

# OMNIBUS BUDGET BILLS

A growing problem



Report of the Standing Senate Committee  
on National Finance

The Honourable Claude Carignan, Chair  
The Honourable Éric Forest, Deputy Chair



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# The Committee Membership



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*Chair*



The Honourable  
Éric Forest  
*Deputy Chair*

## The Honourable Senators



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Pierre J.  
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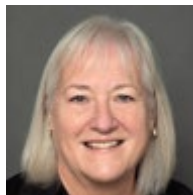
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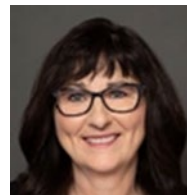
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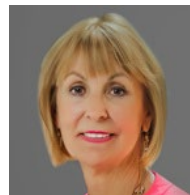
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### **Ex officio members of the committee:**

The Honourable Pierre Moreau (or Patti LaBoucane-Benson)  
The Honourable Leo Housakos (or Yonah Martin)  
The Honourable Lucie Moncion (or Joan Kingston)  
The Honourable Flordeliz (Gigi) Osler (or Robert Black)  
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# Order of Reference

Extract from the Journals of the Senate of Tuesday, October 8, 2025:

The Honourable Senator Carignan, P.C., moved, seconded by the Honourable Senator Poirier:

That the Standing Senate Committee on National Finance be authorized to study and report on the practice of including non-financial matters in bills implementing provisions of budgets and economic statements, including, but not limited to:

- a) examining how the Senate generally reviews and considers non-financial provisions in budget implementation acts;
- b) examining how other legislatures review financial legislation; and
- c) providing recommendations and guidelines to the Senate and its committees on methods to provide proper scrutiny of non-financial provisions found within budget implementation acts while permitting financial provisions to proceed in a timely manner;

That the committee submit its final report to the Senate no later than March 31, 2026, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report;

That the committee be permitted, notwithstanding usual practices, to deposit reports on this study with the Clerk of the Senate if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate; and

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Forty-fourth Parliament be referred to the committee.

The question being put on the motion, it was adopted.

Shaila Anwar

*Clerk of the Senate*

# Executive Summary

Budget implementation acts (BIAs) have expanded significantly since the 1990s, increasingly bundling non-financial measures with core financial provisions. This evolution has made it more challenging for the Senate to exercise its review function and serve Canadians effectively, particularly given the convention that it does not amend financial legislation or is reticent to do so.

It is regrettable that BIAs, once brief and focused on financial measures, have evolved into increasingly lengthy and complex bills that bundle diverse, and sometimes controversial, non-financial measures to expedite their passage, a practice that undermines Parliament's ability, and Canadians' opportunity, to give these measures the thorough examination they deserve.

This report examines the Senate's current practices, institutional constraints, and options to improve its scrutiny of non-financial measures in BIAs without delaying the adoption by Parliament of essential financial measures.

The Senate relies heavily on pre-studies to examine BIAs, but these are constrained by tight timelines linked to the government's legislative calendar. Testimony from experts and procedural precedents confirm that the Senate possesses tools — including early pre-studies, division of bills, and institutional leverage — that could be applied more systematically.

The Committee also heard strong arguments for strengthening institutional coordination. Restoring the Leader of the Government in the Senate to the cabinet table could enhance communication, improve legislative planning, and give the Senate a stronger voice in setting realistic timelines for reviewing BIAs.

In addition, the Committee believes that the government should facilitate more effective parliamentary scrutiny by presenting two separate bills: one for financial measures and another for non-financial measures. This would allow for timely adoption of budgetary items while enabling more rigorous examination of other provisions.

The Senate nonetheless retains the authority to divide bills itself if necessary.

Taken together, these measures would help the Senate uphold its role as a chamber of sober second thought by ensuring that non-financial measures receive appropriate scrutiny for the benefit of Canadians, while financial measures continue to proceed without undue delay.

