

SENATE



SÉNAT

CANADA

Tuesday, April 30, 2019

Le mardi 30 avril 2019

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

Le Comité permanent sur l'éthique et les conflits d'intérêts des sénateurs a l'honneur de présenter son

FIFTH REPORT

CINQUIÈME RAPPORT

Your committee, which has taken into consideration the Senate Ethics Officer's *Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning Senator Lynn Beyak*, dated March 19, 2019, in accordance with section 49 of the *Ethics and Conflict of Interest Code for Senators*, herewith presents its report.

Votre comité, qui a examiné le *Rapport d'enquête en vertu du Code régissant l'éthique et les conflits d'intérêts des sénateurs concernant la sénatrice Lynn Beyak*, daté du 19 mars 2019, du conseiller sénatorial en éthique conformément à l'article 49 du *Code régissant l'éthique et les conflits d'intérêts des sénateurs*, présente ici son rapport.

Respectfully submitted,

Respectueusement soumis,

La présidente

Original signed by/original signé par

A. RAYNELL ANDREYCHUK

Chair

Introduction

On March 19, 2019, the Senate Ethics Officer provided to your committee the Inquiry Report under the [*Ethics and Conflict of Interest Code for Senators*](#) (“Code”) concerning Senator Lynn Beyak (“Inquiry Report”) in accordance with subsection 48(17) of the Code. On the same day, as required by subsection 48(18) of the Code, the chair of the committee tabled the Inquiry Report in the Senate at which time it became public in accordance with subsection 48(19) of the Code.

The Senate Ethics Officer commenced his inquiry concerning Senator Beyak as a result of several requests by senators. On January 8, 2018, Senator Frances Lankin made a request for an inquiry to the Senate Ethics Officer respecting the conduct of Senator Beyak. This was followed by further requests from Senators André Pratte, Raymonde Gagné and Ratna Omidvar. In accordance with the process established by the Code, the Senate Ethics Officer conducted a preliminary review of the matter and determined that an inquiry was warranted. Further, the Senate Ethics Officer determined that all four complaints would be addressed as a single inquiry.

In his Inquiry Report, the Senate Ethics Officer concluded that Senator Beyak posted five letters on her Senate website that contained racist content (identified in Appendix A of the Senate Ethics Officer’s Inquiry Report), thereby breaching sections 7.1 and 7.2 of the Code. The Senate Ethics Officer determined that Senator Beyak had failed to uphold the highest standards of dignity inherent to the position of senator, had acted in a way that could reflect adversely on the position of senator or the institution of the Senate, and had performed a parliamentary function in a manner that was both undignified and dishonourable.

The role of this committee, in accordance with section 49 of the Code, is to recommend the appropriate remedial measures or sanctions to be imposed on Senator Beyak based on the findings of the Senate Ethics Officer.

The committee membership is composed of five Senators, three of whom constitute quorum (subsection 35(2) of the Code). The current members of the committee are: Senator A. Raynell Andreychuk, chair, Senator Serge Joyal, deputy chair, Senator Dennis Patterson, Senator Murray Sinclair and Senator Howard Wetston.

The Code – Historical Background

Before the Code was adopted, the conduct of senators was governed by various rules found in legislation and in the [*Rules of the Senate*](#). Senators were also expected to act in accordance with the “trust and confidence” placed in them when summoned to the Senate and the dignity inherent to the service in public office.

The first *Conflict of Interest Code for Senators*, as it was then entitled, was adopted on May 18, 2005, when the Senate concurred in the [*Third Report*](#) of the Standing Committee on Rules, Procedures and the Rights of Parliament. The Code in 2005 established “clear standards and a transparent system” to ensure accountability of all senators.

The Code constitutes an exercise of the Senate's parliamentary privilege to govern its internal affairs and to discipline its members. Both privileges are inherent to the Senate as a legislative and deliberative body and have been explicitly conferred on the Senate by virtue of section 18 of the [Constitution Act, 1867](#) and section 4 of the [Parliament of Canada Act](#).

