



SENATE  
SÉNAT  
CANADA

# FUNDAMENTALS OF SENATE COMMITTEES

July 2025



SENATE | SÉNAT  
CANADA

*Ce document est également disponible en français*

# TABLE OF CONTENTS

INTRODUCTION.....	1
HISTORICAL BACKGROUND OF COMMITTEES .....	2
TYPES OF COMMITTEES .....	3
Committee of Selection .....	3
Standing Committees .....	3
Joint Committees.....	5
Special and Legislative Committees.....	5
Subcommittees.....	6
Committee of the Whole .....	7
COMMITTEE MEMBERSHIP .....	10
Appointment of Members.....	10
Membership Changes.....	10
Non-affiliated Senators.....	12
Ex Officio Members .....	12
Non-members .....	12
MANDATE — ORDERS OF REFERENCE.....	14
Examination of Bills .....	15
Pre-study of Bills Before the House of Commons and Study of the Subject Matter of Bills at Second Reading in the Senate .....	16
Special Studies.....	17
Estimates.....	18
Other Work .....	19
Disallowance of Regulations.....	19
Service Fee Proposals .....	19
POWERS OF COMMITTEES.....	21
In Camera Meetings .....	22
Motions of Instruction.....	23

ORGANIZATION MEETING.....	24
COMMITTEE MEETINGS .....	27
Meeting Notices .....	27
Meeting Times .....	27
Quorum.....	28
General Restrictions on Committee Meetings.....	28
PROCEDURE.....	30
Role of the Chair, Deputy Chair and the Subcommittee on Agenda and Procedure.....	30
Motions.....	31
Debate.....	31
Voting.....	31
Points of Order and Questions of Privilege in Committee.....	32
WITNESSES.....	33
Ministers and Public Servants.....	33
Provincial and Territorial Governments.....	34
Sending for Persons, Papers and Records .....	34
Steps to Exercise the Power to Send for Persons, Papers and Records.....	35
Oaths .....	36
Parliamentary Privilege.....	37
Official Languages.....	37
Third Language Interpretation.....	38
Expenses.....	38
Videoconferencing .....	38
BUDGETS .....	39
Committees Directorate Expenditures .....	39
Budget Process .....	39
Partial Releases .....	40
Supplementary Budget.....	41

Emergency Funds .....	41
COMMITTEE TRAVEL.....	42
Power to Travel .....	42
Travel for Committee Meetings and Fact-Finding Work .....	42
COMMITTEE REPORTS .....	43
Reporting to the Senate .....	43
Report with Observations or Recommendations .....	44
Reporting Dates.....	44
Tabling or Presenting a Report .....	44
Depositing a Report with the Clerk .....	45
Motions to Adopt Reports .....	45
Standing Committee on Ethics and Conflict of Interest for Senators Reports ...	46
Government Responses.....	46
Confidentiality of Committee Reports .....	48
COMMITTEE DOCUMENTS.....	49
Minutes of Proceedings and Evidence .....	49
Reports to the Senate.....	49
Briefs, Submissions, Correspondence and Other Documents .....	50
Exhibits and Other Documents .....	50
EXTERNAL RELATIONS.....	50
Media .....	50
Broadcasting.....	50
Senate of Canada Website.....	51
ADMINISTRATION OF COMMITTEES .....	52
Committees Directorate .....	52
Committee Clerk.....	52
Administrative Assistant.....	53
Legislative Clerk.....	53
Logistics Officer .....	54

Analyst..... 54  
Communications Officer..... 54  
Consultant..... 55

# INTRODUCTION

This document outlines how Senate committees function and describes the role and work of both committee members and committee staff. This document is intended for use as a reference tool for parliamentarians, their staff and interested members of the public.

Much of the valuable work done in the Senate is accomplished by its committees. On average, over 40 bills are examined and 40 special studies are undertaken each year by the Senate's standing, joint and special committees. The studies conducted and reports produced by committees are welcomed by a variety of audiences, including government departments, academics, professional organizations, interest groups, corporations and members of the public.

Committees are governed by the *Rules of the Senate* (Rules), mainly in Chapter 12, which deals specifically with committees. Since the Rules generally apply in committee meetings, situations not provided for in Chapter 12 may be addressed in other parts of the Rules, with such modifications as the circumstances require.<sup>1</sup> In determining the proper procedure to follow, various procedural authorities may be consulted for guidance in addition to the *Rules of the Senate* and parliamentary practice and precedents.<sup>2</sup>

Although the Rules and practices of the Senate broadly apply to committees, there is often considerable flexibility: “proceedings in committees are more relaxed in nature than those in the [Senate,] as the requirements which must be observed in the Chamber are not so strictly enforced when Members sit as committees.”<sup>3</sup>

---

<sup>1</sup> Rules 1-1(2) and 12-20(5).

<sup>2</sup> Such authorities include *Senate Procedure in Practice*; Bosc, M., and Gagnon, A., *House of Commons Procedure and Practice*, Ottawa, House of Commons, 3rd ed., 2017; May, T.E., *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th ed., edited by Sir David Natzler KCB and Mark Hutton, London, LexisNexis, 2019; and Bourinot, J.G., *Parliamentary Procedure and Practice in the Dominion of Canada*, 4th ed., edited by T.B. Flint, Toronto, Canada Law Book Co., 1916.

<sup>3</sup> Beauchesne, *Beauchesne's Rules and Forms of the House of Commons of Canada*, 6th ed., §762, p. 223.

# HISTORICAL BACKGROUND OF COMMITTEES

Committees first emerged during the early 14th century in the British House of Commons.<sup>4</sup> They were also an integral part of parliamentary work in pre-Confederation in Canada.

The Senate of Canada established its first committee on the second day of the First Parliament in 1867, when a committee was struck “to consider of the Orders and Customs of this House, and Privileges of Parliament.”<sup>5</sup> The first *Rules of the Senate* contained two sections devoted to committees. They had limited powers and no fixed quorum.

In 1894, the Senate revised its Rules to establish 10 standing committees (those established under the Rules). Two were joint committees with the House of Commons. Each committee was established with a fixed number of members. For the next 74 years, committees continued under this arrangement with only minor changes.

In 1968, a major restructuring of committees occurred. Some committees were renamed, new ones were created, and general areas of jurisdiction were defined. After this reorganization, there were eight standing Senate committees and three standing joint committees. Over the years, this number gradually increased. In 1983, the size of most standing committees was reduced from 20 to 12 members, with a corresponding reduction in quorums.

---

<sup>4</sup> For a history of the evolution of committees in the British Parliament, see Redlich, *The Procedure of the House of Commons: A Study of Its History and Present Form*, Volume 2, pp. 203-214. For a description of committees before Confederation, see O'Brien “Pre-Confederation Parliamentary Procedure...”.

<sup>5</sup> *Journals of the Senate*, November 7, 1867, p. 60.



# TYPES OF COMMITTEES

## Committee of Selection

The Committee of Selection (SELE) is appointed when a motion to that effect is adopted by the Senate at the beginning of each session. The committee is composed of nine senators, and six members constitute a quorum.<sup>6</sup> To the extent possible, its membership should be proportionate to the membership of the recognized parties and recognized parliamentary groups.<sup>7</sup> The committee is responsible for nominating members to serve on the standing and joint committees.<sup>8</sup> SELE may also, from time to time, propose changes to the membership of committees.<sup>9</sup> In addition, SELE is responsible for assigning offices to senators when these are not assigned by the caucuses or recognized parliamentary groups.<sup>10</sup> Pursuant to rule 12-2(4), SELE is neither a standing nor a special committee.<sup>11</sup>

## Standing Committees

Standing committees are established by the *Rules of the Senate* and exist for the duration of each session of Parliament. They cease to exist upon prorogation or dissolution of Parliament. There are three exceptions. The Standing Committee on Internal Economy, Budgets and Administration (CIBA) which, pursuant to the Parliament of Canada Act, continues to operate during a period of prorogation or dissolution until its successor is appointed in the new session or Parliament through a report of SELE or a motion to that effect adopted by the Senate.<sup>12</sup> In addition, the *Ethics and Conflict of Interest Code for Senators* provides that the members of the Standing Committee on Ethics and Conflict of Interest for Senators (CONF) form a new body known as the Intersessional Authority on Ethics and Conflict of Interest for Senators during any period of prorogation or dissolution. The authority can provide general direction to the Senate Ethics Officer and carry out other functions that the committee delegated to it by resolution before prorogation or

---

<sup>6</sup> Rule 12-2(5).

<sup>7</sup> Rule 12-1.

<sup>8</sup> Rule 12-2(1).

<sup>9</sup> Rule 12-2(3)(b).

<sup>10</sup> *Senate Administrative Rules*, Chapter 4:03, s. 2(2).

<sup>11</sup> See also *Journals of the Senate*, May 28, 2013, pp. 2567-2568. However, during the 42nd, 43rd and 44th legislatures, the SELE committee became a standing committee under a sessional order.

<sup>12</sup> *Parliament of Canada Act*, R.S.C. (1985), c. P-1, subsection 19.1(2). The membership of the committee can be changed by the Leader of the Government in the Senate, or the nominee of the Leader, and the Leader of the Opposition in the Senate, or the nominee of the Leader, during an intersessional period (subsection 19.1(3)).

dissolution.<sup>13</sup> Finally, in the 43rd Parliament, the Standing Senate Committee on Audit and Oversight (AOVS) was formed by an amendment to the *Rules of the Senate*.<sup>14</sup> The *Senate Audit and Oversight Charter* provides that, during prorogation or dissolution of Parliament, the members of AOVS form an Intersessional Authority on Audit and Oversight, with a mandate to maintain and continue some of the audit functions of the standing committee. The Chief Audit Executive and the internal and external auditors retained by the Senate carry out their work under the general direction of the Intersessional Authority.<sup>15</sup> These two intersessional authorities continue to operate until new members are appointed in a new session or Parliament.

There are currently 17 standing committees:

- Indigenous Peoples (APPA);
- Agriculture and Forestry (AGFO);
- Audit and Oversight (AOVS);
- Banking, Commerce and the Economy (BANC);
- Ethics and Conflict of Interest for Senators (CONF);
- Energy, the Environment and Natural Resources (ENEV);
- Fisheries and Oceans (POFO);
- Foreign Affairs and International Trade (AEFA);
- Human Rights (RIDR);
- Internal Economy, Budgets and Administration (CIBA);
- Legal and Constitutional Affairs (LCJC);
- National Finance (NFFN);
- National Security, Defence and Veterans Affairs (SECD);
- Official Languages (OLLO);
- Rules, Procedures and the Rights of Parliament (RPRD);
- Social Affairs, Science and Technology (SOC);
- Transport and Communications (TRCM).

The size of the membership of these committees, the number of members required for quorum and the general areas of study of each committee are outlined in rules 12-3, 12-4, 12-6 and 12-7.

---

<sup>13</sup> *Ethics and Conflict of Interest Code for Senators*, sections 38 and 39.

<sup>14</sup> Rule 12-7(4)

<sup>15</sup> *Senate Audit and Oversight Authority*, Chapter Eight: Intersessional Authority.

Committees usually range in size from 5 to 15 members. Most committees are composed of 12 members<sup>16</sup> and require a quorum of four.

## Joint Committees

Joint committees are composed of both senators and members of the House of Commons. Their membership typically reflects the relative size of the two houses. Such committees exist under the Rules of each house (standing joint committees) or are formed by a motion adopted by each house (special joint committees). Joint committees typically deal with non-legislative issues of interest to both houses. Once senators have been appointed to serve on a joint committee, a message containing the list of Senate members is sent to the House of Commons. Similarly, once the House of Commons membership is determined, the list is sent from the House of Commons to the Senate by way of message. Joint committees have joint chairs from both the Senate and the House of Commons. The joint chairs may preside over a meeting together or alternately. The practices governing joint committees are a mixture of those of the two houses. There are two standing joint committees: the Standing Joint Committee for the Scrutiny of Regulations (REGS) and the Standing Joint Committee on the Library of Parliament (BILI). Special joint committees may also be struck. The Special Joint Committee on Medical Assistance in Dying (AMAD), from the Second Session of the 43rd Parliament, and the Special Joint Committee on the Declaration of Emergency (DEDC) from the 44th Parliament are examples.

## Special and Legislative Committees

Following the adoption of a motion, a special committee can be established to consider a specific bill or undertake a study on a particular issue. Previous examples include a number of special committees struck during the First Session of the 42nd Parliament, such as the Special Committee on Senate Modernization (MDRN), the Special Committee on the Charitable Sector (CSSB) and the Special Committee on the Arctic (ARCT). Unlike standing committees, special committees cease to exist once they submit their final report to the Senate. If a session ends prior to the date that a special committee is to report, a new motion establishing the committee must be adopted in the new session or Parliament if the Senate wishes the committee to complete its work.

A motion to establish a special committee requires two days' notice and sets out the parameters of

---

<sup>16</sup> During the 42nd, 43rd and 44th Parliaments, the Senate adopted sessional orders to increase the number of members of certain committees provided for under rules 12-3(1) and (2) during a given period (see *Journals of the Senate*, December 7, 2016, pp. 1084-1088; November 20, 2018, pp. 4037-4040; March 11, 2020, pp. 413-415 and November 25, 2021, pp.64-65).

the committee's study.<sup>17</sup> The motion normally establishes the date by which the committee must submit its final report and sometimes includes other provisions (such as the power to travel or to contract professional services). The membership of a special committee may be either set out in the motion establishing the committee or be recommended to the Senate by SELE. Subsequently, membership changes for special committees are made in the usual manner.

