in any way to further their private interests, or those of a family member, or to improperly further another person's or entity's private interests (section 8). Moreover, they are not to use or attempt to use their position to influence the decisions of others in order to further these same interests (section 9).

The use of, attempt to use, and the conveying of, information that is not generally available to the public to further these private interests is also prohibited (section 10).

The Code sets out what is covered by the phrase "furthering private interests" (section 11). It includes taking action to increase or preserve the value of assets, to eliminate or reduce liabilities, and to become a director or officer in a corporation or organization. However, it excludes, for example, matters of general application and those that apply to a broad class of the public.

A senator is expected to declare, orally or in writing, the general nature of a private interest where the senator has reasonable grounds to believe that he or she or a family member has such an interest in a matter that is before the Senate, or a Senate committee of which the senator is a member. Moreover, the senator is not permitted to participate in debate or to vote on the matter and, in the case of committee matters, the senator must withdraw from the proceedings in question (subsections 12(1), 13(1), (2) and section 14).

A senator who is only participating in a committee proceeding but is not a member of the committee is also prohibited from participating in debate on a matter in which he or she has reasonable grounds to believe he or she, or a family member, has a private interest that might be affected by the matter before the committee. In such cases, the senator must also withdraw from the proceedings in questions (subsection 13(3)).

Where a senator made a declaration of a private interest out of an abundance of caution, but he or she later determines that the declaration was in fact unnecessary, he or she may retract the declaration in accordance with the rules provided under the Code for doing so (subsection 12(7)).

**(b) Gifts, Other Benefits and Sponsored Travel (sections 17 and 18)**

Senators and their family members are not permitted to accept any gifts or benefits that could reasonably be considered to relate to the senator's position (subsection 17(1)). An exception is made for gifts or benefits that are expressions of courtesy, protocol or that are within the customary standards of hospitality that normally accompany a senator's



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position (subsection 17(2)). However, even if the gift or benefit falls under the exception, if its value exceeds \$500.00, or if the total value received from one source in one year exceeds \$500.00, then the senator must file a statement with the Senate Ethics Officer disclosing the nature, value, and source of the gifts or benefits, and the circumstances under which they were received (subsection 17(3)).

This disclosure must occur within 30 days after the receipt of the gifts or benefits, or within 30 days after the value of all such gifts or benefits received from the same source in a one year period exceeds \$500.00, as the case may be (subsection 17 (3)).

A senator and guests of the senator may, however, accept sponsored travel that relates to the senator's position. Where the cost of any such travel exceeds \$500.00, and where the travel is not paid for by the senator, or his or her guests, or through any international and interparliamentary affairs programs recognized by the Parliament of Canada, the Senate, the Government of Canada, or the senator's political party, the trip must, however, be disclosed to the Senate Ethics Officer within 30 days after the end of the trip (section 18).

**(c) Federal Government Contracts (sections 20 to 26)**

A senator may not be a party, directly or indirectly, to a contract or other business arrangement with the federal government or any federal agency or body under which the senator receives a benefit. There are two exceptions to this rule: (1) the contract or arrangement is in the public interest due to special circumstances; and (2) the contract or arrangement is unlikely to affect the senator's obligations under the Code. In the case of either exception, the Senate Ethics Officer must provide a written opinion regarding the matter (section 20), which is then made public pursuant to paragraph 31(1)(d). Participation in federal government programs is also permissible if certain conditions are met (section 23).

A senator may own securities in a public corporation that has contracts with the federal government or any federal agency or body unless the interest is so significant that the Senate Ethics Officer is of the view that it is likely to affect the senator's obligations under the Code (subsection 21(1)). Again, there is a public interest exception in the case of interests in a public corporation (subsection 21(2)). Participation in a federal government program is also not considered to be a contract (subsection 21(3)). Moreover, a senator may comply with the Code by placing the securities in a trust under such terms set by the Senate Ethics Officer (subsection 21(4)).



A senator is prohibited from having an interest in a partnership or a private corporation that is a party, directly or through a subcontract, to a contract or other business arrangement with the federal government or any federal agency or body under which the partnership or corporation receives a benefit. Again, the two exceptions outlined above (i.e., public interest and obligations not affected under the Code) apply (section 22) and, in such circumstances, the Senate Ethics Officer's opinions authorizing such contracts are made public pursuant to paragraph 31(1)(e). Participation in federal government programs is also permissible provided certain conditions are met (section 23). Finally, such an interest is permissible if a trust, with certain specified conditions, is established (section 24).

#### **E. Disclosure Process (sections 27 to 34)**

The Code requires each senator to submit to the Senate Ethics Officer an annual confidential disclosure statement listing sources of income, assets, liabilities, outside activities, and government contracts in accordance with sections 27 and 28. All sitting senators are required to file annually, on or before a date to be established by the Senate Ethics Officer with the approval of the Standing Committee on Conflict of Interest for Senators (subsections 27(1) and (2)). Newly appointed senators are required to submit the statements within 120 after being summoned to the Senate (subsection 27(3)).

The Senate Ethics Officer reviews the information, advises individual senators on possible conflicts, or apparent conflicts, and then recommends measures, if necessary, to ensure senators are in compliance with the provisions of the Code.