The Code was adopted following the enactment of *An Act to Amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer)*, S.C. 2004, c. 7. That Act established an independent officer for each House of Parliament with the duties and functions assigned by his or her respective House to govern the conduct of its members. While the Act contemplated the adoption of a code of conduct by each House of Parliament, it did not constitute the enabling authority for such a code – an authority which rests on parliamentary privilege. The Act safeguarded all “powers, privileges, rights and immunities of the Senate or its members” (see [Parliament of Canada Act](#), subsection 20.5(5)).

The introduction of a new Senate ethics regime in 2004 and 2005 was preceded by many years of studies. In this respect, the [Third Report](#) of the Standing Committee on Rules, Procedures and the Rights of Parliament, in referring to the Code, stated that “[r]arely has a document been as thoroughly examined and discussed as this Code.”

Since 2005, the Code has been amended on four occasions: 2008, 2012 and twice in 2014 ([Journals of the Senate](#), May 29, 2008, May 1, 2012, April 1 and June 16, 2014). These amendments were aimed each time at improving the provisions of the Code and at reasserting the commitment of the Senate and of each individual senator to the highest standards of conduct. The 2008 amendments strengthened the independence of the Senate Ethics Officer; the 2012 amendments made changes particularly aimed at increasing transparency; the April 2014 amendments established a new enforcement process; and the June 2014 amendments established rules of general conduct and ethical behavior. Every senator is required to file a statement of compliance annually confirming that he or she has recently read the Code and that he or she complies with it (subsection 45(1)).

Rules of General Conduct

The June 2014 amendments to the Code resulted in new sections 7.1 and 7.2 of the Code:

7.1 (1) A Senator's conduct shall uphold the highest standards of dignity inherent to the position of Senator.

(2) A Senator shall refrain from acting in a way that could reflect adversely on the position of Senator or the institution of the Senate.

7.2 A Senator shall perform his or her parliamentary duties and functions with dignity, honour and integrity.

As explained in your committee's *Fifth Report*, the purpose of these provisions is to “reassert the commitment of the Senate and each senator to the highest standards of conduct.” At the same time as these sections were added, the Code was renamed the [Ethics and Conflict of Interest Code for Senators](#).

On July 27, 2015, pursuant to subsection 37(2) of the Code, the committee gave Directive 2015-02 to the Senate Ethics Officer in respect of these rules of general conduct:

These rules of general conduct are applicable to all conduct of a Senator, whether directly related to parliamentary duties and functions or not, which would be contrary to the highest standards of dignity inherent to the position of Senator and/or would reflect adversely on the position of Senator or the institution of the Senate. A breach of the rules of general conduct provided under section 7.1 of the Code, as any other breach of the Code, is subject to the enforcement process established under the Code and, in particular, to the Senate Ethics Officer's responsibilities therein.

Pursuant to subsection 37(2) of the Code, the Senate Ethics Officer is to interpret, apply and administer the Code in accordance with this Directive.

The Enforcement Process

The Code establishes a four-step enforcement process when there are reasonable grounds to believe that a Senator has not complied with his or her obligations under the Code:

1. The Senate Ethics Officer's preliminary review (section 47);
2. The Senate Ethics Officer's inquiry (section 48);
3. The committee study and report (section 49); and
4. The Senate decision (sections 50 and 51).

A preliminary review is either self-initiated by the Senate Ethics Officer or conducted at the request of a senator when there are reasonable grounds to believe that a senator has not complied with his or her obligations under the Code. The purpose of the preliminary review is to decide if an inquiry is warranted to look into the matter more fully in order to determine whether a senator has complied with his or her Code's obligations.

The second step of the process is the Senate Ethics Officer's inquiry. The purpose of the inquiry is to determine whether a senator has breached his or her obligations under the Code. At the end of the inquiry, the Senate Ethics Officer must report his findings, reasons and recommendations, if any, to this committee. An inquiry report from the Senate Ethics Officer is also tabled at the same time in the Senate for information purposes (section 50 of the Code).

