

SENATE



CANADA

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# Fundamentals of Senate Committees



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## Introduction

Much of the valuable work done in the Senate is accomplished by its committees. On average, over 50 bills are examined and 30 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.”<sup>1</sup>

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 English House of Commons, a system that Canada inherited, date 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 of the Orders and Customs of this House, and Privileges of Parliament.”<sup>2</sup> 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.<sup>3</sup>

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

<sup>2</sup> *Journals of the Senate*, November 7th, 1867, p. 60.

<sup>3</sup> Minimum number of senators needed to transact business. Each committee has a specific number of senators needed to constitute a quorum (Rule 86(1)). Committees may sit and hear evidence, and authorize the printing 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 89).

## 2. Rules

The committees are governed by the *Rules of the Senate*, Part X – which deals specifically with committees. Since the *Rules* as a whole apply in committee meetings, situations not provided for in Part X may be addressed in other parts of the *Rules*. As in the Chamber as a whole, when the *Rules* are mute on a specific subject or situation, Rule 1(1) provides that the customs, usages, forms and proceeding of either House of Parliament of Canada shall be followed. When determining the proper procedure to follow, various procedural authorities may be consulted for guidance.<sup>4</sup>

## 3. Committee Membership

At the beginning of each new session of Parliament, according to Rule 85, the Committee of Selection is formed to nominate a Speaker *pro tempore*<sup>5</sup> 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 generally adopted the same day that they are presented.

In practice, prior to the Committee of Selection's first meeting, senators may indicate their preferences to sit on a particular committee to the leadership of their political parties in the Senate. These preferences may be taken into consideration when setting the membership of the various committees. When new senators are appointed in mid-session they may also express their interest in serving on a specific committee to their leadership.

Under Rule 85(3), once a senator's membership on a committee is confirmed by the Senate, it continues for the duration of the session. However, membership changes may be made during a session by each party's leadership, usually the whip<sup>6</sup>. Under Rule 85(4) and (5), the Clerk of the Senate must receive written notification of any committee membership changes, signed by the leader (or delegate) of the appropriate party. This change is then recorded in the *Journals of the Senate*. Copies of membership changes are also forwarded to the appropriate committee clerk and the statistics coordinator in the Committees Directorate.

Independent senators<sup>7</sup> may be appointed members of committees after consultation among the political parties represented in the Senate. An independent senator may choose to be under the responsibility of the whip of a political party for the purpose of membership changes on a particular committee by indicating so in writing to the Speaker. If they do not do so, unlike

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<sup>4</sup> Bourinot, J.G., *Parliamentary Procedure and Practice in the Dominion of Canada*, 4th ed., edited by T.B. Flint, Toronto: Canada Law Book Co., 1916.

Fraser, Alistair, Dawson, W.F. and Holtby, John A., *Beauchesne's Parliamentary Rules and Forms*, 6<sup>th</sup> Edition, Toronto: Carswell, 1989.

Maingot, J.P. Joseph, *Parliamentary Privilege in Canada*, 2nd ed., House of Commons and McGill Queen's University Press, 1997.

Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000.

May, T.E., *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 23rd ed., London: Butterworths, 2004.

<sup>5</sup> 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. (Rule 11).

<sup>6</sup> Whip: A Member charged with keeping other Members of the same party informed concerning House business and ensuring their attendance in the House or in committee, especially when a vote is anticipated (*Glossary of Parliamentary Procedure*, Ottawa, 2006)

<sup>7</sup> Independent senators have no affiliation to any official political party of the Senate.

senators belonging to a recognized party, an independent senator's membership on a committee can only be removed by the Committee of Selection.

#### *Ex officio members*

Rule 87 states that the Leaders of the Government and Opposition in the Senate, or in their absence their respective Deputy Leaders, are members *ex officio* of all select committees,<sup>8</sup> except for the Committee on the Conflict of Interest for Senators.

## 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 is even more permanent, continuing to exist throughout periods of prorogation and dissolution of Parliament, pursuant to the *Parliament of Canada Act*. This is necessitated by its mandate to deal with "all matters of a financial or administrative nature relating to the internal management of the Senate." The *Rules of the Senate* also provide for the intersessional authority of the committee on Conflict of Interest for Senators.