Senators must continue to remain in compliance with the Code at all times. This is done by reporting to the Senate Ethics Officer any material changes to the information provided in their confidential disclosure statements within 60 days of any such change occurring (subsection 28(4)). Moreover, and as already noted earlier, an annual review of the senator's confidential disclosure statement and compliance arrangements is conducted by the Senate Ethics Officer (subsection 27(1)).

Based on the information contained in the confidential disclosure statement and any other additional information provided that may be relevant, the Senate Ethics Officer must prepare a public disclosure summary related to each senator (section 30). These summaries are then made available for public inspection at the Office of the Senate Ethics Officer (subsection 33(1)).



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## **F. Opinions and Advice (section 42)**

The Senate Ethics Officer provides opinions and advice to senators regarding their obligations under the Code pursuant to section 42. Although the Code requires that these opinions and advice be kept confidential, they may be made public by the senator to whom they were given, or by the Senate Ethics Officer with the senator's written consent (subsection 42(4)). Moreover, some opinions related to contracts with the federal government or any federal agency or body must be made public under section 31 of the Code.

The importance of this advisory function should not be underestimated. While each senator is responsible for arranging his or her affairs in such a way as to prevent any foreseeable real or apparent conflicts of interest, if a senator has any doubt about whether there may be a conflict or a perceived conflict, he or she is encouraged to consult the Senate Ethics Officer on a confidential basis to resolve the matter. This approach is preventative, not punitive. The focus is not on addressing conflicts of interest once they have arisen, but rather on preventing them from arising.

## **G. Inquiries and Investigations (sections 44 to 49)**

The Senate Ethics Officer may initiate an inquiry to determine whether a senator has complied with his or her obligations under the Code: (i) at the direction of the Standing Committee on Conflict of Interest for Senators (subsection 44(1)); (ii) at the request of another senator (subsections 44(2) to (6)); or (iii) where the Officer has reasonable grounds to believe that an inquiry is warranted and has obtained the approval of the committee (subsections 44(7) to (9)).

Inquiries are confidential (subsection 44(11)) and senators are required to cooperate with the Senate Ethics Officer (subsection 44(12)). He or she has the power to send for persons, papers, and records, for the purpose of an inquiry (subsection 44(13)).

Once an inquiry is completed, the Officer is required to prepare a written report that includes recommendations to the Standing Committee on Conflict of Interest for Senators (section 45), which may then report to the Senate (subsections 46(4), (5), (6), (7) and (8)). Any appropriate action or sanctions would be determined by the Senate. The reports of the Senate Ethics Officer are not available to the public.

## **H. Committee Review (section 53)**

The Standing Committee on Conflict of Interest for Senators is required to undertake a review of the provisions of the Code and its operation every five years. The Committee must submit a report to the Senate on this review, including its recommendations respecting changes to the Code (section 53).



#### **(4) Other Rules and Laws**

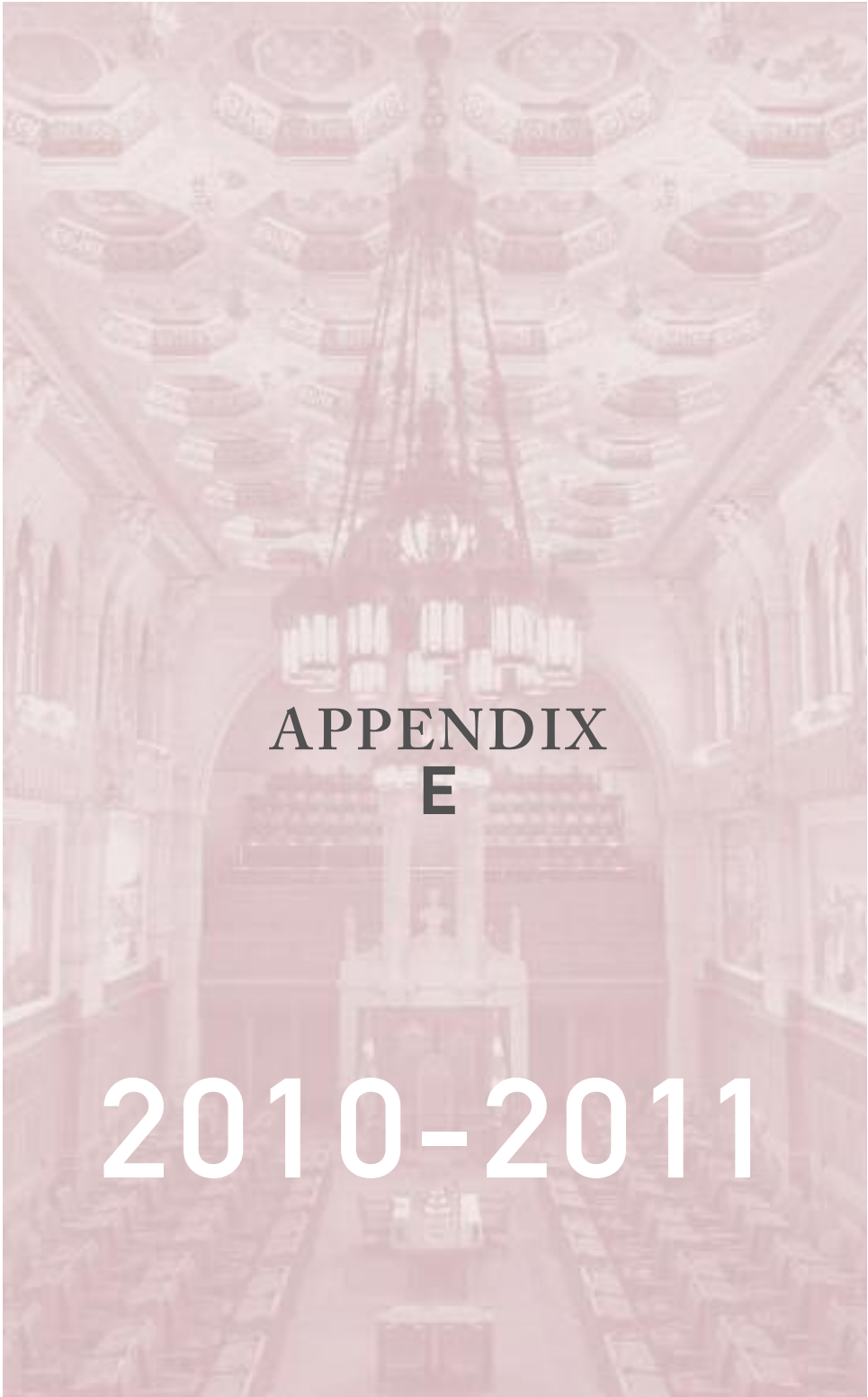
There are other rules and laws with which senators are expected to comply, in addition to the rules that were brought into effect when the Office of the Senate Ethics Officer was established.

