



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Enquête publique sur l'ingérence étrangère
dans les processus électoraux et les
institutions démocratiques fédéraux

Overview Report:

Parliament and the Legislative Process

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Summary of Report

This report provides an overview of the parliamentary democratic institutions responsible for enacting legislation and making policy.

Note to Reader

Pursuant to Rules 42-44 of the Commission's *Rules of Practice and Procedure*, the following Overview Report contains a summary of background facts and documents relating to the Commission's mandate.

Overview Reports allow facts to be placed in evidence without requiring the facts and related documents to be presented orally by a witness during the public hearings. The Overview Report may be used to assist in identifying issues relevant to the Commission, make findings of fact and enable recommendations to be made by the Commission.

Parties have been provided an opportunity to comment on the accuracy of this Overview Report. Commission Counsel and the Parties may call evidence from witnesses at the Inquiry that casts doubt on the accuracy of the content of the documents underlying this Report. The Parties may also make submissions regarding what, if any, weight should be given to this Report and the cited documents.

Contents

Summary of Report.....	2
Note to Reader.....	2
1. Introduction	4
2. Creating a Party’s Policy and Governance Agenda	4
3. The Role of Cabinet in Public Policy	5
3.1 Forming a Cabinet	5
3.2 How Cabinet works	6
3. The Legislative Process	7
3.1 Members of Parliament	7
3.2 Senators	8
3.3 The legislative process	9
From bill to law	9
The committee system	11
4. Staffing Support for the Work of MPs.....	13

1. Introduction

- [1] This report:
- a. Describes how parties create their policy and governance agendas
 - b. Discusses the role of Cabinet in the policy process.
 - c. Explains the nature of the work of members of Parliament (“**MPs**”) and senators, including the legislative process and committee system.
 - d. Describes staff support for the work of MPs.

2. Creating a Party’s Policy and Governance Agenda

- [2] A political party’s campaign “platform” forms the basis of the party’s agenda should it form government. Campaign platforms explain each party’s position on relevant and timely topics related to policy and governance.
- [3] While specifics may differ in how each party comes up with its platform, the general model is for a party to task a team with this responsibility. This group develops the party’s campaign platform in consultation with the leader’s office as well as the broader party community. The platform team might also include academics and other policy experts.
- [4] Platforms have both policy and political aspects. They are highly strategic documents meant to amplify the party’s brand identity and resonate as broadly and deeply as possible to maximize the party’s chance of electoral success. The platform includes the party’s key policy positions, as discussed and voted on at party policy conventions, as well as past campaign platforms to show brand consistency.¹

¹ Jared Wesley and Renze Nauta, “A glimpse into the world of party platform design” (2020), Policy Options. Institute for Research on Public Policy, **COM0000533**.



3. The Role of Cabinet in Public Policy

- [5] The structure of Cabinet is discussed in the Commission’s overview report, *Federal Government Entities Involved in Foreign Interference Matters*.² This section focuses on what Cabinet does.
- [6] Cabinet ministers set and carry out the government’s policy agenda. They aim for “coherence and coordination”³ across government departments and policies. Ministers collaborate on policy development and implementation because policies often transcend the boundaries of any singular portfolio.

3.1 Forming a Cabinet

- [7] Once election results are known, the Prime Minister chooses a Cabinet to implement the government’s objectives, which are based on the party’s platform. A party’s platform is not, however, binding on Cabinet.
- [8] The Prime Minister communicates their vision and expectations through the Speech to the Throne, which introduces the government’s direction and goals. More recently, the Prime Minister has also used mandate letters, which are sent to each minister soon after they are appointed.⁴ The mandate letters set out the general priorities of the government, as well as the specific expectations and tasks for each minister and their department. In connection with these goals, and in response to issues that arise during the government’s tenure, ministers propose decisions and actions for the government to take.

² PIFI, *Federal Government Entities Involved in Foreign Interference Matters*, **COM0000329(EN)/COM0000334(FR)**; PIFI, *Federal Government Entities Involved in Foreign Interference Matters* (updated), **COM0000581.EN/COM0000581.FR**.

³ Prime Minister of Canada, “Open and Accountable Government” (2015), **COM0000560(EN)/COM0000563(FR)**.

⁴ Prime Minister of Canada, “Mandate Letters” (December 16, 2021 and November 10, 2023), **COM0000557(FR)/COM0000558(EN)**.