While the Rules also provide for legislative committees, there are no known cases of such a committee ever being formed.<sup>18</sup> Instead, special committees have been set up to study bills. Some past examples include the Special Senate Committee on Bill C-36, the Anti-terrorism Act (SM36) (First Session of the 37th Parliament) and the Special Senate Committee on Bill C-20, (CLAR) (Second Session of the 36th Parliament). Under the Rules, legislative committees must have no more than 12 members.<sup>19</sup>

## Subcommittees

A subcommittee is a smaller body formally established by a committee from among its membership to perform tasks or functions delegated to it by the full committee. Most committees establish a Subcommittee on Agenda and Procedure (also called the "steering committee").<sup>20</sup> Committees can establish subcommittees to deal with other business, including bills or special studies. For example, the Standing Senate Committee on National Security and Defence and Veterans Affairs (SECD) often establishes a Subcommittee on Veterans Affairs (VEAC). The Standing Committee on Internal Economy, Budgets and Administration also creates a number of subcommittees to study issues specific to the internal administration of the Senate, such as human resources, the long term vision and plan, and the Senate estimates.

A subcommittee hears witnesses and receives evidence much like a regular committee. To do so, the parent committee usually delegates many of the powers it has received from the Senate to a subcommittee (e.g., the power to publish evidence or broadcast). A subcommittee cannot, however, report to the Senate directly. Any report it adopts must first be adopted by the parent committee, which then reports it to the Senate.<sup>21</sup> In addition, the budget of a subcommittee is the

---

<sup>17</sup> Rule 5-6(1)(d).

<sup>18</sup> See the definition of "legislative committee" under "committee" in Appendix I of the *Rules of the Senate*, and rule 12-11.

<sup>19</sup> Rule 12-11.

<sup>20</sup> For more information on the role of the Subcommittee on Agenda and Procedure, see the section on organization meetings later in this document.

<sup>21</sup> Rule 12-12(6) states that "[a] subcommittee shall report to the committee that appointed it."

responsibility of its parent committee.<sup>22</sup>

Practice is that the chair of the committee is also chair of the Subcommittee on Agenda and Procedure. The deputy chair is also normally a member of the steering committee, as well as one or two other senators, designated after the usual consultations. There have been instances where the Senate has authorized certain Senate committees to elect more than one deputy chair,<sup>23</sup> in which case the second deputy chair has also been a member of the steering committee.

Other subcommittees typically have a formal organization meeting, similar to that for a full committee.<sup>24</sup> The chair and deputy chair of the subcommittee are normally elected at this meeting, although they can be designated by the parent committee. The size of any subcommittee is limited to no more than half the number of members of the parent committee, three of whom constitute a quorum.<sup>25</sup> Procedure in subcommittees generally follows that of committees. One notable distinction is that, while a full committee can in most cases meet in camera only in very restricted circumstances,<sup>26</sup> subcommittees can do so at any time, except when conducting clause-by-clause consideration of a bill.<sup>27</sup> In practice, however, subcommittees always hear from witnesses in public.<sup>28</sup>

## Committee of the Whole

A Committee of the Whole is a committee composed of all senators. It meets in the Senate Chamber, most often to deal with a bill or another matter when expediency is sought. Proceedings in a Committee of the Whole are less formal than other proceedings in the chamber and combine elements of procedures followed in the chamber and in committees.

A Committee of the Whole exists only for the duration of the mandate given to it by the Senate, usually a matter of hours. Although no notice is required for a motion to resolve the Senate into a Committee of the Whole,<sup>29</sup> the decision is usually made in advance, allowing for the necessary

---

<sup>22</sup> *Senate Administrative Rules*, Chapter 3:05, s. 5.

<sup>23</sup> See *Journals of the Senate*, November 7, 2017, pp. 2640-2646; and March 11, 2020, pp. 413-415.

<sup>24</sup> For more information, see the section on organization meetings later in this document.

<sup>25</sup> Rules 12-12(2) and (3).

<sup>26</sup> Rule 12-16. See also the section on in camera meetings later in this document.

<sup>27</sup> Rule 12-12(5).

<sup>28</sup> See *Journals of the Senate*, June 7, 1999, pp. 682-684.

<sup>29</sup> Rules 5-7(o) and 12-31(1).

planning.<sup>30</sup> Proceedings of a Committee of the Whole are recorded in the *Journals of the Senate*<sup>31</sup> and published in the *Debates of the Senate*. They are broadcast in the same manner as committee proceedings and Senate meetings.

When the Senate begins proceedings in a Committee of the Whole, the mace is removed from the table and placed beneath to indicate that the Senate is sitting as a committee.

The Speaker of the Senate does not preside over the Committee of the Whole. Instead, another senator, usually the Speaker pro tempore, presides as the chair of the committee, sitting at the head of the clerk's table instead of in the Speaker's chair.<sup>32</sup> Witnesses may also be invited to appear before the committee.<sup>33</sup> While a minister normally sits at one of the senators' desks near the government leader's place, all other witnesses usually sit at a convenient location in the central aisle.

The *Rules of the Senate* apply in a Committee of the Whole, with the following exceptions:<sup>34</sup>

- senators address the chair if they wish to speak;
- senators are not obliged to stand or to speak from their designated places;
- senators may speak any number of times;
- each intervention by a senator is limited to 10 minutes at a time;
- any standing vote is taken immediately, without bells to call in the senators;
- there can be no arguments against the principle of a bill;
- there can be no motions for the previous question<sup>35</sup> or for an adjournment; and
- except for substantive amendments to private bills,<sup>36</sup> notice is not required for a motion or an amendment.

At any time, a senator may move either “that the chair do now leave the chair” or “that the chair do now report progress and ask leave to sit again.”<sup>37</sup> These motions are decided without debate or

---

<sup>30</sup> See, for example, *Journals of the Senate*, December 14, 2017, pp. 2869-2870; June 22, 2020, pp. 556-557; and December 17, 2024, p. 3432.

<sup>31</sup> Rule 12-31(2).

<sup>32</sup> Bourinot states: “There is no chairman of committees in the Senate, regularly appointed at the commencement of every session, as in the House of Lords; but the speaker will call a member to the chair” (p. 393). For an example of a senator other than the Speaker pro tempore presiding as the chair of a Committee of the Whole, see *Journals of the Senate*, June 12, 2012, p. 1384.

<sup>33</sup> Rule 12-31(5).

<sup>34</sup> Rule 12-31(3).

<sup>35</sup> See Chapter 5 of *Senate Procedure in Practice* for more details on motions for the previous question.

<sup>36</sup> Rule 11-16.

<sup>37</sup> Rule 12-32(1)

amendment.<sup>38</sup> If the first motion is adopted, the chair leaves the chair and does not make a report to the Senate and the bill or subject under consideration by the Committee of the Whole is dropped from the Order Paper.<sup>39</sup> If the second motion is adopted, the chair reports progress and then requests authority to sit again. If this authority is granted, the committee will sit again either that day or on a later day.<sup>40</sup> Once a Committee of the Whole has completed its work, the chair reports to the Senate and may ask for permission to sit again. If permission is not sought or not granted, the committee will not sit again on the matter, and the item will be dropped from the Order Paper.

If business arises requiring the attention of the Senate (notably Royal Assent), the Speaker takes the chair immediately, without awaiting a report, and the committee then continues after the business has been disposed of.<sup>41</sup> A message from the House of Commons does not interrupt a Committee of the Whole. The message is read when the Senate resumes.<sup>42</sup>

If a Committee of the Whole is still sitting at 7 p.m., its proceedings are interrupted, to resume at 8 p.m.<sup>43</sup> An exception to this provision must be granted by the Senate itself, not by the Committee of the Whole.

---

<sup>38</sup> Rule 12-32(1)(a).

<sup>39</sup> Rule 12-32(2).

<sup>40</sup> See *House of Commons Procedure and Practice*, 3rd ed., p. 934. Bourinot (p. 399), notes that, if a Committee of the Whole reports progress and seeks authority to sit again, the Speaker will then ask, "When shall the committee have leave to sit again?" A time will then be appointed for the future sitting of the Committee of the Whole.

<sup>41</sup> See *House of Commons Procedure and Practice*, 3rd ed., p. 935.

<sup>42</sup> See *House of Commons Procedure and Practice*, 3rd ed., p. 935.

<sup>43</sup> Rule 3-3(1).

# COMMITTEE MEMBERSHIP

## Appointment of Members

The motion to appoint members to SELE is normally moved after the Speaker reports the Speech from the Throne. The motion can be debated, amended and adjourned. In many cases, the motion is moved and adopted during the same sitting. The recommendations of SELE take effect when its report is adopted by the Senate.

In practice, leaders, representatives or facilitators of recognized parties and recognized parliamentary groups negotiate the number of seats for each party or group on the various committees. Each recognized party or recognized parliamentary group is free to decide how it will allocate the seats among its members. In practice, senators indicate their preference to sit on a particular committee to their leader, representatives or facilitator in the Senate prior to the first meeting of SELE. New senators who are appointed to the Senate mid-session may also express their interest in serving on a specific committee.

The membership of the Standing Committee on Ethics and Conflict of Interest for Senators (CONF) is appointed in a manner different from that of other committees. The government and opposition caucuses each elect, by secret ballot, two senators to sit on the committee. These four senators together elect a fifth senator.<sup>44</sup> Once all five members have been chosen, the Leader or Representative of the Government moves a motion in the Senate, seconded by the Leader of the Opposition, and the leader or facilitator of the recognized party or recognized parliamentary group with the most members, other than, if applicable, the recognized parties or recognized parliamentary groups to which either the Leader or Representative of the Government, or the Leader of the Opposition belongs, to appoint the members of the committee. The motion is deemed adopted without debate or vote.<sup>45</sup> A similar motion is moved for any substitution in the membership of the committee. If a vacancy occurs, the replacement member is elected by the same method as the former member being replaced.<sup>46</sup>

## Membership Changes

Once senators are appointed to committees, rule 12-2(2) provides that their membership

---

<sup>44</sup> *Ethics and Conflict of Interest Code for Senators*, subsection 35(4).

<sup>45</sup> Rule 12-26(1) and the *Ethics and Conflict of Interest Code for Senators*, subsection 35(5).

<sup>46</sup> Rule 12-26(1) and *Ethics and Conflict of Interest Code for Senators*, subsection 35(8).



continues for the duration of the session. Nevertheless, under rule 12-5, membership changes may be made during a session by the leader or facilitator of a recognized party or recognized parliamentary group, or their delegate, for members of that party or group, except in the case of the Committee on Ethics and Conflict of Interest for Senators<sup>47</sup> and the Standing Committee on Audit and Oversight.<sup>48</sup> The Clerk of the Senate must receive written notification of any committee membership changes signed by the leader, facilitator or representative. In practice, the Committees Directorate, acting on behalf of the Clerk of the Senate, receives these notices directly. The changes are then recorded in the *Journals of the Senate*. A copy of the notice is also forwarded to the appropriate committee clerk for inclusion in the committee's official records.

Membership changes are not temporary. They result in the permanent removal and replacement of a senator from the membership of a committee. The senator removed in this way is no longer a member of the committee, unless another notice is submitted reinstating the senator's membership on the committee. Once replaced, the senator loses all privileges of membership, including the right to vote, to move a motion in committee and to be counted towards quorum.

The chair and deputy chair of a committee are normally not replaced. As noted in a report of the Standing Committee on Rules, Procedures and the Rights of Parliament:

Upon being replaced, the chair is no longer a member of the committee and cannot, therefore, be its chair. It ensues that the committee is no longer properly constituted because it does not have a chair. The deputy chair cannot act for the chair since he or she may only replace the chair in his or her absence, but may not replace him or her if the chair position is vacant. Therefore, should the chair of a committee be replaced, the first item of business should be the election of a new chair. Such an election is presided over by the clerk of the committee. Should the former chair of the committee be re-appointed to the committee, he or she would have to be elected anew as chair of the committee before resuming his or her functions.<sup>49</sup>

A membership change can indicate that the name of the replacement will follow. The committee

---

<sup>47</sup> Under subsection 35(7) of the *Ethics and Conflict of Interest Code for Senators*, a member is deemed removed from the Standing Committee on Ethics and Conflict of Interest for Senators if the Senate Ethics Officer informs the committee that a request for an inquiry made by the senator is warranted or the senator becomes the subject of an inquiry under the Code. When 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 (subsection 35(8) of the Code).

<sup>48</sup> Under rule 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.

<sup>49</sup> Sixth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, tabled in the Senate on October 8, 2009.

can continue to function, as long as it has quorum.<sup>50</sup>

## Non-affiliated Senators

Non-affiliated senators, who are not members of a recognized party or recognized parliamentary group in the Senate, may be appointed to committees. However, rule 12-5 does not provide a process for non-affiliated senators to make changes to committee membership. In the 44<sup>th</sup> and 45<sup>th</sup> Parliaments, pursuant to reports of SELE, non-affiliated senators could voluntarily choose to be under the responsibility of the whip of one of the parties for the purpose of membership changes by indicating this in writing to the Clerk of the Senate.

## Ex Officio Members

The Leader or Representative of the Government, the Leader of the Opposition, and the leaders or facilitators of the three recognized parties or recognized parliamentary groups with the most members — other than, if applicable, the recognized parties or recognized parliamentary groups to which either the Leader or Representative of the Government, or the Leader of the Opposition belongs — are ex officio members of all committees except the Standing Committee on Ethics and Conflict of Interest for Senators, the Standing Committee on Audit and Oversight, and the joint committees and subcommittees.<sup>51</sup> Ex officios (or their deputy leaders or deputy facilitators in their absence) count towards quorum, can move motions and can raise points of order. However, only the Leader or Representative of the Government, and the Leader of the Opposition, or, in their absence, their respective deputies, may vote.<sup>52</sup>

The leaders or deputy leaders of the parties can also sit as “regular” (non-ex officio) members, either by being recommended as a member in a report of SELE or by replacing another member on the committee, in which case they vote like any other member and have only one vote, not two.

## Non-members

Even if senators are not members of a committee, they can attend and participate in the meetings

---

<sup>50</sup> See Speaker’s ruling, *Journals of the Senate*, May 9, 2007, p. 1511.

