



Fundamentals of Senate Committees



January 2020

Ce document est disponible en français

* * *

This document is available on the Senate of Canada's website
www.sencanada.ca
Committee / About Committees

TABLE OF CONTENTS

| | |
|--|----|
| INTRODUCTION..... | 1 |
| HISTORICAL BACKGROUND OF COMMITTEES..... | 1 |
| RULES OF THE SENATE | 2 |
| COMMITTEE MEMBERSHIP | 2 |
| TYPES OF COMMITTEES..... | 3 |
| ORGANIZATION MEETINGS..... | 6 |
| MANDATE – ORDERS OF REFERENCE | 7 |
| POWERS OF COMMITTEES..... | 9 |
| ROLE OF THE CHAIR | 10 |
| ROLE OF COMMITTEE MEMBERS..... | 11 |
| COMMITTEE MEETINGS | 12 |
| PROCEDURE | 13 |
| BUDGETS..... | 14 |
| WITNESSES..... | 15 |
| COMMITTEE TRAVEL..... | 17 |
| COMMITTEE REPORTS..... | 17 |
| ADMINISTRATION OF COMMITTEES..... | 20 |
| COMMITTEE DOCUMENTS | 22 |
| EXTERNAL RELATIONS | 23 |

Introduction

Much of the valuable work done in the Senate is accomplished by its committees. On average, over 40 bills are examined and 50 special studies are undertaken each year by the Senate's standing, joint and special committees. The resulting reports are welcomed by a variety of audiences including government departments, academics, professional organizations, policy institutes, special interest groups, corporations, members of the public and more.

Individuals who have appeared before committees or who have followed the work of committees are among the strongest supporters of the Senate;

[W]hat the Canadian upper house does rather than for whom it speaks is the major source of the Senate's good report. Even the sternest critics compliment the senators for their work in the scrutiny, investigation and revision of legislation.¹

This document outlines how 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.

1. Historical Background of Committees

Committees have been an integral part of parliamentary work since long before the Canadian Parliament was established. In fact, the earliest committees in the British House of Commons, a system that Canada inherited, date back to the beginning of the 1400s.

The Senate established its first committee on the second day of the first Parliament in 1867. The committee was struck "to consider the Orders and Customs of this House, and Privileges of Parliament."² In the first *Rules of the Senate* adopted a year later, two sections were devoted to matters related to committees.

In 1894, the Senate revised its Rules to establish ten standing committees, each with a fixed number of members. For the next seventy-four years, these committees continued with only minor changes.

In 1968, a major restructuring of committees occurred, with some committees being renamed and others being created. After this reorganization, there were eight Senate standing committees and three standing joint committees of the Senate and House of Commons. In 1983, the size of most standing committees was reduced from 20 to 12 members, with a corresponding reduction in their quorums.³

The *Rules of the Senate* were substantially restructured in 2012. According to the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament presented in the Senate in November 2011, the major objective of the revision was to clarify the Rules and reflect

¹ Smith, D.E., *The Canadian Senate in Bicameral Perspective*, Toronto: University of Toronto Press, 2003, p. 110.

² *Journals of the Senate*, November 7th, 1867, p. 60.

³ The minimum number of senators needed to transact business. Each committee has a specific number of senators needed to constitute a quorum (rule 12-3 (1), 12-3 (2), 12-4, 12-6, 12-7). Committees may sit to hear evidence and authorize the publishing of evidence when they do not have quorum, but only if they have been authorized to do so by the committee. They may not vote or make any decisions without quorum (rule 12-17).

current practice while avoiding significant changes in content.⁴ There have been changes to the Rules since 2012, and the online version reflects the Senate's latest decisions.

2. Rules of the Senate

The committees are governed by the *Rules of the Senate*, 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. When the Rules are silent on a specific subject or situation, rule 1-1(2) provides that the customs, usages, forms and proceedings of either house of Parliament of Canada shall be followed. When determining the proper procedure to follow, various procedural authorities may be consulted for guidance⁵ in addition to the *Rules of the Senate*, parliamentary doctrine, practice and jurisprudence.

3. Committee Membership

At the beginning of each new session of Parliament, according to rules 12-1 and 12-2, the Committee of Selection is formed to nominate a Speaker *pro tempore*⁶ and to name senators to serve on committees. The Committee of Selection must report within five sitting days regarding the nomination of the Speaker *pro tempore*, and as the committee generally reports on both matters on the same day, committee membership is usually set within the first week of a new session. These committee reports are often adopted the same day that they are presented.

In practice, prior to the Committee of Selection's first meeting, senators may indicate their preference to sit on a particular committee to the leadership of their recognized party or recognized parliamentary group in the Senate. These preferences may be taken into consideration when setting the membership of the various committees. When new senators are appointed to the Senate during the course of the session, they may express their interest in serving on a specific committee to their leadership, if applicable.

Under rules 12-2(1)(b) and 12-2(3), once a senator's membership on a committee is confirmed by the Senate, it continues for the duration of the session. However, 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 designate, for members of that party or group. The Clerk of the Senate must receive a signed written notification of any committee membership changes. This change is then recorded in the *Journals of the Senate*. Copies of membership changes are also forwarded by email to the committee clerk.

Non-affiliated senators, who are not members of a recognized party or recognized group, may be appointed to committees. However, a non-affiliated senator's membership on a committee can only be changed by a decision of the Senate (usually by adopting a report of the Committee of Selection).

⁴ *Journals of the Senate*, November 16th, 2011, p. 412.

⁵ Such authorities include, for example: *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, Privilege, Proceedings and Usage of Parliament*, 25th ed.: Edited by Sir David Natzler KCB and Mark Hutton, London: LexisNexis, 2019; and Bourinot, J.C., *Parliamentary Procedure and Practice in the Dominion of Canada*, 4th ed., edited by T.B. Flint, Toronto: Canada Law Book Co., 1916.

⁶ The Speaker *pro tempore* is, in essence, a deputy speaker who presides over sittings of the Senate when the Speaker is absent from the Chamber or is unable to perform duties in the chair (see rule 2-4(2)).