For example, section 16 of the *Parliament of Canada Act* 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.

Sections 119, 121 and 122 of the *Criminal Code* are also applicable to senators in light of the Supreme Court of Canada's interpretation of these provisions. Section 119 deals with offences related 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.

*The Senate Administrative Rules*, which were adopted by the Senate and came into force on May 6, 2004, and were revised in 2007, contain some provisions relating to the proper allocation and use of Senate resources. Sections 1 and 6 of Chapter 3:01 of these Rules provide that Senate resources must only be used for parliamentary functions and for the service of the Senate.

The provisions referred to above in the *Criminal Code*, the *Senate Administrative Rules*, and section 16 of the *Parliament of Canada Act* do not come within the purview of the Senate Ethics Office.



**APPENDIX  
E**

**2010-2011**



*Independence*  
*Privacy*

*Accountability*  
*Integrity*

## APPENDIX E

### The Senate Disclosure Process in Brief

Disclosure is at the heart of any effective and transparent conflict of interest regime for parliamentarians. This document summarizes the Senate disclosure process under the *Conflict of Interest Code for Senators* (the Code). It breaks down the process in 10 individual steps. Each step is described below.

1. The annual disclosure process generally begins in the fall of each year when Parliament resumes after its summer recess. To initiate the process, the Senate Ethics Officer (the SEO) sends a **Confidential Disclosure Statement** to each senator, which is required to be completed under section 27 of the Code. The information that must be declared includes any sources of income over \$2,000, any assets and liabilities over \$10,000, any outside activities and any federal government contracts.
2. Sitting senators are asked to complete and return their confidential disclosure statement within 3 weeks. The date on or before which the disclosure statements have to be filed is established by the SEO following approval by the Standing Committee on Conflict of Interest for Senators. Newly appointed senators have 120 days to file.
3. The SEO reviews the information received in order to identify any foreseeable, real or apparent conflicts of interest. The review also provides an opportunity to identify omissions or ambiguities and to ensure that the information is complete and up-to-date.
4. Based on this information, the SEO sends a **letter of advice** to each senator regarding his or her particular obligations under the Code and recommends measures, if necessary, to ensure that they are in compliance with the Code.
5. The SEO is also required to prepare an annual **Public Disclosure Summary** pertaining to each senator. Section 31 of the Code sets out the information that must be included therein.



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6. This is followed by face to face meetings with senators, which usually commence in November of each year and end in March. These meetings are an important opportunity to discuss each senator's disclosure statement, the SEO's letter of advice as well as the senator's public disclosure summary. The meetings are also an opportunity for senators to discuss future plans and to obtain advice in this regard.
7. Once a senator signs his or her public disclosure summary, the SEO sends a **letter of compliance** confirming that the senator meets the requirements of the Code and provides the senator with a copy of his or her public disclosure summary.
8. Finally, once signed, a certified copy of each senator's public disclosure summary is placed by the SEO in the **Public Registry** and is made available for public inspection during normal business hours, pursuant to section 33 of the Code.
9. Senators have an ongoing obligation throughout the year to disclose changes to their circumstances, by filing the proper forms according to the procedures set out under the Code, in order to ensure that their confidential and public files contain accurate and up-to-date information at all times. Specifically, they are required to disclose the following:
  - (1) any **material changes** to the information provided in their confidential disclosure statements (subsection 28(4));
  - (2) any **gifts or other benefits** received as an expression of courtesy or protocol, or received within the customary standards of hospitality that usually accompany the senator's position where these exceed \$500 in value, or any such gifts or other benefits received from one source in a one-year period where their total value exceeds \$500 (section 17);
  - (3) any **sponsored travel** where the travel costs exceed \$500, unless they are paid through the programs for international and interparliamentary affairs of the Parliament of Canada, by the Senate, the Government of Canada or the Senator's political party (section 18); and
  - (4) any **private interest** a senator or a family member may have in a matter that is before the Senate or a committee of the Senate in which the senator is a member.