In addition to the Committee of Selection, there are currently sixteen standing committees of the Senate. As of 2007, these are as follows:

- Aboriginal Peoples
- Agriculture and Forestry
- Banking, Trade and Commerce
- 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

The size of these committees, the number of members required for quorum, and the general area of study of each committee are set under Rule 86(1). The committees usually range from nine to fifteen members. Most committees are composed of twelve members and require a quorum of four members. However, the Committee on Conflict of Interest for Senators, has five members and a quorum of three.

### *Special and Legislative Committees*

A special committee is established to study either a specific piece of legislation or to undertake a study on a particular issue. Recent examples are the Special Committee on Senate Reform, the Special Committee on Aging (1<sup>st</sup> session, 39<sup>th</sup> Parliament) and the Special Committee on the

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<sup>8</sup> Rule 4(b)(iii) "Select Committee" means a committee composed of less than the whole body of Senators and includes both a standing committee and a special committee.

Anti-terrorism Act (1<sup>st</sup> Session, 38<sup>th</sup> Parliament and 1<sup>st</sup> session, 39<sup>th</sup> Parliament). Unlike the more permanent standing committees, once a special committee submits its final report to the Senate, it ceases to exist.

The motion adopted by the Senate that establishes a special committee usually sets out the parameters of the committee's study, from which it cannot deviate without permission from the Chamber. It will commonly 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 contract professional services.

The Senate may also appoint legislative committees, but these are rarely used. Special committees have been the preferred option in recent years, even to study certain pieces of legislation.<sup>9</sup> Legislative committees are composed of up to twelve members.

### *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). While joint committees may consider legislation<sup>10</sup>, they traditionally 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 indicating the Senate members. Similarly, once the House of Commons membership is determined, a message is sent from the House to the Senate. Joint committees have a Senate chair and a House of Commons chair who alternately or jointly preside over meetings. 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 larger body of the committee of a portion of its workload.<sup>11</sup> The most common example is the Subcommittee on Agenda and Procedure, typically referred to as the "steering committee", used by most committees. 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.<sup>12</sup> There are no *ex officio*<sup>13</sup> members on a subcommittee, 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*

Used on occasion, a Committee of the Whole permits all senators to participate in one committee at once by allowing the Senate Chamber to resolve itself into Committee of the Whole. A Committee of the Whole can consider legislation, motions, resolutions and addresses, and is most often formed to deliberate on a bill or other matter before the Senate when expediency is necessary. A Committee of the Whole and its proceedings are less formal than other work done

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<sup>9</sup> 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).

<sup>10</sup> Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000, p. 815.

<sup>11</sup> Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000, p. 816.

<sup>12</sup> Rule 96(5)

<sup>13</sup> Pursuant to Rule 87 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 select committees.

in the Chamber and combine elements of procedures followed in the Chamber and in committees.

A Committee of the Whole exists only for the duration of the mandate given to it by motion of the Senate, usually a matter of hours. No notice is required for the motion which transforms the Senate into a Committee of the Whole.

The Speaker of the Senate does not preside over the Committee of the Whole. The Speaker *pro tempore* is usually chosen to preside, although the task may go to any 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 their 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;
- any standing vote is taken immediately, without bells to call in the senators;
- there can be no arguments against the principle of a bill;
- there can be no motions for the previous question<sup>14</sup> 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.

## 5. Organization Meetings

Pursuant to Rule 88, once the report on membership of the Committee of Selection 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, though 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 will call for nominations for the chair, and once satisfied that no other senators wish to make a nomination, the question will be put on each nominee 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, and 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 usual second item of business at an organization meeting is the election of a deputy chair, which is essentially the same process as that 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”. A committee may choose not to have a steering committee, but this does not often happen. The steering committee normally consists of the chair, the deputy chair and one other member of the

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<sup>14</sup> A motion for the previous question calls for an immediate vote on the question at hand.

committee not specified in the motion creating the subcommittee, but “designated after the usual consultation.”<sup>15</sup> The steering committee is empowered to make decisions with respect to the committee’s agenda, to invite witnesses<sup>16</sup> and schedule meetings. The main committee can overrule a decision of the steering committee by a majority vote.