Ex officio members

Rule 12-3(3) states that the leaders of the government and opposition in the Senate, or in their absence their respective deputy leaders, are *ex officio* members of all committees, except for the Standing Committee on Ethics and Conflict of Interest for Senators and the joint committees.⁷

4. Types of Committees

Standing Committees

As implied by the name, standing committees exist for the duration of a session of Parliament. The Standing Committee on Internal Economy, Budgets and Administration and the Standing Committee on Ethics and Conflict of Interest for Senators are the exceptions to this rule. The Standing Committee on Internal Economy, Budgets and Administration, pursuant to the *Parliament of Canada Act*, continues to exist during periods of prorogation and dissolution of Parliament. This is in line with its mandate to deal with “all matters of a financial or administrative nature relating to the internal management of the Senate.” The *Ethics and Conflict of Interest Code for Senators*, adopted by the Senate, also provides for an Intersessional Authority on Ethics and Conflict of Interest for Senators during periods of prorogation and dissolution, with the membership of the former Standing Committee on Ethics and Conflict of Interest for Senators.

There are currently sixteen⁸ standing committees of the Senate. These are as follows:

Aboriginal Peoples
Agriculture and Forestry
Banking, Trade and Commerce
Ethics and Conflict of Interest for Senators
Energy, the Environment and Natural Resources
Fisheries and Oceans
Foreign Affairs and International Trade
Human Rights
Internal Economy, Budgets and Administration
Legal and Constitutional Affairs
National Finance
National Security and Defence
Official Languages
Rules, Procedures and the Rights of Parliament
Social Affairs, Science and Technology
Transport and Communications

⁷ During the First session of the Forty-second Parliament, a seasonal order was adopted by the Senate of November 7, 2017, which provided that, in addition to the *ex officio* members under rule 12-3(3), the leader or facilitator of any recognized party or recognized parliamentary group or, in their absence, a designate, were also *ex officio* members. In the case of the Standing Committee on Internal Economy, Budgets and Administration, this seasonal order provided that the Government Liaison was an *ex officio* member if the Government Representative or the Legislative Deputy to the Government Representative were absent.

⁸ Pursuant to a sessional order adopted by the Senate on November 7, 2017, for the remainder of the First session of the Forty-second Parliament, the Committee of Selection was also considered a standing committee.

The size of these committees, the number of members required for quorum, and the general area of study of each committee are set under rules 12-3(1), 12-3(2), 12-4, 12-6 and 12-7. The committees usually range from 9 to 15 members. Most committees are composed of 12⁹ members and require a quorum of four. However, the Committee on Ethics and Conflict of Interest for Senators has five members and a quorum of three.

Special and Legislative Committees

A special committee is established to undertake a study on a particular issue or to study a specific piece of legislation. As an example, during the First session of the Forty-second Parliament, three special committees were created (the Special Committee on Senate Modernization, the Special Senate Committee on the Charitable Sector, and the Special Senate Committee on the Arctic). Unlike standing committees, once a special committee submits its final report to the Senate, it ceases to exist.

The motion adopted by the Senate to establish a special committee usually sets out the parameters of the committee's study, from which it may not deviate without permission from the Senate. Often, it will name the members of the committee and the date by which the committee must report, and it will sometimes include other provisions such as the power to travel and to contract professional services.¹⁰

The Senate may also appoint legislative committees¹¹, composed of up to 12 members, but there are no known cases of this having occurred. When a bill is sent to a committee, other than a standing committee, normal practice has been to establish a special committee instead.¹²

Committee of Selection

As already noted, the Committee of Selection is struck at the beginning of each session, and consists of nine members. It has two duties: 1) to nominate a senator to serve as *Speaker pro tempore*; and 2) to nominate senators to serve on the standing and standing joint committees.¹³ The Committee of Selection may also, from time to time, propose changes to the membership of committees. In accordance with rule 12-2(5), it is neither a standing nor a special committee.

Joint Committees

Joint committees are made up of both senators and members of the House of Commons. They have a proportionate number of members from each house, reflecting their relative sizes. Such committees may be established through the procedural rules of each house (a standing joint committee) or by a motion adopted by each house (a special joint committee). They traditionally

⁹ During the 1st session of the 42nd Parliament, a seasonal order was adopted by the Senate of December 7, 2016 which increased the number of members of committees provided under rules 12-3(1) and (2) until the end of the session or until October 31, 2017, whichever came earlier.

¹⁰ As noted later, it is possible to create special joint committees. A recent example is the Special Joint Committee on Physician-Assisted Dying (2016).

¹¹ A Legislative committee is: A Senate committee, other than a special committee, established for the specific purpose of studying a particular bill. The Rules establish the maximum membership of legislative committees at 12 Senators (*Rules of the Senate*, Appendix 1: Terminology).

¹² Recent examples of special committees that have studied legislation are the Special Committee on Bill C-36, the Anti-terrorism Act (2001) and the Special Committee on Bill C-21, the Clarity Act (2000).

¹³ Except for the Committee on Ethics and Conflict of Interest for Senators, whose members are selected by a distinct process under rule 12-27(1) and the *Ethics and Conflict for Senators*, subsections 35(4) and (5).

deal with issues of a non-legislative nature of common interest to both houses. Once senators have been appointed to serve on a joint committee, a message is sent to the House of Commons informing it of the Senate members. Similarly, once the House of Commons membership is determined, a message is sent from the House of Commons to the Senate. Joint committees have a Senate chair and a House of Commons chair who alternately or jointly preside over meetings.¹⁴ There are two standing joint committees: Scrutiny of Regulations and Library of Parliament.

Subcommittees

A subcommittee is a smaller committee formed from among the members of a committee for the purpose of relieving the committee of a portion of its workload.¹⁵ The most common example is the Subcommittee on Agenda and Procedure, typically referred to as the “steering committee”, formed by most committees to make administrative decisions on behalf of the committee. Subcommittees may also be formed to focus on a particular subject within the committee’s scope, such as the Standing Committee on National Security and Defence’s Subcommittee on Veteran Affairs or the Standing Committee on Internal Economy, Budgets and Administration’s Subcommittee on Human Resources. The size of any subcommittee is limited to not more than half the number of members of the main committee, three of whom shall constitute a quorum.¹⁶ Ex officio¹⁷ members do not sit on subcommittees, although ex officio members are counted as members of the main committee for the purpose of determining the maximum number of members of the subcommittee.

Committee of the Whole

Occasionally, the Senate resolves itself into a Committee of the Whole to allow all senators to participate in a committee meeting. A Committee of the Whole can be formed to consider legislation, motions, resolutions and addresses. A matter is generally referred to a Committee of the Whole rather than a standing or special committee when the issue is especially urgent. A Committee of the Whole and its proceedings are less formal than other work done in the chamber. It combines elements of procedure followed in the chamber and in committees.