The Senate Ethics Officer's preliminary review and inquiry must be conducted confidentially and as promptly as circumstances permit (subsections 47(5) and 48(6) of the Code).

The third step of the process is your committee's consideration of the Senate Ethics Officer's inquiry report. When the Senate Ethics Officer has found that a senator has breached the Code, your committee is to recommend appropriate remedial measures or sanctions to the Senate. As part of its study, the committee is to afford the senator who is the subject of the inquiry an opportunity to be heard (subsection 49(2)). The committee is required to act

promptly in its consideration of an inquiry report from the Senate Ethics Officer (subsection 49(1)).

The fourth and final step of the process consists of the Senate's consideration and disposal of your committee's report and recommendations. The Senate itself exercises final and exclusive authority concerning a breach of the Code and the appropriate remedial measures or sanctions. This constitutes an exercise of the Senate's privilege to discipline its members. As with any other committee report, a report containing your committee's recommended remedial measures and sanctions against a senator may be debated and amended before being disposed of.

The Senate Ethics Officer's preliminary review and inquiry must be conducted confidentially and as promptly as circumstances permit (subsections 47(5) and 48(6)). The committee too must act promptly in its consideration of an inquiry report from the Senate Ethics Officer (subsection 49(1)). The [*Rules of the Senate*](#) also ensure a timely disposal of the report of your committee in the Senate (rule 12-30).

As stated above, your committee's *Third Report* of 2014 recommended "a clear, fair and balanced inquiry process." Throughout the enforcement process, a senator whose conduct is under review is to be properly notified at the various steps of the process and on the alleged non-compliance with the Code (subsections 36(4), 47(4) and 48(5) of the Code). The senator must be afforded an opportunity to be heard and make representations at all stages of the process (subsections 47(7), 48(9) and 49(2) of the Code). Subsection 36(2) of the Code requires that the meetings of the committee be held in camera unless the senator who is the subject of an inquiry report makes a request that the meeting be public, in which case the committee may hold its meetings in public.

In the Senate, the consideration of a report from your committee is also subject to special rules to ensure a timely disposal, but not before the senator who is the subject of the report has had an opportunity to speak to the report (rule 12-30). The senator is also afforded the right of final reply (rule 6-12(1)(d) and subsection 51(2) of the Code).

Remedial measures and sanctions

The Senate has granted your committee a broad mandate with respect to the remedial measures and sanctions it can recommend. Subsection 49(4) of the Code lists possible remedial measures and sanctions your committee may recommend to the Senate. This list is non-exhaustive and the committee may recommend all measures and sanctions the Senate itself can impose on its members under its privilege to discipline its members.

Your committee may also recommend as remedial measures and sanctions matters that would normally fall within the mandate of certain other standing committees. Examples include "the reduction or removal of access to Senate resources" (paragraph 49(4)(c) of the Code) that would, in other circumstances, be within the exclusive mandate of the Standing Committee on Budget, Administration and Internal Economy (rule 12-7(1)), and "the removal of assignments ... conferred by the Senate" (paragraph 49(4)(d) of the Code), such as committee membership, which is within the mandate of the Committee of Selection (rule 12-2).

The Committee Study

a. Affording Senator Beyak an Opportunity to be Heard and Attend the Committee's Consideration of the Inquiry Report

As mentioned previously, the Code requires your committee to take into consideration an inquiry report from the Senate Ethics Officer as promptly as circumstances permit (subsection 49(1)). Following receipt of the Inquiry Report on March 19, 2019, your committee acted promptly, first meeting on March 19, March 21 and April 4, 2019 to discuss the process for considering the Inquiry Report, and then meeting on April 10, 2019 to consider the Inquiry Report.

As part of its consideration of the Senate Ethics Officer's Inquiry Report, the committee must afford the senator who is the subject of the report the opportunity to be heard (subsection 49(2)). Accordingly, your committee wrote to Senator Beyak several times during the period between March 22 to April 9, 2019 to afford her the opportunity to appear before the committee on various dates between March 22 and April 10, 2019. During this time Senator Beyak was not always responsive to the committee's correspondence despite repeated efforts by the Clerk of the committee to arrange a date for her appearance before the committee with her office. When Senator Beyak did respond, her correspondence was to indicate she required additional time to consider the Inquiry Report.

