



PROROGATION AND DISSOLUTION

INTRODUCTION

Each Parliament begins after a general election and ends when the next election is called. A Parliament may consist of one or more sessions, each of which begins with a Speech from the Throne and ends with prorogation or dissolution. Prorogation ends a session and is usually followed by the opening of a new session of the same Parliament, whereas dissolution marks the end of both the final session and the Parliament, and is followed by a general election. Both prorogation and dissolution have effects on the business of the Senate and its committees.

PROCEDURE FOR PROROGATION AND DISSOLUTION

Prorogation and dissolution are not decisions made by Parliament, but rather prerogative acts of the Crown done on the advice of the Prime Minister.

Typically, prorogation is announced by a proclamation of the Governor General while the houses are not sitting. This formal announcement specifies the date until which Parliament is prorogued. This date can be brought forward or postponed by a subsequent proclamation on the advice of the cabinet, as long as the constitutional requirement that Parliament assemble at least once every 12 months¹ is met. Although this has not occurred since 1983, prorogation may also be announced in the Senate Chamber if the Senate is then sitting.

Dissolution marks the end of a Parliament and triggers a general election. Under the Constitution, the maximum duration of a Parliament is five years.² However, since 2007, the *Canada Elections Act* provides that a general election must be held on the third Monday of October in the fourth calendar year following polling day for the last general election, unless Parliament has previously been dissolved or an alternative date has been recommended by the Chief Electoral Officer.³

Typically, dissolution occurs when the Prime Minister recommends to the Governor General that Parliament be dissolved and the Governor General issues a proclamation to that effect. The Prime Minister also requests the issuance of writs of

election from the Chief Electoral Officer, and the Governor General issues a proclamation for the issuance of these writs of election. In addition to these two proclamations, a third is issued at the same time to summon the new Parliament on a specified date. As with prorogation, this date can be brought forward or postponed by a subsequent proclamation.

EFFECTS OF PROROGATION AND DISSOLUTION

SENATORS

Prorogation and dissolution have no effect on senators' terms of office. However, the Senate cannot meet during a period of prorogation or dissolution.

SPEAKER AND SPEAKER PRO TEMPORE

The Speaker of the Senate remains in position while still a senator,⁴ until a new Speaker is named, irrespective of prorogation or dissolution.

The Speaker pro tempore is nominated for the session⁵ and therefore ceases to hold that position during prorogation or dissolution.

SENATE BUSINESS

All business before the Senate (i.e., bills, reports, motions, inquiries, etc.) is terminated as of prorogation or dissolution. If a senator wishes to have an item studied again by the Senate in a new session, the item must be reintroduced, and the process starts anew.

COMMITTEES

Upon prorogation or dissolution, all standing, special and joint committees cease to exist, and the chairs and deputy chairs cease to hold office, with the exception of the Standing Committee on Internal Economy, Budgets and Administration, which continues until members are named to the committee in the next session.⁶ This exception stems from provisions in the *Parliament of Canada Act* that give this committee certain powers to continue to manage the internal business of the Senate.

Senators who are members of the Standing Committee on Ethics and Conflict of Interest for Senators at the time of prorogation or dissolution form an Intersessional Authority of Ethics and Conflict of Interest for Senators, which can continue some of the work of the committee until members are appointed to the committee in the new session.⁷ In addition, the *Senate Audit and Oversight Charter* provides for an Intersessional Authority on Audit and Oversight during a prorogation or dissolution of Parliament. The senators and external members who were members of the committee at the end of the session are members of this Intersessional Authority until the members of a successor committee are appointed by the Senate.⁸

As is the case with all Senate business, committee-related business, except as outlined previously, is terminated at prorogation or dissolution. Orders of reference that were adopted by the Senate during the session expire, as do committee budgets. If a committee was unable to table or present a report to the Senate before prorogation or dissolution, but wishes to do so in a new session, it must first obtain a new order of reference for the study. Normally, the motion for this new order of reference will include an order to refer back to the committee the work conducted on the study in one or more previous sessions, so that the committee does not need to redo the work it has already completed. The committee must adopt the report again before it can table or present it in the Senate. It should be noted that a committee could decide to hold additional meetings in the new session to hear additional witnesses or to revise the report.

Prorogation or dissolution also ends the government's obligation to table a response to a committee report in the Senate. If the committee or an individual senator wishes to request a government response to a committee report tabled in an earlier session, this can be done by way of a motion in the Senate.⁹

PARLIAMENTARY ASSOCIATIONS AND INTERPARLIAMENTARY GROUPS

Senators who are association members remain in their positions during prorogation or dissolution.

SENATE ADMINISTRATION

As a permanent body of the Senate, the Senate Administration continues to function without interruption during a period of prorogation or dissolution.

FOR ADDITIONAL INFORMATION ON PROROGATION AND DISSOLUTION

[Senate Procedure in Practice](#) (Chapter 3)

FOR ADDITIONAL INFORMATION ON OTHER POINTS COVERED IN THIS NOTE

[Senate Procedural Note No. 1, Opening of Parliament](#)

[Senate Procedural Note No. 9, The Speaker of the Senate](#)

FOR ADDITIONAL INFORMATION ON THE WORK OF SENATE COMMITTEES

[Senate Committees FAQ](#)

References

¹ *Constitution Act, 1982*, s. 5.

² *Constitution Act, 1867*, s. 50 and *Constitution Act, 1982*, s. 4.

³ *Canada Elections Act*, S.C. 2000, c. 9, ss. 56.1 and 56.2.

⁴ *Constitution, Act, 1867*, s. 34.

⁵ Rule 2-4(3).

⁶ *Parliament of Canada Act*, R.S.C., 1985, c. P-1, s. 19.1(2).

⁷ *Ethics and Conflict of Interest Code for Senators*, ss. 38 to 40.

⁸ *Senate Audit and Oversight Charter*, s. 8-1.

⁹ Speaker's ruling, *Journals of the Senate*, December 11, 2007, pp. 367-368.