A Committee of the Whole exists only for the duration of the mandate given to it by motion of the Senate, usually a few hours. While no notice is required for the motion to resolve the Senate into committee, in practice such a meeting is usually scheduled beforehand by the adoption of a motion, giving senators the opportunity to plan their work.

The Speaker of the Senate does not preside over the Committee of the Whole. The Speaker *pro tempore* usually preside, although the task may go to another senator. Witnesses may be invited onto the floor of the chamber to give testimony. A minister who is not a member of the Senate may be asked to take part in debate when the Committee of the Whole is considering a bill or any other matter that is the responsibility of his or her department.

The *Rules of the Senate* apply in Committee of the Whole, with the following exceptions:

- a senator may speak any number of times;
- each intervention by a senator is limited to ten minutes;

¹⁴ *Senate Procedure in Practice*, p. 181.

¹⁵ *Senate Procedure in Practice*, p. 181.

¹⁶ Rules 12-12(2) and 12-12(3).

¹⁷ Pursuant to rule 12-3(3) the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate and the Leader of the Opposition in the Senate or the Deputy Leader of the Opposition in the Senate are *ex officio* (by virtue of the office they hold) members of all committees.

- any standing vote is taken immediately, without bells to call in the senators;
- there can be no arguments against the principle of a bill; and
- there can be no motions for the previous question¹⁸ or for an adjournment.

Once a Committee of the Whole has completed its work, the chair of the committee reports to the Senate and may either ask for permission to sit again, or the committee ceases to exist.¹⁹

5. Organization Meetings

Pursuant to rule 12-13, once the report from the Committee of Selection on membership has been adopted, the Clerk of the Senate calls the organization meetings for all committees. In practice, it is the committee clerk who organizes this first meeting, but notices for organization meetings are issued in the name of the Clerk of the Senate and not the committee clerk.

When quorum is present, the organization meeting is called to order by the committee clerk. The clerk of the committee conducts the first item of business, the election of the chair. The senator elected as chair must be a member of the committee, but does not have to be present to be elected. The committee clerk calls for nominations and, once satisfied that no other senators wish to make a nomination, the question is put on each nomination in the order they were received. Nominations for a senator to be named chair of the committee are made in the form of a motion. These motions are not debatable because the committee clerk cannot preside over debate. A chair is elected by a majority of votes of the committee members present. Once elected, the senator in question is invited to take the chair and preside over the meeting. If the senator who is elected as chair is absent, the committee clerk will conduct the election of an acting chair who presides over the rest of the meeting.

The second item of business at an organization meeting is usually the election of a deputy chair, which is essentially the same process that is used for electing a chair, except that motions nominating a senator as deputy chair of a committee are debatable since the chair or acting chair presides over this election.

Another item of business that is usually dealt with during an organization meeting is the creation of the Subcommittee on Agenda and Procedure, or “steering committee”. In rare cases, a committee may choose not to have a steering committee. The steering committee normally consists of the chair, the deputy chair and one other member of the committee not specified in the motion creating the subcommittee²⁰, but “designated after the usual consultation.”²¹ The steering committee is empowered to make decisions with respect to the committee’s agenda, to invite witnesses²² and schedule meetings. The main committee can adjust a decision of the steering committee by a majority vote.

¹⁸ A motion for the previous question calls for an immediate vote on the question at hand.

¹⁹ Rule 12-33(1) and 12-33(2).

²⁰ During the First session of the Forty-second Parliament, a sessional order was adopted by the Senate on December 7, 2016 instructing any committee that established a Subcommittee on Agenda and Procedure - with the exception of joint committees and committees of that already had a senator who is not a member of a recognized party on that subcommittee - to increase the number of members of the subcommittee by a non-member who is not a member of a recognized party until the end of the session or until October 31, 2017, whichever came earlier.

²¹ Committees are usually non-specific in the designation of this third member to allow a certain degree of flexibility, so that if the third member is unavailable, the steering committee can continue to operate with the designation of a different senator.

²² Witnesses are individuals invited by a committee to testify before it on the subject it is studying and include public officials, representatives of companies and interest groups, or members of the public of special interest to the committee.

After these items of business have been addressed, the committee will often pass a number of motions to allow for the more effective functioning of the committee. Typical motions include the following:

- a motion to publish committee proceedings;
- a motion for the authorization to hold meetings and publish evidence when quorum is not present;
- a motion to ask the Library of Parliament to assign one or more analyst(s) (i.e., researchers);
- a motion to adopt the report concerning the expenses and activities of the committee during the previous session;
- a motion concerning the authority to commit funds and certify accounts (a power 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 for the designation of members travelling on committee business (this is in relation to the *Senators' Attendance Policy*);
- a motion to reimburse the travelling and per diem expenses of witnesses; and
- a motion to assign a communications officer to the committee.

Once a committee has dealt with all the items on the agenda for the organization meeting, the committee may adjourn or may continue for the purpose of considering other business, such as formulating a work plan for future meetings.

6. Mandate – Orders of Reference

An order of reference is “The authorization for a committee to study a resolution, motion, bill or the subject matter of a bill, or to undertake an investigation or other work according to the terms contained in the motion or as provided by the *Rules of the Senate*.²³ Committees receive their mandates from orders of reference adopted in the Senate. There are generally two types of orders of reference that a committee may receive: an order of reference to consider a bill or the estimates, or an order of reference to carry out a special study.

Only three committees are empowered by the *Rules of the Senate* to act on their own initiative without a prior order of reference 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* for consideration by the Senate, and to consider the orders and practices of the Senate and privileges of Parliament. The Standing Committee on Ethics and Conflict of Interest for Senators is authorized on its own initiative to exercise general direction over the Senate Ethics Officer and is to be responsible for all matters relating to the *Ethics and Conflict of Interest Code for Senators*. Similarly, the Standing Committee on Internal Economy, Budgets and Administration may consider and act on all financial and administrative matters concerning the internal administration of the Senate, and to interpret and determine the propriety of any use of Senate resources, subject to the *Senate Administrative Rules*.

All other committees receive their mandates from orders of reference adopted in the Senate.²⁴ No committee may undertake the consideration of a bill or a special study prior to the Senate adopting an order of reference authorizing it to do so. In the latter case, a committee may request approval

²³ *Rules of the Senate*, Appendix I: Terminology.