In light of the foregoing, the Senate Standing Committee on National Finance makes the following recommendations:

### **Recommendation 1**

**That the Senate make more systematic use of the procedural tools at its disposal — including by formalizing the use of pre-studies of BIAs and, when appropriate, exercising its authority to divide bills — while also making fuller use of its institutional leverage to influence the government’s legislative timing. Coordinated use of these approaches would encourage earlier tabling by the government and greater collaboration on separating financial and non-financial measures, while strengthening parliamentary oversight of increasingly complex budget implementation legislation.**

### **Recommendation 2**

**That, in a spirit of collaboration with the government, the Senate adopt a motion requesting the Government of Canada to present two separate Budget Implementation Bills — one for financial measures and one for non-financial measures — in order to improve parliamentary scrutiny. Separating these elements would allow financial measures to proceed in a timely manner while ensuring that non-financial provisions receive the thorough and independent review they require. The Committee emphasizes that the Senate nonetheless retains the authority to divide a bill should circumstances warrant it.**

### **Recommendation 3**

**That the Senate adopt a motion requesting the Government of Canada to appoint the Leader of the Government in the Senate to cabinet, thereby restoring a practice that previously allowed the Leader of the Government in the Senate to influence legislative timelines by setting clear cut-off dates for bills and strengthen coordination between the Senate and the government.**

## **Introduction**

BIAs were originally designed to enact a budget’s tax and spending measures. Over time, however, they have evolved into omnibus bills that include many provisions unrelated to government taxation and spending. As Senator Scott Tannas observed, “We all understand that we have a problem. I think it is a growing problem and one that we need to deal with.”

BIAs were once brief and focused on fiscal measures. Senator Tannas recalled that it was in the 1990s that BIAs began to be used regularly, consolidating a range of legislative measures into a single bill. Since then, there has been a clear trend toward longer and more complex bills, as successive governments increasingly bundle diverse initiatives into BIAs to accelerate their passage through Parliament.

The scale of this evolution is striking. The 1994 BIA was only 24 pages long, whereas recent bills routinely exceed 600 pages. For example, the 2024 BIA contained 660 pages and included 44 measures beyond fiscal measures. The average length has grown from 81 pages (1996–2005) to 305 pages (2006–2015) and 409 pages (2016–2024).

The Committee regrets that the traditional “shield,” based on the constitutional convention that the Senate does not amend budget bills, is increasingly being “wielded as a sword,” allowing the government to include non-financial, sometimes controversial, provisions in such legislation.

For example, the *Budget Implementation Act, 2018, No. 1* added new controversial provisions to the *Criminal Code* to allow the government to enter into remediation agreements – also known as “deferred prosecution agreements” – for organizations accused of certain economic offences under the Code<sup>1</sup>.

More recently, Part 5 of Bill C-15, Budget 2025 Implementation Act, No. 1, introduced 45 divisions amending a wide range of non-tax laws and enacting key pieces of new legislation, many of which have no direct financial implications<sup>2</sup>. In particular, Division 1 of this part enacts the *High-Speed Rail Network Act* to accelerate the development of the Alto high-speed rail, including the process for expropriating land needed for the construction of “Canada’s largest ever infrastructure project,” as described [by the government](#).

The Committee notes that the practice of bundling non-financial measures with financial provisions is not limited to BIAs, and can extend to other money bills, such as Bill C-4, An Act respecting certain affordability measures for Canadians and another measure, which was tabled in the current Parliament<sup>3</sup>. As its name implies, Bill C-4 contains certain measures aiming to support Canadians financially but also includes amendments that are unrelated to this financial support. These amendments are intended to amend the *Canada Elections Act* to replace the regime applicable to federal political parties for the protection of personal information.

This practice limits both parliamentary scrutiny and public debate on measures that would normally be considered through separate legislation. As the Committee has stressed in previous reports, this practice undermines Parliament’s ability — and Canadians’ opportunity — to give such measures the thorough examination they deserve. This concern is shared by several other standing Senate committees, as reflected in their reports to the Senate, notably in observations by the Standing

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<sup>1</sup> [Budget Implementation Act, 2018, No. 1](#), S.C. 2018, c. 12.

<sup>2</sup> [Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025](#), 45th Parliament, 1st Session.

<sup>3</sup> [Bill C-4, An Act respecting certain affordability measures for Canadians and another measure](#), 45th Parliament, 1st Session.

Senate Committee on Banking, Commerce and the Economy and the Standing Senate Committee on Legal and Constitutional Affairs<sup>4</sup>.

## The Senate's Role and Current Practices

The Senate's review of BIAs is guided by the constitutional convention that the Upper House does not amend financial legislation. This convention, originally aimed at protecting the primacy of the House of Commons over financial matters such as taxation and the appropriation of public funds, continues to frame the Senate's role in the consideration of BIAs. It finds its legal foundation in sections 53 and 54 of the *Constitution Act, 1867*, which provide that bills appropriating public revenue or imposing taxes must originate in the House of Commons and must be recommended by the Crown.