3.2 How Cabinet works

- [9] Cabinet ministers may bring proposals for a decision by Cabinet through a Memorandum to Cabinet (“**MC**”). Although the exact features of the MC process are unique to each government and determined by the Prime Minister, the following is an outline of the general process.
- [10] An MC is prepared by a department in consultation with the minister who will sign and submit it to Cabinet. The minister gives direction to their department to develop MCs in accordance with ministerial priorities contained in the minister’s mandate letter or a commitment in the Speech from the Throne. An MC can also stem from a matter arising before the government requiring attention or response.
- [11] Departmental staff preparing MCs for ministers are public servants. The core function of the public service is to provide nonpartisan, objective and frank advice to ministers to help them in the performance of their work.⁵ The public service is appointed based on merit rather than political allegiance, which means that public servants can “speak truth to power” without fear of reprimand. Public servants are expected to support and implement the work of the democratically elected government without being affected by partisan bias. Public servants’ analysis in developing MCs is intended to be evidence-based and cognizant of previous approaches taken on related issues. Once a decision is made, public servants are expected to implement the work of the democratically elected government.
- [12] Further, the MC process involves work between relevant departments as well as mandatory consultations between the sponsoring department(s) and the “central agencies,” including the Privy Council Office, the Treasury Board Secretariat and the Department of Finance. This horizontal collaboration is intended to ensure MCs that come before Cabinet align with the broader mandate of the government and are not at cross purposes.⁶

⁵ Values and Ethics Code for the Public Sector, **COM0000579.EN/COM0000579.FR**.

⁶ Prime Minister of Canada, “Open and Accountable Government” (2015), **COM0000560(EN)/COM0000563(FR)**.

- [13] In broad terms, an MC outlines the minister’s proposal and its objectives, assesses the potential cost, and explains why one approach is recommended over others. The MC may also include drafting instructions for legislation, an implementation plan for policy, a communications plan to manage both internal and external communications, and a parliamentary plan with a strategy for managing the issue in Parliament.⁷
- [14] Once approved by a minister, the MC is shared with other ministers who are members of the Cabinet committee considering the issue. If the MC is supported by Cabinet Committee, it is sent to full Cabinet for approval. Distribution is managed by the Privy Council Office, which acts as the secretariat for all Cabinet committees.⁸
- [15] Ministers can act on a decision once Cabinet approves an MC. An MC may include proposals for new legislation. Legislation is drafted by the Legislative Services Branch of the Department of Justice in consultation with relevant departments and agencies such as the Privy Council Office, the Treasury Board Secretariat and the Department of Finance. By the time a bill ends up in the House of Commons (“**House**”), it is a fully constructed piece of legislation that reflects the position of the government.⁹

4. The Legislative Process

- [16] Parliament consists of the King (as represented by the Governor General) and two legislative chambers: the House and the Senate. For a bill to become law, it must be approved by majority vote, or “passed,” by both chambers and given royal assent.

4.1 Members of Parliament

- [17] Members of Parliament sit in the House and are elected through a single-member plurality system. This electoral system is sometimes called “first past the post.” It means the winner of the election in a riding is the person with the most votes, i.e. they have a

⁷ Government of Canada, “Cabinet Affairs,” **COM0000536(FR)/COM0000540(EN)**.

⁸ Government of Canada, “Cabinet Affairs,” **COM0000536(FR)/COM0000540(EN)**.

⁹ Prime Minister of Canada, “Open and Accountable Government” (2015), **COM0000560(EN)/COM0000563(FR)**.

“plurality” of votes; it is not necessary to win a majority of votes. “Single-member” means each eligible voter votes for only one candidate.¹⁰

[18] MPs typically belong to a political party. MPs of each party form a “caucus.”¹¹ As a caucus, because of party discipline, MPs tend to vote the same way on proposed legislation and motions before the House. Party discipline means MPs usually vote in accordance with their party’s policies and platform.¹²

[19] The legislative agenda is set by the Government (the Prime Minister and Cabinet).¹³

4.2 Senators

[20] The Senate is composed of persons appointed by the Governor General on the advice of the Prime Minister. They serve until age 75.