<sup>51</sup> Pursuant to rule 12-3(3), for the purposes of this provision, in case of absence, the Leader or Representative of the Government is replaced by the Deputy Leader or Legislative Deputy of the Government, the Leader of the Opposition is replaced by the Deputy Leader of the Opposition, and the leader or facilitator of any other recognized party or recognized parliamentary group is replaced by that Senator’s deputy leader or deputy facilitator.

<sup>52</sup> Rule 12-3(4).

of most committees, whether the meetings are held in public or in camera.<sup>53</sup> One exception is the Standing Committee on Ethics and Conflict of Interest for Senators. Only the members of the committee and, with the committee's consent, a senator who is the subject of an inquiry report from the Senate Ethics Officer being considered by the committee, can attend and participate when it meets in camera.<sup>54</sup> Another exception is the Standing Committee on Audit and Oversight. 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.<sup>55</sup>

While they can attend and participate in committee deliberations, non-members are not allowed to vote or to count toward quorum.<sup>56</sup> Nor can they move motions or raise points of order.<sup>57</sup>

The right of access to and participation in subcommittees is somewhat more limited. A Speaker's ruling on June 7, 1999, sustained on appeal, stated the following:

Senators retain the right to attend and participate in meetings of subcommittees whenever they are meeting publicly. It is less clear that Senators have that right when subcommittees are meeting *in camera* for the purpose of considering issues that are subsequently reviewed and endorsed by the committee.

The opportunity for them to comment on the recommendations that are developed by subcommittees will come when they are considered by the committee.<sup>58</sup>

---

<sup>53</sup> Rule 12-14. The situation is slightly different with regard to subcommittees.

<sup>54</sup> Rule 12-27(2). As discussed later in this document, the right of non-members to participate in the work of subcommittees during in camera meetings is also more limited.

<sup>55</sup> Rule 12-14. (2)

<sup>56</sup> Rules 12-6(1) and 12-14(1).

<sup>57</sup> See Beauchesne, 6th ed., §766, pp. 223-224; *House of Commons Procedure and Practice*, 3rd ed., p. 768; *House of Commons Procedure and Practice*, 1st ed., pp. 857-858; and Speaker's ruling, *Journals of the Senate*, June 7, 1999, pp. 1682-1684: "Non-members are prohibited from voting and they cannot move motions or be part of the committee's quorum."

<sup>58</sup> *Journals of the Senate*, June 7, 1999, p. 1684.

## MANDATE — ORDERS OF REFERENCE

An order of reference is a decision of the Senate empowering a committee to undertake the study of an issue, bill or other matter. It establishes the scope of the study and may also confer other powers the committee needs to conduct the study.

While the Rules establish general mandates for committees, these serve only as guidelines regarding the type of matters that may be referred to each committee. In most cases, they do not provide the authority to conduct work without a distinct order of reference from the Senate. Normally, the Senate only refers to a committee matters that fall within its general mandate as set out in the Rules. Unlike House of Commons committees, the mandates of Senate committees are not structured to focus on one government department. As such, a particular issue may fall within the general mandate of more than one committee. In these cases, the Senate will decide which committee should conduct the study. Despite a committee's general mandate, the Senate may decide to refer any matter to any committee.<sup>59</sup>

There are two broad types of orders of reference: (1) an order of reference for a bill, the subject matter of a bill or the expenditures set out in the estimates;<sup>60</sup> and (2) an order of reference to study a particular topic (which is called a "special study").

Only five committees have permanent orders of reference and are empowered by the Rules to act on their own initiative without additional authority from the Senate. The Standing Committee on Rules, Procedures and the Rights of Parliament is empowered to propose amendments to the *Rules of the Senate* and "to consider the orders and practices of the Senate and the privileges of Parliament."<sup>61</sup> The Standing Committee on Internal Economy, Budgets and Administration may consider financial and administrative issues relating to the Senate's internal administration, subject to the *Senate Administrative Rules*.<sup>62</sup> The Standing Committee on Ethics and Conflict of Interest for Senators exercises general direction over the Senate Ethics Officer and is responsible for all matters relating to the *Ethics and Conflict of Interest Code for Senators*.<sup>63</sup> The Standing Committee on Audit and Oversight is mandated to undertake, on its own initiative, a number of actions for the purposes

---

<sup>59</sup> Rule 12-8(1).

<sup>60</sup> "The estimates are the expenditure plans of all government departments, consisting of main estimates, tabled annually, and supplementary estimates, tabled as required" (*House of Commons Procedure and Practice*, 3rd ed., p. 920, n. 4).

<sup>61</sup> Rules 12-7(2)(a) and (c).

<sup>62</sup> Rule 12-7(1).

<sup>63</sup> Rule 12-7(3)(a) and (b).

of review and oversight of the Senate’s internal and external audits.<sup>64</sup> SELE can propose changes to the membership of a committee.<sup>65</sup> Another committee, the Standing Joint Committee for the Scrutiny of Regulations, has an ongoing mandate provided in the *Statutory Instruments Act*<sup>66</sup> to review regulations made by order in council.

Other committees receive orders of reference through motions adopted by the Senate. A committee cannot begin formal work and hearings before the Senate adopts an order of reference authorizing it to do so. A bill is referred to a committee by means of a non-debatable procedural motion moved immediately after second reading.<sup>67</sup> In the case of a special study, it is often the committee that develops the wording of the motion authorizing the study, which is then proposed in the Senate by the chair or another senator.<sup>68</sup> Any senator may, however, take the initiative to move a motion for an order of reference without consulting the committee in question. Furthermore, a motion before the Senate may be referred to a committee by means of a superseding motion.<sup>69</sup>

## Examination of Bills

Committee consideration of bills is an important part of the legislative process. While not obligatory, most bills are referred to committee after second reading,<sup>70</sup> allowing senators the opportunity to study the bill in detail, to receive public input and to propose changes.

The motion to refer a bill to a committee for study is moved immediately after the motion for second reading is adopted. As indicated, notice is not required for this motion, and it does not include a deadline for the committee to present its report on the bill.<sup>71</sup>

---

<sup>64</sup> Rule 12-7(4).

<sup>65</sup> Rule 12-1.

<sup>66</sup> *Statutory Instruments Act*, R.S.C., 1985, c. S-22, s. 19.

<sup>67</sup> No notice is required for such a motion (rule 5-7(b)).

<sup>68</sup> When the motion for a special study is a substantive (separate) motion, as is usually the case, one day’s notice is required (rule 5-5(j)).

<sup>69</sup> No notice is required for such a motion (rule 5-7(b)). For more information on superseding motions, see Chapter 5 of *Senate Procedure in Practice*.

<sup>70</sup> The major exceptions are appropriation bills, which are only rarely referred to committee after second reading. It may be noted, however, that the expenditures set out in the estimates, on which a particular appropriation bill is directly based, are usually examined by a committee, although this also is not obligatory. All projected expenditures are typically examined by the Standing Senate Committee on National Finance, except for votes relating to the Library of Parliament. For additional information on committee consideration of the expenditures set out in the estimates, see the section on estimates later in this document.

<sup>71</sup> Rule 12-22(1) obliges committees to report on a bill referred to it but is silent as to when this must occur. Once the Senate has referred a bill to a committee, it can withdraw from that committee, possibly referring it to another committee (see, for example, *Journals of the Senate*, December 13, 2006, p. 967; and October 28, 2004, p. 118.)

Senate committees often invite ministers of the Crown, public servants, stakeholder groups, experts and individuals to appear before them to receive information relevant to bills under consideration. The invitation of witnesses is made at the discretion of the committee and usually delegated to the steering committee. In the case of a government bill, the sponsoring minister or the parliamentary secretary typically appears first, providing them with an opportunity to explain and defend the policy choices leading to the bill. Public servants, on the other hand, are present to respond to questions relating to the technical aspects of a bill, not the policy choices behind it. Other witnesses may also request to appear before a committee if they have a particular interest in the study. Witnesses appear only by invitation of the committee.

When the legislation being considered is a non-government public bill, the sponsor (the senator or member of the House of Commons who originally introduced the bill) usually appears first with representatives from the organization requesting the bill. Committees rarely hear from backbench members of the House of Commons in other circumstances. Further information on witnesses is available later in this document.

Special provisions govern committees' work on private bills.<sup>72</sup>

Once a committee has completed public hearings on a bill, it proceeds to clause-by-clause consideration of the bill. Amendments can be proposed, debated and voted upon. A committee may choose to consider a bill in a much less formal fashion, grouping large numbers of clauses and schedules, or the entire bill, into one motion, with leave.<sup>73</sup> The committee may also choose to append observations on a bill.<sup>74</sup> The final recommendations of the committee on the bill are presented to the Senate in a report.<sup>75</sup>

## **Pre-study of Bills Before the House of Commons and Study of the Subject Matter of Bills at Second Reading in the Senate**

As discussed in Chapter 7 of *Senate Procedure in Practice*, rule 10-11 provides for a process to authorize a committee to study the subject matter of bills that have been introduced in the House of Commons but have not received first reading in the Senate. This practice, often referred to as “pre-study,” allows a committee to begin hearings on a bill before it is received

---

<sup>72</sup> These provisions are described in detail in Chapter 8 of *Senate Procedure in Practice*.

<sup>73</sup> Leave is explicitly required under rule 12-20(4).

<sup>74</sup> For additional information on observations, see the section on Report with Observations or Recommendations later in this document.

<sup>75</sup> This process is described in detail in Chapter 7 of *Senate Procedure in Practice*.

in the Senate, so that its recommendations on a bill can be considered while the bill is still before the House of Commons. The pre-study of a bill may sometimes be conducted by more than one committee, with some only being authorized to study specific parts of the bill. Pre-study reports are tabled, not presented, in the Senate.<sup>76</sup>

A committee is sometimes given an order of reference to study the subject matter of a bill that is at second reading in the Senate.<sup>77</sup> Sending the subject matter to committee for consideration before the bill receives second reading allows the committee to study not only the provisions of the bill, but its principle as well.<sup>78</sup> The committee can study the subject matter of the bill but cannot make technical or specific amendments to the clauses. General practice in the Senate is to specify in the motion referring the subject matter to committee that the bill remains on the Orders of the Day; otherwise the bill might be dropped from the Order Paper.<sup>79</sup> While the subject matter of the bill is before the committee, the bill is typically not debated at second reading in the Senate Chamber, although that is an option.<sup>80</sup> Reports on the subject matter of bills already in the Senate are also tabled, not presented.

Despite having conducted a pre-study or having studied the subject matter of a bill, once the bill itself is referred to committee, that committee is still required to complete clause-by-clause study.

## Special Studies

Special studies allow committees to play an investigative role in examining important social and political issues facing the country such as public health, housing for Indigenous communities, and veterans' affairs.<sup>81</sup> A motion moved in the Senate authorizing a committee to undertake a special study is a substantive motion and requires one day's notice. This motion typically establishes the parameters of the study to be undertaken and sets the date by which the committee must table its

---

<sup>76</sup> For a distinction between tabled and presented reports, see the section on committee reports later in this document.

<sup>77</sup> Beauchesne, 6th ed., §§673-676, pp. 201-202; and *House of Commons Procedure and Practice*, 3rd ed., pp. 755-756. See Chapter 7 of *Senate Procedure in Practice* for additional information.

<sup>78</sup> For example, in 2009, the Standing Senate Committee on Energy the Environment and Natural Resources studied Bill S-222, *An Act to amend the International Boundary Waters Treaty Act (bulk water removal)*, in 2013, the Standing Senate Committee on Social Affairs, Science and Technology studied the subject matter of Bill C-314, *An Act respecting the awareness of screening among women with dense breast tissue*; and in 2018 various committees studied Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*.

<sup>79</sup> See Chapter 7 of *Senate Procedure in Practice* for additional information.

<sup>80</sup> See Speaker's ruling, *Journals of the Senate*, October 25, 2006, p. 550.

<sup>81</sup> For example, in 2016, the Standing Senate Committee on Social Affairs, Science and Technology studied the increasing incidence of obesity in Canada; in 2016-17, the Standing Senate Committee on Aboriginal Peoples studied the on-going challenges relating to housing in First Nation and Inuit communities; and in 2017-18, the Standing Senate Committee on National Security and Defence undertook a study on creating a defined, professional and consistent system for veterans as they leave the Canadian Armed Forces.

final report. If it becomes apparent that the committee will need additional time before tabling its final report, a motion must be adopted by the Senate to extend the deadline for reporting. Committees sometimes submit one or more interim reports before their final report.<sup>82</sup>

While the Senate may refer any matter to any committee for consideration,<sup>83</sup> standing committees usually only undertake studies that fall within their general mandate as outlined in rule 12-7. When conducting a study, committees hear witnesses and may also travel, if the Senate authorizes them to do so. Although special studies, like most parliamentary work, end with a prorogation or dissolution, the Senate may re-authorize an order of reference in a new session. In this case the Senate typically refers back to the committee in question the papers and evidence received, and work already accomplished on that matter, thereby allowing the committee to build on its previous work.<sup>84</sup>

## Estimates

The Standing Senate Committee on National Finance (NFFN) examines almost all expenditures set out in the government's Main Estimates and supplementary estimates for each fiscal year.<sup>85</sup> While engaged in the study of the expenditures set out in the estimates by order of the Senate, the committee usually hears from the President of the Treasury Board, officials and other witnesses. Since the estimates touch on all aspects of government operations, NFFN is able to review, in essence, all operations of the federal government and related matters. The committee usually makes an interim report to the Senate early in its study. This report is normally debated and adopted by the Senate, often before or at the same time as the related appropriation bill is being considered in the Senate. The committee then continues with its study of the expenditures set out in the estimates until the end of the fiscal year. It may produce other interim reports before its final report. Unlike in the House of Commons, the estimates themselves are not referred to committee in the Senate. The role of NFFN is to review the expenditures set out in the estimates; it then tables a report, which is typically adopted by the Senate. The estimates themselves are never adopted by the Senate.