Over time, this convention has been understood to mean that, although the Senate is legally empowered to amend or reject financial legislation, it exercises institutional restraint by refraining from doing so. This restraint reflects both constitutional practice and respect for the House of Commons' financial prerogatives.

Senator Tannas stressed that the Senate often interprets the convention too rigidly: "We try and honour the convention of the Senate not messing with the finances[...] we take it to a degree that dishonours the respect that we're giving the other place." In other words, the Senate's deference to the Commons on money bills has sometimes meant it refuses to amend any provision of a BIA, even provisions unrelated to financial matters, out of caution. This climate of hesitation has frustrated senators who believe they have a duty to scrutinize non-financial measures.

As explained in *Senate Procedure in Practice*<sup>5</sup>, a special Senate committee was established in 1918 to examine the scope of the Senate's authority over financial legislation under the British North America Act, 1867. Known as the "Ross Report," the committee's conclusions were adopted in May 1918. As stated in the report:

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<sup>4</sup> Senate, Standing Committee on Banking, Commerce and the Economy, *Thirteenth Report*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, 6 June 2024; and Standing Committee on Legal and Constitutional Affairs, *Twenty-fifth Report*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 2018.

<sup>5</sup> *Senate Procedure in Practice* (Ottawa: Senate of Canada, 2015), p.7.

*The Senate has the power to amend money bills that appropriate any part of the revenue or impose a tax by reducing the amounts therein, but that it does not possess the right to increase the same without the consent of the Crown.*

However, the opinions of the Senate and the House of Commons have long been at odds on this question<sup>6</sup>.

An example of such Senate intervention occurred in December 2016, when the Senate amended Bill C-29: A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures. As proposed by our Committee in its Eleventh Report of the 42nd Parliament, the Senate adopted an amendment to delete Division 5 of Part 4 of C-29, which contained consumer protection provisions for the banking sector. These provisions were viewed by several experts as reducing the level of protection for Canadian consumers. The Senate communicated this amendment to the House of Commons, which accepted it.

On this subject, Senator Carignan had this to say to the government and, in particular, to the Minister of Finance:

*The senators in this chamber will scrutinize every piece of legislation you send us, including omnibus budget bills, so that we can protect all Canadians.*

## Timing Pressures and Established Practices

One of the realities that has become embedded in the Senate's practices is that BIAs are considered within the time frame accorded to supply in the parliamentary financial cycle. As a result, the Senate finds itself under pressure to study and adopt BIA-related legislation twice a year, following the federal budget and the fall economic statement. These events are closely followed by the winter and summer adjournment periods, which compress the legislative calendar and intensify the pressure on the Senate to adopt these omnibus bills quickly.

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<sup>6</sup> *Ibid.*

This time frame is not a legal requirement but rather a well-established practice. Therefore, the Senate could decide to take more time to conduct its review of BIAs. As Charles Robert, Former Clerk of the Senate and former Clerk of the House of Commons, stated:

*You have a practice now that's pretty well anchored over 30 years. The government certainly wants it, and there is no doubt about that, but you have made the decision to accept that or not. That's your choice.*

He emphasized that this practice is not required under the *Rules of the Senate*, and the Senate may decide to depart from it if it wishes.

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**The Committee believes that the option of taking the necessary time to study BIAs — and, if needed, adopting the legislation after the usual summer and winter adjournments — is a tool at the Senate's disposal. The very possibility of using this option could create an incentive for the government to table BIAs earlier in the parliamentary calendar, thereby providing the Senate with more time to conduct a thorough and independent review. It could also encourage greater collaboration from the House of Commons, particularly in supporting the division of financial and non-financial measures within BIAs.**

## Pre-Study and its Limitations

The Senate has adapted its practices to accommodate the perceived exigencies attached to BIAs and their tight deadlines, while at the same time seeking to provide credible scrutiny of the legislation. To that end, it has relied on pre-studies of BIAs while they are still before the House of Commons. As Mr. Robert noted:

*The procedure followed in the Senate for each of these five [previous] bills was the same and has become standard practice for dealing with virtually all budget implementation bills. In each case, senators adopted a motion to authorize a pre-study of the budget bill while it was still before the House of Commons. In addition, this motion resulted in the contents of each bill being referred to various standing committees, which allowed for a more thorough examination before the Standing Senate Committee on National Finance presented a compiled report of the various studies to the Senate.*

Time is the all-important but variable factor in the Senate’s consideration of BIAs. The period allocated for pre-study is not determined by the actual time required to properly examine a bill, but rather by external factors linked to the government’s legislative timetable. As a result, pre-study can have a significant time range — from less than a month to six weeks and, on occasion, several months. Whatever the time given to pre-study, the period reserved for the formal consideration of BIAs remains invariably compressed.