[21] Senators are unelected. They are appointed by the Governor General on the advice of the Prime Minister. Since 2016, appointments have involved recommendations to the Prime Minister from the Independent Advisory Board for Senate Appointments (“**Board**”). The Board is supposed to emphasize individuals’ professional credentials and community service, as opposed to partisan loyalty, in the appointment of senators.¹⁴

[22] Although the appointments process has changed and many Senators are no longer formally affiliated to a political party, senators still sit in groupings such as the Independent Senators Group, the Canadian Senators Group, the Conservative Party of Canada and the Progressive Senators Group. These are caucuses rather than parties

¹⁰ Elections Canada Institutional Report, p. 7, **ELC.IR.0000001.EN/FR**.

¹¹ Monique Guay, “Party Discipline, Representation of Voters and Personal Beliefs” (2002) *Canadian Parliamentary Review* 25:1, **COM0000561(EN)/COM0000562(FR)**.

¹² Monique Guay, “Party Discipline, Representation of Voters and Personal Beliefs” (2002) *Canadian Parliamentary Review* 25:1, **COM0000561(EN)/COM0000562(FR)**.

¹³ Prime Minister of Canada, “Open and Accountable Government” (2015), **COM0000560(EN)/COM0000563(FR)**.

¹⁴ Government of Canada. Independent Advisory Board for Senate Appointments, “Mandate and members,” **COM0000501(EN)/COM0000551(FR)**.

and exist largely to coordinate the administration of Senate work, including committee assignments. There is no expectation of party discipline as there is in the House of Commons. There is still one partisan group in the Senate, the Conservative Party of Canada.¹⁵

4.3 The legislative process

From bill to law

- [23] Government bills are introduced in the House by a sponsoring minister responsible for the portfolio. For example, a piece of legislation about crime would be introduced by the Minister of Justice. The Leader of the Government in the House is a cabinet minister. They coordinate the Government's day-to-day business in the House and manage its legislative agenda, which includes advancing Cabinet decisions through the drafting process so that they end up as bills before Parliament.¹⁶ Government bills introduced in the Senate are introduced by the Government Representative in the Senate.
- [24] To become a law, a bill must be approved in the House and Senate and given royal assent by the Governor General. A bill receives three readings.¹⁷
- [25] Senators or MPs can introduce legislation, which goes through the legislative process in the chamber in which it is first introduced and then is sent for review and approval to the other House.¹⁸
- [26] Most bills begin in the House of Commons and after the House finishes its legislative process, bills are sent to the Senate for review. Some bills can also start in the Senate and then go to the House for review. When a bill is sent from one chamber to the other,

¹⁵ Parliament of Canada, Senate of Canada, "Senators," **COM0000567(EN)/COM0000569(FR)**.

¹⁶ Government of Canada, "Briefing package for the Leader of the Government in the House of Commons – 2023," **COM0000539(EN)/COM0000546(FR)**.

¹⁷ Standing Orders of the House of Commons – Consolidated version as of September 18, 2023, Standing Order 71, **COM0000568 (EN and FR)**; Rules of the Senate of Canada, Chapter 10: Public Bills, **COM0000566 (EN and FR)**.

¹⁸ Parliament of Canada, Understanding Parliament, How Parliament Works, "How a Bill Becomes a Law," **COM0000549(EN)/COM0000553(FR)**.

Overview Report: Parliament and the Legislative Process



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

the bill is read again for the first time and goes through the same legislative steps (see below).¹⁹

- [27] At first reading, the bill is introduced to MPs or senators in their respective chambers.²⁰
- [28] After second reading, a bill is debated and referred to the appropriate House or Senate standing, special or legislative committee for review.²¹
- [29] There is a report stage in the House or the Senate, where MPs or senators consider the committee's report. If no amendments are made by the committee, the bill proceeds directly to third reading.
- [30] Third reading is when a bill comes back to the House or Senate from committee for approval.²² Even when a bill is approved, i.e. "passed," by majority vote in the House of Commons and a majority vote in the Senate, it must still receive royal assent to become a law. Royal assent is approval of the bill by the Governor General or another designated representative of the Crown.²³

¹⁹ Parliament of Canada, Understanding Parliament, How Parliament Works, "How a Bill Becomes a Law," **COM0000549(EN)/COM0000553(FR)**.

²⁰ Standing Orders of the House of Commons – Consolidated version as of September 18, 2023, Standing Order 68, **COM0000568 (EN and FR)**; Rules of the Senate of Canada, Chapter 10: Public Bills, **COM0000566 (EN and FR)**.