---

<sup>82</sup> See some examples of this in *Journals of the Senate*, July 27, 2020, p. 850; and February 6, 2020, p. 260.

<sup>83</sup> Rule 12-8(1).

<sup>84</sup> For example, see *Journals of the Senate*, January 26, 2016, pp. 71-72.

<sup>85</sup> While other committees have been authorized to examine expenditures set out in the estimates in the past, recent practice is that all expenditures set out in the estimates are reviewed by the Standing Senate Committee on National Finance, except for votes relating to the Library of Parliament, which are typically studied by the Standing Joint Committee on the Library of Parliament.



## Other Work

A number of provisions exist in the Rules relating to certain specific types of work performed by committees. These include the study of regulations and service fee proposals as described in the following paragraphs. Other laws may have provisions indicating that committees should engage in reviews or other types of studies, but a separate order of reference from the Senate is required in these cases.

## Disallowance of Regulations

The *Statutory Instruments Act* provides the Standing Joint Committee for the Scrutiny of Regulations with a mandate to study most statutory instruments made since December 31, 1971.<sup>86</sup> Since 2003, section 19.1 of the act also allows the committee to initiate a process that can lead to the disallowance of a regulation, in whole or in part, if a report of the committee containing a resolution to that effect is adopted by both houses.<sup>87</sup> The section sets out specific processes to be followed in the committee and in the chamber, including provision for the automatic adoption of the report after 15 sitting days unless a minister requests that a motion for the non-adoption of the report be considered.<sup>88</sup>

Since the act was amended to include this provision, it has been used on two occasions.<sup>89</sup> In both cases, the report was adopted by the Senate — in one case with debate and in the other without. However, neither report was adopted in the House of Commons, so the disallowance did not take place.<sup>90</sup>

## Service Fee Proposals

Service fee proposals<sup>91</sup> are proposals for fees that government departments and agencies charge to

---

<sup>86</sup> *Statutory Instruments Act*, R.S.C., 1985, c. S-22, s. 19.

<sup>87</sup> Before 2003, the committee's powers to recommend disallowance of legislation were not based on statute, but on the *Standing Orders of the House of Commons* (without parallel processes being established under the *Rules of the Senate*).

<sup>88</sup> *Statutory Instruments Act*, R.S.C., 1985, c. S-22, s. 19.1(5). For information on disallowance reports in the Senate, see Chapter 5 of *Senate Procedure in Practice*.

<sup>89</sup> See the fourth report of the joint committee presented to the Senate on February 13, 2007 (*Journals of the Senate*, p. 1045 and pp. 1052-1065); and the second report of the joint committee presented to the Senate on May 5, 2005 (*Journals of the Senate*, p. 842 and pp. 849-865).

<sup>90</sup> Both reports were referred back to the joint committee by the House of Commons (see the House of Commons' *Journals* of February 21, 2007, pp. 1042 and 1047; and June 8, 2005, pp. 849 and 853).

<sup>91</sup> Previously referred to as "user fee proposals". The *Service Fees Act*, adopted in June 2017, replaced the *User Fees Act*.

Canadians. These proposals are tabled in both houses.<sup>92</sup> Under rule 12-8(2), consultations must occur between the Leader or Deputy Leader of the Government, the Leader or Deputy Leader of the Opposition, and the leader or facilitator of any other recognized party or recognized parliamentary group before tabling to designate the committee to which the proposal will be referred, since the referral to that committee is automatic at the time of tabling. The committee then has 20 sitting days to report on the proposal. If the committee fails to report within this period, it is considered to have recommended approval of the proposal.<sup>93</sup> When the 20 days for committee consideration has been interrupted by a prorogation or dissolution, the service fee proposal must be tabled once again in both houses in the new session, and the process starts again.

---

<sup>92</sup> *Service Fees Act*, S.C. 2017, subsection 15(1).

<sup>93</sup> Rule 12-21(5). Also see *Service Fees Act*, S.C. 2017, subsection 15(3).

## POWERS OF COMMITTEES

Rule 12-9 grants various powers to standing committees. Once a committee has received an order of reference from the Senate, it is empowered to inquire into and report on the matter. While conducting a study, a standing committee has the power to send for persons, papers and records. This includes the power to issue a summons insisting that certain persons or material be made available.<sup>94</sup> This power is rarely exercised by committees, as most witnesses appear voluntarily.<sup>95</sup> However, if a summons is used and a person refuses to appear or deliver the material in question, this can constitute a contempt of Parliament and could be reported to the Senate by the committee, with a recommendation as to how to proceed. Only the Senate itself can punish for contempt. A committee has neither the power to reprimand nor the power to enforce penalties.<sup>96</sup>

Rule 12-9(2)(b) also empowers a standing committee to publish such papers and evidence as may be ordered by it. This includes the minutes of the committee and the transcripts of committee meetings. These documents are posted on the Senate website ([sencanada.ca](http://sencanada.ca)).

In addition to the powers set out in rule 12-9, committees can create subcommittees.<sup>97</sup>

Committees can seek additional powers by way of a motion in the Senate or a committee report. These may include the power to meet when the Senate is sitting, to adjourn from place to place (i.e., to travel within Canada for meetings), to travel either inside or outside Canada for fact-finding work, to engage professional and other services and to deposit a report with the Clerk of the Senate if the Senate is not sitting.<sup>98</sup>

Joint committees, as bodies created by both houses of Parliament, can conduct work or exercise powers only if authorized to do so by both houses through their respective rules, orders and practices.<sup>99</sup>

---

<sup>94</sup> See Davidson, "The Powers of Parliamentary Committees," pp. 12-15. Both Canadian and British authorities recognize that no house of Parliament can compel members of either house to appear without the agreement of the house of which the parliamentarian is a member.

<sup>95</sup> For additional information on summoning witnesses, see later in this document.

<sup>96</sup> Maingot, *Parliamentary Privilege in Canada*, 2nd ed., p. 231. See Chapter 11 of *Senate Procedure in Practice*, p.231.

<sup>97</sup> Rule 12-12(1).

<sup>98</sup> Under rule 12-30, reports of the Standing Committee on Ethics and Conflict of Interest for Senators can be deposited with the Clerk of the Senate when the Senate stands adjourned. Such reports are deemed presented in the Senate at the next sitting.

<sup>99</sup> See *House of Commons Procedure and Practice*, 3rd ed., p. 995.

## In Camera Meetings

Committees are authorized to hold meetings in camera (i.e., meetings which are not held in public) when the agenda deals with one of the following items:

- wages, salaries and other employee benefits;
- contracts and contract negotiations;
- labour relations and personnel matters;
- a draft agenda; or
- a draft report of the committee.<sup>100</sup>

All portions of a committee meeting not dealing with one of the above subjects must be in public. For example, while a committee may discuss a budget as a draft agenda item in camera, the adoption of the budget must occur in public. Similarly, while a committee may discuss draft observations to append to a bill in camera, clause-by-clause consideration of the bill must take place in public.

These restrictions on meeting in camera do not apply to joint committees.<sup>101</sup>

Except when considering a bill clause by clause, a subcommittee may meet in camera whenever it so determines and without public notice.<sup>102</sup>

In the case of the Standing Committee on Ethics and Conflict of Interest for Senators, meetings are always in camera unless a senator, who is the subject of an inquiry report from the Senate Ethics Officer, being considered by the committee requests that a meeting be in public and the committee agrees to that request.<sup>103</sup> The Standing Committee on Audit and Oversight shall meet in camera whenever it deals with the in camera proceedings of another committee.<sup>104</sup>

Business conducted during in camera meetings is confidential, and the unauthorized release of such proceedings could be treated as a breach of privilege.<sup>105</sup> In camera meetings are not normally transcribed, however, the committee may adopt a motion allowing transcripts and/or audio recordings during in camera meetings. Such motions generally address issues such as where the transcript or recording will be stored; who will have access to them; how and how long they will be

---

<sup>100</sup> See rule 12-16(1). The conditions under which subcommittees can meet in camera are less restrictive (see rule 12-12(5)).

<sup>101</sup> Rule 12-16(3).

<sup>102</sup> Rule 12-12(5).

<sup>103</sup> Rule 12-27(1).

<sup>104</sup> Rule 12-16. (2).

<sup>105</sup> *Rules of the Senate*, Appendix IV.

stored; and when they will be destroyed and by whom. If transcripts are kept, they are confidential and should be treated in a similar manner to confidential draft reports. The clerk of the committee will normally keep these confidential transcripts until the end of the session.

## Motions of Instruction

The Senate can give direction to a committee by means of a motion of instruction.

“Instructions are intended to allow a committee to do something it would not otherwise have the power to do.”<sup>106</sup> Instructions can be either mandatory or permissive.<sup>107</sup> “A mandatory instruction orders a committee to consider a specific matter or to conduct its study in a particular way. A permissive instruction gives the committee the power to do something that it could not otherwise do but does not require it to exercise that power.”<sup>108</sup> A Speaker’s ruling noted that “[i]nstructions had to be in the permissive form if they were to apply to committees which already possessed some authority under the same standing orders. Instructions could be either permissive or mandatory if the committees involved possessed no powers because they were created on an *ad hoc* basis or if they concerned private bills.”<sup>109</sup>

In practice, motions of instruction arise infrequently in the Senate. These motions have most often been used in relation to dividing a bill.<sup>110</sup> A motion of instruction requires one day’s notice and is debatable.<sup>111</sup> If related to a bill, such a motion should be moved “immediately after the committal of the bill, or, subsequently, as an independent motion. “The instruction should not be given while the bill is still in the possession of the House, but rather after it has come into the possession of the committee. If the bill has been partly considered in committee, it is not competent to propose an Instruction.”<sup>112</sup>

---

<sup>106</sup> Speaker’s ruling, *Journals of the Senate*, November 30, 1995, p. 1332.

<sup>107</sup> See definition of “instruction (to a committee)” in Appendix I of the *Rules of the Senate*. Also see *House of Commons Procedure and Practice*, 3rd ed., p. 1001; and Erskine May, 25th ed., p. 957.

<sup>108</sup> *House of Commons Procedure and Practice*, 3rd ed., p. 1001.

<sup>109</sup> Speaker’s ruling, *Journals of the Senate*, May 2, 2000, p. 550.

<sup>110</sup> See *Journals of the Senate*, November 20, 2002, pp. 191-192; and December 6, 1999, pp. 204-205. Also see Speaker’s ruling, *Journals of the Senate*, May 2, 2000, pp. 549-551, and June 15, 2017, pp. 2237-2239; and Erskine May, 25th ed., p. 663.

<sup>111</sup> Rules 5-5(e) and 5-8(1)(g).

<sup>112</sup> Beauchesne, 6th ed., §684, p. 204.

## ORGANIZATION MEETING

Under rule 12-13 (1), once a committee has been appointed, “the Clerk of the Senate shall, as soon as practicable, call an organization meeting of the committee.” The committee clerk organizes this first meeting, and the notice is issued in the name of the Clerk of the Senate. The term “as soon as practicable” has been understood to mean that the leadership of all recognized parties and recognized parliamentary groups have indicated their agreement to the organization meeting being called.

When a quorum is present, the committee clerk calls the meeting to order and presides over the election of the chair. To be elected chair, a senator must be a member of the committee but does not have to be present at the organization meeting.<sup>113</sup> The committee clerk calls for nominations, which are made by way of motion. There is no debate on a motion of nomination. Once there are no more nominations forthcoming, the committee clerk puts the question on each, in the order in which they were received, until a senator is elected.<sup>114</sup> Once elected, the new chair presides over the remainder of the meeting. If the senator chosen as chair is absent, the committee clerk immediately conducts the election of an acting chair to preside over the rest of the meeting. If a committee is unable to elect a chair, it cannot proceed to other business and will disperse.<sup>115</sup> Without an elected chair, the committee is not properly constituted and cannot function.<sup>116</sup> Committee clerks have no authority to preside over any element of committee business other than the election of the chair, so they cannot recognize any senator for the purpose of debate, nor may they hear nor rule on a point of order.

The election of a deputy chair<sup>117</sup> is usually the second item of business at an organization meeting and the first action for the new chair. Since the committee now has a chair and is properly constituted, there can be debate on this item of business. Committees may find it useful to elect a deputy chair immediately, but there is no obligation for them to do so. They may defer this decision to later in the meeting, or to another meeting altogether. While not mandated in the Rules, the deputy chair is normally from a different recognized party or recognized parliamentary group than

---

<sup>113</sup> This process is also followed if the position of chair becomes vacant at some point after the committee has organized.

<sup>114</sup> In the case of the Standing Committee on Ethics and Conflict of Interest for Senators, the chair must be elected by at least four of the five members (s. 35(6) of the *Ethics and Conflict of Interest Code for Senators*).

<sup>115</sup> In this case, another meeting must be convened, where the election of a chair will be the first order of business (*House of Commons Procedure and Practice*, 3rd ed., p. 1048).

<sup>116</sup> *House of Commons Procedure and Practice*, 3rd ed., p. 1051.

<sup>117</sup> There have been cases where the Senate has authorized certain Senate committees to elect more than one deputy chair (see *Journals of the Senate*, November 7, 2017, pp. 2640-2646 and March 11, 2020, pp. 413-415).

the chair.

After the election of the chair and deputy chair, the committee typically proceeds with a series of motions to facilitate its subsequent operations. One of these is the creation of the Subcommittee on Agenda and Procedure, or “steering committee.” Most steering committees have four members and three is the minimum number to meet the requirement for quorum.<sup>118</sup> The steering committee normally consists of the chair, the deputy chair and the other member(s) “designated after the usual consultations.”<sup>119</sup> The steering committee is usually empowered to make decisions with respect to the committee’s agenda, to invite witnesses and to schedule meetings. The parent committee can overrule or modify a decision of the steering committee by a majority vote.