²⁴ However, pursuant to rule 12-8(2), service fee proposals tabled by the Leader or Deputy Leader of the Government are deemed referred to the standing or special committee designated by them following consultations with the Leader or Deputy Leader of the Opposition.

to undertake a special study on a topic it suggests, or the Senate may order the committee to study a specific topic.

Examination of Bills

The motion to refer a bill to a committee for study is typically moved immediately after the motion for second reading of the bill has passed in the Senate. This is a procedural motion that is not open to debate²⁵ and for which no notice is required. This motion usually does not include a deadline for the committee to submit its report on the bill.

When considering a bill, the calling of witnesses is at the discretion of the committee. Generally, when studying a government bill, the minister and/or officials from the department sponsoring the bill appear first before the committee. At this first meeting, the minister and/or departmental officials explain the legislation in detail. Briefing books are often provided by the department in support of this function.

When the legislation pertains to a non-government bill (Senate public bill or private member's from the House of Commons),²⁶ the parliamentarian who originally introduced the bill, also known as the sponsor of the bill, usually appears first before the committee. While Senate committees will hear from a member of the House of Commons concerning his or her private member's bill, they usually do not hear from backbench MPs in other circumstances.

When a committee is sent a private bill²⁷ for consideration, the sponsor and representatives of the organization requesting the bill are usually the first witnesses to be called.

Once a committee studying a bill concludes its hearings, it will move to clause-by-clause consideration of the bill. At this point, committee members may propose amendments to the bill. The chair will call each clause of the bill separately and the committee will vote on them successively. If an amendment to a clause is suggested, the senator proposing it must read out his or her amendment, which will then be debated and voted on by the committee. If an amendment is adopted, this will be followed by a vote on the same clause, as amended, in order to allow for more amendments to the same clause. The committee will proceed through the clauses until they have all been considered, and will usually finish by voting on the preamble of the bill and its title. After clause-by-clause consideration, the committee will instruct the chair of the committee, or a senator designated by the chair, to report the bill back to the Senate. Rule 12-20(3) states that a committee cannot dispense with clause-by-clause consideration of a bill unless it has leave (i.e. unanimous consent) of the members present.

It should be noted that committees may also report against a bill pursuant to rule 12-23(5). Such a report recommends that the Senate not proceed further with a bill and must state the reasons. If the report is adopted by the Senate, the bill is discharged from the Order Paper.

²⁵ Rule 5(1)(f).

²⁶ A public bill is "A bill of general application, concerning matters of public policy. A public bill introduced in the Senate may be a Government bill (introduced by a Cabinet Minister or in a Minister's name) or a non-Government bill (one introduced by a Senator who is not a Cabinet Minister). A similar distinction is made for public bills originated in the Commons" (*Rules of the Senate*, Appendix I: Terminology). For more information, see *Senate Procedure in Practice*, Chapter 7.

²⁷ A private bill is "A bill to confer particular benefits or exemptions on specific individuals or groups, distinct from the general law. Such bills are introduced after receipt and examination of a petition from the affected parties, and are subject to special provisions in the Rules" (*Rules of the Senate*, Appendix I: Terminology). For more information, see *Senate Procedure in Practice* Chapter 8.

At times, a committee is given an order of reference to study the subject matter²⁸ of a bill. This usually occurs when the motion for second reading of a bill is being debated. Sending the subject matter of a bill to one or more committees for consideration prior to the bill receiving second reading allows the committees to study not only the provisions of the bill, but the principle as well (when the Senate adopts a bill at second reading, it means that there is agreement on the principle of the bill).

Rules 12-9(1) and 12-9(2) allow for the pre-study of bills that have been introduced in the House of Commons but have not yet received first reading in the Senate. This practice allows for a Senate committee's recommendations on a bill to be taken into account by the government while the bill is still before the House of Commons and prior to being sent to the Senate. Pre-study may sometimes be conducted by more than one committee, with some only being authorized to study specific parts of the bill.

Special Studies

Motions moved in the Senate to authorizing a committee to undertake a special study are substantive motions and require one day's notice. Motions authorizing special studies by committees should establish the parameters of the study to be undertaken and set the date by which the committee must table its 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.

While the Senate may refer any matter to any committee for consideration, committees usually only undertake studies of matters that fall within their purview, as outlined in the Rules.

Estimates

As part of the supply process,²⁹ the Standing Committee on National Finance examines the government's estimates and supplementary estimates for each fiscal year. In this process, the committee reviews the estimates and hears from the President of the Treasury Board, officials from the Treasury Board Secretariat, as well as officials from other departments of interest. The committee then tables a report on its review, and the report is normally debated and voted upon in the Senate.³⁰ The committee usually does not make its final report on the initial estimates until the end of the fiscal year in question.

7. Powers of Committees

Rules 12-9(1) and 12-9(2) set out the various powers of 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. When examining a bill or undertaking a special 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. This power is rarely exercised by committees as most witnesses appear voluntarily. However, if a summons is issued and a person refuses to appear or deliver the material in question, this can constitute contempt of Parliament.

A standing committee is empowered to publish such papers and evidence as may be ordered by it; these include the minutes of the committee and the committee proceedings.

²⁸ *Senate Procedure in Practice*, pp. 133-134 and 188.

²⁹ *Senate Procedure in Practice*, pp. 155-156.

³⁰ It must be noted that the National Finance Committee only review the estimates and does not adopt them.

In addition to the powers set out in rules 12-9(1) and 12-9(2), committees can form subcommittees under rules 12-12(1), 12-12(4) and 12-12(6).

Committees are also authorized to hold meetings in camera³¹ in certain situations under rule 12-16(1), but only when the agenda deals with any of the following:

- (a) wages, salaries and other employee benefits;
- (b) contracts and contract negotiations;
- (c) labour relations and personnel matters; and
- (d) a draft agenda or draft report.

All portions of a committee's 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, the adoption of the budget must be made in public. Similarly, while a committee may discuss draft observations to append to a bill in camera, the clause-by-clause consideration of the bill must be in public. While rule 12-16(1) allows committees to meet in camera to discuss these items, they are under no obligation to do so and may meet in public.

Committees can seek additional powers by means of motions in the Senate: to adjourn from place to place (i.e., to travel); to engage services; and to table a report with the Clerk of the Senate, if the Senate is not sitting.

