

## ORDER OF REFERENCE

Extract from the *Journals of the Senate* of Thursday, October 1, 2020:

With leave of the Senate,

The Honourable Senator Wells moved, seconded by the Honourable Senators Saint-Germain, Tannas and Cordy:

That the Rules of the Senate be amended:

1. by:

(a) deleting the word “and” at the end of rule 12-3(2)(e) in the English version; and

(b) replacing the period at the end of rule 12-3(2)(f) by the following:

“; and

(g) the Standing Committee on Audit and Oversight, three Senators and two external members.”;

2. by adding the words “, the Standing Committee on Audit and Oversight,” after the words “Conflict of Interest for Senators” to rule 12-3(3);

3. by adding the following new rule 12-3(4):

Restriction on membership

**12-3.** (4) No Senator shall be a member of both the Standing Committee on Internal Economy, Budgets and Administration and the Standing Committee on Audit and Oversight.”;

4. by replacing the portion of rule 12-5 before paragraph (a) by the following:

**“12-5.** Changes in the membership of a committee, except for the ex officio members and members of the Standing Committee on Ethics and Conflict of Interest for Senators and the Standing Committee on Audit and Oversight, may be made by notice filed with the Clerk, who shall have the notice recorded in the Journals of the Senate. The notice shall be signed by:”;

5. by replacing rule 12-6 with the following:

“Quorum of standing committees

**12-6.** (1) Except as provided in subsection (2) and elsewhere in these Rules, the quorum of a standing committee shall be four of its members.

*EXCEPTION*

*Rule 12-27(2): Quorum of committee*

## Audit and Oversight

**12-6.** (2) The quorum of the Standing Committee on Audit and Oversight shall be two Senators and one external member, except in the case of the organization meeting, for which the quorum shall be three Senators.”;

6. by:

(a) deleting the word “and” at the end of rule 12-7(15) in the English version; and

(b) replacing the period at the end of rule 12-7(16) by the following:

“; and

## Audit and Oversight

**12-7.** (17) the Standing Committee on Audit and Oversight, which, for the purposes of integrity, independence, transparency and accountability, shall be authorized, on its own initiative, to:

(a) retain the services of and oversee the external auditors and internal auditors;

(b) supervise the Senate’s internal and external audits;

(c) report to the Senate regarding the internal and external audits, including audit reports and other matters;

(d) review the Senate Administration’s action plans to ensure:

(i) that they adequately address the recommendations and findings arising from internal and external audits, and

(ii) that they are effectively implemented;

(e) review the Senate’s Quarterly Financial Reports and the audited Financial Statements, and report them to the Senate; and

(f) report at least annually with observations and recommendations to the Senate.”;

7. by adding the following new rule 12-9(3):

“Audit and Oversight — access to information

**12-9.** (3) The Standing Committee on Audit and Oversight may review the in camera proceedings of other Senate committees, including any transcripts of meetings, as they relate to the mandate of the Audit and Oversight Committee.”;

8. by replacing rule 12-13 with the following:

“Organization meeting

**12-13.** (1) Except as provided in subsection (2), once the Senate has agreed to the membership of a committee, the Clerk of the Senate shall, as soon as practicable, call an organization meeting of the committee at which it shall elect a chair.

Audit and Oversight — organization meeting

**12-13.** (2) In the case of the Standing Committee on Audit and Oversight, the Clerk of the Senate shall, as soon as practicable after the Senate has agreed to the Senators to serve on the committee, call an organization meeting of the committee at which it shall elect a chair, without the external members having been nominated.

Chair of Audit and Oversight

**12-13.** (3) The chair of the Standing Committee on Audit and Oversight shall be a Senator who is not a member of the recognized party or recognized parliamentary group to which the chair of the Standing Committee on Internal Economy, Budgets and Administration belongs.