10. Under section 20.7 of the *Parliament of Canada Act*, the Senate Ethics Officer is required to prepare an Annual Report within three months after the end of each fiscal year concerning the Office's activities for the year. This provides an opportunity to review the annual disclosure process for the year and highlight any issues in this regard that might be of interest to the Senate, but also to the public in general.

### **Advice and Opinions**

Outside of the annual disclosure process, senators are encouraged to seek the advice of the SEO as often as possible, especially in cases of doubt, prior to taking action. The opinions or advice may be in writing under subsection 42(1) of the Code or of a more informal nature through telephone conversations, meetings and e-mail exchanges. The SEO is solely responsible for the interpretation and application of the Code as it relates to each senator's particular circumstances.

Informal advice is as important as the formal opinions in that it offers guidance and information to senators in order to help them to better understand the Code and how it applies in different circumstances. Every year the SEO provides hundreds of opinions and advice of varying degrees of complexity. The sheer volume of requests illustrates that senators are availing themselves of the advisory services that the office offers. Prevention, here as elsewhere, is preferable to cure.

### **Additional Information**

This document only provides a summary of the disclosure process under the Senate Code. For more detailed information, please visit the Senate Ethics Office's Web site at [www.parl.gc.ca/seo-cse](http://www.parl.gc.ca/seo-cse).



APPENDIX  
**F**

2010-2011



## APPENDIX F

### INDEPENDENCE, ACCOUNTABILITY AND TRANSPARENCY OF THE SENATE ETHICS OFFICER\*

In recent years, there has been renewed attention to longstanding independence and accountability concerns in relation to Officers of Parliament and Legislative Officers in Canada. Do they have too much independence or too little? Are they too close to the government? Do they provide enough accountability? In other words, are they “watchdogs or lapdogs”? Is the oversight they provide helpful to Parliament, or is that a role Parliament itself should fill? At the heart of these concerns lies the question: what is the benefit of Officers of Parliament and Legislative Officers to the functioning of Canadian democracy?

I bring to the discussion a practitioner’s perspective, having served as the first Senate Ethics Officer over the last six years. My mandate is to administer, interpret and apply the *Conflict of Interest Code for Senators*.

The main responsibilities of the Senate Ethics Officer are to:

- Advise individual senators on a confidential and ongoing basis concerning their obligations under the Code and to assist them in remaining in compliance with the requirements of the Code;
- Oversee the ongoing annual disclosure process in which senators are required to disclose their financial and other interests;
- Conduct inquiries in order to determine whether a senator has complied with his or her obligations under the Code;
- Maintain a Public Registry containing information concerning the financial and other interests of senators that are required to be publicly disclosed under the Code; and
- Submit an annual report of the office’s activities to the Speaker of the Senate for tabling in the Senate.

#### Independence

Parliamentary ethics commissioners in Canada, including the Senate Ethics Officer, must operate independently if they are to have credibility and retain the confidence of both the public and legislators when fulfilling their duties. This autonomy is essential in order to

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\*This is a revised version of a presentation made by the Senate Ethics Officer in a roundtable of Officers of Parliament chaired by Carleton University Professor Robert Shepherd on March 29, 2009.



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ensure that they are free to undertake investigations and provide considered advice to parliamentarians as they see fit, in a fully impartial and transparent manner without fear or favour, and perhaps more importantly, without the appearance of any outside influence or coercion. The independence of parliamentary ethics commissioners derives from such fundamentals as the legislation creating their office, the appointment process, the security of tenure, financial autonomy and reporting relationships.

The Senate Ethics Officer, as an example, serves as an independent Officer of the Senate. He reports directly to the Senate. His authority derives both from the *Parliament of Canada Act* and the *Conflict of Interest Code for Senators*. The interpretation and application of the Code as it relates to individual senators is his sole responsibility. He is appointed by the Governor in Council after consultation with the leader of every recognized party in the Senate, and following approval of the appointment by resolution of the Senate. This method of appointment ensures that the nominee has the broadest support in the Senate, irrespective of party affiliation. The Senate Ethics Officer is appointed for a renewable term of seven years and may be removed from office only for cause, by the Governor in Council, on address of the Senate.

The *Parliament of Canada Act* ensures that the Senate Ethics Officer has the control and management of the office independent of the Senate. For example, he is responsible for preparing estimates of the budget required to operate the office, which is separate and distinct from the estimates of the Senate as a whole. The estimates are submitted to the Speaker of the Senate who, after considering them, transmits them to the President of the Treasury Board. They are then laid before the House of Commons with the estimates of the government for the fiscal year. The Senate Ethics Officer is also protected by a statutory immunity.