8. Role of the Chair

The role of the chair in committee is to preside over meetings, guide deliberations and maintain order and decorum. As with the Speaker of the Senate, a committee chair has the authority to rule on procedural issues, and any ruling can be appealed at the request of any committee member. It is then subject to a vote on the question, "Shall the ruling of the chair be sustained"? As with votes in the Senate, a tie vote results in the ruling being overturned; only a majority vote in favour will sustain a ruling. In addition to calling meetings to order, it is usually the chair that adjourns committee meetings.

The chair has several other roles outside of committee meetings. It is the chair that represents the committee when its budget requests are reviewed by the Standing Committee on Internal Economy, Budgets and Administration. Pursuant to rule 12-22(2), the chair or a senator designated by the chair presents or tables reports of the committee to the Senate. In practice, 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.

A deputy chair³² can also preside over meetings of the committee in the absence of the chair. In essence, a deputy chair becomes chair for the duration of the meeting with all the powers of a chair. If the position of chair of a committee becomes vacant, a deputy chair does not automatically assume the role; instead, an election is held in committee to fill the vacancy.

³¹A meeting from which the public is excluded. Committees routinely meet in this way to deal with administrative matters and to consider draft reports. Subcommittees can meet in camera except when studying a bill clause-by-clause, and joint committees can meet in camera when they so choose.

³² During the First session of the Forty-second Parliament, a sessional order was adopted by the Senate on November 7, 2017, empowering ten committees to elect two deputy chairs. This expired at the end of the Parliament.

9. Role of Committee Members

In many respects, the role of a senator in a committee is similar to the role played in the Senate: senators may move motions, participate in debate and vote. Procedure in committee is more informal than in the chamber; thus, senators have more freedom in their role as a committee member. Key differences include the fact that motions in committee do not require a seconder,³³ and that notice is not required to move a motion. In addition, a senator may speak more than once on a question in committee and there are no specific time limits imposed on the length of interventions in debate.

While rule 12-14 allows any senator to attend and participate in the deliberations of any committee (except for the Standing Committee on Ethics and Conflict of Interest for Senators), only members of the committee are allowed to vote on a motion before their committee and count toward a committee's quorum. A corollary to this rule is that non-members are not entitled to move a motion.³⁴

A central function of a senator's role in committee is the questioning of witnesses. Typically, witnesses are given time to make a brief statement, after which committee members can ask questions. There is no formal practice limiting the amount of time for questions, but senators usually limit their questions to allow for the participation of all committee members who wish to speak. 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.

Ethics and Conflict of Interest Code for Senators (the code)

Subsection 12(1) of the code stipulates the following:

- a senator must determine if there are reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected by a matter that is before the Senate or a committee of which the senator is a member;
- if the senator believes there is such an interest, the senator shall, no later than the first occasion at which he or she is present during consideration of the matter in the Senate or in committee, make a declaration on the general nature of the private interest;
- the declaration can be made orally on the record or in writing to the Clerk of the Senate or the clerk of the committee;
- in the Senate, the Speaker shall cause the declaration to be recorded in the *Journals of the Senate*; and
- in committee, the chair of the committee shall cause the declaration to be recorded in the minutes of proceedings.

All declarations are submitted to the Senate Ethics Officer, who files them with the individual senator's public disclosure summary. If a declaration is made during an in camera meeting of a committee, the chair and the Senate Ethics Officer shall obtain the consent of the subcommittee

³³ Rules 12-20(1). A senator moving a motion in the Senate Chamber requires the support of a second senator for the motion to be considered by the Chamber.

³⁴ *Senate Procedure in Practice* p. 178.

on agenda and procedure of the committee concerned to have the declaration recorded in the minutes of proceedings or filed with the senator's public disclosure summary.

Subsection 13(2) instructs that:

A Senator who has made a declaration under section 12 regarding a matter that is before a committee of the Senate of which the Senator is a member may not participate in debate or *any other* deliberations in the committee on the matter, and must withdraw from the committee for the duration of those proceedings, but the Senator need not resign from the committee.

Likewise, subsection 13(3) stipulates that:

A Senator who has reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected by a matter that is before a committee of the Senate of which the Senator is not a member may not participate in debate or any other deliberations in the committee on the matter, and must withdraw from the committee for the duration of those proceedings.

Pursuant to section 14, a senator who has made a declaration under section 12, or a senator who is required to make such a declaration but has not yet done so, may not vote on the matter except to abstain.

10. 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.

Sitting Times

Committee meetings are scheduled around Senate sittings, and caucus meetings and, therefore, tend to take place in the mornings, late afternoons and evenings.

The regular weekly times and locations of committee meetings are decided at the beginning of each new session of Parliament by the whips and facilitators of the recognized parties and recognized parliamentary groups in the Senate. This negotiation aims to avoid conflicts due to limited time slots. As most committees sit twice a week, and many senators sit on two committees or more, the whips and facilitators decide on a schedule that leads to as few meeting conflicts as possible.

When a committee wishes to sit outside its usual time slot (but not when the Senate is sitting; see reference to rule 12-18(1) in the next paragraph), common practice is to seek the approval of the leaderships. Meeting outside a normal time slot is generally discouraged, as this often leads to conflicts for senators who are members of more than one committee.

General Restrictions on Committee Sittings

There are certain restrictions imposed by the Rules regarding committee sittings. For example, under rule 12-18(1), no committee may sit during a sitting of the Senate. Notwithstanding that rule, the Senate will occasionally adopt a motion allowing a committee to meet during a sitting of the Senate. A situation warranting such an exception might be if it were the only time a minister was available to appear before the committee.

If the Senate is adjourned for a period of time exceeding a week, rule 12-18(2) allows a committee to meet during the adjournment either by an order of the Senate (a motion adopted prior to the

adjournment) or by the signed consent of the government and opposition leaders, or their designates, to a written request from the chair and deputy chair of the committee.

When the Senate is adjourned for a week or less, committees are permitted to meet under rules 12-18(1) and 12-18(2) only if notice of the intention to meet during the adjournment was given to members of the committee at least one day before the adjournment.

11. Procedure

Meeting Notices

Rules 12-15(1) and 12-15(2) require that public notice be given for all meetings of standing and special committees. The notice includes the date, time and location of each meeting, which order(s) of reference will be considered, the names and titles of any witnesses who are scheduled to appear, and whether the meeting will be held in camera. Such notices are sent by email to all committee members, as well as leaderships, media 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.