Various other motions are also considered at an organization meeting. Typical motions include, but are not limited to, the following:

- a motion to publish committee proceedings;<sup>120</sup>
- a motion authorizing the holding of meetings and the publishing of evidence when quorum is not present;<sup>121</sup>
- a motion to ask the Library of Parliament to assign research personnel to the committee;
- a motion concerning the authority to commit funds and certify accounts, pursuant to the *Senate Administrative Rules* (usually conferred individually on the chair, the deputy chair and the committee clerk);
- a motion empowering the steering committee to designate members and staff to travel on assignment on behalf of the committee;
- a motion to authorize the steering committee to designate members as travelling on committee business for the purposes of the Senators Attendance Policy;<sup>122</sup>
- a motion to reimburse the travel expenses of witnesses; and
- a motion to assign a communications officer to the committee.

---

<sup>118</sup> Rule 12-12(3)

<sup>119</sup> In practice, the third and fourth member of the steering committee has been from a different recognized party or recognized parliamentary group than the chair and deputy chair and has been selected in consultation with the leadership of all recognized parties and recognized parliamentary groups. Committees are usually non-specific in the designation of this third and fourth members to allow a degree of flexibility, so that if the third and fourth members are unavailable, the steering committee can continue to operate with the presence of different senators. A committee can, however, name specific senators to be the third and fourth members. In this case, only the committee itself can change the membership. Steering committees of more than four members have been appointed on occasion, but never more than half the committee’s total membership under rule 12-12(2).

<sup>120</sup> Rule 12-9(2)(b).

<sup>121</sup> Allowed under rule 12-17.

<sup>122</sup> See Chapter 2 of *Senate Procedure in Practice* for further information on the Senators Attendance Policy.

Once all the items on the agenda for the organization meeting have been dealt with, the committee may continue with the consideration of other business, including its work plans, or it may adjourn.



## COMMITTEE MEETINGS

Committees gather much of the evidence for their reports on legislation and special studies through public hearings, during which they hear from witnesses. A typical public committee meeting begins with opening remarks by the witness or witnesses, followed by questions from the senators.

### Meeting Notices

Rule 12-15(1) requires that public notice be given for all meetings of standing and special committees. The notice usually includes:

- the date, time and location of each meeting;
- the order(s) of reference or other business to be considered;
- the names and titles of witnesses who are scheduled to appear; and
- whether the meeting will be in camera.

Notices are sent electronically to all committee members, as well as leadership, interested senators who are not members, and members of the public who have requested to be informed of committee meetings. Notices of meetings are also posted on the Senate of Canada website.

### Meeting Times

Committee meetings are scheduled around Senate sittings and caucus meetings, and therefore tend to take place in the mornings, late afternoons and evenings. Most committees meet twice a week. Under rule 12-18(1), a committee cannot meet while the Senate is sitting, unless it has permission from the Senate to do so. The evening suspension from 7 to 8 p.m. is part of a sitting, so any committee wishing to meet during that suspension must seek the permission of the Senate by way of a motion.<sup>123</sup> Rule 12-18(2) provides for committees to meet while the Senate is adjourned in certain circumstances. The rule was amended in 2024 to allow for additional meeting times during various Senate adjournments, including allowing committees to meet on a Monday the Senate does not sit that precedes a Tuesday on which the Senate is scheduled to sit.

Under the *Senate Administrative Rules* “[t]he Clerk Assistant, Committees, acting in consultation with all leaders and facilitators, shall assign a meeting schedule and reserve a room to be made

---

<sup>123</sup> Rule 3-3(1).

available for the use of each Senate committee and subcommittee that meets regularly.”<sup>124</sup> Typically, the schedule is negotiated at the beginning of each new session of Parliament, seeking to avoid conflicts arising from limited time slots.

When a committee wishes to sit outside its usual time slot, the normal practice is to seek the approval of the leaderships of all recognized parties and recognized parliamentary groups. Meetings outside regular time slots are generally discouraged, as they often lead to conflicts for senators who are members of other committees or who have other obligations.

## Quorum

A quorum is the minimum number of senators needed to conduct business. In most cases, quorum is four members.<sup>125</sup> A committee may sit, hear witnesses and permit the publishing of evidence when it does not have quorum, but only if this was authorized by the committee when quorum was present. A committee cannot make any decision without quorum.<sup>126</sup> In practice, blanket permission to hold meetings when a quorum is absent could be granted to the chair at the committee’s organization meeting. It is not uncommon for a committee to adopt certain requirements for such meetings (for example, that senators representing more than one recognized party or recognized parliamentary group be present).

The Rules do not set the quorums of the joint committees. Instead, such a committee reports to the two houses recommending what its quorum should be. This quorum takes effect once the relevant report has been adopted by both houses. Until that time, a joint committee must have a majority of its members from each house in order to conduct business.<sup>127</sup>

## General Restrictions on Committee Meetings

The Rules impose certain restrictions on committee meetings. As already noted, rule 12-18(1) prohibits committees from meeting while the Senate is sitting, unless they have special permission. Such permission might be granted if, for example, there are difficulties in scheduling the appearance of a minister or if time differences make it difficult to hold a videoconference with a

---

<sup>124</sup> Chapter 5:03, s. 3.

<sup>125</sup> Under rule 12-6, the exceptions are the joint committees, SELE (quorum of six under rule 12-2(5)), CONF (quorum of three under rule 12-26(2)) and AOVS (two senators and one external member, except in the case of the organization meeting or when the committee is meeting to consider a report to the Senate nominating its external members. For these meetings the quorum shall be three senators under rule 12-6(2).

<sup>126</sup> Rule 12-17.

<sup>127</sup> Beauchesne, 6th ed., §809(2), p. 230.

witness overseas. When a committee holds formal meetings elsewhere in the country, the power to adjourn from place to place is understood to include the power to meet while the Senate is sitting, and a specific exemption from rule 12-18(1) is not needed.<sup>128</sup>

When the Senate is adjourned for more than one week, rule 12-18(2)(b) permits a committee to meet during the adjournment if the Senate has adopted a motion granting this power, or if the government and opposition leaders (or their representatives) have given their signed agreement to a written request from the chair and deputy chair of the committee for such a meeting. If, on the other hand, the Senate is adjourned for one week or less, rule 12-18(2)(a) allows committees to meet if notice of the intention to meet during the adjournment was given to members of the committee at least one day before the adjournment. Two exceptions to this general limitation are the Standing Committee on Ethics and Conflict of Interest for Senators, which can meet during any adjournment of the Senate, whether more or less than a week<sup>129</sup> and the Standing Committee on Audit and Oversight which may meet during any adjournment of the Senate.<sup>130</sup>

---

<sup>128</sup> See section on committee travel.

<sup>129</sup> Rule 12-28.

<sup>130</sup> Rule 12-18(3).

# PROCEDURE

## Role of the Chair, Deputy Chair and the Subcommittee on Agenda and Procedure

The role of the chair in committee is to preside over meetings, to guide deliberations, to recognize who has the floor, and to help maintain order and decorum. As with the Speaker, the chair has the authority to rule on procedural issues. Any ruling can be appealed to the full committee by any member at the time it is made. As in the Senate, the wording for the motion to appeal a ruling of a chair is “That the ruling be sustained,” or some other variant in the positive. A tie vote results in the motion being defeated, thereby rejecting the ruling.<sup>131</sup> In addition to calling meetings to order, it is usually the chair who adjourns committee meetings. The *Rules of the Senate* (Rules) call for remarks in committee to be addressed to the chair.<sup>132</sup>

Committee chairs are entitled to participate in debate and vote like any other member of the committee, although they sometimes choose not to exercise the right to vote. The chair votes before other members.

Each committee also has a deputy chair who usually presides over meetings in the absence of the chair. If the position of chair of a committee becomes vacant, the deputy chair does not automatically assume the role. Instead, the clerk of the committee must preside over the election of a new chair,<sup>133</sup> and no other business can be taken up until a new chair has been elected.<sup>134</sup>

When neither the chair nor the deputy chair is present at a meeting, the clerk of the committee will advise the committee of the absence and preside over the election of an acting chair for that meeting, following the practice in the chamber.<sup>135</sup> The motion to nominate an acting chair is not debatable.

The chair and deputy chair have several other roles outside committee meetings. Usually, the chair of the committee is also the chair of the Subcommittee on Agenda and Procedure (steering committee). The chair will typically appear on behalf of the committee when its budget requests are reviewed by the Standing Committee on Internal Economy, Budgets and Administration. Under

---

<sup>131</sup> Rule 12-20(1)(c).

<sup>132</sup> Rule 12-20(1)(a).

<sup>133</sup> For information on the process for the election of a chair, see previous section on the organization meeting.

<sup>134</sup> *House of Commons Procedure and Practice*, 3rd ed., p. 1051.

<sup>135</sup> Rule 2-4(6).

rule 12-21(2), the chair, or a senator designated by the chair, presents or tables reports of the committee in the Senate. Motions in the Senate related to the work of the committee are usually moved by the chair or a designated senator. Furthermore, the chair, in consultation with the steering committee, directs the committee clerk in the scheduling of witnesses, meetings and the coordination of reports. The chair is also normally empowered to direct research staff on behalf of the committee.

## Motions

Motions may be moved by any committee member without notice and without a seconder.<sup>136</sup> Common motions moved in committee are those to adopt a report or to amend a clause of a bill under consideration.

## Debate

Debate in committee tends to be much more informal than in the Senate Chamber. There are no formal time limits on senators' interventions in debate and a senator may participate more than once. Furthermore, there is no formal practice restricting the amount of time for questioning witnesses, but senators usually limit their questions to allow for the participation of all senators who wish to speak. The chair or the clerk of the committee maintains a list of senators who wish to intervene. On rare occasions, a committee may adopt more formal rules to govern the debate.

## Voting

As in the Senate Chamber, questions are decided by a majority of votes, including the deliberative vote of the chair. The chair does not have a casting vote and is not permitted to break a vote. To preserve impartiality, the chair may choose not to vote. A tie vote results in the motion being defeated.<sup>137</sup> Senators who want the record to show that a motion was not carried unanimously can indicate their wish by simply saying "on division."

Most votes in committee are conducted by voice, without members individually indicating their preference.

However, if a member requests a recorded vote, where the names of those voting for or against a motion, and any abstentions, are registered in the committee's minutes, it must be taken. In such a

---

<sup>136</sup> Rules 12-20(1)(b) and (d).

<sup>137</sup> Rule 12-20(1)(c).

case, the names of the members are called out by the committee clerk beginning with the chair and then in alphabetical order for the remaining members present. As their names are called, each senator indicates “yea,” “nay” or “abstain.” Once all committee members present have voted, the committee clerk tallies the votes and announces the result. The chair then declares the question carried or defeated. No member may interrupt during the vote. Points of order or questions of privilege cannot be raised until after the vote has been completed.

## Points of Order and Questions of Privilege in Committee

Points of order may be raised when a member believes that the committee has departed from normal practice or procedure during a meeting. Examples of points of order that may be raised in committee are those concerning the appropriateness of remarks, the procedural validity of a motion or whether quorum is present. Procedure on points of order generally mirrors that followed in the chamber, as discussed in Chapter 10 of *Senate Procedure in Practice*. Once a point of order has been debated by the members, the chair may rule immediately or take the matter under advisement. As with Speaker’s rulings in the Senate, such decisions can be appealed to the full committee and are only sustained by a majority of votes.<sup>138</sup> Senators who are not members of the committee may not raise a point of order.<sup>139</sup>

While committees can deal with points of order arising during their proceedings, they are not empowered to decide any questions of privilege. Only the Senate can decide if a breach of privilege has occurred. A committee can therefore present a report to the Senate on a matter of privilege. In practice, however, individual senators generally raise such issues directly in the Senate under the process provided in Chapter 13 of the *Rules of the Senate*.<sup>140</sup> Appendix IV of the *Rules* outlines particular procedures to be followed when dealing with an alleged unauthorized disclosure of confidential committee reports and other documents or proceedings.<sup>141</sup>

---

<sup>138</sup> If a chair’s ruling is appealed, the question put is “Shall the chair’s ruling be sustained?”

<sup>139</sup> See Marleau and Monpetit, *House of Commons Procedure and Practice*, 1st ed. p. 857.

<sup>140</sup> See, for example, the questions of privilege raised in the Senate on October 4, 2022, relating to alleged intimidation of a witness at a committee meeting, with a ruling finding that a prima facie case of privilege had not been established delivered on October 20, 2022 (*Journals of the Senate*, p. 949), February 13, 2018, regarding a communication to the media of information contained in confidential correspondence from the CIBA steering committee, with a ruling finding that a prima facie case of privilege had not been established delivered on March 1, 2018, and January 26, 2016, with a ruling finding that a prima facie case of privilege had not been established delivered on February 24, 2016. (

<sup>141</sup> These processes for dealing with questions of privilege are described in Chapter 11 of *Senate Procedure in Practice*.

## WITNESSES

A central function of a senator in committee is to hear from and question witnesses. These can include ministers of the Crown, public servants, academics, representatives of organizations, companies and interest groups, or members of the public. Typically, witnesses are given time to make a brief statement, after which committee members can ask questions. If necessary, a committee may pass a motion setting out specific procedures for questioning witnesses including, but not limited to, restrictions on the number of questions, length of time, or types of questions that may be posed. Committees gather much of the evidence for their reports from witness testimony, briefs and other documents submitted to the committee.

On average, Senate committees hear from over 2,000 witnesses per year, providing a direct link between Parliament and the Canadian public. Committee meetings provide a forum for witnesses' views to be heard both by parliamentarians and a larger audience. Transcripts of witness testimonies are available on the Senate's website. Public committee meetings are available through live and on-demand streaming on Senate ParIVU.

The steering committee often takes a lead role in the selection of witnesses. Suggestions about individuals or organizations that could be invited to appear may be made by committee members or analysts from the Library of Parliament. Members of the public who express an interest in appearing may also be taken into account. While the selection of witnesses is usually delegated to the steering committee, the proposed witness list may also be considered by the full committee.