### **Accountability and Transparency**

Turning to accountability, parliamentary ethics commissioners are independent in some important respects but there are certain limits to their independence. Independence requires accountability. No parliamentary ethics commissioner can be totally independent in the sense that he does not have to report to anyone. Principles of responsible government require that he operates within a clear legal and operational framework. Good governance calls for commissioners to be accountable, particularly where they have been granted a high degree of independence. Accountability imposes a measure of discipline and requires transparency. The specific accountability and transparency arrangements and practices can take many forms and vary in different political and institutional environments.



Appointed on the recommendation of the Senate, the Senate Ethics Officer reports to the Senate for his actions. His office has multiple lines of accountability, including to the Senate as a whole, to the Speaker of the Senate, to standing committees of the Senate, and to the general public.

I answer to the Senate for the overall performance of the office.

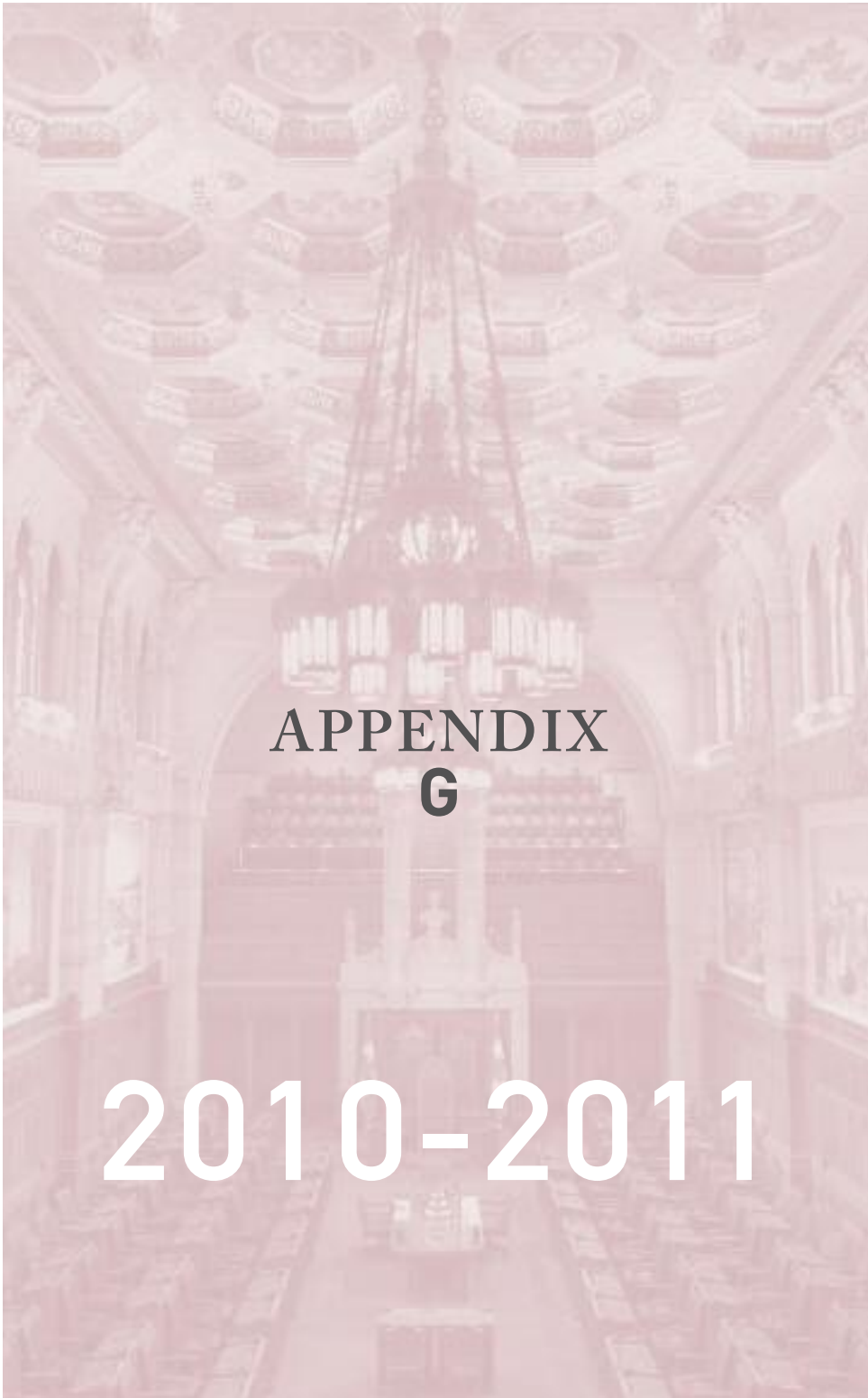
I am also accountable to the Standing Committee on Conflict of Interest for Senators for the efficiency and effectiveness of the activities of my office. I ordinarily appear two or three times a year before the Committee to discuss my annual report after it has been tabled in the Senate, as well as to review possible amendments to the Code.

I am accountable to the Senate for the financial operations of the office. As noted earlier, the Speaker of the Senate considers the estimates of the office. I may be called before the Standing Senate Committee on National Finance to answer questions about my proposed budget as part of the Committee's review of the Main estimates. The office's financial statements are also audited every year by an external auditor and the results are tabled in the Senate as part of my annual report. Specific information regarding my hospitality and travel expenses, as well as office contracts over \$10,000, are posted on our Web site.