After these items of business have been accomplished, 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 print committee proceedings;
- a motion for the authorization to hold meetings and print evidence when quorum is not present;
- a motion to ask the Library of Parliament to assign an analyst (i.e., researcher);
- 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 traveling on committee business (this is in relation to the Senators’ Attendance Policy);
- a motion to reimburse the traveling and per diem expenses of witnesses;
- a motion to allow electronic media coverage of public meetings

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 purposes of considering other business, such as formulating a work plan for future meetings.

## 6. Mandate – Orders of Reference<sup>17</sup>

Committees receive their mandates from orders of reference adopted in the Chamber. There are two types of orders of references that a committee may receive: an order of reference to consider a bill or 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 customs of the Senate and privileges of Parliament. The Standing Committee on Conflict of Interest for Senators is authorized on its own initiative to exercise general direction over the Senate Ethics Officer and to be responsible for all matters relating to the *Conflict of Interest Code for Senators*. Similarly, the Standing Committee on Internal Economy, Budgets and Administration may consider, act on, interpret and determine all financial and administrative matters concerning the internal administration of the Senate, subject to the *Senate Administrative Rules*.

<sup>15</sup> The third member of the steering committee is normally a member of the majority party in the Senate selected by the whip in consultation with the majority member who is chair or deputy chair. 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 appointment of a different senator.

<sup>16</sup> 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.

<sup>17</sup> An order of reference is an order of the House to a committee instructing it to consider some matter or defining the scope of its deliberations (*Glossary of Parliamentary Procedure*, 2006).

All other committees receive their mandates from orders of reference adopted in the Chamber. 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 to undertake a special study on a topic it suggests, or the Senate may refer a topic for study to a committee.

### *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 Chamber. No notice is required for a motion to refer a bill to committee, and 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 considered is a private members' public bill<sup>18</sup>, 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 an MP concerning his or her private members' bill, they usually do not hear from backbench MPs in other circumstances.

When a committee is sent a private members' private bill<sup>19</sup> 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. 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 finish by voting on the preamble to the bill and its title. Rule 96(7.1) states that a committee cannot dispense with clause-by-clause consideration of a bill unless it has leave of the members present.

At times, a committee is given an order of reference to study the subject-matter<sup>20</sup> of a bill, rather than the bill itself. This usually occurs when the motion for second reading of a bill is being debated. Sending the subject-matter of a bill to committee for consideration prior to the bill receiving second reading allows the committee to study not only the provisions of the bill, but the principle as well (when the Senate agrees to second reading of a bill, it effectively accepts the principle of the bill).

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<sup>18</sup> "Public bills deal with matters of public policy under federal jurisdiction, whereas private bills concern matters of a private or special interest to specific corporations and individuals and are designed to grant the beneficiary power to do something which cannot be done otherwise or to exempt the beneficiary from some existing legal obligation." (Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000, p. 896).

<sup>19</sup> "...a private bill relates directly to the affairs of an individual or group of individuals, including a corporation, named in the bill; the bill seeks something which cannot be obtained by means of the general law and is founded on a petition from an individual or group of individuals." (Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000, p. 939-940).

Rules of the Senate, Part XI.

<sup>20</sup> *Beauchesne's Parliamentary Rules and Forms*, 6th ed., 1989, p. 201-202. Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000, p. 640-641.

Rule 74 allows for the pre-study of bills that have been introduced in the House of Commons but not read the first time 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 before the bill is sent to the Senate.

### *Special Studies*

Motions in the Chamber authorizing a committee to undertake a special study are substantive motions and may only be moved after one day's notice. By convention, motions authorizing special studies by committees explain 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 the general areas outlined in the *Rules* for each committee.

### *Estimates*

The Standing Committee on National Finance examines government 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 as well as officials from the Treasury Board Secretariat. The Committee then presents a report on its review, and the report is debated and voted upon in the Senate.<sup>21</sup> 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

Rule 90 sets out 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 used and a person refuses to appear or deliver the material in question, this can constitute contempt of Parliament.

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

In addition to the powers set out in Rule 90, committees can form subcommittees under Rule 96(4).

Committees are also authorized to hold meetings in camera<sup>22</sup> in certain situations under Rule 92(2), but only when the agenda deals with any of the following:

- (a) wages, salaries and other employee benefits
- (b) contract negotiations

<sup>21</sup> It must be noted that the National Finance Committee only review the Estimates and does not adopt them.

<sup>22</sup> A meeting from which the public is excluded. Committees routinely meet in this way to deal with administrative matters and to consider draft reports.