### Ministers and Public Servants

When a committee begins its public hearings on a government bill, the sponsoring minister is typically invited to appear first. On occasion, a minister or the parliamentary secretary may be invited a second time just prior to clause-by-clause consideration of the bill. It is generally understood that the minister appears to explain and justify the political basis of a bill, while any officials or public servants appearing at the same time are there to explain more technical aspects. Committees often accommodate the special position of public servants and refrain from questioning them on issues that would normally fall within the realm of subjects for which their minister is answerable (e.g., the reasons for a policy). However, there is no formal protection

allowing public servants to refuse to answer questions.<sup>142</sup>

Ministers and departmental officials are also sometimes invited to appear before committees on special studies and public bills that relate to matters that fall within the minister's responsibilities.

## Provincial and Territorial Governments

Under Appendix II of the *Rules of the Senate*, when a committee is examining a bill or the subject matter of a bill that is, in the committee's opinion, of special interest to one or more of the provinces or territories, the governments in question should be invited to appear or to submit a brief. If any government expresses an interest in appearing, the committee should give it a reasonable opportunity to do so.

## Sending for Persons, Papers and Records

Rule 12-9(2)(a) of the *Rules of the Senate* allows standing committees "to send for persons, papers and records." These words grant standing committees with substantial powers. They allow these committees to order witnesses to appear and to require that documents be produced with few limitations.<sup>143</sup> Although special committees do not enjoy these powers automatically, they are usually granted them in their order of reference.

One of the clear limitations on the powers of committees in this regard is that they cannot compel the attendance of members of either house of Parliament and, according to rules and practices, they can only send for documents that the Senate itself can demand. With respect to the attendance of members of either house, members may choose to appear voluntarily, or the house of which they are a member can order them to appear. If a senator declines to appear when invited, a Senate committee can report to the Senate requesting that the senator be ordered to appear. If the Senate agrees to the committee's request, the senator is ordered to attend. If a member of the House of Commons declines to appear voluntarily, the committee would have to

---

<sup>142</sup> Regarding the obligation of public servants to appear before committees if summoned, see, for example, Davidson, "The Powers of Parliamentary Committees," p. 14; Maingot, p. 191; Forsyth, "Witnesses Before Committees: Current Practices and Proposals in Ontario", *Canadian Parliamentary Review*, p. 17; and *House of Commons Procedure and Practice*, 3rd ed., pp. 1078-1080. This obligation is also acknowledged in the Privy Council Office's 1990 paper "Notes on the Responsibilities of Public Servants in Relation to Parliamentary Committees." The Special Senate Committee on the Pearson Airport Agreements summoned two officials in 1995, the first time a Senate committee had used this power in almost a century (see Levy, "Summoning and Swearing of Witnesses: Experience of the Pearson Airport Committee," *Canadian Parliamentary Review*, pp. 3-4). On the non-recognition of public interest immunity in the presentation of documents, provided that the Senate has the power to order their presentation, see, for example, Davidson, "The Powers of Parliamentary Committees," p. 14; and Maingot, p. 191.

<sup>143</sup> See, for example, Davidson, "The Powers of Parliamentary Committees," p. 12.



seek the agreement of the Senate to request that the member appear. If this is given, a message is sent by the Senate to the House of Commons requesting that the member attend. The House of Commons can then take a decision on whether to order the attendance of its member.<sup>144</sup>

For a committee to be able to exercise its power to send for persons or papers, the following conditions should be met:

- the persons, papers or records must be relevant to the order of reference;
- the Senate must have the power or authority to order the presentation of the papers or the presence of the persons;
- when the Senate can obtain the required document only by an address to the Governor General, this address must originate in the Senate; and
- a summons cannot be issued by the committee against a senator or member of the House of Commons, although the Senate or House of Commons can order one of its members to attend a meeting of the committee.

Once witnesses are before a committee, they are bound to answer all questions put and cannot be excused on such grounds as solicitor-client privilege, self-incrimination or that they have taken an oath not to disclose information. A witness can, however, appeal to the chair and request that a response not be insisted upon, giving reasons.<sup>145</sup>

## Steps to Exercise the Power to Send for Persons, Papers and Records

The first step in summoning witnesses<sup>146</sup> or having necessary documents presented before a committee is to invite the individuals in question to attend or to provide the documents. In most

---

<sup>144</sup> See, for example, *House of Commons Procedure and Practice*, 3rd ed., pp. 980-983; Beauchesne, 6th ed., §866, p. 240; and Bourinot, pp. 480-482. Among other limitations on the power to compel attendance by witnesses, the person must be in Canada, and the Queen, the Governor General, the Lieutenant Governor, or a member of a provincial or territorial legislature cannot be compelled to appear (*House of Commons Procedure and Practice*, 3rd ed., pp. 981-982). For the limitations on the powers to call for papers, see Beauchesne, 6th ed., §849, p. 236. Under rule 14-2, accounts or papers involving the royal prerogative may only be requested by an address to the Governor General (see, for example, the second report of the Special Senate Committee on the Pearson Airport Agreements, *Journals of the Senate*, October 17, 1995, pp. 1218-1219).

<sup>145</sup> Beauchesne, 6th ed., §863, p. 239.

<sup>146</sup> Before 1904, the only cases of Senate committees summoning witnesses occurred in 1872 and 1891. Between 1904 and 1995, Senate committees did not summon any witnesses, although joint committees did so during this period. On October 17, 1995, the Special Senate Committee on the Pearson Airport Agreements summoned witnesses. Since then, cases in which witnesses have been summoned include: Agriculture and Forestry Committee (witness summoned on April 26, 1999, appeared on May 3, 1999); Energy, Environment and Natural Resources Committee (witnesses summoned on June 1, 2000, appeared on June 8, 2000); and the Joint Committee for the Scrutiny of Regulations (witness summoned on May 9, 2002, appeared on May 30, 2002).

cases, this suffices.

If the witnesses refuse to appear after the seriousness of the matter has been made clear to them, a senator on the committee can file a certificate attesting to the relevancy of each witness' testimony,<sup>147</sup> and the committee can then adopt a motion ordering the individuals in question to appear. Once this motion is adopted, a summons outlining the date, time and place at which attendance is required is served on the witnesses.

To order the presentation of papers and records, the committee adopts a motion ordering the required person or organization to produce them.

If a summons or order to produce documents is ignored, and if the committee insists upon the person appearing or the documents being presented, the committee's recourse is to report the matter back to the Senate. The enforcement of a committee's power to send for persons, papers and records lies with the Senate, not with individual committees.<sup>148</sup>

Upon the presentation of such a report, it is then for the Senate to resolve the issue. The Senate may choose to summon the person in question to the bar of the Senate to answer for their conduct or require that they go before the committee to justify themselves. Although the Senate can order a witness committed to prison, neither house of the federal Parliament has followed this course since 1913.<sup>149</sup> Admonishment at the bar is another option to punish a witness who fails to comply.<sup>150</sup>

## Oaths

While witnesses are rarely asked to testify under oath, section 10(3) of the *Parliament of Canada Act*<sup>151</sup> authorizes a Senate committee to administer an oath or solemn affirmation. Similarly, the Senate can administer the oath to witnesses appearing at the bar or can order that a witness appearing before a committee be examined under oath.<sup>152</sup> In committee, the oath or affirmation

---

<sup>147</sup> See, for example, the Minutes of Proceedings of the Special Senate Committee on the Pearson Airport Agreements, October 17, 1995. In this case, the certificate was "... addressed to the Chairman and state[d] 'in my opinion... evidence to be obtained from \_\_\_\_\_ is material and important in the investigation respecting \_\_\_\_\_'" (Levy, p. 3). Although a certificate is no longer filed when witnesses are summoned by House of Commons committees, this practice has been retained in Senate committees.

<sup>148</sup> Maingot, p. 221.

<sup>149</sup> See Maingot, p. 208; and Davidson, "The Powers of Parliamentary Committees," p. 13.

<sup>150</sup> See, for example, Erskine May, 25th ed., p. 230.

<sup>151</sup> *Parliament of Canada Act*, R.S.C., 1985, c. P-1.

<sup>152</sup> *Parliament of Canada Act*, R.S.C., 1985, c. P-1, ss. 10(1) and (2).

may be administered by the chair or by the clerk if appointed by the Speaker to do so.<sup>153</sup> The act sets out the form of the oath and also allows for a solemn affirmation to be used.<sup>154</sup>

The oath does not affect the obligation of witnesses to respond to all questions. However, it does mean that a witness could be subject to prosecution for perjury in the event of giving false evidence.<sup>155</sup> Without the oath, false evidence is strictly a matter of parliamentary privilege and cannot be dealt with through the courts.

## Parliamentary Privilege

Since official meetings of a committee are part of the proceedings of Parliament, any person appearing before a Senate committee is protected by parliamentary privilege. In practical terms, this means that no legal action can be taken against a witness on the basis of what they say during a committee meeting. This privilege only applies to what is said during a meeting but not to statements made before or after the meeting.<sup>156</sup> Witnesses must also not be impeded from appearing before a committee<sup>157</sup> nor intimidated after their appearance before a committee.<sup>158</sup>

## Official Languages

Witnesses have the right to address a Senate committee in either official language. Simultaneous interpretation must be provided at all committee meetings, both within the parliamentary precinct and in other parts of Canada.<sup>159</sup>

---

<sup>153</sup> *Parliament of Canada Act*, R.S.C., 1985, c. P-1, s. 13(1).

<sup>154</sup> The wording of the oath is set out in a schedule to the act as follows: “The evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help you God.” The wording of the solemn affirmation is: “I,\_\_\_\_, do solemnly, sincerely and truly affirm and declare the taking of any oath is according to my religious belief unlawful, and I do also solemnly, sincerely and truly affirm and declare, that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth.”

<sup>155</sup> *Parliament of Canada Act*, R.S.C., 1985, c. P-1, s. 12.

<sup>156</sup> For more information on privilege, see Chapter 11 of the *Senate Procedure in Practice*.

<sup>157</sup> See the eighth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented on June 20, 2013 (*Journals of the Senate*, pp. 2716-2718) and adopted on June 26, 2013 (*Journals of the Senate*, p. 2757). Also see Speaker’s ruling, *Journals of the Senate*, May 8, 2013, pp. 2235-2237.

<sup>158</sup> See the fifth report of the Standing Committee on Privileges, Standing Rules and Orders on this issue, *Journals of the Senate*, April 13, 2000, pp. 540-543. Also see the eighth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented on June 20, 2013 (*Journals of the Senate*, pp. 2716-2718) and adopted on June 26, 2013 (*Journals of the Senate*, p. 2757).

<sup>159</sup> *Official Languages Act*, R.S.C., 1985, c. 31 (4th Supp.), s. 4(2).

## Third Language Interpretation

From time to time, committee clerks may be asked to invite witnesses who are unable to communicate in either official language or wish to address the committee in another language. Depending on timelines and the third language, the clerk may arrange for third language interpretation, at the direction of the committee.

## Expenses

At its organization meeting, a committee usually adopts a motion to reimburse the reasonable travelling and living expenses for one witness per organization.<sup>160</sup> Witnesses may submit an expense claim to the committee clerk within 60 days of their appearance. Such claims must be accompanied by original documentation.

## Videoconferencing

Committees sometimes hear from witnesses by videoconference, significantly reducing witness travel time and costs. The Standing Committee on Rules, Procedures and the Rights of Parliament has, however, noted that “Senators cannot attend or participate in the Senate by telephone or videoconference, and accordingly, the same rule applies to committee proceedings.”<sup>161</sup> During the First Session of the 43<sup>rd</sup> Parliament, a sessional order was adopted empowering certain committees to meet by video or teleconference in response to the exceptional circumstances of the COVID-19 pandemic.<sup>162</sup> A similar special order was adopted during the First Session of the 44<sup>th</sup> Parliament and was in effect until March 2022.<sup>163</sup>

---

<sup>160</sup> *Financial Policy for Senate Committees*, article 1.5.2.3: “Only one witness from a given organization may be reimbursed. A committee may grant the chair the authority to approve expenses for a second witness from the same organization in exceptional circumstances.”

<sup>161</sup> See the seventh report of the committee, tabled in the Senate on November 22, 2005 (*Journals of the Senate*, p. 1273).

<sup>162</sup> See *Journals of the Senate*, April 13, 2020, pp. 450-451.

<sup>163</sup> See *Journals of the Senate*, November 25, 2021, pp. 66-71.

# BUDGETS

When undertaking their work, committees may incur a variety of expenses. Until it has a budget adopted by the Senate, no committee may incur expenses or commit funds.<sup>164</sup> Chapter 3:05 of the *Senate Administrative Rules* outlines the financial rules and procedures governing Senate committees. It includes information on emergency funds, the budget approval process, the certification of payments, and financial monitoring and reporting. The following summarizes some of the key steps that must be undertaken by individual Senate committees in order to request and obtain funds for special studies or legislative work.

## Committees Directorate Expenditures

Not all expenses related to the functioning of committees are charged directly to the committee's budget. Expenses for witness travel, videoconferences, postal charges, committee travel immunization and standard refreshments (coffee, juice) served at committee meetings held within the parliamentary precinct are charged to a central budget held by the Committees Directorate, rather than to individual committees.

## Budget Process

Committees must adopt and seek approval for a separate budget for each special study or study of a bill for which they require funds. Funds approved for one study can only be used for that study. New budgets are required every fiscal year and at the beginning of each new session of Parliament.

A budget proposal is prepared by the committee clerk as instructed by the committee and reviewed by the chair and/or members of the steering committee. The budget proposal is then reviewed and signed by both the Clerk Assistant of the Committees Directorate and the Senate's Comptroller. The committee considers the budget and then either adopts it as presented or with amendments.