In the course of its exchanges with Senator Beyak, the committee offered various dates for her to appear before the committee, and agreed to delay its study twice. The committee also advised her that it would accept any written submissions that she wished to provide prior to its consideration of the Inquiry Report on April 10th. On April 8, 2019, Senator Beyak advised the committee that she had retained counsel to advise her in the preparation of a written response to the Inquiry Report and that she expected to receive her counsel's advice in three weeks. Your committee responded that same day to advise Senator Beyak that it would not further delay its study, and that it would commence its consideration of the report on April 10th as planned. Senator Beyak decided not to appear before the committee, but did provide written submissions to the committee on April 9, 2019.

Your committee determined that its obligation to afford Senator Beyak an opportunity to be heard pursuant to subsection 49(2) of the Code was satisfied by providing the senator multiple reasonable opportunities to appear. Your committee notes that its April 10th meeting to consider the Inquiry Report was held four weeks after the report's tabling in the Senate, which itself was many weeks after Senator Beyak was first given the report for review in draft form according to the Inquiry Report. Therefore, your committee is of the view that Senator Beyak did not avail herself of the opportunity to appear before the committee, which is her right.

Further, your committee is of the view that Senator Beyak did not uphold her responsibilities pursuant to the Code. Specifically, the Code places upon Senator Beyak the obligation to respect the enforcement process, which specifically includes "The committee study" (subsection 44(2)). The committee delayed its inquiry on twice to afford Senator Beyak additional time to prepare before proceeding with its April 10th meeting. Senator Beyak did

not act appropriately in delaying the committee's study and should have undertaken to promptly reply to all committee correspondence.

The committee also determined that its obligations pursuant to section 36 were met by providing notice to Senator Beyak of its meeting on April 10, 2019 during which the Inquiry Report was considered; however, Senator Beyak chose not to be present. In addition, Senator Beyak made no request for the committee's consideration of the report be heard in public. Accordingly, the meeting of the committee on April 10, 2019 was held in camera.

b. The Senate Ethics Officer's Process and Findings

At its meeting on April 10, 2019, your committee considered the Inquiry Report of the Senate Ethics Officer and the process followed by the Senate Ethics Officer respecting the preliminary review and inquiry of Senator Beyak's conduct. In doing so, the committee assessed whether the Senate Ethics Officer followed the processes in the Code and discharged his responsibilities under the Code.

In this case, the committee is satisfied that at all stages of the process, beginning on January 8, 2018 with the first request for an inquiry from Senator Lankin and subsequent requests from Senators Pratte, Gagné and Omidvar, followed by the Senate Ethics Officer's preliminary review (January 2018 to March 2018) and inquiry (March 2018 to March 2019), and culminating in his Inquiry Report to your committee on March 19, 2019, the Senate Ethics Officer complied with all procedural and substantive requirements provided for in the Code. Your committee is of the view that the Senate Ethics Officer respected the requirements of the Code.

Your committee also considered the written submissions that Senator Beyak provided to the committee for its consideration. In her submissions, Senator Beyak objected to certain conclusions of the Senate Ethics Officer in his Inquiry Report and submitted that he did not afford her due process. Many of the issues raised challenged the Senate Ethics Officer's findings, which are outside the scope of your committee's review. Your committee's jurisdiction does not extend to repeating the inquiry process undertaken by the Senate Ethics Officer to determine whether it would have reached the same conclusions; rather, respect for the enforcement process – an obligation applying to all senators pursuant to subsection 44(3) of the Code – requires respect for the Senate Ethics Officer and his or her findings by all senators, including those on the committee and the senator who is the subject of an inquiry report.