- (c) other labour relations
- (d) other personnel matters
- (e) consideration of any draft agenda
- (f) consideration of any draft report of the committee

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; to table a report with the Clerk of the Senate if the Senate is not sitting; and to allow electronic coverage of their proceedings.

## 8. Role of the Chair

The role of the chair in committee is to preside over meetings, guide deliberations and seek to maintain order and decorum. As with the Speaker of the Senate, a committee chair has the authority to rule on procedural issues, but any ruling can be appealed by a request of any committee member and is then subject to a vote. As with votes in the Senate, a tie vote results in the ruling being rejected; 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. In practice, 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 97(1), 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. The chair, in consultation with the steering committee, directs the committee clerk in regard to arranging the scheduling of witnesses, meetings, and the coordination of reports.

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

## 9. Role of committee members

In many respects, the role of a senator in a committee is similar to the role played in the Chamber: senators may move motions, participate in debate and vote. Procedures in committee are more informal than in the Chamber, and thus senators have more freedom in their role as a committee member. Some key differences are that motions in committee do not require a seconder<sup>23</sup>, 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 91 allows any senator to attend and participate in the deliberations of any committee, only members of each committee are allowed to vote on a motion before their committee, and count towards a committee's quorum.<sup>24</sup> An unwritten corollary to this rule is that non-members are not entitled to move a motion.

<sup>23</sup> Rules of the Senate, 96(3). A senator moving a motion in the Senate Chamber needs the backing of a second senator, a "seconder", for the motion to be considered by the Chamber.

<sup>24</sup> See also Beauchesne's *Parliamentary Rules and Forms*, 6th ed., 1989, p. 223-224.

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 pose 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.

### ***Conflict of Interest Code for Senators***

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The *Conflict of Interest Code for Senators* adopted by the Senate on May 18, 2005, sets out the standards and practices that senators are expected to follow with regard to the disclosure of private interests. The Code compels senators to disclose any private interest likely to influence their judgment or their impartiality on matters that are before the Senate or a committee. If a senator is unsure, the Senate Ethics Officer must be consulted.

Subsection 14 (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, on 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 either orally to the Speaker in the Senate Chamber, or in writing to the Clerk of the Senate, or in committee, orally to the chair or in writing to the committee clerk;
- 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 must seek the consent of its steering committee to have the declaration recorded in the minutes of proceedings.

## **10. Committee Meetings**

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

### ***Sitting Times***

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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 of the two main parties 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 party whips decide on a schedule that leads to as few meeting conflicts as possible.

When a committee wishes to sit outside its usual time slot, common practice is to seek the approval of the whips or to pass a motion in the Chamber to allow this. Meeting outside a normal time slot is generally discouraged, as this often leads to conflicts for senators who are members of other committees.

### **General Restrictions on Committee Sittings**

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There are certain restrictions imposed by the Rules regarding committee sittings. For example, under Rule 95(4), no committee may sit during a sitting of the Senate. Occasionally, the Senate will adopt a motion allowing a committee to meet during a sitting of the Senate. A situation warranting such an exception might be if this were the only time that a Minister was available to appear before the committee.

If the Senate is adjourned for a period of time exceeding a week, Rule 95(3) permits 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 representatives, to a written request from the chair and deputy chair of the committee.

When the Senate is adjourned for a period of time of a week or less, committees are permitted to meet under Rule 95(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**

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Rule 92(1) requires 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 orders 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 fax or email to all committee members, as well as the government and opposition leadership, media and members of the public who have requested to be informed of committee meetings. Notices of meetings are also posted on the Senate channel of the Parliamentary Television Network, on the Parliamentary Internet and intranet websites, at the interactive computer monitors (KIOSK) installed at the Senate entrances and at other points within the Senate precinct.

### **Motions**

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Motions may be moved in committee without notice and without a seconder. Common motions moved in committee are those to elect a new chair, to create a subcommittee, to adopt a report or to amend a clause of a bill under consideration.