Once a budget proposal has been adopted by a committee, it is submitted to the Standing Committee on Internal Economy, Budgets and Administration (CIBA) for review and adoption. Either CIBA or one of its subcommittees meets with the chair of the committee to discuss the

---

<sup>164</sup> Expenses not charged directly to the committee's budget may be incurred (see Committees Directorate Expenditures section). There is also a provision for emergency funding, allowing a committee to incur limited expenses from its own budget before the Senate releases funds. This provision is discussed towards the end of this section.

budget proposal. Typically, the committee clerk will accompany the chair to such a meeting. If a subcommittee reviews the budget proposal, it will make recommendations to CIBA on the allocation of funds. CIBA can pass the budget as proposed, amend it or reject it altogether. At this point, the budget application and the recommendation for the release of funds by CIBA are returned to the committee that originated the budget. The chair, or a senator designated by the chair, then presents a report to the Senate. The budget report has three parts, all of which are published in the *Journals of the Senate*. The first part is the actual report, which also includes the request for any powers required to implement the budget that have not already been granted to the committee for this particular order of reference during the current session, such as the power to travel or the power to hire. The second part (called Appendix A) contains the budget application as originally approved by the committee requesting the funds. The third part (called Appendix B) contains the release of funds recommended to the Senate by the Standing Committee on Internal Economy, Budgets and Administration. If the report is approved by the Senate, only the funds in Appendix B become available to the committee making the request.

Only after the Senate has adopted this report can a committee actually use the requested funds. In the event that the Senate were to reject a budget report, the committee or committees in question would have to begin the process again with a new budget application.

There are various restrictions on the use of funds in a committee budget. Funds for public hearings outside Ottawa, for example, can only be used for that purpose, while funds for operations in Ottawa cannot be used for travel purposes. Likewise, different detailed administrative policies govern the payment of accounts and the approvals required. The clerk of the committee can provide details on current policies.

## Partial Releases

Because of the nature of the budgetary process, the Standing Committee on Internal Economy, Budgets and Administration sometimes recommends only a partial release of funds, covering either particular activities or a particular period of time. This can apply to all budgets. In such cases, one or more subsequent releases of funds will sometimes follow. The new budget report for a special study will only contain a cover page and the new Appendix B, indicating the subsequent recommended release of funds by the Standing Committee on Internal Economy, Budgets and Administration.<sup>165</sup>

---

<sup>165</sup> For an example of a partial release, see the ninth report of the Agriculture and Forestry Committee, *Journals of the Senate*, May 11, 2023, p. 1671.

## Supplementary Budget

Supplementary funds may be requested for a special study or for legislative work for which it has already received funds from the Senate. The committee must go through the same budget application process as it did for the original budget.<sup>166</sup>

## Emergency Funds

When a committee needs to incur expenses or commit funds and is unable to obtain a budget approval quickly enough, section 3 of Chapter 3:05 of the *Senate Administrative Rules* empowers the steering committee of the Internal Economy Committee to allocate upon request up to \$15,000 to a committee so that it may operate until its budget can be properly considered and approved.<sup>167</sup> A request for emergency funds is considered to be an advance of funds on a future budget request. A subsequent detailed budget application must therefore be submitted. If these funds are to be used for any purpose requiring special powers (e.g., to hire staff or to travel), the necessary powers must be granted separately by the Senate before the expenditures can be actually incurred.

---

<sup>166</sup> For an example of a supplementary budget application, see the eleventh report of the Agriculture and Forestry Committee, *Journals of the Senate*, June 1, 2023, p. 1758.

<sup>167</sup> *Senate Administrative Rules*, Chapter 3:05, s. 3 and *Procurement Policy*, section 1.6.10 (Emergency Contracting).

# COMMITTEE TRAVEL

When undertaking a study, committees will sometimes travel to more fully examine an issue and to allow the committee to hear from a wider variety of witnesses.

## Power to Travel

Committees do not automatically have the power to travel outside the parliamentary precinct. Rule 12-19(2) provides that a committee may adjourn from place to place when authorized to do so by the Senate. The power to travel outside the precincts of Parliament is not one a committee can exercise on its own. Authorization to travel is obtained through a budget report to the Senate which contains a request for the power and funds to travel. Requests to travel tend to be general in nature, seeking an authorization for the committee to travel to any place within and/or outside Canada for the purpose of a particular study. The power to travel, once granted, lasts for the entire session. However, if a committee's special study is completed before the end of the session, the power to travel for that study lapses with the end of the study. Senate committees cannot hold formal committee meetings (public hearings or in camera meetings) outside of Canada.

## Travel for Committee Meetings and Fact-Finding Work

When travelling within Canada, a committee may either hold public hearings or conduct fact-finding visits that are related to the subject being studied. A public committee meeting outside the parliamentary precinct involves all the services and formalities of a public committee meeting in the parliamentary precinct and has the same status. Proceedings are interpreted and evidence is transcribed, translated, and published in both official languages. The proceedings of a committee holding public hearings within Canada have the full protection of parliamentary privilege.

Comparatively, fact-finding missions usually involve site visits and private meetings between committee members and organizations or individuals outside the parliamentary precinct. There are no transcripts of fact-finding meetings, but the information gathered can still be used for the committee's study and be included their reports.

When a committee travels outside Canada it may only conduct fact-finding missions; any meetings outside Canada cannot be considered official, and parliamentary privilege, therefore, does not apply.



## COMMITTEE REPORTS

Once a committee has finished its hearings on a bill or special study, a report is drafted to reflect its findings and recommendations. The report must be adopted by the committee before it can be presented or tabled in the Senate. In the case of special studies, committees may choose to produce one or more interim reports in the course of their work prior to producing a final report at the end of the study. For a report resulting from the work of a subcommittee, the report must be adopted by the parent committee before it can be presented or tabled in the Senate by the parent committee. After adopting a report, a committee often delegates to both the chair and deputy chair, or to the steering committee, the power to make minor corrections to the report (i.e., grammar, spelling, etc.) without substantially affecting the content.

### Reporting to the Senate

Committee reports to the Senate are either substantive or administrative in nature. Substantive reports are any reports on bills, the subject matter of bills, government estimates or special studies. Administrative reports deal with matters such as budget applications and may include other powers such as the power to hire professional services or travel.

A committee may report a bill with or without amendment(s), and in either case, the committee may also append observations to its report. In addition, rule 12-22(5) allows a committee to present a report recommending that the Senate not proceed further with the legislation.<sup>168</sup> If the report is adopted by the Senate, the bill is dropped from the *Order Paper* and *Notice Paper*. When reporting on the subject matter of a bill, the committee must include its reasons for recommending that the Senate not proceed further with the bill, and may include suggested changes to the bill in its report.

Reports on special studies are usually lengthy and include evidence heard by the committee, the findings of the committee and its recommendations. Given the impact that these reports may have, committee members typically attempt to build a consensus on the analysis and recommendations to be included in the report. Rule 12-21(1) states that a report “shall contain the conclusions agreed to by majority.” Occasionally, a consensus is not possible, and a report may include the opinion of a minority of the members, if the majority of the committee members agree. However, Senate practice does not permit the attachment of separate minority reports to a

---

<sup>168</sup> See, for example, *Journals of the Senate*, May 17, 2023, pp. 1695-1697; and June 3, 2019, pp. 4911-4922.

committee report.

## Report with Observations or Recommendations

Reports to the Senate on bills sometimes contain “observations” on the bill to ensure that issues identified, insights gained, and commitments made during hearings are not lost even though the committee does not wish to propose amendments to a bill. While such observations do not form a substantive part of a committee’s report, and therefore are not decided on by the Senate, they are routine in Senate practice.

In their reports on special studies, committees may make recommendations to the Senate or to the federal government that a course of action be followed. If the Senate adopts such a report, the recommendations become decisions or recommendations of the Senate.

## Reporting Dates

Orders of reference for special studies generally include the date by which the committee must table its final report in the Senate. An extension may be granted by way of a motion adopted in the Senate.

Rule 12-22(1) requires that any bill sent to committee for consideration be reported to the Senate. An order of reference for legislation does not include a specific date by which a committee must present its report. In practice, however, most committees give priority to the study of government legislation before undertaking any other work. If a committee is taking too long to consider a bill, the Senate may order it to report the bill by a certain date.<sup>169</sup>

## Tabling or Presenting a Report

Reports that require a decision from the Senate, such as those dealing with bills and budgets, must be presented. Certain elements of such reports are read aloud in the Senate by a table officer (i.e. the reading clerk in the Chamber) before a decision is taken. The entire contents of the report and decision are published in the *Journals of the Senate*.

Reports that are only for the information of the Senate and, therefore, do not require a decision of

---

<sup>169</sup> See, for example, the motion adopted by the Senate on October 18, 1995 (*Journals of the Senate*, pp. 1225-1226) relating to work by the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-68, An Act respecting firearms and other weapons. This motion also provided for the disposition of all remaining stages of the bill by a certain date.

the Senate, such as special study reports, are tabled. These reports are not read aloud and are not published in the *Journals of the Senate*. However, a motion may be moved to have a tabled report considered and/or adopted by the Senate. This can be done by any senator, but it is generally done by the chair of the committee that produced the report. If considered, the proceedings relating to the report are published in the *Journals of the Senate*.

## Depositing a Report with the Clerk

A committee may on occasion request the power to deposit a report with the Clerk of the Senate while the Senate is not sitting. The power to deposit a report with the Clerk of the Senate may be included in the committee's order of reference for the relevant bill or study. If this power is granted and such a report is deposited, a senator – normally the chair of the committee – subsequently informs the Senate of this fact under the heading “Presenting or Tabling Reports from Committees” during Routine Proceedings and may move that the report be placed on the Orders of the Day for a future sitting.<sup>170</sup>

## Motions to Adopt Reports

While one day's notice is required for a motion to adopt a report of a standing committee, two days' notice is required for a motion to adopt a report of a special committee.<sup>171</sup> The motion to place the report on the Orders of the Day fulfils these notice requirements.<sup>172</sup>

When a presented report is called for consideration, a motion is moved for its adoption before debate begins. In the case of a tabled report, on the other hand, a motion for adoption is optional: it can be moved before debate starts, it can be moved at some point during the course of debate, or it need never be moved. In the last case the report will drop from the Order Paper once debate concludes. When there is a motion to adopt a report, an amendment can be moved to this motion without notice.

---

<sup>170</sup> See, for example, the eighth report of the Human Rights Committee, deposited with the Clerk of the Senate on December 3, 2024 (*Journals of the Senate*, December 3, 2024, p. 3347), and the fifteenth report of the Social Affairs Committee, deposited with the Clerk of the Senate on June 8, 2023 (*Journals of the Senate*, June 8, 2023, p. 1795).

<sup>171</sup> See rule 5-5(f) for standing committees and the Committee of Selection, and rule 5-6(1)(e) for special committees.

<sup>172</sup> See, for example, Bourinot, pp. 476-478.

## Standing Committee on Ethics and Conflict of Interest for Senators reports

There are special procedures that govern how the Senate deals with reports of the Standing Committee on Ethics and Conflict of Interest for Senators. Under rule 12-30, the committee has the power to deposit its reports directly with the Clerk of the Senate when the Senate stands adjourned and are then deemed presented to the Senate at the next sitting. With regards to its reports on the conduct of an individual senator, a motion to adopt such a report is deemed moved on the fifth sitting day following its presentation, if not moved earlier. A vote to adopt such a report cannot be held until either the senator who is its subject has spoken or five sitting days have passed, whichever comes earlier.<sup>173</sup> If the motion to adopt such a report has not been disposed of by the fifteenth sitting day after it was moved, the Speaker is required to put all questions necessary to dispose of the report when it is called.<sup>174</sup> A standing vote to dispose of questions put on the fifteenth day is automatically deferred, either to 5:30 p.m. that day (if the questions are put before that time), or to 5:30 p.m. on the next sitting day (if the questions are put after 5:30 p.m.). However, if the question is put between 5:15 and 5:30 p.m., the vote takes place immediately with a 15-minute bell.<sup>175</sup> The senator who is the subject of the report cannot vote on any motion relating to the report.<sup>176</sup>

## Government Responses

Under rule 12-23(1), “[t]he Senate may request a complete and detailed response from the Government to a report of a standing or special committee that has been adopted by the Senate.” This request can be included in the report itself, in the motion for the adoption of the report or in a separate motion moved after the adoption of the report. In all cases, a request for a response requires that the Senate adopt the report, either before the request is adopted or at the same time. The request identifies the minister or ministers responsible for responding to the report.<sup>177</sup>

If a government response is requested, the Leader or Representative of the Government in the Senate has 150 calendar days from the adoption of the request to either table the government’s

---

<sup>173</sup> See rule 12-29(1). Under rule 12-29(4), “[i]f a report of the committee deals with the conduct of a former Senator, he or she shall be invited to speak to the report as a witness before a Committee of the Whole” (also see *Ethics and Conflict of Interest Code for Senators*, subsection 51(3)).

<sup>174</sup> Rule 12-29(5).

<sup>175</sup> Rule 12-29(7).

<sup>176</sup> Rules 9-7(1)(b) and 12-29(6). Also see subsection 51(5) of the *Ethics and Conflict of Interest Code for Senators*.

