

## **Guidelines for Preparing Government Responses to Parliamentary Committee Reports**

### **Summary**

- House and Senate rules set fixed deadlines for Government responses to parliamentary committee reports (120 days for the House; 150 days for the Senate).
- The Government has discretion on the nature and form of its response (e.g., a recommendation-by-recommendation report, a general letter, or an interim response).
- Ministers must secure Cabinet approval of a Memorandum to Cabinet (MC) for a Government response – Ministers/departments have choices on what kind of MC to use, e.g., an abbreviated MC can be used for a straight-forward response.
- Departments should consult their Minister's office on the choice of response form 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.
- Government responses will only be discussed as full agenda items at Cabinet committees when they require policy approvals for new policies and programs. Government responses that do not propose new policies or programs will be considered as annex items on Cabinet committee agendas.

### **House and Senate Rules for Government Responses**

- House rules require a Government response to be tabled within 120 calendar days after a committee report requesting a response 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 committee report requesting a response, or a motion to adopt the report that requests a response, or a separate motion that requests a response after the report has been adopted (see Rules 12-24(1) and 12-24(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.**
  1. 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.
  2. 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.
  3. 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 Privy Council Office (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 or agency (where appropriate, two or more organizations will be asked to prepare a response). 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 procedure for tabling a response.

### **Memorandum to Cabinet**

- Proposals for a Government response are prepared under cover of a Memorandum to Cabinet (MC) for consideration by Cabinet. The MC should outline the main features of the response and clearly state the degree to which the response addresses the committee's recommendations, including a rationale.
- Ministers/departments have **choices on what kind of MC to use.**
  - For responses that do not require policy approval for new policies or programs, in consultation with PCO, departments can prepare Government responses under cover of the streamlined MC template, with a Ministerial Recommendation section and two annexes: the communications strategy; and the parliamentary plan. These proposed Government responses would be considered as an annex item at the appropriate Cabinet policy committee.

- For politically sensitive reports, or those dealing with complex policy issues, in consultation with PCO, departments may prepare a full MC. These responses would be considered as a full agenda item at the appropriate Cabinet committee.
- 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 Leader of the Government 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</b> <i>(calendar days after tabling of committee report)</i>	<b>Timing – Senate</b> <i>(calendar days after Senate adoption of report or motion)</i>
<b>PCO notified of Committee report requiring a Government response</b>	Day 1 - 3	Day 1 - 3
<b>Letter sent to responsible department(s) requesting preparation</b>	Day 3 - 5	Day 3 - 5
<b>Department consults Minister's office on response format</b>	Day 1 - 20	Day 1 - 20
<b>Department develops and obtains ministerial approval of MC</b>	Day 1 - 60	Day 1 - 90
<b>Final signed MC to PCO</b>	7 days before Cabinet Committee Consideration	7 days before Cabinet Committee Consideration
<b>Cabinet Committee Consideration</b>	Day 60 - 80	Day 90-110
<b>Priorities and Planning Ratification</b>	Day 80 - 100	Day 110 - 120
<b>Government response Tabled</b>	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 internet site, under Committee Business.

- 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 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**

- **When the House is sitting**, there are **two possible procedures for tabling** within the 120 day deadline.
  1. The response can be **directly tabled in the House**. Two copies of the response, in each official language, are tabled by the appropriate Minister, or Parliamentary Secretary, during Routine Proceedings in the House of Commons, pursuant to Standing Order 32(2).
  2. The response can be **deposited with the Clerk of the House**, under cover of a letter signed by the Minister, with two copies of the response. This process sometimes is referred to as “back door” tabling. In general, back door 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.**
  1. Tabling can be done within the 120 day deadline by providing two copies 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. This is the Government's preferred approach for tabling during an adjournment.
  2. **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:
    - directly tabled in the House by the appropriate Minister, or Parliamentary Secretary, or
    - provided “back door” 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 consult PCO, if this approach is desired.

- **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**

- **When the Senate is sitting there is one possible procedure for tabling.**
  1. The response should be **directly tabled in the Senate**. Two copies of the response, in each official language, are tabled by the Leader or the Deputy Leader of the Government in the Senate during the daily Routine of Business under the Tabling of Documents.
- **If the Senate is not sitting on the due date**, the procedure for tabling is as follows:
  - Two copies of the Government's comprehensive response in both official languages are **deposited with the Clerk of the Senate by the due date**.

## 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 **report 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**;
  - the department should provide **30 copies** of the Government's response **to the Supervisor of Postal and Distribution Services of Parliament (for Government responses to House Committee reports)**, who will co-ordinate general distribution to interested MPs through Parliament's distribution services;
  - when tabling directly in the House departments should make **30 copies available for both the Government and Opposition Lobbies**; and
  - in addition to the necessary copies provided to Leader or the Deputy Leader of the Government in the Senate (as noted above), when tabling directly in the Senate departments should provide **2 copies in both official languages to the Chair, Deputy Chair and Clerk of the relevant Senate Standing Committee. Once the Government response has been tabled in the Senate, departments should send the Clerk of the committee an electronic copy of the response.**

## 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.