Mr. Robert also explained the following:

*This uncertainty about adequate time for pre-study, combined with compressed debate through the reading stages and with the prospect of ever-larger BIAs, the effectiveness of the Senate’s efforts to adjust its current practices will inevitably be undermined. Meeting the “deadline” for passage of BIAs while satisfying the obligation for sufficient examination of these unwieldy bills, particularly the non-financial provisions, will become more and more difficult and unsatisfactory.*

Starting with Budget 2025, the government has indicated that the federal budget will be tabled in the fall, while the economic and fiscal update will be released in the spring, inverting the traditional sequence. This change is not expected to ease the scheduling pressures faced by the Senate, as a BIA will now arrive shortly before the winter adjournment and another one shortly before the summer adjournment.

The Committee remains aware that dividing a bill or delaying its passage is a power the Senate possesses, if it determines that certain non-financial matters in a BIA require further scrutiny. The Senate is not obligated to report a BIA back to the Chamber until a thorough review is completed, since the perceived deadline for BIAs is artificial and not subject to the supply deadlines of March, June and December.

## Options to Improve Scrutiny of Non-Financial Provisions

As part of its study, the Committee considered a number of options to improve its scrutiny of non-financial provisions in BIAs without delaying essential financial measures.

## Separation of BIAs Into Financial and Non-Financial Parts

Mr. Robert told the Committee that dividing a House-originated bill in the Senate is an unusual and somewhat questionable practice. He explained that while the division or combination of bills has traditionally been a prerogative of the chamber in which the bill originated, it is less clear to him whether the second chamber — in this case, the Senate — can properly undertake such a procedure.

He cited three illustrative cases from 1941, 1988 and 2023. While none involved a BIA, they shed light on how the House of Commons might respond if the Senate were to divide a BIA into financial and non-financial components. In essence, the examples suggest that members of the House of Commons may be open to such a division — but only if the Senate formally seeks the concurrence of the House. In Mr. Robert's view, compliance with this condition is not strictly necessary, but unless and until the House of Commons adjusts its position or extends its precedents, he advised that the Senate would be prudent to comply with this essential procedural step. This comment echoes the advice of the late Senator Ian Shugart, a former Clerk of the Privy Council, who counselled the Senate to act in a way that brings the government along with it.

Mr. Robert explained that, in June 2017, a point of order was raised to challenge a motion instructing the National Finance Committee to divide Bill C-44, a BIA. The ruling from the chair echoed Speaker Charbonneau's 1988 reasoning: that division by the Senate creates two new bills originating in the Senate, which would no longer be considered government bills. The ruling also raised concerns over the Royal Recommendation, which must be initiated in the House of Commons. Although appealed, the ruling was upheld following a tie vote.

Mr. Robert questioned this ruling. In his view, the Royal Recommendation continues to apply to all spending clauses, even when they are part of a divided bill. Such bills do not become Senate bills, nor do they need to restart the legislative process. He further noted that the 2017 ruling overlooked the Speaker of the House of Commons' decision on Bill C-10 in 2002, where the Senate's division of the bill was accepted without challenges and no issue was raised regarding the Royal Recommendation.

He concluded that the 1988 and 2017 rulings offer weak guidance. If strictly followed, they risk obstructing meaningful scrutiny of increasingly complex BIAs. Past experience, including the Senate's successful division of Bill C-10 in 2002 following the ruling of Speaker Milliken, suggests that success depends on the Senate formally seeking the concurrence of the House of Commons. While this step does not guarantee a favourable outcome, it significantly reduces the likelihood of failure. That said, the Committee agrees with the conclusion of the fifth report of

the Standing Committee on Rules, Procedures and the Rights of Parliament during the 42nd Parliament (2017) that processes allowing the Senate to initiate the division of bills already exist.<sup>7</sup>

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Considering the practical challenges involved in classifying provisions as financial or non-financial, and the fact that each division attempt carries a risk of disagreement between the two chambers, it would be preferable that the government prepare two bills for each BIA — one containing the financial measures and another containing the remaining provisions. The Committee emphasizes that the Senate nonetheless retains the authority to divide a bill should circumstances warrant it.