Motions

Motions may be moved in committee without notice and without a seconder. Common motions moved in committee are those to create a subcommittee, 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. On rare occasions a committee may adopt more formal rules to govern the debate.

Voting

As in the Chamber, questions are decided by a majority of votes. It is important to note that the chair does not have a casting vote and is not permitted to break a vote. If the chair wishes to vote on a question, he or she votes first; however, to preserve impartiality, a chair may choose not to vote. A tie vote results in the motion being defeated.

Most votes in committee are conducted by voice. However, if a member requests a recorded vote, it must be taken. When a recorded vote takes place, 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 either "yea", "nay" or "abstain". Once all senators 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 in Committee

Points of order may be raised when a member feels 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. Once a point of order has been debated by the members of the

committee, the chair will rule on its acceptability. 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.

12. Budgets

When undertaking their work, committees incur a variety of expenses. Until it has a budget adopted by the Senate, no committee may incur expenses or commit funds. 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.

Non-Committee 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, working meals, committee travel immunization costs 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.

Types of Budgets

There are two types of budgets: legislative and special study. A committee usually adopts one legislative budget to pay for the expenses that may be incurred in its work when examining legislation within a fiscal year. A separate special study budget must be adopted to pay for the expenses that may be incurred by a committee undertaking a special study. Each order of reference for a special study requires its own budget as needed. New budgets are required every fiscal year or at the beginning of a new session of Parliament.

Legislative Budgets

Each committee that expects to consider legislation during any given fiscal year may present a legislative budget to the Senate for approval. A legislative budget is used for any expenses the committee expects to incur in relation to the study of legislation, such as courier services and professional services. At its organization meeting, the committee chair may be authorized to seek from the Senate power to hire professional services necessary for the study of legislation. However, in recent sessions, this has been done by the adoption of one motion for all committees. This motion must be passed prior to adopting a legislative budget.

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 Principal Clerk of the Committees Directorate and the Director of Finance. 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 for review and adoption. Either the Internal Economy Committee or one of its subcommittees usually meets with the chair of the committee to discuss the 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 the Internal Economy Committee on the allocation of funds. The Internal Economy Committee can pass the budget as proposed, cut portions of the budget or reject it altogether. The chair of the Internal Economy Committee, or a senator designated by the chair, will present a report to the Senate containing its recommendations for a committee's legislative budget. Finally, the Senate will adopt this report, which allows a committee to receive the funds requested. In the rare case

that the Senate rejects a proposed budget, the committee must begin the process again with a new budget proposal.

Special Study Budgets

Unlike with legislative budgets, the Senate does not need to grant a committee any powers prior to the adoption of a special study budget. Once the Senate adopts an order of reference for a special study, the committee clerk is instructed to prepare a budget proposal which proceeds through the same steps as the legislative budget proposal until it is adopted in its original form, or a modified version, by the Internal Economy Committee. At this point, the budget proposal and the recommendation for its approval by the Internal Economy Committee are returned to the committee that submitted the budget. The chair, or a senator designated by the chair, then presents a report to the Senate. The budget report has three parts. The first is the actual report which contains the request for funds and relevant powers such as the power to travel or hire. The second, an appendix, contains the budget as approved by the committee. The third, also an appendix, contains the amounts recommended to the Senate by the Internal Economy Committee for release.

Emergency Funds

When a committee needs to incur expenses or commit funds and is unable to obtain a budget approval quickly enough, section 4 of Chapter 3:05 of the *Senate Administrative Rules* empowers the steering committee of the Internal Economy Committee to allocate upon request up to \$10,000 to a committee so that it may operate until its budget can be properly considered and approved.

13. Witnesses

Hearing from witnesses is an important function of committees. On average, Senate committees hear from over 1,500 witnesses per year. In this way, committees provide a direct link between Parliament and the Canadian public. Committee meetings provide a forum for witnesses' views to be heard by both parliamentarians and a larger audience through their nation-wide broadcast on the Cable Public Affairs Channel (CPAC) and available for viewing on [Senate Parlvu](#). Transcripts of witness testimonies are also accessible to the public through the publishing of committee proceedings, which are made available on the committee's page on the Senate website.

Summons and Oaths

Rule 12-9(2) provides that standing committees shall be empowered: "(a) to send for persons, papers and records..." . This power means that, as long as a committee's inquiry is related to one of its orders of reference, it has virtually unlimited powers to require the attendance of witnesses by way of a summons.³⁵ Special committees do not have this power automatically, but the Senate may grant it, usually in the motion establishing the special committee.

The power to summon witnesses is exercised by way of a motion in committee,³⁶ but is seldom used, since most witnesses appear voluntarily. Should a summons issued by a committee be refused, the committee may report this fact to the Senate, requesting that it order the witness to attend. Only the Senate can punish an individual who does not respect an order to appear.

While it is rare that witnesses are asked to testify under oath, the committee may decide that a witness should be sworn in or that he or she make a solemn affirmation. This is done in accordance

³⁵ *Senate Procedure in Practice*, pp. 200-201.

³⁶ *Senate Procedure in Practice*, p. 201.

with subsection 10(3) of the *Parliament of Canada Act*, which empowers committees to administer an oath to witnesses. The oath or affirmation may be administered by the chair or by the committee clerk if appointed by the Speaker to do so.³⁷

In an effort to make the appearance of witnesses before committees as effective as possible, the Committees Directorate provides various documents to facilitate the preparation of witnesses and to inform them on what to expect during a committee meeting. These documents are available at this address: <https://sencanada.ca/en/Committees/ForWitnesses/42-1>.

Expenses

At the organization meeting of a committee, a motion is usually adopted to reimburse the reasonable travelling and living expenses for one witness per organization. However, in exceptional cases, committees can choose to authorize the reimbursement of a second witness' expenses, in accordance with the Internal Economy Committee policy, which allows the reimbursement of expenses of up to two witnesses from a given organization. Witnesses may submit an expense claim to the committee clerk. They should consult with the clerk as early as possible during the invitation process. Witness claims must be accompanied by valid original receipts as per the witness expense guidelines.