As detailed in the Inquiry Report, the Senate Ethics Officer examined correspondence received by Senator Beyak after a speech she made in the Senate on March 7, 2017; however, the Senate Ethics Officer found that the speech itself was protected by parliamentary privilege. Therefore, the Senate Ethics Officer examined the four letters posted on Senator Beyak's website that were reported to him and additionally reviewed all the letters she received in the wake of the speech. Of the 6,766 letters Senator Beyak received and forwarded to the Senate Ethics Officer, 2,389 supported her speech, 4,282 were critical, and 95 were neutral. In total, the Senate Ethics Officer determined that of the 129 letters posted on Senator Beyak's website, five letters contained racist content but none constituted hate speech. Four of these five letters were those initially reported to the Senate Ethics Officer.

The Senate Ethics Officer found that, in posting racist letters on her website, Senator Beyak failed to uphold the “highest standards of dignity inherent to the position of Senator”, “acted in a way that could reflect adversely on the position of Senator or the Senate,” and “performed a parliamentary function in a manner that was undignified and dishonorable”. As such, the Senate Ethics Officer found that Senator Beyak had breached her obligations under sections 7.1 and 7.2 of the Code by posting letters with racist content on her website. Your committee accepts these findings.

After finding that Senator Beyak breached her obligations under the Code, the Senate Ethics Officer recommended remedial measures pursuant to subsection 48(14) of the Code. The three remedial measures recommended by the Senate Ethics Officer to Senator Beyak were: that Senator Beyak remove the letters from her website that the Senate Ethics Officer determined were in breach of the Code; that Senator Beyak formally apologize for posting of the letters and post that apology on her website; and, that Senator Beyak successfully complete a course acceptable to the Senate Ethics Officer “in cultural sensitivity with an emphasis on Indigenous issues”. Senator Beyak initially agreed to the first measure – the removal of the letters – but later retracted this agreement. Senator Beyak never agreed to the remedial measures requiring an apology or participation in an educational program.

The Senate Ethics Officer found that Senator Beyak’s refusal to remove the letters, after initially agreeing to do so, was an aggravating factor in this case. Your committee notes that Senator Beyak has had ample time to implement the Senate Ethics Officer’s recommendations.

The power of the Senate to suspend one of its members is authoritatively established and there are precedents where the Senate has suspended its members ([Journals of the Senate, February 19, 1998](#), [November 5, 2013](#)).

c. Appropriate remedial measures and sanctions

Pursuant to subsection 49(4) of the Code, the role of your committee in this process after receiving the Inquiry Report on March 19, 2019, is to recommend to the Senate appropriate remedial measures or sanctions to be imposed on Senator Beyak based on the findings of the Senate Ethics Officer that she breached her obligations under the Code.

In considering appropriate remedial measures or sanctions, the committee studied the Inquiry Report and Senator Beyak’s submission. In identifying an appropriate remedial measure or sanction in this and any circumstance, your committee must take into account:

- the seriousness of the breach and its impact on the Senator’s ability to continue to perform their parliamentary duties and functions;
- the effect of the breach on other Senators and on the respect, dignity and integrity of the Senate as an institution; and
- public confidence and trust in the Senate.

Your committee considered various remedial measures and sanctions to ensure that the letters identified as being racist would be removed from Senator Beyak's website and to ensure that Senator Beyak understands her role as a Senator, as well as her corresponding obligations under the Code.

In determining the appropriate remedial measures that would appropriately address Senator Beyak's breaches of the Code, your committee considered Senator Beyak's apparent lack of understanding about racism in Canada, particularly in respect of Indigenous peoples, and the harm caused by racism in society. The committee also considered Senator Beyak's refusal to accept that free speech is not without limits; it is limited particularly for senators by virtue of the Code. The committee further considered Senator Beyak's seeming unwillingness to understand or recognize that racism is unacceptable, that her actions fall far short of the higher standards expected of senators and that her actions were in breach of the Code. Further, your committee considered Senator Beyak's ambivalence towards, and unwillingness to accept, the remedial measures recommended by the Senate Ethics Officer. It reviewed her correspondence with the committee and considered her lack of responsiveness to the committee, which at times required repeated follow-ups by the committee Clerk. As well, your committee took into account Senator Beyak's written submission, which raised issues related to the Senate Ethics Officer's mandate and the performance of his responsibilities but did not address the question before the committee in respect of remedial measures and sanctions.