## Beginning Pre-Study with the Budget

An earlier and more proactive approach to pre-study could strengthen the Senate's ability to scrutinize non-financial provisions in BIAs. Senator Tannas told the Committee that early engagement had already shown promising results.

Senator Tannas told us that a key part of the solution could be “to embark on an aggressive pre-study as soon as we have a budget document prior even to a BIA.” He noted that the government committed in 2015 to ensuring that all BIA measures would be included in the budget. While, in practice, this has often meant inserting brief statements or references in the budget document, Senator Tannas suggested that these can offer important clues about potential legislative content. Early triage of these items, particularly those found in appendices, could allow the Committee to identify areas of concern and call officials to explain their plans well before the bill is tabled.

He further noted that the most problematic measures are often the one-sentence references in the budget that later translate into substantive legislative changes in the BIA. Conducting early analysis could help the Senate anticipate such measures.

He concluded by expressing support for making early pre-study of BIAs a recognized convention, in the same way that the Senate currently observes an informal convention not to interfere with the budget itself. This, he suggested, could enhance the Senate's effectiveness in holding the government to account on non-financial provisions while respecting the timeliness for the adoption of financial measures by Parliament.

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<sup>7</sup> Senate, Standing Committee on Rules, Procedures and the Rights of Parliament, *Fifth Report*, 1st Session, 42<sup>nd</sup> Parliament, 6 April 2017.

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The Committee considers that early pre-study can be an important step in the right direction. However, to maximize its usefulness, it should focus on the non-financial measures for which the budget or government officials provide sufficient detail to enable meaningful analysis. Moreover, some budget measures are not implemented immediately but appear in subsequent BIAs. For this reason, early pre-study should be viewed as one tool among others to enhance the Senate's scrutiny capacity, particularly for complex or potentially contentious measures. Clear government indication of which measures are expected to be included in the next BIA would be essential to ensure that the Senate allocates its time and attention judiciously. The usefulness of such studies would depend largely on the quality of the information provided by the government prior to the tabling of a BIA.

Another approach to improve pre-studies would be to inform the government of issues identified by Senate committees during such studies in a more timely manner. For example, a committee could send a letter to the relevant minister as soon as a significant issue is identified. This would give the government an opportunity to make amendments before the bill passes third reading in the other chamber, thereby allowing changes to be made before the review by the Senate.

## Senate Representation in Cabinet

For many years, it was common for the Leader of the Government in the Senate to sit as a member of cabinet, a practice that ended in 2015. Senator Tannas recalled that, in the past, Senate leaders who sat in the cabinet were able to influence legislative timelines by setting clear cut-off dates for bills, ensuring greater respect for the Senate's role in the legislative process.

Senator Carignan, Chair of the Committee and former Leader of the Government in the Senate, spoke about his experience as a cabinet member. He explained that having the Leader of the Government in the Senate at the cabinet table gives the institution a meaningful voice in government deliberations:

*I can tell you, having been part of the cabinet, that it has an impact. It isn't just one person. It's the Leader of the Government in the Senate speaking on behalf of the Senate and saying the following: 'In our area, be careful, we'll have this issue or that problem.' It's much more than an individual speaking, because we're speaking at the House level.*

Having the Leader of the Government in the Senate in cabinet would help the government be better informed about senators' perspectives on legislation. By conveying concerns and procedural realities from the Senate, the Leader of the

Government in the Senate would enable the government to better anticipate potential issues and understand how a bill is likely to be received in the Senate.

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Consequently, some members expressed support for a Senate motion encouraging the government to appoint the Leader of the Government in the Senate to cabinet. While not binding, such a motion would signal the Senate's endorsement of restoring a practice that strengthened coordination with the government and could facilitate the study of BIAs.

## Study of Financial Legislation by the Australian Senate

As part of its study, the Committee met with Louise Pratt, who at the time was Senator for Western Australia and Chair of the Finance and Public Administration Committee (Legislation), to hear her views and perspectives about the role of the Australian Senate in studying financial legislation.

