

The Standing Committee on Ethics and Conflict of Interest for Senators
has the honour to table its

FOURTH REPORT

Your committee, pursuant to subsection 48(21) of the *Ethics and Conflict of Interest Code for Senators*, has considered whether an inquiry under the Code respecting the Hon. Colin Kenny, former senator, that was pending at the time of his resignation from the Senate should be continued, and now tables this report informing the Senate of its decision on the completion of that inquiry.

Subsection 48(21) of the *Ethics and Conflict of Interest Code for Senators* provides that: “[a]n inquiry in respect of a senator who ceases to be a senator is permanently suspended unless the committee decides otherwise.”

Following the resignation of former Senator Kenny effective February 2, 2018, the Senate Ethics Officer informed your committee that an inquiry into “allegations that [former Senator Kenny] used his staff for personal purposes unrelated to Senate business” was permanently suspended unless the committee decides otherwise under subsection 48(21) of the Code.

The rules respecting the use of Senate resources for personal purposes are well established.

The Senate provides resources to support senators in the performance of their parliamentary functions. These generally include all duties and activities related to the role of a senator or the Senate and its proceedings, which expressly exclude attending to a senator’s private matters and interests (*Senate Administrative Rules*, ch. 1:03, s. 1, “parliamentary functions” and “public business”). The use of Senate resources for personal purposes is restricted to incidental, reasonable use (*Senate Administrative Rules*, ch. 3:01, s. 5). The Committee is of the view that senators must use their resources for the purposes of performing their parliamentary functions. A senator’s use of Senate resources to further his or her private interests would constitute a breach of his or her obligations under the Code (section 8) subject to the enforcement process and appropriate sanctions.

The committee takes the opportunity to remind senators of these rules.

The matter inquired into by the Senate Ethics Officer is limited to the use of Senate resources by former Senator Kenny to determine whether he has not complied with his or her obligations under the Code. This process does not raise broader concerns that would have warranted the committee instructing that the inquiry be continued. The committee is also mindful that any action toward the recovery of improperly used Senate resources, if any, is properly within the jurisdiction of the Standing Committee on Internal Economy, Budgets and Administration (Code, section 6).

Former Senator Kenny is no longer a member of the Senate. As such, the Senate can no longer impose sanctions upon him as a senator. In the circumstances, the committee sees no compelling reasons to depart from the default rule that an inquiry be suspended when a senator ceases to be a senator.