Parliamentary Privilege

Since official meetings of a committee are part of the proceedings of Parliament, any person appearing before a Senate committee may be protected by parliamentary privilege. In practical terms, this means that no legal action can be undertaken against witnesses on the basis of what they say during a committee meeting. This privilege only extends to what is said during a meeting and not before the meeting begins or after its adjournment. Any witness who is administered an oath or affirmation pursuant to the *Parliament of Canada Act* is additionally subject to the perjury provisions it contains.

Official Languages

Witnesses have the right to address a Senate committee in either official language. Simultaneous interpretation is provided at all official committee meetings, both within the parliamentary precinct and during public hearings in other parts of Canada.

Minister

When examining a government bill, the sponsoring minister (or, in some cases, the parliamentary secretary) is typically invited to appear during its deliberations on the legislation.

Ministers are also sometimes invited to appear before committees on special studies relating to matters that fall within the minister's responsibility.

Provincial and Territorial Governments

In accordance with Appendix II of the *Rules of the Senate*, when a committee is examining a bill or the subject matter of a bill that is of special interest to one or more provinces or territories, a committee should invite the government(s) in question to appear or to submit a brief. If any government expresses an interest in appearing, the committee should give it reasonable opportunity to do so.

³⁷ *Parliament of Canada Act* ss. 13(1).

14. Committee Travel

When undertaking a study (special or legislative), committees will sometimes travel to more fully examine a particular issue and to allow the committee to hear from a wider variety of witnesses.

Power to Travel

Rules 12-19(1) and 12-19(2) provide that a committee may adjourn from place to place by order of the Senate, but committees do not automatically have the power to travel outside the parliamentary precinct. Authorization to travel must be obtained from the Senate through the adoption of a budget report which contains a request for the power and funds to travel. Committees may travel to hold public hearings (in Canada) or for fact-finding missions (in Canada or abroad). Senate committees cannot hold formal committee meetings outside of Canada.

Public Hearings vs. Fact Finding

When travelling within Canada, a committee may hold public hearings and conduct fact-finding visits that are related to the subject being studied. Public hearings involve all the services and formalities of an official committee meeting in Ottawa. The meetings are open to the public and the proceedings are interpreted, transcribed, translated and published in both official languages. When a committee holds public hearings outside of the parliamentary precinct (but inside Canada), its proceedings have the full protection of parliamentary privilege.

Fact-finding missions essentially involve private meetings between committee members and organizations or individuals outside of the parliamentary precinct. There are no transcripts published for fact-finding meetings, but the information gathered is still valid for the committee's inquiry and can be used in a report of the committee. 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.

15. 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 a number of individual reports in the course of their work (called "interim" reports), prior to a final report at the end of the study.

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, which request the power to incur expenses, and may include other powers such as the power to hire professional services or travel. A committee may ask for an extension to a reporting date or modifications to an order of reference by way of a motion in the Senate.

When dealing with a bill, a committee may report the bill with or without amendment(s) in both cases, with or without observations), or with a recommendation that the bill be not proceeded with further. Observations are comments made by a committee on a bill without making an amendment; they have no procedural value and therefore are not decided on by the Senate. If, pursuant to rule 12-23(5), the committee presents a report that recommends that the Senate not proceed further with a bill and 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 may include suggested changes to the bill in its report.

A report on a special study may either be interim or final. Reports on special studies are usually lengthy and include the findings of the committee on the issue being studied, as well as its recommendations. Given the impact that these reports may have, committee members generally attempt to build a consensus on the analysis and recommendations to be included in the report. Rule 12-22(1) states that a report shall contain the conclusions agreed to by the majority. Occasionally, such a consensus is not possible and a report may include the opinion of a minority of the members as a result. The tabling of a separate minority report, as such, is not allowed in Senate practice, so a committee must make a decision on whether or not to include or append minority opinions to a report.³⁸

Recommendations vs. Observations

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

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.

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.

Orders of reference for legislation typically do not include a specific date by which a committee must report the bill back to the Senate. However, rule 12-23(1) requires that any bill sent to committee for consideration be reported back to the Senate. If a committee is taking too long to consider a bill, the Senate may order the committee to report the bill by a certain date.

Tabling vs. Presenting a Report

Reports that require a decision from the Senate, such as those dealing with bills and budgets, must be presented. Such reports are read aloud in the Senate by a table officer and are published in the Senate Journals.

Reports that are only for the information of the Senate and, therefore, do not necessarily require a decision of the Senate, such as special study reports, are tabled. These reports are not read aloud and are not published in the Journals. However, a motion may be moved to have a tabled report considered and/or adopted by the Senate.

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. The motion to place the report on the Orders of the Day fulfils these notice requirements.

³⁸ *Senate Procedure in Practice*, p. 205.

Government Responses

In June 2003, the *Rules of the Senate* were amended to allow the Senate to request that the government provide a complete and detailed response to a report of a committee adopted by the Senate. Under rule 12-24, such a request can be included in the report or in the motion for the adoption of the report, or it can be made by a separate motion subsequent to the adoption of the report. The Government Leader in the Senate then has 150 calendar days from the adoption of the report or motion to either table the government's response, or provide the Senate with an explanation for not doing so. The response or explanation, along with the committee report, is then referred to the appropriate committee. 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. See Speaker's ruling of December 11, 2007.

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.

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.³⁹ 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 privilege⁴⁰ in the Senate regarding the breach.⁴¹ 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 a *prima facie*⁴² 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.

³⁹ *Senate Procedure in Practice*, pp. 207-208.

⁴⁰ A question of privilege can be raised by a senator whenever they feel that the privileges of the Senate have been violated. "Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively... and by members of each House individually, without which they could not discharge their functions..." (Erskine May, *Treatise on the Law, Privileges, Proceedings and Usages of Parliament*, 22nd ed., 1997).

⁴¹ *Rules of the Senate*, Appendix IV (d).

⁴² *Senate Procedure in Practice*, pp. 246-247.

Rule 12-26 Reports

Rule 12-26 requires that committee financial operations be governed by the *Senate Administrative Rules*. Each committee must also table a report on all expenses incurred during the previous session within the first 15 sitting days of a new session.

16. Administration of Committees

Committees Directorate

The Committees Directorate provides non-partisan procedural, information and administrative services to committees.⁴³ The directorate also ensures that the official records and documents of committees are accurately maintained for archiving.

The directorate is managed by the Principal Clerk and Deputy Principal Clerks of Committees, who also serve as table officers⁴⁴ in the Senate Chamber. Their role is to ensure effective administration of the directorate and proper implementation of Senate rules, regulations and procedures relating to committees.