²¹ Standing Orders of the House of Commons – Consolidated version as of September 18, 2023, Standing Order 73, **COM0000568 (EN and FR)**; Rules of the Senate of Canada, Chapter 10: Public Bills, **COM0000566 (EN and FR)**; Parliament of Canada, Understanding Parliament, How Parliament Works, "How a Bill Becomes a Law," **COM0000549(EN)/COM0000553(FR)**. A minister can move that a bill be sent to committee before second reading: Standing Order 73(1).

²² Standing Orders of the House of Commons – Consolidated version as of September 18, 2023, Chapter IX: Public Bills, **COM0000568 (EN and FR)**; Rules of the Senate of Canada, Rule 10-6: Public Bills, **COM0000566 (EN and FR)**.

²³ Parliament of Canada, LegisINFO, "Legislative Process," **COM0000555(EN)/COM0000565(FR)**.

- [31] If the reviewing chamber makes any changes, the bill gets sent back to the initial chamber for further review. Messages may go back and forth between the chambers as amendments are debated.²⁴
- [32] Though most House bills are “government bills” introduced by cabinet ministers, it is possible for private members—MPs who are not ministers—to introduce legislation. These are called “private members’ bills.” The legislative calendar cannot accommodate all the requests from private members who want to introduce legislation, so at the beginning of each legislative session there is a lottery to determine which private members will be eligible introduce a bill.²⁵

The committee system

- [33] Parliament has a committee system. A parliamentary committee is a small group of MPs or senators created and empowered by the House or Senate to perform one or more specific tasks. Committees are usually made up of MPs or senators from all recognized parties in the House or Senate and consider issues referred by the House or Senate or related to their mandate.²⁶ There are different types of committees: standing, legislative, special and joint.
- [34] *Standing committees* are permanent committees with mandates under parliamentary standing orders. They exist for an entire session, unlike other types of committees. Matters routinely referred to standing committees by the House or Senate for examination include bills, estimates, order-in-council appointments and documents tabled in the House because of a statutory requirement. The House or Senate may, by motion, also refer specific subjects to committees for study. In addition to the subject

²⁴ Parliament of Canada, Understanding Parliament, How Parliament Works, “How a Bill Becomes a Law,” **COM0000549(EN)/COM0000553(FR)**; Parliament of Canada, LegisINFO, “Legislative Process,” **COM0000555(EN)/COM0000565(FR)**.

²⁵ Parliament of Canada, ProceduralInfo, “Private Members’ Business,” **COM0000537(FR)/COM0000564(EN)**.

²⁶ *House of Commons Procedure and Practice*, Third Edition, 2017, eds. Marc Bosc and André Gagnon, Chapter 20: Committees, **COM0000542(EN)/COM0000543(FR)**; Parliament of Canada, Senate of Canada, “Fundamentals of Senate Committees,” **COM0000538(FR)/COM0000548(EN)**.

Overview Report: Parliament and the Legislative Process



matter of the study, the motion may contain conditions for the committee in carrying out its study or additional powers the committee may require for its work. Most committees are standing committees.

- [35] *Legislative committees* may be created to study a particular bill referred to it or may be appointed to prepare a bill for introduction to Parliament. A legislative committee ceases to exist once it has reported to the House or Senate. Unlike standing committees, the only mandate of a legislative committee is to study the bill referred to it, and report on this to the House or Senate with or without amendment. The committee cannot examine any issue beyond the provisions of the bill and cannot present a report with substantive recommendations related to it.
- [36] *Special committees* are appointed by the House or Senate to carry out specific inquiries, studies or other tasks the House or Senate judges to be of special importance. Each special committee is created by means of a motion (an “order of reference”) adopted by the House or Senate. This motion defines the committee’s mandate and usually sets out its powers, membership and deadline for submitting its final report. A special committee ceases to exist once its final report has been presented to the House or Senate, or at prorogation or dissolution of Parliament.
- [37] *Standing joint committees* are composed of members of both the House and Senate. Standing joint committees are permanent committees established pursuant to the Standing Orders of the House of Commons and the Rules of the Senate.
- [38] *Special joint committees* are established by orders of reference from both Houses to deal with matters of great public importance and are composed of members of both Houses. Its mandate is outlined in its order of reference. A special joint committee ceases to exist once it has presented its final report to both the House and the Senate, or at prorogation or dissolution of Parliament.²⁷

²⁷ Parliament of Canada, House of Commons Committees, “About Committees,” **COM0000535(FR)/COM0000571(EN)**; Parliament of Canada, Senate of Canada, “Fundamentals of Senate Committees,” **COM0000538(FR)/COM0000548(EN)**.



