



DISSOLUTION AND PROROGATION FAQ

SENATE COMMITTEES

August 2021

1) What is the difference between a prorogation and a dissolution?

A Parliament is the period between two elections. A **dissolution** of Parliament formally ends a Parliament and is followed by a general election. The Governor General's proclamation for dissolution clearly states that "Senators and the Members of the House of Commons are discharged from their meeting and attendance." Since dissolution terminates a Parliament, the Senate and the House of Commons are prevented from assembling until next summoned by the Governor General.

Under the Constitution, the normal maximum duration of a Parliament is five years. Since 2007, the *Canada Elections Act* also provides that a general election must be held on the third Monday of October in the fourth calendar year following the last general election, unless there has been a prior dissolution of Parliament.

Each Parliament is divided into sessions. The number of sessions in a Parliament has ranged from one to seven. There is no fixed length for a session; some have lasted a few days and others several years. **Prorogation** is merely the end of the current session, which is usually followed by a new session of the existing Parliament. Each session begins with a Speech from the Throne and ends with prorogation (whereby the meetings of Parliament end without calling a general election) or dissolution.

2) What happens to committee membership?

Upon dissolution or prorogation, all standing, special and joint committees cease to exist, and their chairs and deputy chairs cease to hold office and to be remunerated. There are three committees that are the exceptions: the Standing Committee on Internal Economy, Budgets and Administration (CIBA), which is given certain powers by the *Parliament of Canada Act* to continue to manage the internal business of the Senate; the Standing Committee on Ethics and Conflict of Interest for Senators (CONF); which becomes an Intersessional Authority of Ethics and Conflict of Interest for Senators; and, the Standing Committee on Audit and Oversight (AOVS), which becomes an Intersessional Authority on Audit and Oversight.¹ These three committees continue to operate until new members are appointed in a new session.

3) Do orders of reference survive the end of a session?

An order of reference is a decision of the Senate empowering a committee to undertake the study of an issue, bill or other matter. A dissolution or prorogation ends all business before the Senate. As such, orders of reference for committees that cease to exist at the end of a session also expire.

¹ See subsection 19.1(2) of the *Parliament of Canada Act* in the case of CIBA; sections 38 and 39 of the *Ethics and Conflict of Interest Code for Senators* for CONF; and the adoption by the Senate of the Fourth Report of AOVS on June 8, 2021.



a. What happens if a committee wants to continue a study after a prorogation or a dissolution?

The committee will need to obtain a new order of reference from the Senate, once Parliament returns. Normally, a motion to adopt an order of reference refers the work conducted and the evidence received on the study in previous sessions back to the committee, so they do not need to redo work that was completed in previous sessions.

For referral from a previous session:

That the Standing Senate Committee on _____ be authorized to examine and report on _____;

That the papers and evidence received and taken and work accomplished by the committee on this subject during/since the beginning of the ___ Session of the _____ Parliament be referred to the committee; and

That the committee report from time to time to the Senate, but no later than _____, 20___, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

4) What happens to a bill?

A dissolution or prorogation brings to an end all business before the Senate. Therefore, all bills die and must be introduced again in a new Parliament.

Bills that originate in the Senate (S- bills)

All bills on the Senate *Order Paper and Notice Paper* die at the end of a session or Parliament. The Senate has no procedure for reinstating bills from a previous session or Parliament. They must be introduced as new bills in the new session or Parliament.

Bills that originate in the House of Commons (C- bills)

All bills on the House of Commons *Order Paper and Notice Paper* die at the end of a session or Parliament. The House of Commons has different rules and practices² to reinstate certain types of bills that originated in the House, which apply only after a prorogation³.

The Senate does not have any such rules or practices. Consequently, any bill reinstated by the House of Commons after a prorogation and sent to the Senate for consideration would receive first reading in the Senate at the start of a new session and follow the Senate's normal processes for the consideration of bills.

² [House of Commons Procedure and Practice, Third Edition.](#)

³ After a prorogation, the *Standing Orders of the House of Commons* contain specific provisions to automatically reinstate Private Members' Bills (PMBs) at the same stage the bill was at in the Commons before the prorogation. This means that on the first regular sitting day of a new session, the Senate often receives a number of PMBs that were reinstated "as passed by the House of Commons" and are then sent to be introduced in the Senate. On rare occasions, the Commons have reinstated a government bill, and deemed it adopted at the same stage it has reached prior to prorogation, with unanimous consent from the House of Commons (see Journals of the House Commons, October 9, 2002 for example).



5) What happens to a committee report?

a. Report listed on the Senate Order Paper:

All items on the Senate *Order Paper and Notice Paper* die at the end of a session or Parliament, including all committee reports.

b. Report deposited with the Clerk of the Senate during an adjournment prior to the end of a session:

All reports that are deposited with the Clerk of the Senate during an adjournment, prior to the end of a session, are recorded in a list appended to the last issue of the *Journals of the Senate* for the session.

c. Report not tabled or presented in the Senate before the end of a session:

When a committee is unable to table or present a report to the Senate before a prorogation or dissolution, but then decides to do so in a new session, it must first obtain a new order of reference for the study. Normally, a motion for a new order of reference will include an order referring the work conducted in a previous session back to the committee, so the committee does not need to redo work already completed. The committee would have to adopt the report again and could then table or present it in the Senate. It is important to note that a committee could decide to hold additional meetings in the new session to hear additional witnesses or to prepare or revise the report.

6) What happens to a request for a government response?

A prorogation or dissolution ends the government's obligation to table a comprehensive response to a committee report in the Senate.⁴

a. A committee report that was adopted by the Senate in the previous session or Parliament:

In the case of a request for a government response to a report that was adopted in a past session or Parliament, but where the response was not tabled before the prorogation or dissolution (or if the committee did not include a motion to request a government response) the committee (or any senator) can, by way of a motion in the Senate, make a request for a government response to the report in the new session. If the motion is adopted, the government would then have 150 days to respond.

It should be noted that the government also has the option of tabling, on its own initiative, under rule 14-1(1), a response to a committee report from a previous session. However, if the government response to a report that was adopted in a previous session is tabled in a new session, the response is not automatically referred to the committee (see, for example,

⁴ See Speaker's Ruling in the [Journals of the Senate](#), December 11, 2007, pp.365-369.



Journals of the Senate, [November 15, 2007](#), p.123; [November 14, 2007](#), p.109; [October 30, 2007](#), p.69; and [October 17, 2007](#), p.19.)

b. A committee report that was not adopted by the Senate in the previous session or Parliament:

In the case where a report was tabled or presented, but not yet adopted by the Senate, one approach would be for the Senate to refer the same study back to the committee in question, along with all relevant papers and evidence. The committee would then be able to adopt the report again and subsequently table or present its new report to the Senate in the new session, move the report for adoption with a motion to request a government response.

7) What happens to a committee budget?

A prorogation or dissolution ends all orders of reference and therefore, all related budgets also expire. Once the committee is reconstituted in a new session, it may begin the process of adopting and requesting a new legislative and/or special study budget for the new session, after receiving a new order of reference.