Audit and Oversight — nomination of external members

**12-13.** (4) After electing its chair and deputy chair, the Standing Committee on Audit and Oversight shall adopt a report to the Senate nominating two external members for the committee. A former Senator or former member of the House of Commons is not eligible for nomination as an external member. This report must be agreed to by all three Senators who are members of the committee. The report shall include recommendations on remuneration and permissible expenses for the external members, which shall be paid from Senate funds once the report is adopted by the Senate. A similar process shall be followed if a vacancy arises in the position of external member over the course of the session.”;

9. by replacing rule 12-14 with the following:

“Participation of non-members

**12-14.** (1) Except as provided in subsection (2) and elsewhere in these Rules, a Senator who is not a member of a committee may attend and participate in its deliberations, but shall not vote.

*EXCEPTIONS*

*Rule 12-28(2): Participation of non-members*

*Rule 15-7(2): Restrictions if declaration of interest*

*Rule 16-3(6): Speaking at conferences*

Audit and Oversight

**12-14.** (2) Senators who are not members of the Standing Committee on Audit and Oversight shall not attend or participate in its meetings, unless they are appearing as witnesses.”;

10. by replacing the portion of rule 12-16(1) before paragraph (a) by the following:

**“12-16. (1)** Except as provided in subsections (2) and (3) and elsewhere in these Rules, a committee may meet in camera only for the purpose of discussing:”;

11. by renumbering current rule 12-16(2) as 12-16(3), and by adding the following new rule 12-16(2):

“Audit and Oversight — in camera

**12-16. (2)** The Standing Committee on Audit and Oversight shall meet in camera whenever it deals with the in camera proceedings of another committee.”;

12. by replacing the portion of rule 12-18(2) before paragraph (a) by the following:

**“12-18. (2)** Except as provided in subsection (3) and elsewhere in these Rules, a Senate committee may meet when the Senate is adjourned:”;

13. by adding the following new rule 12-18(3):

“Audit and Oversight

**12-18. (3)** The Standing Committee on Audit and Oversight may meet during any adjournment of the Senate.”;

14. by renumbering current rule 12-20(2) to (4) as 12-20(3) to (5), and by adding the following new rule 12-20(2):

“Vote in Audit and Oversight Committee

**12-20. (2)** The external members of the Standing Committee on Audit and Oversight may participate in all proceedings of the committee, but shall not vote on any motion put to the committee.”;

15. by replacing rule 12-22(1) by the following:

“Majority conclusions

**12-22. (1)** Except as provided in subsection (7), a report of a Senate committee shall contain the conclusions agreed to by majority.”;

16. by replacing rule 12-22(2) by the following:

“Presentation or tabling

**12-22. (2)** Except as provided in subsection (8) and elsewhere in these Rules, a committee report shall be presented or tabled in the Senate by the chair or by a Senator designated by the chair.

*EXCEPTION*

*Rule 12-31: Report deposited with the Clerk”;*

17. by adding the following new rules 12-22(7) and (8):

“Reports of Audit and Oversight Committee — content

**12-22.** (7) Any member of the Standing Committee on Audit and Oversight, including an external member, shall have the right to include individual observations and dissenting opinions in any report of the committee if the member so wishes.

Audit and Oversight — report deposited with the Clerk

**12-22.** (8) A report of the Standing Committee on Audit and Oversight may be deposited with the Clerk at any time the Senate stands adjourned, and the report shall be deemed to have been presented or tabled in the Senate.”;

18. by replacing the opening paragraph of the definition of “Committee” in Appendix I, starting with the words “A body of Senators, Members of the House of Commons or both,”, by the following:

“A body of Senators, Members of the House of Commons, members of both houses, or others, appointed by one or both of the two houses to consider such matters as may be referred to it or that it may be empowered to examine, including bills. A Senate committee is, except in the case of the Standing Committee on Audit and Oversight, one composed solely of Senators (as opposed to a joint committee — see below). (Comité)”;

19. by updating all cross references in the Rules, including the lists of exceptions, accordingly.

After debate,

The question being put on the motion, it was adopted.

Richard Denis

*Interim Clerk of the Senate*