### **Debate**

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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**

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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 therefore not permitted to break a tie vote with their 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 makes a request, a recorded vote 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 then 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 interruptions may be made by any members 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**

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Points of order may be raised when a member feels that the committee has departed from normal practice or procedure for a Senate committee. Examples of points of order that may be raised in committee are ones 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 offer a decision 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 3:06 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**

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

## **Types of Budgets**

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Committees normally require 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. 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 must 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 working meals, courier services and professional services. At its organization meeting, the committee chair is authorized to seek from the Senate a motion to give the committee the power to hire professional services necessary for the study of legislation. This motion must be passed prior to adopting a legislative budget.

This 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 adopts a modified version of the budget proposal.

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 will usually meet 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 the case 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 the budget proposal by either the chair, steering committee or the committee itself based on its plans. The special study budget proposal then proceeds through the same steps as the legislative budget proposal until it is adopted in its full 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 for which it was prepared. 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 budget as passed by the Internal Economy Committee.

### ***Emergency Funds***

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When a committee needs to incur expenses or commit funds and is unable to obtain a budget approval quickly enough, Section 4 of Chapter 3:06 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 1,300 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). Transcripts of witness testimonies are also accessible to the public through the publishing of committee proceedings, which are made available in hard copy form and electronically on the committee's website.

### **Summons and Oaths**

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Rule 90 provides that “[a] standing committee shall be...authorized 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 compel the attendance of witnesses by way of a summons<sup>25</sup>. Special committees do not have this power, but may be granted it by the Senate, usually in the motion establishing the special committee.

The power to summon witnesses is exercised by way of a motion in committee<sup>26</sup>, but is seldom used.

While it is rare that witnesses are asked to testify under oath, the committee may move that a witness be sworn in or that he or she make a solemn affirmation or declaration. This is done in accordance with sub-section 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 clerk of a committee<sup>27</sup>.

In an effort to make the appearance of witnesses before committees as effective as possible, the Committees Directorate provides, through the Parliamentary Internet site, *A Guide for Witnesses Appearing Before Senate Committees*. This document lays out the guidelines for the preparation of witnesses' briefs to committee members and provides information on what to expect during a committee meeting.

### **Ministers**

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When examining a government bill, the sponsoring Minister is typically invited to appear first when the committee begins its deliberations on the legislation. Sometimes a Minister, or in some cases the Parliamentary Secretary, will also request to appear last, prior to the committee proceeding to the clause-by-clause consideration of the bill.

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

### **Provincial and Territorial Governments**

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In accordance with Appendix I 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

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<sup>25</sup> *Beauchesne's Parliamentary Rules and Forms*, 6th ed., 1989, p. 238-239.

<sup>26</sup> Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000, p. 861.

<sup>27</sup> *Beauchesne's Parliamentary Rules and Forms*, 6th ed., 1989, p. 238.

government expresses an interest in appearing, the committee should give it reasonable opportunity to do so.

### ***Parliamentary Privilege***

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Since official meetings of a committee are part of the proceedings of Parliament, any person appearing before a Senate committee is protected by parliamentary privilege. In practical terms, this means that no legal action can be undertaken against a witness 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.

### ***Official Languages***

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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.

### ***Expenses***

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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. The Internal Economy Committee policy is to limit the number of witnesses from a given organization to two. However, committees often choose to restrict the reimbursement of a second witness' expenses to cases with "exceptional circumstances." Witnesses may submit an expense claim to the committee clerk. Such claims must be accompanied by valid original receipts and any boarding passes.

## **14. Committee Travel**

When undertaking special studies, 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***

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Rule 95(1) provides 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 precincts of Parliament. Authorization to travel is obtained through a budget report to the Senate which contains a request for the power and funds to travel. Such requests tend to be general in nature, authorizing the committee to travel to any place for the purpose of a particular study.

### ***Public Hearings vs. Fact Finding***

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When travelling within Canada, a committee may either hold public hearings or 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 printed in both official languages. When a committee holds public hearings outside of Ottawa (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 Ottawa. There are no transcripts published for fact-finding meetings, but the information gathered is still valid to 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 as 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**

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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<sup>28</sup> 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. Other administrative reports may ask for an extension to a reporting date or modifications to an order of reference.

When dealing with a bill, a committee may report the bill without amendment, without amendment but with observations, or with proposed amendment(s) (also with or without observations). Observations are comments made by a committee on a bill without making an amendment. In addition, Rule 100 also allows a committee to present a report that recommends that the Senate not proceed further with the legislation. If such a report is adopted by the Senate, the bill is dropped from the Order Paper. When reporting on the subject-matter of a bill, the committee may include suggested changes to the bill in its report. Reports on the Estimates often include observations.

