

Committees Practical Guide



1. Why Committees?

Committees are central to the operations of the House of Commons for at least three basic reasons:

- they allow for the detailed examination of complex matters which is more easily done in small groups rather than an entire assembly;
- they offer an opportunity for Members to hear from Canadians and experts on topics of national concern and to have these representations placed on the public record; and
- they provide a means for Members to probe into the details of policies and programs, thereby further developing an expertise in specific areas.

2. Standing Committees

Standing committees are permanent committees established by the Standing Orders of the House of Commons. The House usually alters the number of standing committees and their responsibilities to reflect changes in the structure of public administration.

MANDATE

Standing committees receive their mandates in three different ways: under the Standing Orders, by an Order of Reference from the House, or under legislation. Standing committees that receive their mandate under the Standing Orders are appointed for the duration of a Parliament and examine matters that are referred to them regularly by the House. Most standing committees are also mandated to oversee one or more departments. They examine relevant legislation, the activities and expenditures of the department, and the effectiveness of the department's policies and programs.

Matters referred to standing committees by a specific order of the House are called "Orders of Reference". The House almost systematically refers the following to standing committees:

- bills;
- reports and other documents tabled in the House in accordance with an Act of Parliament;
- the Estimates (sums of money needed by the government to pay for its programs and activities in the coming fiscal year);

- order-in-council appointments (persons that the government appoints or nominates for appointment to non-judicial positions); and
- failure by the government to respond to petitions or written questions within the prescribed period.

From time to time, a committee may be required by law to review an Act or part of an Act.

Committees are bound by their mandate and by their Orders of Reference, and may not conduct business or make recommendations that would exceed the scope of those mandates or Orders of Reference.

POWERS

Under the Standing Orders, standing committees are empowered to do the following:

- examine and inquire into all matters that the House may refer to them;
- report to the House from time to time;
- attach dissenting or supplementary opinions to reports;
- require the attendance of persons and/or the production of documents;
- sit when the House is sitting or when it stands adjourned;
- sit jointly with other House committees;
- have any documents or evidence published from day to day as required;
- delegate powers to subcommittees except the power to report directly to the House;
- broadcast and televise their meetings; and
- retain the services of experts and professional staff.

Standing committees are free to initiate any studies in the exercise of their mandate and may conduct their proceedings as they see fit, provided that they do not exceed the authority vested in them by the House. However, if a committee requires additional powers to carry out its duties, the House may confer those powers by approving a report from the committee in which those powers are requested, or simply by adopting a motion conferring those powers on the committee.

3. Membership

Standing committees are composed of Members of the House of Commons. The large number of Members required to support the committee system means that many Members participate in the work of more than one committee. In addition to their departmental responsibilities, Parliamentary Secretaries are usually members of standing committees to which their responsibilities relate.

In the last Parliament (2004-2005), the rules of the House provided for 12 members on each standing committee. Party representation on committees is roughly proportional to the party standings in the House. The party Whips submit names of Members for each committee to the Standing Committee on Procedure and House Affairs to be approved by the House.

Any Member of Parliament who is a member of a committee is entitled to question witnesses, move motions, vote and be counted as part of the quorum.

4. Committee Chair

The Chair and Vice-Chairs of standing committees are elected by the members of the committee. The Chair is chosen from amongst the government members of the committee with the exception of four committees where the Chairs are chosen from the Official Opposition (i.e., the Standing Committees on: Public Accounts; Access to Information, Privacy and Ethics; Government Operations and Estimates; and the Joint Committee for the Scrutiny of Regulations).

The first Vice-Chair is chosen from the Official Opposition members of the committee, and the second Vice-Chair from an opposition party other than the Official Opposition, except for the four committees mentioned above.

ROLE, POWERS AND RESPONSIBILITIES

The Chair serves as the presiding officer of the committee and the spokesperson through whom all matters are channeled. The Chair has the power to maintain order and decorum and to decide all questions of order and procedure. Decisions of the Chair, when rendered, are not debatable but may be appealed to the committee. The Chair of a committee casts a vote only in order to break a tie.

5. Committee Clerk

The clerk of the committee is a non-partisan and independent officer of the committee who serves all members of the committee and representatives of all parties equally. The clerk performs his or her duties and responsibilities under the direction of the committee and its Chair. As an expert in the rules of the House of Commons, the clerk may be requested to give advice to the Chair and members of the committee should a question of procedure arise. The clerk is the coordinator, organizer and liaison officer for the committee and as such will be in frequent contact with members' staff.

6. Witnesses

Witnesses provide a good opportunity for members of the committee to hear the views of Canadians on any topic the committee might be studying. Most of the witnesses will either be experts in a particular field (including departmental officials) or non-governmental organizations with a particular interest in the matter before the committee or, more rarely, private individuals.

Usually, each organization or individual appearing before the committee submits a brief, which is translated and distributed in advance. At the meeting, they give a short statement outlining the main points they wish to make and this is followed by questions from the members. Any statement that a witness may make at the meeting is protected by the same privileges as those enjoyed by Members of Parliament.

For each study, the committee may decide how long it will spend hearing witnesses, how many witnesses it wishes to hear and which specific witnesses will appear before it. The staff from the Library of Parliament can suggest additional witnesses who might be particularly relevant to the study. Once the committee's witness list is established, the committee clerk gets in touch with each witness to schedule their appearance.