- [39] Committee work represents a substantial portion of the parliamentary activity of an MP or senator. On behalf of the Senate and House of Commons, committees carry out studies and receive evidence from witnesses both orally and through documents.²⁸
- [40] Committee members scrutinize bills referred to them. To assist them in the study of a bill, committees invite experts and stakeholders to speak to its potential implications. On the basis of their study, committees might propose amendments before the bill goes for a final vote. A committee concludes its study by recording its observations and making recommendations in a report presented to the House or Senate. In some cases, the committee may request that the government respond to its recommendations.²⁹

5. Staffing Support for the Work of MPs

- [41] Each MP has a constituency office as well as an office in the Parliamentary precinct in Ottawa. These two offices work together to manage the MP's schedule, commitments and correspondence.³⁰
- [42] MPs hire staff to work in their Ottawa office to help them with their legislative work, including meetings with stakeholders, preparing for committees, drafting private members' legislation and any other business that comes up.³¹
- [43] MPs also hire staff for their constituency office. Constituency staff work with the public on behalf of the MP. This could include helping constituents to apply for passports, directing constituents to government services for which they are eligible, answering

²⁸ *House of Commons Procedure and Practice*, Third Edition, 2017, eds. Marc Bosc and André Gagnon, Chapter 20: Committees, **COM0000542(EN)/COM0000543(FR)**; Parliament of Canada, Senate of Canada, "Fundamentals of Senate Committees," **COM0000538(FR)/COM0000548(EN)**.

²⁹ *House of Commons Procedure and Practice*, Third Edition, 2017, eds. Marc Bosc and André Gagnon, Chapter 20: Committees, **COM0000542(EN)/COM0000543(FR)**.

³⁰ Daniel Dickin, "Organizing the Halls of Power: Federal Parliamentary Staffers and Members of Parliament's Offices" (2016) *Canadian Parliamentary Review* 39:2, **COM0000544(EN)/COM0000545(FR)**.

³¹ Daniel Dickin, "Organizing the Halls of Power: Federal Parliamentary Staffers and Members of Parliament's Offices" (2016) *Canadian Parliamentary Review* 39:2, **COM0000544(EN)/COM0000545(FR)**.

Overview Report: Parliament and the Legislative Process



Public Inquiry into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

questions about the work of the MP and of government more broadly or responding to any query that a constituent chooses to bring forward.³²

- [44] In addition to constituency and parliamentary staff, cabinet ministers have ministerial offices with “exempt staff” (also called “ministerial staff”) who support a minister’s work as a minister.³³
- [45] Exempt staff are not public servants. They work with the public service to support the minister but, whereas the public service is non-partisan, exempt staff are political appointments who share the political goals of the Government.
- [46] Ministers hire exempt staff directly. Ministerial staff can be dismissed at the discretion of the minister and cease to be employed 30 days after their minister is no longer a minister.³⁴ Their responsibilities can include helping the minister develop policy positions, writing speeches, drafting communications, reviewing advice from department officials, liaising with department officials and other ministers’ offices including the Prime Minister’s Office and attending meetings and functions with the minister.³⁵

³² Peter MacLeod, “The Constituency Project Ten Years On” (2014) *Canadian Parliamentary Review* 37:2, **COM0000554(FR)/COM0000570(EN)**.

³³ R. Paul Wilson, “Research Note: A Profile of Ministerial Staff in the Government of Canada” (2015) *Canadian Journal of Political Science* 48:2, **COM0000534**; Alex Smith, *Ministerial Staff: Issues of Accountability and Ethics* (Ottawa: Library of Parliament, December 1, 2008), Publication No. 2006-02-E, at p. 1, **COM0000572(FR)/COM0000573(EN)**.

³⁴ Alex Smith, *Ministerial Staff: Issues of Accountability and Ethics* (Ottawa: Library of Parliament, December 1, 2008), Publication No. 2006-02-E, at p. 2, **COM0000572(FR)/COM0000573(EN)**.

³⁵ R. Paul Wilson, “Research Note: A Profile of Ministerial Staff in the Government of Canada” (2015) *Canadian Journal of Political Science* 48:2, **COM0000534**; Alex Smith, *Ministerial Staff: Issues of Accountability and Ethics* (Ottawa: Library of Parliament, December 1, 2008), Publication No. 2006-02-E, at p. 1, **COM0000572(FR)/COM0000573(EN)**.