A report on a special study may either be interim or final. Reports on special studies are routinely 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 attempt to build a consensus on the analysis and recommendations to be included in the report. Rule 96(2) 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 agree to include or append minority opinions to a report.<sup>29</sup>

### **Recommendations vs. Observations**

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

Reports to the Senate on bills without amendment cannot include recommendations from the committee as, under Rule 97(4), such reports are adopted automatically. Committees sometimes attach “observations” to reports on bills 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.

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<sup>28</sup> “The Estimates are the expenditure plans of all government departments, consisting of Main Estimates, tabled annually, and Supplementary Estimates, tabled as required.” (Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000, p. 770)

<sup>29</sup> See also Marleau, R. and Montpetit, C., *House of Commons Procedure and Practice*, Ottawa: House of Commons, 2000, p. 383.

## **Reporting Dates**

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Orders of reference for special studies generally include the date by which the committee must table its final report in the Senate. By resolution of the Senate, it may be granted an extension.

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 98 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**

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Reports that must be adopted by the Senate, such as those dealing with bills and budgets, must be “presented.” Presented reports are read aloud in the Senate by a table officer and are printed in the Senate *Journals* and *Debates*.

Reports that are for the information only of the Senate, and therefore need no decision of the Senate, such as special study reports, are tabled. These reports are not read aloud and are not published in the *Journals* or *Debates*. However, a motion may be moved to have a tabled report considered and/or adopted by the Senate.

## **Motions to Adopt Reports**

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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.

## **Confidentiality of Committee Reports**

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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 being tabled or presented in the Senate constitutes a breach of parliamentary privilege<sup>30</sup>. When dealing with such a disclosure, the committee concerned examines the circumstances surrounding the unauthorized disclosure, as set-out in Appendix III of the *Rules of the Senate*. The committee is expected to report the alleged breach to the Senate and to advise that it is commencing an inquiry into the matter. When undertaking an investigation of the circumstances surrounding the alleged breach, the committee is expected not only to attempt to determine the source of the breach but also to address the issue of the seriousness and implications (actual or potential) of the unauthorized disclosure.

Such an investigation does not preclude any senator from raising a question of privilege<sup>31</sup> in the Senate regarding the breach<sup>32</sup>. However, the substance of the question of privilege is not dealt with by the Senate until after the committee completes its investigation, even if the Speaker finds that a prima facie<sup>33</sup> case exists. The question of privilege will not be prejudiced by awaiting the

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<sup>30</sup> *Beauchesne’s Parliamentary Rules and Forms*, 6th ed., 1989, p. 241-242.

<sup>31</sup> 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).

<sup>32</sup> *Rules of the Senate*, Appendix III (d).

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 determined not to proceed.

Whatever action is taken on a question of privilege regarding a leaked committee report, if the committee's tabled report discloses that a breach has occurred and that it has caused substantial damage to the operation of the committee or the Senate as a whole, the matter is normally referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for further consideration.

## **Rule 104 Reports**

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Rule 104 requires committees to report all special expenses incurred in connection with their work, in reasonable detail, within 30 days of the final accounting of the expenses. Each committee must also present a report on all expenses incurred during the previous session within the first 15 sitting days of a new session.

## **Government Responses**

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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 131, 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 give an explanation for not doing so in the Senate. That response or explanation, along with the committee report, are then referred to the appropriate committee. Requests for a Government response lapse upon prorogation and dissolution of a Parliament. However, the Senate can pass a motion to reinstate the same request for a Government response in a new session, or a new Parliament.

# **16. Administration of Committees**

## **Committees Directorate**

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The Committees Directorate provides non-partisan procedural, information, and administrative services to all committees, with the exception of the Internal Economy Committee which has its own secretariat. 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 the Deputy Principal Clerk of Committees, both of whom also serve as table officers<sup>34</sup> 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.

The directorate's reception is responsible for the reservation of all Senate facilities for parliamentary and non-parliamentary functions. Staff provide information to the public,

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<sup>33</sup> "A prima facie case of privilege in the parliamentary sense is one where the evidence on its face as outlined by the Member is sufficiently strong for the House to be asked to debate the matter and to send it to a committee to investigate whether the privileges of the House have been breached or a contempt has occurred and report to the House" (Maingot, J.P. Joseph, *Parliamentary Privilege in Canada*, 2nd ed., House of Commons and McGill Queen's University Press, 1997, p. 221). A prima facie case is such as will prevail until contradicted and overcome by other evidence.