For reasons of time and expense, witnesses are sometimes heard by videoconference. The committee may, following strict rules, reimburse the travel expenses of witnesses.

7. Meetings

The Chair calls a meeting to order once quorum (a majority of the membership) is present. Committees are also empowered to sit with a reduced quorum solely for the purpose of hearing witnesses, but they are not permitted to vote or adopt motions during meetings with a reduced quorum.

Most meetings take place during predetermined time slots, but never during Question Period. A committee usually begins its meeting by taking up whatever study or activity it has previously agreed to do. If there are witnesses, they will make introductory remarks which are then followed by rounds of questioning from the members. All members of the committee, as well as any witnesses, may speak in the official language of their choice as simultaneous interpretation is available. Most meetings are held in public; however, a committee may sit in camera (i.e., in private) to study draft reports or to discuss its future business.

BROADCAST OF COMMITTEE PROCEEDINGS

All committee meetings, except those held in camera, are broadcast live over the Internet in both official languages (ParlVu). (Note: Most live broadcasts are audio only; where a committee has chosen to televise, the video feed is also available.) Although there may only be a dozen people in a committee room, there may be hundreds or even thousands of people listening online. Televised meetings are also broadcast on the Cable Public Affairs Channel (CPAC) and on the internal House of Commons television channels.

“BLUES” AND EVIDENCE

Shortly after a meeting has been held, the unofficial verbatim transcripts (commonly known as the “blues”) are available. These unedited transcripts are prepared in the language that was spoken by the participants at the meeting. The official transcripts (translated and edited) are published as soon as possible after the meeting as the Evidence on the committee Web site.

MINUTES OF PROCEEDINGS

The Minutes of Proceedings are a summary of the decisions of the committee for each meeting. They also contain the time and location of the meeting, whether the meeting was held in public or in camera, which Members were present, who presided, the names of witnesses and their affiliated organizations (if any), the names of all committee staff members present, and the Orders of Reference that were taken up. The committee

clerk prepares the Minutes and publishes them online as soon as possible after a meeting.

PUBLIC CONSULTATIONS

Committees typically ask the general public to aid them in their studies by submitting briefs. A committee may also wish to conduct an online consultation directly with the public.

8. Travel

From time to time, committees travel outside the parliamentary precinct to hear evidence, hold consultations or visit locations in connection with their studies. To hold such meetings, committees must obtain the authorization of the House and the approval of the Liaison Committee, which releases the travel funds.

Committees that are authorized to hold meetings in other parts of Canada follow the same process as on Parliament Hill. The evidence and proceedings are recorded and made public, the committee retains all the powers conferred on it by the House, and members and witnesses are protected by parliamentary privilege.

When a committee travels outside the country, it may consult groups and individuals and visit facilities. However, it does not hold official hearings. The powers conferred on the committee by the House, and the parliamentary privilege that it normally enjoys, are not in effect when the committee is abroad.

9. Reports to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. A committee can only make recommendations; it cannot issue orders to the House or to the Government.

Some reports have a standard format. For instance, reports on bills contain nothing more than the amendments adopted by the committee, and reports on order-in-council appointments either find the appointee qualified or not qualified. These kinds of reports will be prepared by the committee clerk based on what the committee has agreed to.

Substantive reports on a subject-matter study do not have a standard format. They usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations. A draft of this type of report is prepared by the analysts from the Library of Parliament and is reviewed in detail by the committee.

Reports can only be presented to the House after they have been adopted by the committee. Dissenting or supplementary opinions (i.e., a brief text providing additional comment) may be attached to subject-matter reports with the agreement of the committee. The committee may ask the Government to respond to its recommendations within 120 days after the presentation of the report.

The Chair of the committee presents the report to the House during Routine Proceedings. If the Chair is unavailable, any member of the committee may present the report.

10. Other Types of Committees

In addition to standing committees, there are other types of committees.

- **Subcommittees** are established by the main committee, and may exist either as long as that committee or until their task is completed. Subcommittees report to the main committee and are not authorized to report directly to the House of Commons. The composition of a subcommittee is not always proportional to party representation in the main committee. A standing committee may appoint members to a subcommittee not only from its own ranks, but also from the list of associate members.

- **Legislative committees**, which are created as required, have the power to examine bills that are referred to them. The Chair of a legislative committee is appointed by the Speaker of the House of Commons.

- **Special committees** have only specific powers set out in the House of Commons Order of Reference under which they are created. They cease to exist after they have presented their final report. The Chair of a special committee may be elected by the committee or named in the Order of Reference creating the committee.

- **Joint committees** are composed of Members of both the Senate and the House of Commons. They have two Co-Chairs, one from each House.

- **Liaison Committees** usually consists of all the Chairs of the standing committees. Its main function is to distribute among the standing committees the funds allocated to those committees.

- **Committees of the Whole** are composed of all the Members of the House of Commons, and meet in the Chamber. They operate under a slightly different set of rules from other types of committees.

11. Additional Information

For more information on a particular committee please refer to the “House of Commons Committees” section of the Parliament of Canada Web site (www.parl.gc.ca/committee)