In Australia, the Budget is delivered by the Treasurer to Parliament on “Budget night,” which is typically on the second Tuesday in May, in advance of the start of the fiscal year on 1 July. The Budget includes a series of documents, some of which report proposed spending, such as the Budget Papers and Portfolio Budget Statements, while others report actual spending and revenue, such as the Final Budget Outcome and Consolidated Financial Statements.<sup>8</sup> On Budget Night, the Treasurer also tables Appropriation Bills for the forthcoming fiscal year in the House of Representatives and delivers the second reading speech on Appropriation Bill (No. 1), which is referred to as the Budget Speech.<sup>9</sup>

## Study of Appropriation Bills by the Senate

Appropriation bills follow the same process as other legislation introduced in the Australian Parliament, including introduction and first reading, Minister's second reading speech, second reading debate, consideration in detail and third reading. They are debated in the House of Representatives, usually for several weeks, and are thus not available for consideration by the Senate during that time.

Rather than defer examination of proposed expenditures, referred to as “estimates,” until the bills are forwarded by the House, the Senate refers documents entitled “Particulars of Certain Proposed Expenditure” to relevant Senate

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<sup>8</sup> Australia, Parliamentary Budget Office, [Overview of the Budget Process](#).

<sup>9</sup> Australia, Parliament, Phillip Hawkins, [The Commonwealth Budget: a quick guide](#), Research Paper, 29 April 2021.

committees immediately after the budget is presented in the House. These documents reproduce the details of proposed expenditure contained in the appropriation bills. By considering these documents immediately, rather than waiting for the appropriation bills, Senate committees can complete much of their work before the bills arrive from the House of Representatives.<sup>10</sup>

During this stage called “Senate estimates,” Senate committees question government officials about the proposed expenditures. When the actual bills are transmitted to the Senate following their agreement in the House, the Senate is usually able to consider them relatively quickly because of the extensive consideration the proposed expenditures have already received in the estimates process. The House of Representatives does not have an equivalent of the Senate’s committee hearings but rather considers the proposed expenditures in the House itself during the consideration in detail stage and does not question government officials directly.<sup>11</sup>

Senator Pratt said that the Australian Senate’s process for examining the estimates is shaped by its own rules and resolutions, which set standards for how senators conduct this work. A significant change occurred in 1997, when the Senate restructured how it studies the estimates. She explained that previously, budget review took place mainly through a single committee and was followed by debate in the Senate. Since the reforms, however, the work has been distributed across multiple committees, leading to a more decentralized and comprehensive review process. According to her, the Senate adopted these changes in response to a perceived lack of time to properly scrutinize budgets.

She said that under the current system, when the budget documents are introduced in the House of Representatives, they are simultaneously tabled in the Senate and referred to eight standing committees, each responsible for a specific portfolio area. The senator noted that Senate estimates hearings are held over four weeks each year: two weeks immediately after the budget’s introduction in May, one week at the beginning of the following year, and one at the end. She told the Committee that this schedule allows for continuous and layered oversight.

She added that the hearings serve not only to examine the government’s budget proposals but also to question ministers and officials about the broader operations of government departments and agencies. Hearings run from early morning until late evening for a full week, with agencies appearing one after another. She explained that senators decide collectively which agencies to prioritize, and any senator may request the appearance of any legislated agency. Questioning

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<sup>10</sup> Australia, Parliament, *No. 5 – Consideration of Estimates by the Senate’s Legislation Committees*, Senate Brief, and Parliament of Australia, “[Chapter 13 – Financial Legislation](#)”, *Odgers’ Australian Senate Practice*, 14<sup>th</sup> edition.

<sup>11</sup> Australia, Parliament, *Infosheet 10 – The budget and financial legislation*.

continues for as long as senators require, and a chair cannot move to the next agency until all questions have been asked, meaning that a major issue or controversy may take up a lot of time. She emphasized that the strength of this process lies in the sustained culture of scrutiny built up over time, rather than in any individual hearing or question.