<sup>177</sup> Rule 12-23(2).

response in the Senate or to give an explanation for not doing so.<sup>178</sup> Once a response is tabled or an explanation is provided, it is deemed referred to the relevant committee along with the committee's original report.<sup>179</sup> If no response or explanation is provided within 150 days, the original committee report and the absence of such response or explanation are deemed referred to the committee.<sup>180</sup> A government response requested under this rule can be deposited with the Clerk of the Senate.<sup>181</sup>

Requests for government responses become null upon prorogation or dissolution of Parliament. However, the Senate can adopt a motion to reinstate the request for a government response in a new session or a new Parliament. In 2007, a Speaker's ruling noted that "[i]f a report was adopted in a past session or a past Parliament, a government response can be requested under rule [12-23], and must be renewed in each subsequent session, whether in the same Parliament or a new one."<sup>182</sup> If, however, the report was not adopted in an earlier session, there must be "a clear and direct procedure that unambiguously places the report before the Senate in the current session and allows Senators ample opportunity for debate."<sup>183</sup> One approach would be for the chair to give a notice of motion to place a report from a previous session on the Orders of the Day. A subsequent motion can then be moved for the adoption of the report and to request a government response.<sup>184</sup>

On a number of occasions, when a government response requested in a previous session was essentially completed, but could not be tabled because of prorogation, the government has used its general authority to "table any papers dealing with the administrative responsibilities of the Government"<sup>185</sup> to provide the response in the new session. However, since such responses are not made pursuant to rule 12-23, they are not automatically referred to committee.

---

<sup>178</sup> Rule 12-23(3).

<sup>179</sup> Rule 12-23(4).

<sup>180</sup> Rule 12-23(5).

<sup>181</sup> Rule 14-1(6).

<sup>182</sup> Speaker's ruling, *Journals of the Senate*, December 11, 2007, p. 368. The ruling also noted that "... because the Senate does not have rules providing that requests for government responses are automatically revived in a new session, such requests do, in fact, die at prorogation. If a response is still desired in the new session, it must be renewed by motion, with a new period of 150 days, if the motion is adopted. This is different from the House of Commons, which does have a Standing Order allowing requests for government responses to committee reports to survive in a new session of the same Parliament."

<sup>183</sup> Speaker's ruling, *Journals of the Senate*, December 11, 2007, p. 367.

<sup>184</sup> See, for example, *Journals of the Senate*, March 11, 2020, p. 417, putting the thirteenth report of the Official Languages Committee and the thirty-second report of the Banking Committee from the First Session of the Forty-second Parliament on the Orders of the Day. Motions were subsequently adopted to adopt the reports and request a government response.

<sup>185</sup> Rule 14-1(1).

## Confidentiality of Committee Reports

Committee reports are confidential until they are presented or tabled in the Senate. As it is the Senate that orders a committee to undertake a study, the Senate is entitled to be informed first of the results of the study. Draft reports and documents from in camera meetings are also confidential.

The disclosure of a confidential committee report or part of a committee report prior to its being tabled or presented in the Senate constitutes a breach of parliamentary privilege.<sup>186</sup> When dealing with such a disclosure, the committee concerned should first examine the circumstances surrounding the unauthorized disclosure, as set out in Appendix IV of the *Rules of the Senate*. The committee is expected to report the alleged breach to the Senate and to advise that it is commencing an inquiry into the matter. When undertaking an investigation of the circumstances surrounding the alleged breach, the committee is expected not only to attempt to determine the source of the breach, but also to address the issue of the seriousness and implications (actual or potential) of the unauthorized disclosure.

Such an investigation does not preclude any senator from raising a question of privilege in the Senate regarding the breach.<sup>187</sup> However, the substance of the question of privilege is not dealt with by the Senate until after the committee completes its investigation, even if the Speaker finds that strong evidence for the case (i.e. a prima facie case) exists. The question of privilege will not be prejudiced by awaiting the results of the committee's investigation. If a committee decides not to investigate a leak, any senator can raise a question of privilege at the earliest opportunity after the committee has decided not to proceed.

If it is eventually determined that a breach has occurred, the matter is normally referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for further consideration.

---

<sup>186</sup> *Senate Procedure in Practice*, pp. 207-208. See also the sixth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented in the Senate on April 13, 2017 (*Journals of the Senate*, pp. 1653-1765).

<sup>187</sup> See, for example, the question of privilege raised in the Senate on December 8, 2015, relating to leaks to the media on the contents of the Auditor General's report on Senators' expenses, with a ruling finding a prima facie case of privilege delivered on January 26, 2016 (*Journals of the Senate*, p. 69).

## COMMITTEE DOCUMENTS

The principal documents that Senate committees produce are minutes, evidence and reports. Other documents related to the work of committees, such as briefs and submissions from witnesses, are kept in the archives of the committee and published to the committee's webpage on the Senate of Canada website. As the custodian of committee documents, the committee clerk is responsible for ensuring that they are made available as necessary to parliamentarians and the public.

### Minutes of Proceedings and Evidence

The minutes of proceedings are the official record of a committee's meetings and decisions. Prepared by the committee clerk after every meeting, they include information about the time, date and location of the meeting; the members present; the order of reference that was considered; decisions taken; the names of witnesses; and any procedural events that occurred.

Public meetings are transcribed verbatim for eventual publication. A draft version of the transcript<sup>188</sup> is made available to senators and witnesses for minor corrections before final editing and publishing as the "evidence of the committee." The unrevised transcript may also be distributed to other interested parties (including journalists, government officials and observers of the committee's work). The first draft of the transcript is typically available within twenty-four hours of a meeting, and a short time is allowed for corrections. The timeframes are longer for meetings outside the parliamentary precinct. The edited transcript is published on the relevant committee's webpage on the Senate of Canada website along with the minutes of proceedings and other information pertaining to that meeting.

### Reports to the Senate

As previously noted, committees may report to the Senate for a number of reasons. Reports may be substantive or administrative in nature; they may seek decisions of the Senate, or they may simply provide information. All reports are published by the committee, and those that are presented (not tabled) are also published in the *Journals of the Senate*.

---

<sup>188</sup> Often called "the blues" since the unedited transcripts of proceedings were once produced on blue paper.

## **Briefs, Submissions, Correspondence and Other Documents**

Briefs, submissions and correspondence received by the committee are distributed to members of the committee, together with a translated copy. Once available in both languages, these documents may also be made available to the public through each committee's webpage on the Senate of Canada website. Copies of such documents are retained for inclusion in the committee archives at the end of each parliamentary session.

## **Exhibits and Other Documents**

Committee members or witnesses sometimes request that material be tabled with the committee, filed as an exhibit or appended to the minutes of proceedings, although the last option is seldom used. An exhibit is any document or item classified by the committee as such and is, therefore, considered part of the committee's records and transferred to the archives. Both exhibits and other documents tabled during a meeting are retained by the committee clerk to be archived, and then form part of the official record.

A senator will sometimes ask that a specific document be recorded in the minutes of a meeting. The committee must adopt a motion to that effect, preferably at the time the document is tabled.

# **EXTERNAL RELATIONS**

## **Media**

Media coverage of Senate committees helps inform the public about their work and also contributes to a public understanding of the Senate and the work done by senators. The Senate Communications, Broadcasting and Publications Directorate works with committees to inform the media of the various committee activities, to heighten the profile of the work of committees, and to answer specific questions from the media about committee activities.

Committee clerks may provide the media with the blues for meetings or with information concerning upcoming meetings and matters currently being considered by a particular committee. Any questions of a political or partisan nature will be directed to members of the committee.

## **Broadcasting**

A committee can broadcast its meetings online and on television, subject to the availability of resources. The committee clerk makes the necessary arrangements. If more committees request to



be broadcast than can be accommodated, the leadership representatives from the recognized parties and recognized parliamentary groups will provide direction.

When a Senate committee meeting is broadcasted, it may be available live on the Parliamentary Television Network (PTN). Such broadcasts are available in French, English and floor languages to all offices on Parliament Hill. Webcasts of public committee meetings and a video on demand service are available to members of the public on the internet (at [sencanada.ca](http://sencanada.ca)). Senate committee meetings recorded for broadcast are provided to the Cable Public Affairs Channel (CPAC), with whom the Senate has an agreement to broadcast a fixed number of hours of Senate committee meetings per week, for broadcast in English and French at a later date. Under rule 14-7(2), public proceedings in any committee may be broadcast and recorded using audio feed facilities installed for that purpose. This means that members of the public observing the committee may not film or broadcast committee meetings themselves. This provision also applies to audio webcasting.

## **Senate of Canada Website**

The Senate of Canada website provides general information about committees. Each committee also has its own page on the website, where the following information for both current and past sessions can be found:

- committee mandates;
- committee minutes and transcripts;
- committee reports;
- current membership;
- schedule of meetings;
- orders of reference;
- names of witnesses who have appeared before the committee;
- press releases and other media-related documents such as backgrounders; and
- links to the webcasting of committee meetings.

# ADMINISTRATION OF COMMITTEES

## Committees Directorate

The Committees Directorate provides non-partisan procedural information and administrative services to all standing Senate and joint parliamentary committees, with the exception of the Standing Committee on Internal Economy, Budgets and Administration, which has its own secretariat. The Standing Committee on Rules, Procedures and the Rights of Parliament may also be supported by a clerk from outside the directorate.

The Committees Directorate operates under the direction of the Clerk Assistant and the Principal Clerks of Committees, who also serve as table officers<sup>189</sup> in the Senate Chamber.

Staff provide information to the public, government departments, and others regarding committee activities. The directorate also maintains statistical and other information regarding the activities of committees, which is made public through the directorate's annual reports, available on the Senate of Canada website. Each committee is assigned a clerk and an administrative assistant. Staff in the directorate also includes legislative clerks and logistics officers.

## Committee Clerk

The committee clerk acts as the chief procedural, logistical, administrative, financial and information officer for a committee or subcommittee. The clerk is responsible for coordinating the organization of a committee's meetings and ensuring that committee members have the necessary information required for their deliberations. The clerk serves as an advisor on parliamentary procedure and is a non-partisan employee of the Senate. As such, a committee clerk performs duties independent of the political affiliation of the committee's members. The clerk relies on the *Rules of the Senate*, parliamentary procedure, practices and jurisprudence to advise the chair and members on the acceptability of motions, amendments and the conduct of votes.

The committee clerk attends all public and in camera meetings of the full committee and any subcommittee, including the steering committee. As the recording secretary, the committee clerk is responsible for drafting minutes, which serve as the official record of a meeting.

---

<sup>189</sup> Table officers provide procedural advice to the Speaker and senators with respect to their duties in the chamber, and act as reading clerks during sittings.

With respect to administration, the clerk arranges and coordinates the work of the committee under the direction of the chair and the steering committee. The committee clerk handles relations and correspondence with interested parties and potential witnesses, and ensures the translation and distribution of briefs, as required, to members. The clerk also manages the preparation and scheduling of meetings, arranges the appearance of witnesses and coordinates all logistics, including transportation and accommodation, when the committee travels.

Drafting the committee budget upon instruction from the chair and other members is another responsibility of the clerk. In addition, the committee clerk is involved in the preparation of any contracts of the committee. All expenditures and disbursements of the committee, particularly payments to witnesses and consultants, are certified and tracked by the clerk with the assistance of the Senate's Finance and Procurement Directorate.

The committee clerk co-ordinates the preparation, translation, editing, printing and distribution of committee reports on special studies, as well as on legislation considered by the committee.

## **Administrative Assistant**

The administrative assistant assists the committee clerk in providing administrative and informational support to the committee. The administrative assistant collaborates with the committee clerk to ensure that all meetings of the committee are effectively organized and that committee members have the necessary information required for their deliberations.

The administrative assistant actively participates in the preparation and closure of meetings, the coordination of logistical arrangements for meetings, and the translation and distribution of briefs. The administrative assistant also contributes to the preparation and distribution of reports.

In addition to these duties, the administrative assistant ensures that the official records and documents of committees are accurately maintained for archiving.

## **Legislative Clerk**

The role of a legislative clerk is defined by support and collaboration. A legislative clerk's primary function in the Committees Directorate is to assist committee clerks to ensure that all organizational and procedural aspects of committee work are administered effectively. The legislative clerk drafts and monitors committee budgets related to travel and other expenditures; reviews minutes, official documents and meeting notices; and coordinates the logistics relating to the virtual components of committee meetings and travel. In addition to these tasks, a legislative clerk supports the work of the Committees Directorate. He or she actively takes part in projects to

improve the operations and functions of the directorate. This includes reviewing service contracts, publishing the annual report (summary of committee activities over a fiscal year), and managing content for the directorate's intranet and public-facing website.

## **Logistics Officer**

Logistics officers provide administrative and logistical support to committee clerks. This includes planning travel for Senate committees and managing the coordination of the virtual components of committee meetings. The role of the logistics officer is to ensure that the organizational and administrative work of committees are effectively administered both in and outside of Ottawa.

## **Analyst**

Most committees require research support to accomplish their work, and analysts from the Library of Parliament assist committees in this regard. They are responsible for preparing briefing notes relating to committee studies and suggested questions for witnesses testifying before the committee. Analysts usually work with the chair and the steering committee in the selection of witnesses. They assist the committee by preparing draft reports, especially lengthy reports associated with special studies, as well as the observations sometimes appended to reports on bills. Like Senate Administration personnel, analysts from the Library of Parliament are non-partisan.

## **Communications Officer**

Communications officers are non-partisan employees of the Senate Communications, Broadcasting and Publications Directorate. They focus on promoting the institutional work of the Senate and provide communications advice to the Speaker, Senate committees, senators and the Senate Administration.

Under the direction of the steering committee, they develop communications strategies and plans for committees, always taking into account the different perspectives represented on the committee. They shape information products tailored to the needs of committee audiences, in print or electronic form. They plan and organize news conferences, respond to media calls and provide media analysis to committee members. They also provide information for speaking notes, speeches and articles.

Communications officers travel with Senate committees when needed, notify the media and public about hearings, and set up interviews with the media.

## **Consultant**

Committees may contract expert consultants who are not employed by Parliament. This option is most often used when a committee is studying a topic that may be outside the expertise of available Library of Parliament analysts, or when a particular individual's skills are required. These professionals tend to be subject matter experts, legal counsel or specialized service providers. If a committee decides to request the services of a consultant, it must obtain the power to hire through a request contained in a budget report adopted by the Senate; the budget report will also contain the request for the necessary funds to hire.



SÉNAT | SENATE  
CANADA

[sencanada.ca](http://sencanada.ca)

