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# Guidelines for Preparing Government Responses to Parliamentary Committee Reports

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Guidelines for Preparing Government Responses to Parliamentary Committee Reports.

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## Summary

Upon conclusion of a study by a parliamentary committee, the committee will report its findings to the House or the Senate and may request a government response.

Following such a request, a lead minister is identified who is responsible for tabling the requested response.

House and Senate rules set fixed deadlines for government responses to parliamentary committee reports (120 calendar days for the House; 150 calendar days for the Senate).

Government responses are typically presented with a cover letter signed by the responsible Minister; however, the Government has discretion on the nature and form of its response (e.g., a recommendation-by-recommendation report, bundling recommendations by theme, a general letter, or an interim response).

Ministers must secure Cabinet approval of a Memorandum to Cabinet (MC) for a government response prior to tabling.

Departments should consult their Minister's office, as well as the Privy Council Office (PCO), on the preferred format of the response and Cabinet scheduling before the MC process begins.

Departments should work with PCO to ensure that timely Cabinet approval is secured to enable a response to be tabled before parliamentary deadlines. Cabinet approval for responses due during a winter or summer adjournment should be scheduled before such adjournments, since Cabinet does not meet regularly during adjournments.

## House and Senate rules for government responses

Both House and Senate committees may request that the Government table a comprehensive response.

In cases where a response is requested, which most often occurs with the tabling of the report, House rules require a government response to be tabled within 120 calendar days after the committee report is tabled (see House Standing Order 109).

Senate rules require a government response to be tabled within 150 calendar days after the Senate's adoption of a motion to request a response to a committee report (see Rules 12-23(1) and 12-23(3) of the Rules of the Senate).

## Definition of a government response

The Government has discretion on the nature and form of its response because House and Senate rules do not specify the precise nature of the response.

Ministers therefore have choices for how to respond to a committee.

- The Government may respond in the form of a “report” which substantively addresses each recommendation of a committee, or addresses groups of related committee recommendations, or sets out a general response of the Government’s position, its past actions and its current and future activities.
- The Government may respond in the form of a “general letter” to the committee chair, which sets out a general response of the Government’s position in relation to the recommendations made by the committee.
- The Government may provide an “interim response,” which may be appropriate if a committee is expected to make further recommendations on the same topic in the near future.

## Public Service responsibilities for the preparation of a response

Departmental officials are responsible for working with Ministers and Ministers’ offices and the PCO to respond to committee reports.

After a request for a government response is tabled in the House, or the Senate requests a government response, PCO will follow up with a letter to the Deputy Head of the relevant department identifying the lead Minister, and as required, other Ministers or departments who should be consulted. The tentative date for Cabinet committee consideration will also be identified.

While a response may implicate a number of different departments, typically only one department will lead in preparing the response, coordinating and consulting with other departments as necessary.

An officer in a PCO Secretariat will be designated as a point of contact and will work with the organization(s) on the form and content of the response and MC, and the scheduling of Cabinet consideration.

The Legislation and House Planning Secretariat in PCO monitors parliamentary committee reports, and answers questions about the form of the response, parliamentary considerations and the procedure for tabling a response.

## Memorandum to Cabinet

Proposals for a government response are prepared under cover of an MC for consideration by Cabinet. The MC should follow the standard required template and outline the main features of the response, clearly stating the degree to which the response addresses the committee's recommendations, including a rationale.

Government response MCs do not typically include seeking authorities for new policies or programs, rather, they should focus on an analysis of the committee’s findings and the Government’s response to the recommendations.

Annexes must include the government response itself, including any covering letter, the communications strategy, and the parliamentary strategy.

Departments should consult their Minister’s office on the choice of response format, the kind of MC and Cabinet scheduling before the MC process begins.

The proposed government response is annexed to the MC and, as such, remains a Cabinet confidence until the response is tabled – if a report format is used, a cover letter to the chair of the parliamentary committee, to be signed by the appropriate Minister(s), is also annexed. The government response, as ratified by Cabinet, constitutes the document that the Minister tables in the House or that the Government Representative in the Senate (on behalf of the responsible Minister) tables in the Senate.

### Process for preparing a response

The milestones and timelines for preparing a response follow.

<b>Milestone</b>	<b>Timing – House (calendar days after tabling of committee report)</b>	<b>Timing – Senate (calendar days after Senate adoption of report or motion)</b>
PCO notified of Committee report requiring a government response	Day 1 - 3	Day 1 - 3
Letter sent to responsible department(s) requesting preparation	Day 3 - 5	Day 3 - 5
Department consults Minister’s office on response format	Day 1 - 20	Day 1 - 20
Department develops response, consulting with other departments as necessary and obtains ministerial approval of MC	Day 1 - 60	Day 1 - 90
Final signed MC to PCO	9 days before Cabinet Committee consideration	9 days before Cabinet Committee consideration
Cabinet Committee consideration	Day 60 - 80	Day 90 - 110
Cabinet consideration	Day 80 - 100	Day 110 - 120
Government response tabled	No later than 120 days	No later than 150 days

In the House, the start of the 120-calendar day period for preparing the response begins the day after the committee report is tabled in the House. The chair of the committee may mention the request when the report is tabled. The request is recorded in the Journals of the House for that day, and is available on the parliamentary website, under Presenting Reports from Committees.

The deadline for tabling a response to a report of a House committee is not affected by adjournment or prorogation of Parliament. Dissolution of Parliament immediately puts an end to the requirement to respond to House committee reports.

In the Senate, the 150-calendar day period begins the day after the Senate adopts the report or the motion requesting a government response. The deadline for tabling the response is not affected by adjournment, but a prorogation or dissolution of Parliament immediately puts an end to the Senate request.