I also consider myself accountable to the public for providing clear, reliable and timely information about the Senate ethics regime. To this end, I submit an annual report on the office's activities to the Speaker of the Senate for tabling in the Senate. This report, as well as other relevant documents and links, are on a comprehensive and accessible Web site, which received some 6, 000 visits last year.

## Conclusion

In conclusion, independence and accountability are important and complex relationships. They go together. They are two faces of the same coin. If one of the two faces is damaged, the whole coin is worthless. In my experience, to be effective and credible a parliamentary ethics commissioner must be independent; his independence, in turn, requires meaningful accountability and transparency. A commissioner without accountability may run rogue, while a commissioner without independence will lead to a lack of legitimacy. In both cases, this will result in a lack of confidence from both citizens and parliamentarians and undermine the commissioner's effectiveness. The right balance of independence and accountability allows Officers of Parliament and Legislative Officers to serve the best interests of both parliamentarians and the Canadian public by bolstering the degree of accountability, transparency and openness in our democratic system.



APPENDIX  
**G**

2010-2011



*Independence*  
*Privacy*

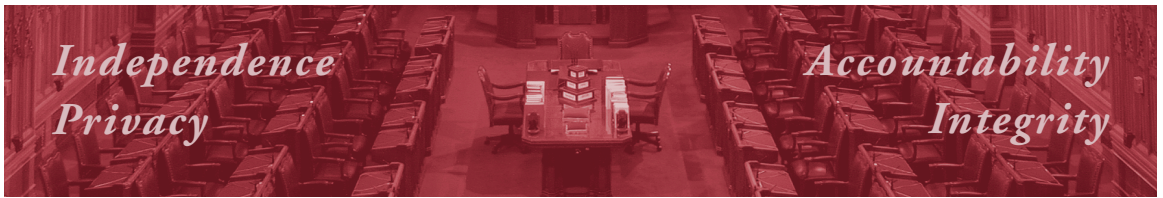
*Accountability*  
*Integrity*

## APPENDIX G

### CHRONOLOGY OF KEY EVENTS

- |                            |  |
|----------------------------|--|
| February 24, 2005          | Motion to approve the appointment of Mr. Jean T. Fournier as Senate Ethics Officer (SEO) was debated in the Senate. Mr. Fournier appeared before the Senate sitting in Committee of the Whole. Motion to approve the appointment was adopted that day. |
| February 25, 2005          | Governor in Council appointment of Mr. Jean T. Fournier as the first Senate Ethics Officer effective April 1, 2005.  |
| April 1, 2005              | Mr. Fournier assumed his duties along with Louise Dalphy, Executive Assistant.   |
| May 11, 2005               | The Standing Senate Committee on Rules, Procedures and the Rights of Parliament tabled its Third Report recommending the adoption of a <i>Conflict of Interest Code for Senators</i> .   |
| May 18, 2005               | The <i>Conflict of Interest Code for Senators</i> was adopted by the Senate.   |
| July 6, 2005               | The Standing Committee on Conflict of Interest for Senators was established in accordance with subsection 20.5(3) of the <i>Parliament of Canada Act</i> .   |
| September 15, 2005         | Deadline for senators to submit their annual Confidential Disclosure Statements for the first annual review (2005-06) to the SEO.  |
| October 2005 to April 2006 | The SEO reviewed the Confidential Disclosure Statements submitted by senators to identify potential conflicts of interest and to determine the compliance measures required in each case. The SEO also prepared public disclosure summaries.           |

- May 9, 2006 Public Disclosure Summaries were placed in the Public Registry located at the Office of the Senate Ethics Officer and made available for public inspection.
- June 20, 2006 Tabling of the first Annual Report of the Senate Ethics Officer.
- September 6, 2006 Remarks by the SEO before the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-2, the *Federal Accountability Act*, as it affected the Office of the Senate Ethics Officer.
- October 20, 2006 Deadline for senators to submit their annual Confidential Disclosure Statements for the second annual review (2006-07) to the SEO.
- December 12, 2006 Bill C-2, the *Federal Accountability Act*, received Royal Assent.
- November 2006 to April 2007 The SEO reviewed the Confidential Disclosure Statements submitted by senators to identify potential conflicts of interest and to determine the compliance measures in each case. The SEO also prepared public disclosure summaries.
- June 7, 2007 Tabling of the second Annual Report of the Senate Ethics Officer.
- November 2, 2007 Deadline for senators to submit their annual Confidential Disclosure Statements (2007-2008) to the SEO.
- November 2007 to April 2008 The SEO reviewed the Confidential Disclosure Statements submitted by senators to identify potential conflicts of interest and to determine the compliance measures in each case. The SEO also prepared public disclosure summaries.
- January 29, 2008 Submission by the Senate Ethics Officer to the Standing Committee on Conflict of Interest for Senators regarding the review of the Code.
- June 11, 2008 Tabling of the third Annual Report of the Senate Ethics Officer.