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.

Each committee is assigned a clerk and an administrative assistant. Additional staff in the directorate also include legislative clerks and a logistics officer who provide assistance to committee clerks, as required.

Committee Staff

Committee Clerk

The committee clerk acts as the chief procedural, administrative, and information officers for committees or subcommittees. Clerks are responsible for ensuring that any organizational work is effectively administered and that committee members have the necessary information required for their deliberations. They serve as advisors on parliamentary procedure and are non-partisan employees of the Senate. As such, a committee clerk performs duties independent of the political affiliation of the members. Clerks rely 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.

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

⁴³ With the exception of the Internal Economy Committee, which has its own secretariat, and the Rules, Procedure and Rights of Parliament Committee, which is supported by the Chamber Operations and Procedure Office.

⁴⁴ 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.

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 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.

Legislative Clerks

The legislative clerks assist one or more committee clerks in providing administrative, procedural and information support. The legislative clerk collaborates with the committee clerk to ensure that the organizational and procedural work of the committee is effectively administered and that committee members have the necessary information required for their deliberations.

Administrative Assistants

The administrative assistants provide administrative and information services support to the committee clerks.

The Committees Directorate is also responsible for maintaining and producing key documents and statistics concerning the activities of committees, which often falls under the responsibilities of the administrative assistants.

Logistics Officer

The logistics officer provides administrative and logistical support to one or more committee clerks. This includes planning travel for Senate committees and setting up videoconferences. Their role is to ensure that the organizational and administrative work of committees are effectively administered both in and outside of Ottawa.

Analysts

Most committees require research support to accomplish their work. This is particularly true when a committee undertakes a major study or if it has a heavy legislative workload. Analysts from the Library of Parliament assist the committees in their deliberations. They are responsible for preparing briefing notes and suggested questions pertaining to the current work of the committee during the hearings phase. As well, analysts usually work with the chair, the steering committee and the committee clerk to identify witnesses. When the committee hears testimony, the analyst may also be required to summarize the evidence received. If requested, they will assist the committee in drafting its reports to the Senate, especially substantial reports associated with special studies.

Communications Officers

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

Under the direction of the chair and deputy chair, 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 travel with Senate committees when needed, notify the media and public about hearings, and set up interviews with the media.

They provide information for speaking notes, speeches and articles.

Consultants

Committees may also enter into contracts with expert consultants who are not employed by Parliament. This is rarely done unless a committee is studying a topic of a very specific or technical nature that may be outside the expertise of available Library of Parliament analysts, or when a particular external individual's skills are required.

Contracted individuals have the freedom to conduct a wider variety of tasks for a committee than Library of Parliament employees whose specific tasks are focused on writing and research. A consultant may perform any tasks that the committee deems necessary to fulfil its duties. If a committee decides that it must have the advice and assistance of contracted research support, it must first obtain the permission of the Senate to engage professional services as well as approval for the anticipated cost.

17. Committee Documents

As the custodian of committee documents during a session, the committee clerk is responsible for ensuring that they are made available as necessary to parliamentarians and the public. Among the items frequently distributed by the committee clerk upon request are its reports and committee proceedings. Other documents related to the work of the committee, such as witness briefs or other papers filed with the committee clerk, can also be made available.

Minutes of Proceedings

The minutes of proceedings are the official record of the committee's meetings and decisions. Prepared by the committee clerk after every meeting, they include information about the members present, the order(s) of reference considered, decisions made and the identity of witnesses.

Unrevised Transcripts (the blues) and Evidence

Public meetings of committees are transcribed as evidence to create a record for publication. The draft version of the transcript, "the blues", is made available to senators and witnesses for minor corrections before final editing and publishing. Normally, the rough text is available within twenty-four hours following a meeting and a short time is allowed for corrections. This time frame can be longer for meetings that occur outside of the parliamentary precinct. Once edited and translated, the minutes and transcripts are posted on the committee's website.

Letters, Briefs and Submissions

Most letters, briefs and submissions received by the committee from interested parties and potential witnesses are distributed to members of the committee, together with the translation, by the committee clerk. Once available in both official languages, these documents may be made

available to the public through each committee's website. Copies of such documents are retained for inclusion in the committee archives at the end of each parliamentary session.

Documents Tabled with the Committee

Members or witnesses sometimes request that material be tabled with the committee, filed as an exhibit or appended to the proceedings of the committee. Exhibits and other documents tabled in a committee meeting are retained by the committee clerk and archived, and form part of the official record.

Sometimes a senator will ask that a specific document be recorded in the minutes of a committee meeting. The committee must adopt a specific motion for this, preferably at the time the document is tabled, so that it can be properly recorded in the minutes.

18. External Relations

Media

Media coverage of Senate committee work serves the vital role of keeping the public informed of the vital work of the Senate. As such, the Senate Communications Directorate works closely with committees to inform the media of the various committee activities and to highlight the work of committees. The Communications Directorate is also available to aid committee members with media relations.

Committee clerks only provide the media with information concerning upcoming meetings and what matters are currently being considered by a particular committee, as well as copies of transcripts of meetings. Any questions of a political or partisan nature can only be addressed by members of the committee.

Broadcasting and Senate

The Senate has an agreement with the Cable Public Affairs Channel (CPAC) to broadcast a fixed number of hours of Senate committee meetings per week. Committees that wish to have their meetings broadcast may make such a request, with all requests being made and considered on a meeting-by-meeting basis. The Communications Directorate is responsible for all matters relating to the broadcast of committee hearings.

When a Senate committee meeting is recorded for broadcast, 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 through the PTN. Senate committee meetings recorded for broadcast are also provided to CPAC for broadcast at a later date. Please consult the weekly schedule available on the CPAC website (www.cpac.ca) to find out when a particular meeting will be broadcast on CPAC.

ParlVU is a live webcasting service that provides users access to the live stream of video and audio of Senate committees. The live webcast is of all televised committees and the audio of all committees that are sitting in public. Archived webcasts are also available for all televised meetings. A schedule of Senate committee meetings can be found at: <http://sen-parlvu.sen.ca>

Senate of Canada Website

The Senate of Canada website (www.sencanada.ca) provides information about committees in general, as well as each committee. The following information may be accessed via the website:

- committee proceedings and reports;
- current committee membership;
- schedule of upcoming meetings;
- witnesses; and
- press releases and other media-related documents, such as backgrounders.