Departments should work with the PCO to ensure that a Memorandum to Cabinet for a government response is considered by Cabinet committee at least four weeks prior to the tabling date. Cabinet approval for responses due during a winter or summer adjournment should be scheduled before such adjournments, since Cabinet does not meet on a regular basis during adjournments.

## Consequences of missing a deadline for a response

The consequences for the Government of missing the deadlines set by the House and Senate are serious (i.e., a possible charge of contempt of Parliament).

## Procedure for tabling a response in the House of Commons

On Thursday, June 15, 2023, the House of Commons amended its Standing Orders to make hybrid proceedings permanent, including the electronic tabling of documents in the House. When the House is sitting, there are three possible procedures for tabling within the 120-day deadline.

### 1. Front door paper tabling

- During a sitting of the House, a Minister or a Parliamentary Secretary acting on behalf of a Minister, can table documents in printed form while being physically present in the House, pursuant to Standing Order 32(2). Although this can be done at any moment during a sitting, it usually happens during Routine Proceedings.
- Two printed copies in English and two printed copies in French of the documents tabled must be submitted at the time of tabling.
- A courtesy printed tabling letter is appreciated to facilitate the tabling process.

### 2. Front door electronic tabling

- During a sitting of the House, a Minister or a Parliamentary Secretary acting on behalf of a Minister, can table documents in electronically format while being physically present in the

House or while participating remotely, pursuant to Standing Order 32(2). Although this can be done at any moment during a sitting, it usually happens during Routine Proceedings.

- The following steps must be followed: Documents must be emailed to the secretariat team (Journals Branch) at sp-dp@parl.gc.ca prior to the Minister or Parliamentary Secretary's intervention. Documents must be in unlocked PDF format and preferably contain both the English and French versions in a single file. Other formats are not accepted.
- A courtesy tabling letter is appreciated to facilitate the tabling process.

### 3. Back door electronic tabling

- Documents deposited with the Clerk of the House pursuant to Standing Order 32(1) are accepted in electronic format only.
- The following steps must be followed: Documents must be emailed to the secretariat team (Journals Branch) at sp-dp@parl.gc.ca and be received before the House adjourns on a given day. Documents must be in unlocked PDF format and preferably contain both the English and French versions in a single file. Other formats are not accepted. A covering letter, signed by the Minister and addressed to the Clerk of the House, must also be sent in a separate PDF file.
- In general, back door electronic tabling is used by the Government because an intervention in the House is not required.

When the House is adjourned, the following procedures are possible:

- Tabling can be done within the 120-day deadline by providing two copies in electronic format of the Government's response, in both official languages, to the Clerk of the House by the Wednesday following the fifteenth day of the month. The report will have been deemed to have been tabled back door on the day the House resumes sitting. Where the House stands adjourned and the document is deposited on the Wednesday following the fifteenth day of the month, it will be recorded in the Journals of the House on the day after the specified Wednesday.
- After the 120-day deadline, but no later than the first day back from an adjournment, two copies of the Government's response, in both official languages, are:
  - tabled in the House (front door paper tabling or front door electronic tabling) by the appropriate Minister, or Parliamentary Secretary, or
  - provided back door in electronic format to the Clerk of the House.
  - Given the risk that Parliament may be recalled during an adjournment, and a delayed response would then have to be tabled on the first day on which the House resumes sitting, this approach is generally avoided. Departments should ensure responses, that have not been considered before adjournment are ready by their tabling deadline in the event the House is recalled.

If Parliament is prorogued on the due date, the response is tabled on the first day of the new session of Parliament.

Procedure for tabling a response in the Senate

Documents deposited with the Clerk of the Senate pursuant to Senate Rule 14-1(6) are accepted in electronic format. The following steps must be followed:

- Documents must be emailed to the Office of the Clerk of the Senate at [Officeoftheclerk-bureaudugreffier@sen.parl.gc.ca](mailto:Officeoftheclerk-bureaudugreffier@sen.parl.gc.ca). Documents are considered tabled when they are submitted and can be submitted to the Senate at any time of day. However, documents submitted after business hours may not receive a confirmation of tabling until the next business day.
- An email will be sent from the Office of the Clerk of the Senate to confirm the tabling of the documents, after they have been processed.
- Documents must be in unlocked PDF format and preferably contain both the English and French versions in a single file. Other formats are not accepted.
- A covering letter must also be sent in a separate PDF file. The covering letter must be signed by the designated minister —electronic signatures are accepted— and indicate the title of the document and the statutory authority for the tabling. The letter should indicate the committee that the response should be referred to. The letter must also be dated.

Note: If any of the above is missing and the Office of the Clerk of the Senate is unable to contact the department to obtain the information on time, the documents will not be tabled.

## Distributing the response

Notwithstanding the method used for tabling the Government's response:

- the response is a Cabinet confidence until it is tabled or deposited with the Clerk, as noted above;
- the response cannot be made public before it is tabled or provided to the Clerk of the House or Senate (to avoid a charge of contempt of Parliament for the responsible Minister);
- a copy of the response should be delivered to the chair of the parliamentary committee the same day that the response is tabled (but not earlier), this can be done by the department via the committee clerk;
- when tabling front door in the House, departments should make 50 copies in each official language available for both the Government and Opposition Lobbies (no lobby copies are required for back door tabling) and prepare an electronic copy in pdf form to facilitate dissemination of the Government's response;
- departments should provide an electronic copy of responses to Senate reports to the Government Representative in the Senate on same day that the response is tabled in the Senate.

## For further information

For further information, contact the responsible PCO Policy Secretariat regarding policy or Cabinet issues, or the Legislation and House Planning Secretariat regarding parliamentary procedures.