December 5, 2008	Deadline for senators to submit their annual Confidential Disclosure Statements (2008-2009) to the SEO.
December 22, 2008	Announcement by the Prime Minister of the appointment of 18 new Senators.
December 2008 to April 2009	The SEO reviewed the Confidential Disclosure Statements submitted by senators to identify potential conflicts of interest and to determine the compliance measures in each case. The SEO also prepared public disclosure summaries.
June 9, 2009	Tabling of the fourth Annual Report of the Senate Ethics Officer.
August 27, 2009	Announcement by the Prime Minister of the appointment of nine new Senators.
October 2, 2009	Deadline for senators to submit their annual Confidential Disclosure Statements (2009-2010) to the SEO.
November 2009 to April 2010	The SEO reviewed the Confidential Disclosure Statements to submitted by senators to identify potential conflicts of interest and to determine the compliance measures in each case. The SEO also prepared public disclosure summaries.
January 29, 2010	Announcement by the Prime Minister of the appointment of five new Senators.
May 20, 2010	Announcement by the Prime Minister of the appointment of one new Senator.
June 10, 2010	Tabling of the fifth Annual Report of the Senate Ethics Officer.
July 9, 2010	Announcement by the Prime Minister of the appointment of one new Senator.
October 15, 2010	Deadline for senators to submit their annual Confidential Disclosure Statements (2010-2011) to the SEO.



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December 20, 2010

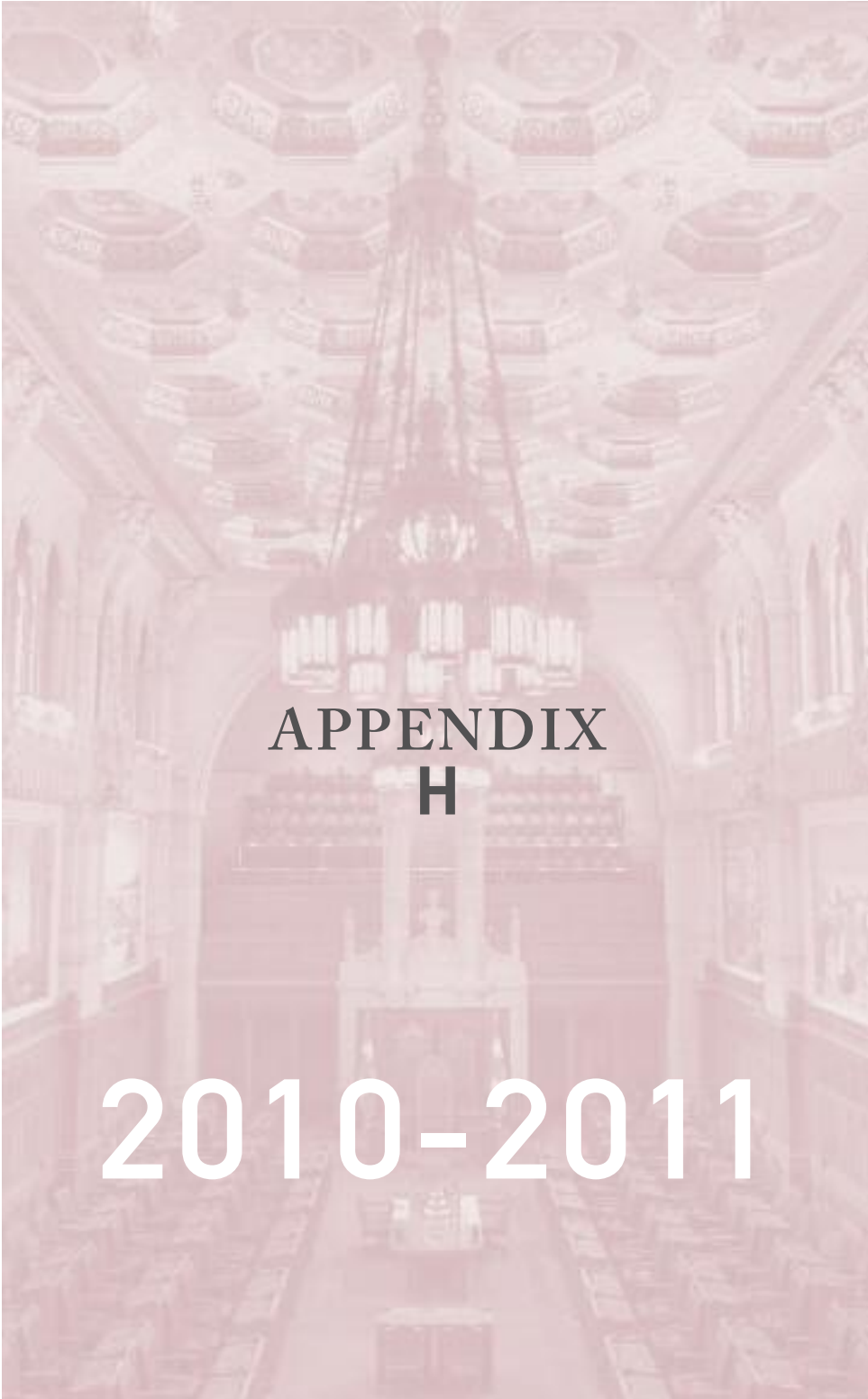
Announcement by the Prime Minister of the appointment of two new Senators.

