



INTRODUCTION TO THE STANDING COMMITTEE ON

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

MANDATE

The Standing Committee on Ethics and Conflict of Interest for Senators is responsible for all matters relating to the [*Ethics and Conflict of Interest Code for Senators*](#). It may give general direction to the Senate Ethics Officer concerning the interpretation, application and administration of the Code, and is authorized to exercise these powers on its own initiative. The Committee also considers any inquiry reports from the [*Senate Ethics Officer*](#), who is an independent officer of the Senate.

The composition of the Committee is unique: it is composed of five members, three of whom constitute quorum. Two members are elected by secret ballot in the caucus of the government, and two members are elected by a secret ballot in the caucus of the opposition. The fifth member is elected by a majority of the four other members. The selection process is formalized by the presentation of a motion by the Leader of the Government, seconded by the Leader of the Opposition, which is deemed adopted without debate or vote when moved. When a vacancy occurs in the membership of the Committee, the replacement member is elected by the same method as the former member being replaced. The Chair of the Committee is selected by at least four members of the Committee. The Committee has no ex officio members.

The Code provides for an Intersessional Authority during a prorogation or dissolution of Parliament. All members of the Committee are members of this Intersessional Authority until the members of a successor of the Committee are appointed by the Senate.

HISTORY

Before the enactment in 2004 of *An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence* (the “Act”), most conflict of interest rules for Senators were encompassed in legislation and the *Rules of the Senate*. The 2004 Act established a new conflict of interest regime by creating the office of the Senate Ethics Officer and by requiring the adoption by the Senate of a conflict of interest code for its members.

The Standing Senate Committee on Rules, Procedures and the Rights of Parliament worked on various proposals for a conflict of interest code for Senators and other consequential amendments to the *Rules of the Senate*. On May 11, 2005, this Committee presented its Third Report to the Senate in which it recommended the adoption of the *Conflict of Interest Code for Senators* and the establishment of the Committee on Conflict of Interest for Senators. The Committee on Rules stated that three goals governed the structure of the Committee: confidentiality, non-partisanship, and representation and confidence of all Senators. The Committee’s report was concurred in by the Senate on May 18, 2005.



The provisions of the *Parliament of Canada Act* with respect to the Senate Ethics Office also came into force on April 1, 2005. Mr. Jean T. Fournier was appointed the first Senate Ethics Officer, effective April 1, 2005, for a term of seven years. On July 6, 2005, the first membership of the Committee on Conflict of Interest for Senators was prescribed by the Senate, and the Committee held its first meeting on July 19, 2005.

On April 5, 2012, Lyse Ricard was appointed Interim Senate Ethics Officer, and on October 5, 2012, she was appointed Senate Ethics Officer for a term of seven years.

SELECTED STUDIES

The Committee has reviewed and amended the Code a number of times since its inception.

In 2008 the Committee recommended amendments that were aimed to adjust improve and refine the provisions of the Code. Key changes to the Code that came into effect as a result included:

The independence of the Senate Ethics Officer is noted explicitly in the Code;

A Senator who has made a declaration of a private interest in the Senate or a committee of which he or she is a member must not participate in debate or a vote on the matter and must withdraw from committee proceedings.

In 2012 the Committee recommended further [amendments to the Code](#) “to adapt the provisions of the Code to contemporary realities and practices; to avoid any misunderstanding about the outside activities of Senators; to increase the transparency of the conflict of interest regime applicable to Senators; and to enhance public confidence and trust in the conflict of interest regime applicable to Senators.” A key change is the posting of senators’ public disclosure summaries on the Senate Ethics Officer’s website.

In 2014, the Code was [amended in April and June](#). The April amendments strengthened preventive measures under the Code, established a clear, fair and balanced inquiry process and enhanced the independence of the Senate Ethics Officer (SEO). The June amendments reasserted the commitment of the Senate and each individual Senator to the highest standards of conduct. The Code was renamed the *Ethics and Conflict of Interest Code for Senators* to better reflect Senators’ obligations under the Code and the provisions of the Parliament of Canada Act establishing the position of Senate Ethics Officer. The Committee was also renamed the Standing Committee on Ethics and Conflict of Interest for Senators in May 2015.

CURRENT WORK

Detailed information on current work of the committee can be found on the parliamentary website at <http://senate-senat.ca/conf.asp> .