<sup>34</sup> Table officers provide procedural advice to the Speaker and senators with respect to their duties in the Chamber, and act as reading clerks to record votes, decisions and times of debate in the Senate.

government departments, media 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 includes legislative clerks, a statistical coordinator and a receptionist.

## **Committee Staff**

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### *Committee Clerk*

The committee clerk acts as the chief administrative, procedural and information officer for committees or subcommittees, and is responsible for ensuring that any organizational work is effectively administered and that committee members have the necessary information required for their deliberations. The committee clerk serves as an advisor on parliamentary procedure and is a non-partisan employee of the Senate. As such, the committee clerk performs duties independent of the political affiliation of the members. The committee clerk relies on the *Rules of the Senate*, parliamentary procedures, 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 committee clerk arranges and coordinates the work of the committee under the direction of the chair and the steering committee. The committee clerk handles relations and correspondence with interested parties and potential witnesses, and ensures the translation and distribution of briefs, as required, to members. The clerk also manages the preparation and scheduling of meetings, arranges the appearance of witnesses, and coordinates all logistics, including transportation and accommodation, when the committee travels.

Drafting the committee budget upon instruction from the chair and other members is another responsibility of the committee 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 committee clerk with the assistance of the Senate Finance 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 in ensuring that the organizational and procedural work of the committee is effectively administered and that committee members have the necessary information required for their deliberations.

### *Statistics Coordinator and Administrative Assistants*

The statistics coordinator is responsible for maintaining and producing key documents and statistics concerning the activities of committees.

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

### *Analysts*

Most committees require research support to accomplish their work. This is particularly true if a committee is undertaking 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 in the selection of 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 the longer reports associated with special studies.

### *Consultants*

Committees may also enter into contracts with expert consultants who are not employed by Parliament. This option is most often used when a committee is studying a topic of a very specific or delicate nature that may be outside the expertise of available Library of Parliament analysts, or when a particular outside 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 of reference considered, decisions taken, and the identity of the 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 printing. 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 Ottawa. The finished text is printed with the minutes to form an issue of the proceedings of the committee. Once copies are printed, they are sent to all committee members, witnesses and interested parties.

## **Correspondence**

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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's office. If the material is too voluminous, summaries of the material can be prepared at the direction of the committee for the convenience of members. All original copies of such documents are retained for inclusion in the committee archives after the end of each parliamentary session.

## **Documents Tabled with the Committee**

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Members or witnesses sometimes request that material be tabled with the committee, filed as an exhibit or appended to the proceedings of the committee. The last option is very seldom used because of the considerable expense involved in printing add-on texts along with committee proceedings. 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 pass an appropriate 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**

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Media coverage of Senate committee work serves the vital role of informing the public and helping to shape opinions about the Senate and senators. As such, the Senate Communications Directorate works closely with committees to inform the media of the various committee activities and to heighten the profile of the work of committees. To this end, a weekly publication, *The Senate This Week*, highlighting the activities of committees in the upcoming week is produced and distributed to various media outlets. The Communications Directorate is also available to aid committee members with media relations.

Committee clerks are only allowed to 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**

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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 must seek the permission of the Senate in order to televise their proceedings. This permission is sought at the start of each new session and lasts for its duration. If a committee has received permission, it may then request that its meetings be broadcast, such requests being made on a meeting-by-meeting basis. The Legislative Support Office is responsible for all matters relating to the broadcasting of committees.

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](http://www.cpac.ca)) for information on when a particular meeting will be broadcast on CPAC.

### ***Parliamentary Internet***

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The Parliamentary Internet ([www.parl.gc.ca](http://www.parl.gc.ca)) provides information about committees and includes public websites for each committee. The following information may be accessed via these websites:

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

### ***Webcasting***

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The proceedings of committee meetings are available via audio-cast and video-cast (when the committee is being recorded for broadcast on CPAC) on the Parliamentary Internet site. A schedule of upcoming webcasts of Senate committee meetings can be found at: <http://senate-senat.ca/webcast.asp>.