## Constitutional Limits

In the Australian Parliament, the powers of the two houses to initiate and amend bills are identical except in relation to bills that impose taxation or appropriations. Section 53 of the *Commonwealth of Australia Constitution Act* provides that such bills may originate only in the House of Representatives. As well, it provides that the main Appropriation bill or taxation bills may not be amended by the Senate. However, the Senate may request, by message, that the House of Representatives amend a financial bill. When this occurs, the bill is not read a third time in the Senate until the House advises it has made the requested amendment or, in the case of the House declining to make the amendment, until agreement between the houses has been reached.<sup>12</sup>

While the Senate cannot amend certain appropriation and taxation bills, sections 54 and 55 of the Constitution provide that such bills may deal only with such appropriation or the imposition of taxation. Essentially, they

*protect the Senate's right to amend non-financial measures. As the Senate is precluded from amending a main Appropriation Bill or a main Supply Bill or bills imposing taxation, these two sections together were inserted in the Constitution to prevent the House embodying in such bills other provisions (a process known as 'tacking'), a course which would prejudice the right of the Senate to amend such provisions.<sup>13</sup>*

It should be noted that there are different types of "appropriation bills." As per the Constitution, the main appropriation bill provides only for the ordinary annual services of the Government. This bill is not amendable by the Senate. Subsequent appropriation bills may contain provisions beyond the scope of the main

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<sup>12</sup> Australia, Parliament, "Chapter 13 – Financial Legislation", *Odgers' Australian Senate Practice*, 14<sup>th</sup> edition.

<sup>13</sup> Australia, Parliament, "Chapter 11 – Financial Legislation", *House of Representatives Practice*, 7<sup>th</sup> Edition.

appropriation bill, namely non-financial items, and are therefore amendable by the Senate.<sup>14</sup>

Senator Pratt did not recall any recent instance a message was sent to the House of Representatives to request that an amendment be made to an appropriation or taxation bill, in part because such issues are typically resolved through negotiation. In addition, she explained that constitutional limits prevent governments from attaching measures that are beyond the main appropriation and taxation bills. She also said that the Senate has the power to split a bill, which would allow senators to remove contentious non-financial provisions from a given BIA if needed.

## Cut-Off Rule

For a long time, the Australian Senate was concerned with the end-of-sitting rush of government legislation. The Senate was often forced to pass legislation quickly, and without adequate time for proper consideration. To remedy this situation, the Senate adopted [standing order 111](#) (S.O. 111) in 1997, which imposes a deadline for receiving bills from the House. Specifically, S.O. 111 provides that a bill received from the House of Representatives is deferred to the next period of sittings unless it was received by the Senate in the first two-thirds of the current period.<sup>15</sup> The deferral of bills deadline is colloquially known as the “cut-off.”

Senator Pratt indicated that despite the cut-off rule, senators still do not have enough time to study all financial bills thoroughly. She explained that much time is set aside for matters other than examining bills. According to her, this reflects the partisan nature of the Australian Senate, where senators are affiliated to political parties and debate often focuses on advancing or opposing the government’s agenda. She was of the view that adopting a similar rule in the Canadian context may have different effects given the distinct political culture. However, Senator Pratt and Mr. Robert both noted that challenges may arise from the imposition of such deadlines in a minority parliament context, where the government’s agenda may be slowed down in the lower chamber by delaying tactics.

## Conclusion

The practice of incorporating non-financial measures into BIAs has become well entrenched in Canada’s parliamentary process, largely for convenience. While this may speed up legislative business for the government, it places the Senate in a difficult position: constrained by time and convention, yet responsible for thorough review. The testimony we heard shows that this practice can be addressed without

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<sup>14</sup> Australia, Parliament, Economic Policy Section, [Appropriations and the powers of the Senate: a quick guide](#), Research Paper, 29 March 2019.

<sup>15</sup> Australia, Parliament, [“Chapter 12 – Legislation”](#), *Odgers’ Australian Senate Practice*, 14<sup>th</sup> edition.

undermining the government's ability to pass its budget. The Senate already has procedural tools – pre-studies, committees, and even amendment or division powers – to ensure these laws are properly examined. The key will be to apply those tools more assertively and systematically. By conducting earlier reviews, setting firmer rules on timing, and clearly distinguishing financial measures from non-financial ones, the Senate can affirm its role as the chamber of sober second thought. In short, the Senate possesses the authority it needs; it must now choose to exercise it to improve oversight of BIAs without obstructing essential fiscal measures.

# Appendix A – Witnesses

## **Wednesday, September 18, 2024**

The Honourable Senator Scott Tannas, Senator

## **Wednesday, October 9, 2024**

Charles Robert, Former Clerk of the Senate and former Clerk of the House of Commons

## **Wednesday, November 20, 2024**

Louise Pratt, Senator for Western Australia and Chair of the Finance and Public Administration Committee (Legislation)





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