October 2010  
to March 2011

The SEO reviewed the Confidential Disclosure Statements submitted by senators to identify potential conflicts of interest and to determine the compliance measures in each case. The SEO also prepared public disclosure summaries.

January 27, 2011

The SEO sent a letter to the Speaker of the Senate, the Honourable Noël Kinsella, informing him of his intention to leave his position at the end of May 2011.



APPENDIX  
**H**

2010-2011

## APPENDIX H

### PARLIAMENTARY ETHICS COMMISSIONERS, 1988-2011\*

#### Ontario

The Hon. Gregory T. Evans, Q.C.	1988-1997	<i>Conflict of Interest Commissioner</i>
Hon. Robert C. Rutherford, Q.C.	1997-2000	<i>Integrity Commissioner</i>
Hon. Coulter A.A. Osborne, Q.C.	2001-2007	<i>Integrity Commissioner</i>
Mrs. Lynn Morrison	2007-present	<i>Acting/Permanent Integrity Commissioner</i>

#### British Columbia

Hon. E.N. (Ted) Hughes, O.C., Q.C.	1990-1996	<i>Conflict of Interest Commissioner</i>
Hon. H.A.D. (Bert) Oliver, Q.C.	1997-2007	<i>Conflict of Interest Commissioner</i>
Mr. Paul D.K. Fraser, Q.C.	2008-present	<i>Conflict of Interest Commissioner</i>

#### Nova Scotia

Hon. A.M. (Alex) MacIntosh, Q.C.	1991-1999	<i>Conflict of Interest Commissioner</i>
Hon. Mr. Justice Merlin Nunn	1999-present	<i>Conflict of Interest Commissioner</i>

#### Alberta

Mr. Robert C. Clark	1992-2003	<i>Ethics Commissioner</i>
Mr. Donald M. Hamilton	2003-2008	<i>Ethics Commissioner</i>
Mr. Neil R. Wilkinson	2008-present	<i>Ethics Commissioner</i>

#### Newfoundland and Labrador

Mr. D. Wayne Mitchell	1993-1996	<i>Commissioner of Members' Interests</i>
Mr. Robert Jenkins	1996-2001	<i>Commissioner of Members' Interests</i>
Mr. Wayne Green	2001-2006	<i>Commissioner of Members' Interests</i>
Mr. Charles Furey	2006-2007	<i>Commissioner of Members' Interests</i>
Mr. Paul Reynolds	2007-present	<i>Commissioner of Members' Interests</i>

#### Saskatchewan

Mr. Derril McLeod	1994-2000	<i>Conflict of Interest Commissioner</i>
Mr. Gerald Gerrand, Q.C.	2000-2009	<i>Conflict of Interest Commissioner</i>
Hon. Ronald L. Barclay, Q.C.	2010-present	<i>Conflict of Interest Commissioner</i>

\*Updated by the Office of the Senate Ethics Officer, 2011

### Northwest Territories

Ms. Anne Crawford	1996-1999	<i>Conflict of Interest Commissioner</i>
Ms. Carol Roberts	1999-2001	<i>Conflict of Interest Commissioner</i>
Hon. E.N. (Ted) Hughes, Q.C.	2001-2005	<i>Conflict of Interest Commissioner</i>
Mr. Gerald Gerrand, Q.C.	2005-present	<i>Conflict of Interest Commissioner</i>

### Yukon

Hon. E.N. (Ted) Hughes, O.C., Q.C.	1996-2002	<i>Commissioner of Conflict of Interest</i>
Mr. David P. Jones, Q.C.	2002-present	<i>Conflict of Interest Commissioner</i>

### Prince Edward Island

Mr. A. Neil Robinson	1999-present	<i>Conflict of Interest Commissioner</i>
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### New Brunswick

Hon. Stuart G. Stratton, Q.C.	2000-2005	<i>Conflict of Interest Commissioner</i>
Hon. Patrick A.A. Ryan, Q.C.	2005-present	<i>Conflict of Interest Commissioner</i>

### Nunavut

Hon. Robert Stanbury, P.C., Q.C.	2000-2008	<i>Integrity Commissioner</i>
Mr. Norman Pickell	2008-present	<i>Integrity Commissioner</i>

### Manitoba

Mr. William Norrie, Q.C.	2002-2010	<i>Conflict of Interest Commissioner</i>
Mr. Ron Perozzo	2010-present	<i>Conflict of Interest Commissioner</i>

### Canada

#### Public Office Holders/Members of the House of Commons

Mr. Howard Wilson	1994-2004	<i>Ethics Counsellor</i>
Dr. Bernard Shapiro	2004-2007	<i>Ethics Commissioner</i>
Mrs. Mary Dawson, O.C., Q.C.	2007-present	<i>Conflict of Interest and Ethics Commissioner</i>

#### Senate

Mr. Jean T. Fournier	2005-2011	<i>Senate Ethics Officer</i>
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### Quebec

Hon. Lucien Tremblay	1983-1985	<i>Jurisconsult of the National Assembly</i>
Hon. Albert Mayrand	1986-1996	<i>Jurisconsult of the National Assembly</i>
Hon. Claude Bisson, O.C.	1996-present	<i>Jurisconsult of the National Assembly</i>
Mr. Jacques Saint-Laurent	2010-present	<i>Ethics Commissioner</i>