As parliamentarians, Senators hold a unique public office, one that requires them to confront racism without reservation so as to ensure the integrity of the institution. The Senate as a House of Parliament must defend the principle that all persons are equal in law and in dignity. The suitability of a senator to remain a member is linked to the recognition and respect of this principle. The Supreme Court has underscored in a noted decision that the protection of minority rights is one of the essential constitutional principles that inspire our whole structure of government:

We emphasize that the protection of minority rights is itself an independent principle underlying our constitutional order. The principle is clearly reflected in the *Charter's* provisions for the protection of minority rights. (*Reference re Secession of Quebec*, 1998 2 S.C.R. 217 at 80)

Senators hold a duty to promote such core principles and values of our democratic system. This is particularly so given the Senate's traditional role in acting on behalf of groups under-represented in the House of Commons. As the Supreme Court of Canada has noted:

Over time, the Senate also came to represent various groups that were under-represented in the House of Commons. It served as a forum for ethnic, gender, religious, linguistic, and Aboriginal groups that did not always have a meaningful opportunity to present their views through the popular democratic process. (*Reference re Senate Reform*, 2014 SCC 32 at 16).

Your committee believes that there is a collective responsibility for all senators to ensure that the racist letters are removed from Senator Beyak's website. Ensuring the integrity of the institution requires nothing less. Each Senator is bound to maintain the integrity of the Senate.

Your committee is troubled that Senator Beyak appears unwilling or unable to recognize the harm that is caused through the dissemination of racist material. Your committee is further concerned with Senator Beyak's unwillingness to accept that her conduct is directly contrary to the Code and the fundamental principle of our constitutional order.

When Senators join the Senate, they undertake to abide by the Code and the [Rules of the Senate](#). The Senate as a whole adopts its rules of conduct, and all senators must abide by them. Your committee again stresses the need for all senators to be aware of the Code, to be bound by the Code, and under section 45 of the Code are required to affirm in writing that they have read the Code and confirm they are in compliance with it.

Your committee is particularly troubled by Senator Beyak's seeming lack of respect for the enforcement process established in the Code and what it requires of senators. Specifically, subsection 48(7) of the Code states that "Senators shall cooperate without delay with the Senate Ethics Officer in respect of any inquiry", and subsection 44(3) requires that "Senators shall respect in all particulars the enforcement process established by the Code". In delaying the work of the Senate Ethics Officer and the committee, Senator Beyak does not meet your committee's expectations of how senators should conduct themselves in respect of an enforcement process under the Code.

Your committee finds Senator Beyak's conduct wanting in several ways, including: her failure to recognize – or decision not to acknowledge – that the content of the letters in question is racist; her actions that contributed to delay in completion of the Senate Ethics Officer's Inquiry; her unwillingness to respond to the committee unless repeatedly prompted through its Clerk; and her continued insistence that her conduct was appropriate despite being found to be clearly in breach of the Code. For these reasons, your committee is recommending that Senator Beyak be suspended from the Senate until the end of the current Parliament with certain conditions.

As provided by the [Rules of the Senate](#) and explained by the Speaker in his ruling of October 24, 2013 regarding suspensions:

Honourable senators, for the purposes of examining this issue, it is important to point out one thing: the Senate has the power and privilege to suspend senators, among other things. Under Rule 15-2(1), "[t]he Senate may order a leave of absence for or the suspension of a Senator where, in its judgment, there is sufficient cause." However, this provision is not the origin of that power; it simply recognizes that that power exists. Any parliamentary body has the inherent power to govern its own affairs and discipline its members, with suspension being one of the possible disciplinary measures. On page 64 of the fourth edition of Bourinot's *Parliamentary Procedure and Practice*, it states: "The right of

a legislative body to suspend or expel a member for what is sufficient cause in its own judgment is undoubted. Such a power is absolutely necessary to the conservation of the dignity and usefulness of a body.” (Speaker’s Ruling, [*Journals of the Senate*](#), October 24, 2013).

Your committee is of the view that suspension is particularly appropriate where the breach of the Code is such that the Senator whose conduct is at issue would benefit from time away from the Senate to gain further perspective on the privilege of serving in Canada’s Upper House and the obligations of senators in the course of such service. In addition, the lack of access to Senate resources during a period of suspension may help foster a greater appreciation of those resources and the attendant expectations for their appropriate use.

Your committee emphasizes the seriousness of this matter and its profound disappointment with Senator Beyak’s conduct, which reflects negatively on her, all senators, and the Senate as a whole. In making its recommendations, the committee considered at length the impact Senator Beyak’s conduct has had on the Senate as an institution, on the public and on the public’s perception of the Senate, as well as its effect on individual senators, including her. In making its recommendations to the Senate, your committee underscores the need for recognition that the findings of the Senate Ethics Officer and this report relate only to the posting of racist letters to Senator Beyak’s website and not the content of her 2017 speech in the chamber to which the letters relate, a matter which is protected by parliamentary privilege.

Recommendations

Therefore, your committee recommends:

Recommendation 1:

That, unless Senator Beyak has removed from her website the five letters that the Senate Ethics Officer has identified as containing racist content, the Senate Administration be directed to immediately remove the letters.

Recommendation 2:

That Senator Lynn Beyak be suspended for the duration of the current Parliament, until such time as this suspension is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- a) Senator Beyak, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional or living allowance;
- b) Senator Beyak's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of her suspension;
- c) Senator Beyak shall not receive any other benefit from the Senate during the duration of her suspension; and

- d) notwithstanding paragraphs a), b) and c), during the period of her suspension, Senator Beyak shall have normal access to Senate resources necessary to continue life, health and dental insurance coverage;

That the *Standing Committee on Internal Economy, Budgets and Administration* take any action, as it considers appropriate, pertaining to the management of the office and personnel of Senator Beyak during the duration of her suspension.

Recommendation 3:

That, within 30 days of the adoption of this report, Senator Beyak attend, at her own expense, educational programs related to racism toward Indigenous peoples in Canada and the history of Crown-Indigenous Relations that are pre-approved by the Senate Ethics Officer, and that the Senate Ethics Officer monitor Senator Beyak's participation in the educational programs mentioned above and report, within 15 days of her completing them, to the committee with respect to Senator Beyak's attendance and performance at the educational programs;

And that the committee cause this report of the Senate Ethics Officer to be posted on its website upon its receipt.

Recommendation 4:

That, within 30 days of the adoption of this report, Senator Beyak be provided a briefing by the Clerk of the Senate regarding her role and responsibilities as a senator, including relevant rights, rules and privileges – and limitations thereupon; such briefing may be provided by conference call or by video conference call, at the Senate's expense.

Recommendation 5:

That Senator Beyak apologize to the Senate in writing through a letter addressed to all senators and deposited with the Clerk of the Senate and who will cause such letter

- (a) to be published in the *Journals of the Senate* either:
 - (i) on the next sitting day after the apology is received, or
 - (ii) for the last sitting day if received between the adjournment of the Senate and the prorogation or dissolution of Parliament; and

- (b) to be made publicly available on an appropriate portion of the Senate's website.

Further Consideration by the Senate

Your committee sincerely hopes that Senator Beyak will swiftly comply with the terms of her suspension as recommended in this report if this report is concurred in by the Senate. However, in the event that she does not comply, the committee is aware that by parliamentary convention a suspension ends with the dissolution or prorogation of Parliament and a fixed-term election is approaching. Accordingly, if Senator Beyak fails to comply with the terms of this suspension or is persistent in her view that she has not breached the Code or acted inappropriately, it will be for the Senate in the future to consider options for further action.

Your committee is of the opinion that failure to comply with the intent of the Senate's decision in this matter – even if any order of the Senate ceases to have effect by reason of dissolution or prorogation – would constitute a continuing breach of the Code.